

1980/50



THE COAL MINES (LICENSING) REGULATIONS 1980

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 24th day of March
1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Coal Mines Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Coal Mines (Licensing) Regulations 1980.

(2) These regulations shall come into force on the 1st day of April 1980.

2. Interpretation—In these regulations, unless the context otherwise requires, “the Act” means the Coal Mines Act 1979.

3. Forms—(1) The forms set out in the First Schedule to these regulations are hereby prescribed as the forms to be used in respect of the several matters to which those forms relate.

(2) Other forms to be used for the purposes of the Act shall be such as may from time to time be prescribed by the Secretary.

4. Fees—(1) The fees specified in the Second Schedule to these regulations are hereby prescribed as the fees payable in respect of the several matters specified in that Schedule.

(2) Money paid in respect of these fees shall not be refunded on the withdrawal or rejection of the application or on the refusal to grant a coal mining right, except with the approval of the Secretary, who may approve the refund of the total fee or such part of it as he thinks fit.

5. Marking out—Any marking out of the land that the Secretary may require for the purposes of the Act and these regulations shall be done in the following manner:

- (a) At every angle or corner of each boundary line or as near thereto as practicable a peg not less than 70 mm square or with a diameter of not less than 70 mm and made of a substantial material shall be put in the ground standing not less than 600 mm above the surface of the ground:
- (b) If pegs cannot effectively be used, cairns, piles of stones, or mounds of earth, having in each case a height of not less than 600 mm and a diameter at the base of not less than 450 mm may be used instead:
- (c) The direction of the boundary line on each side of each peg shall be indicated with reasonable clearness by a trench having a length of at least 1.5 metres along the boundary line on each side of the peg, and a depth and breadth of at least 150 mm:
Provided that, if trenches cannot conveniently be cut, the direction of the boundary line may be indicated by substantially fixed finger-posts, or by tree blazing, or in any other manner reasonably sufficient for the purpose:
- (d) The pegs, cairns, piles of stones, or mounds of earth shall bear or have affixed thereto some distinguishing mark:
- (e) In the case of a coal mining right over the bed of a stream from bank to bank, the boundaries of the right shall be the banks of the stream as existing at the time when the right was marked out, unless the Minister otherwise determines:
- (f) Subject to section 98 of the Act, when a boundary of the coal mining right is on the bank or in the bed of a watercourse, then so far as it is not practicable to mark such boundary by means of pegs, cairns, stones, mounds, tree blazing, or trenches, arrow-headed marks shall be cut or clearly indicated on trees, rocks, or other fixed natural objects above high flood mark at every corner or angle of each boundary line or as near thereto as practicable, each such arrow-headed mark being not less than 300 mm in length, and each of the lines composing it being not less than 50 mm broad:

- (g) In addition to such arrow-headed marks, there shall also be cut or clearly indicated at every corner or angle of each boundary line some distinguishing mark:
- (h) If it is not practicable to mark out the boundary on the actual boundary lines, the marks actually used shall indicate with approximate correctness the situation of the actual boundary lines, and their distances from such marks:
- (i) In the case of an ancillary coal mining licence it shall be sufficient with regard to the laying and construction of tracks, railways, conveyors, aerial ropeways, and roads for access if marking out is done not at the boundaries, but at the starting and terminal points and also at intervals of not more than 50 metres along the proposed course of the land in respect of which the ancillary coal mining licence is sought:
- (j) The marking out shall be maintained until the application for the coal mining right is finally disposed of and in the case of a coal mining licence the boundaries shall continue to be marked in accordance with section 47 of the Act.

6. Rent—(1) Where rent is payable to the Crown and where the rate is not otherwise specified in a private agreement the annual rental shall be—

- (a) For a coal prospecting licence, 75 cents per hectare or part of a hectare:
- (b) For an ancillary coal mining licence, \$25 per hectare or part of a hectare:
- (c) For a coal mining licence, \$1.50 per hectare or part of a hectare.

(2) Every application for a coal prospecting licence or an ancillary coal mining licence shall be accompanied by the first year's rental where rent is payable to the Crown.

(3) If a coal prospecting licence or an ancillary coal mining licence, as the case may be, is for any reason not granted, the rent shall be refunded.

7. Administration charge—Where an administration charge is imposed in accordance with section 28 (3) of the Act it is to be calculated on the basis of 5 percent of the amount of rent or royalties payable.

8. Postponement, reduction, and remission of rent and royalties—

(1) Every application by the holder of a coal mining right for the postponement, reduction, or remission of rent or royalties payable under the coal mining right shall be made to the Secretary and shall be accompanied by the holder's copy of the right.

(2) If the Minister agrees to the postponement, reduction, or remission of rent or royalties, he shall sign 3 copies of a certificate to that effect incorporating the conditions (if any) of the postponement, reduction, or remission.

(3) The Secretary shall—

- (a) Endorse the holder's copy of the coal mining right with the particulars of the Minister's certificate, and return the right and a copy of the certificate to the holder; and

- (b) Lodge a copy of the certificate with the District Land Registrar, who shall without fee sign and seal on it a statement of the time and date of receipt, note the particulars on his record copy of the coal mining right affected, and attach the certificate to that record copy.

