

## MINING AMENDMENT BILL

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### EXPLANATORY NOTE

DOUBTS have arisen as to the jurisdiction of the Warden to grant mining privileges in respect of land privately owned but subject to reservations to the Crown in respect of gold or minerals. The purpose of the proposed legislation is to resolve these doubts and to confirm the practice of many years. The effect of the legislation will be that the Warden will be authorised to grant mining privileges in any such case and that all royalties will be payable to the Crown.

*Hon. Mr Shand*

## MINING AMENDMENT

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### ANALYSIS

Title	2. Jurisdiction of Warden where
1. Short Title	minerals reserved to Crown

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### A BILL INTITULED

#### An Act to amend the Mining Act 1926

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

1. **Short Title**—This Act may be cited as the Mining Amendment Act 1963, and shall be read together with and deemed part of the Mining Act 1926\* (hereinafter referred to as the principal Act).
- 10 2. **Jurisdiction of Warden where minerals reserved to Crown**—Section 58 of the principal Act is hereby amended by adding, as subsections (2) and (3), the following subsections:

\*1957 Reprint, Vol. 10, p. 1  
Amendments: 1960, No. 72; 1961, No. 115; 1962, No. 23

“(2) Where gold or minerals on or under any land are reserved to the Crown, whether pursuant to any enactment or otherwise, the Warden shall have jurisdiction and shall be deemed always to have had jurisdiction under this section to grant mining privileges to the owner of the land or to any other person with the consent of the owner and occupier (if any), notwithstanding the existence of any such reservation. 5

“(3) All rents, royalties, and licence fees payable in respect of any mining privilege granted in any case to which subsection (2) of this section applies shall be payable to the Crown and dealt with as if they were royalties or other money payable in respect of a mineral licence to occupy Crown land, or, as the case may require, as if they were goldfields revenue, and the provisions of section 60 of this Act shall have no application in any such case.” 10 15