

Mr. Parry.

MINING AMENDMENT.

ANALYSIS.

<p>Title. 1. Short Title.</p>	<p>2. Section 268 of principal Act amended. Acceptance of compensation no bar to action for damages. Except in cases finally settled.</p>
-----------------------------------	---

A BILL INTITULED

AN ACT to amend the Mining Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Mining Amendment Act, 1920, and it shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section two hundred and sixty-eight of the principal Act is hereby amended by adding thereto the following subsections:—

Section 268 of principal Act amended.

“(5.) A person injured in or about a mine, or his representative or dependants if his injury shall have been fatal, shall not be deemed to have proceedings independently of this section merely for the reason that he or they has or have accepted any payment under the Workers’ Compensation Act, 1908, and such person or persons may sue for damages under this section or otherwise, notwithstanding his or their acceptance of any payment under that Act:

Acceptance of compensation no bar to action for damages.

“Provided that any payment received by way of compensation shall be deducted from the amount (if any) subsequently recovered by way of damages.

“(6.) The provisions of the *last preceding* subsection shall not apply to any case finally settled by agreement under the Workers’ Compensation Act, 1908, in accordance with the provisions thereof, or by judgment of the Court of Arbitration.”

Except in cases finally settled.

By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1920.