9. Deposits—(1) Every application for a coal prospecting licence or a coal mining licence shall be accompanied by a monetary deposit of—

(a) In the case of a coal prospecting licence, \$50 for each 40 hectares or part thereof:

(b) In the case of a coal mining licence, \$50 for the first 10 hectares or part thereof, and \$10 for each additional 10 hectares or part thereof, or, if the opencast method of mining is to be used, \$250 for each hectare or part thereof.

(2) Instead of requiring such a monetary deposit, the Minister may, in his discretion, accept a bond undertaking the payment to the Crown of an equivalent amount.

(3) If a coal prospecting licence or a coal mining licence, as the case may be, is for any reason not granted, the deposit (if any) shall be refunded.

10. Refund of deposits—On the expiry or surrender of a coal prospecting licence or a coal mining licence in respect of which a monetary deposit has been paid, the Secretary shall refund the deposit if he is satisfied that all the requirements of the Act and the regulations for the time being in force under the Act, and all the conditions of the licence have been complied with.

11. General provisions relating to applications—(1) Every application for a coal mining right shall be accompanied by 5 duplicates.

(2) The application shall contain the applicant's address for service in New Zealand.

(3) The Secretary shall endorse on every application received by him the precise time and date of receipt.

(4) If an application is received when the office of the Mines Division is closed, the time of receipt shall be deemed to be the time when the office is next open for public business.

(5) Any application which is not accompanied by the prescribed fee, rent, and deposit (if any), or which is materially incorrect or deficient, shall be void.

(6) Before any application is dealt with, the Secretary may require the applicant to supply him with further information and may amend the application on the written request of the applicant.

12. Applications relating to foreshore and seabed—(1) Every application for a coal mining right in respect of any part of the foreshore, as described in section 23 (1) of the Act, shall be accompanied by a plan or diagram at an appropriate scale having the area applied for clearly delineated and identified thereon to the satisfaction of the Secretary by reference to its area and its location in relation to cadastral boundaries, survey monuments, existing coal mining rights, or topographical features, as the case may require.

(2) Every application for a coal mining right in respect of any part of the seabed, as described in section 23 (1) of the Act, shall be accompanied by a plan or chart, or if necessary by both, at suitable scales, and having the area applied for clearly delineated thereon to the satisfaction of the Secretary, by reference to its area and the location of its boundaries. Where applicable, boundaries shall be defined by the low-water mark at ordinary spring tides or the seaward limits of the territorial sea, and in all other cases by right lines joining the boundary corners, as follows—

- (a) Where a boundary corner coincides with either the low-water mark at ordinary spring tides or the seaward limits of a territorial sea, its position shall be fixed by a true bearing from any one of the following points on land—
 - (i) A trigonometrical station; or
 - (ii) An established survey mark; or
 - (iii) A point defined by meridional circuit co-ordinates; or
 - (iv) A point defined by map grid co-ordinates; or
 - (v) A point defined by geographical co-ordinates:
- (b) Where a boundary corner does not coincide with either the low-water mark at ordinary spring tides or the seaward limits of the territorial sea, its position shall be described by any one of the following means—
 - (i) Meridional circuit co-ordinates; or
 - (ii) Map grid co-ordinates; or
 - (iii) Geographical co-ordinates.

13. Notice of application by Secretary—In addition to complying with section 62 (4) of the Act, the Secretary shall forward a notice of or a copy of every application for a coal mining right to—

- (a) The Commissioner of Crown Lands for the land district in which the land to which the application relates is situated; and
- (b) The Catchment Board of the catchment district, or the Catchment Commission of the catchment area, as the case may require, in which the land is situated, or, if the land is not situated in a catchment district or catchment area, to such other public body as is responsible for soil conservation.

14. Reports to be given—The Commissioner of Crown Lands shall report to the Secretary on every application for a coal mining right, and shall include in the report—

- (a) The owner of the coal on or under the land in respect of which the application has been made and details of any other rights appurtenant to such ownership; and
- (b) The owner and occupier of the land; and
- (c) The area and legal description of the land.

15. Posting of notice on land—(1) On completing the marking out of any land or, if marking out is not required, before marking an application, every applicant for a coal mining right shall affix on the land in a conspicuous place a notice to the following effect:

“This land containing [*Area*] is the subject of an application for [*State type of coal mining right*] under the Coal Mines Act 1979.

[*Date of posting*]

[*Name of Applicant*”].

(2) Every such notice shall be maintained in a weatherproof condition by the applicant until the application has been disposed of.

(3) This regulation shall not apply to any area covered wholly by the sea or the waters of any lake, pond, river, or stream.

16. Secretary may waive requirements—If any applicant or objector fails to comply with any requirements of the Act or of these regulations relating to the time or manner of serving, giving, posting up, or maintaining any notice or objection, the Secretary may in his discretion, if he is satisfied that the non-compliance was not wilful, waive the requirements to such extent as he thinks fit.

17. Surrender of coal mining rights—(1) Every surrender of a coal mining right shall be lodged with or forwarded to the Secretary and shall be accompanied by the holder's copy of the right being surrendered and the fee set out in the Second Schedule hereto. If the holder has lost his copy of the right, the Secretary may accept a declaration of loss.

(2) If only part of the right is being surrendered, the Secretary shall endorse the holder's copy of the right to that effect, identifying the part surrendered, and return that copy to the holder.

(3) The Secretary shall, before lodging any surrender with the District Land Registrar, endorse on the surrender the date of its acceptance.

(4) On the acceptance of a surrender, the Secretary shall notify the appropriate Chief Surveyor.

18. Restrictions on transfer of ancillary coal mining licences—Every ancillary coal mining licence shall be appurtenant to the coal mining licence in respect of which it was granted, and shall not be transferred unless it is transferred at the same time and to the same person as the licence to which it is appurtenant is transferred.

19. Term of licence—The term of any coal mining right shall commence on the date on which it is signed by the Secretary.

20. Returns of coal mined—(1) Within 30 days after the 1st days of January and July in each year, every holder of a coal mining licence shall supply the Secretary with—

- (a) True and accurate returns of all coal that has been mined; and
- (b) Details of the number of persons ordinarily employed in or about the coal mine, below ground and above ground respectively, during the preceding 6 months, together with any other information connected with the mine which the Minister may at any time require.

(2) Subclause (1) of this regulation shall not apply to any holder of a coal mining licence who supplies a return under section 49 (1) (c) of the Act.

21. Lost coal mining right—Every application for a duplicate coal mining right under section 81 of the Act shall be accompanied by such evidence relating to the loss or destruction of the original coal mining right as the Secretary may require.

22. Boring operations—(1) The particulars to be supplied to the Inspector under section 205 of the Act shall be full details of the information obtained by the boring operation, including—

- (a) A geological log giving a description and thickness of each formation penetrated;
- (b) The co-ordinates and elevation of the borehole;
- (c) The inclination of the borehole;
- (d) The results of any analyses made of core or sludge samples taken;
- (e) Details of any aquifers intersected, artesianing or gas discharge; and
- (f) A copy of all geophysical borehole logs where geophysical logging is employed.

(2) Within 1 month after the completion of boring operations, the person in charge shall forward to the Inspector a plan of the area in which the operations were carried out, drawn to a scale of not less than 8 000:1, showing the location of all holes bored in relation to each other and to any well-defined landmarks and to any mining works in the vicinity. The plan shall be accompanied by a written statement showing the cost per metre of boring (excluding transport charges) and the cost per metre for the transport of the boring equipment from hole to hole (excluding transport to and from the area of operations).

(3) All cores recovered shall be kept in suitable containers, and the depth in metres from the top of the hole at which the core or sample was obtained shall be recorded on each container at the end of every run.

(4) If, over a distance of 3 metres or more, no core is obtained, a sample of the material obtained in boring, weighing not less than 28 grams, shall be taken at least every 3 metres and shall be placed in a sealed container bearing a label showing the depth in metres at which the sample was obtained, and the number and locality of the borehole.

(5) The Inspector may allow such variation in the method of labelling cores and samples as he considers necessary or desirable.

23. Revocations—Regulations 45, 46, 49, and 50 of the Coal Mines Regulations 1939 and the Coal Mines Regulations 1939, Amendment No. 16 are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 3 (1)

FORMS

Form CM(L) 1

APPLICATION FOR COAL PROSPECTING LICENCE

UNDER THE COAL MINES ACT 1979

Secretary of Energy,
Wellington.

NOTE: Original plus 5 copies required.

- Name of Applicant:
- Address:
(Full street address)
- Occupation:
- Registered office:
- Address for service:
- Land description (continue on separate sheet if necessary)—attach plan:
- Ownership of coal:
- Methods of prospecting:
- Work programme and expenditure (continue on separate sheet if necessary):
- Have you completed and attached an Environmental Assessment?
.....
- Number of years for which licence is required: years
(maximum 3 years).
- Names of owners, occupiers and all other persons having an interest in the land to whom notice of the application has been given (continue on separate sheet if necessary):
- Have you advertised the application as required under section 62?
.....
- Notice posted on ground (date):
- Dated at this day of 19.....
- Application fee plus first year's rent and a deposit as prescribed must accompany this application.

.....
Signature of Applicant
or
Solicitor or Authorised Agent.

FIRST SCHEDULE—continued

Form CM(L) 2

APPLICATION FOR COAL MINING LICENCE

UNDER THE COAL MINES ACT 1979

Secretary of Energy,
Wellington.

NOTE: Original plus 5 copies required.

Name of applicant:

Address:

(Full street address)

Occupation:

Registered office:

Address for service:

Land description (continue on separate sheet if necessary)—attach
plan:

Ownership of coal:

Method of mining and work programme (continue on separate sheet
if necessary):

Type of coal:

Have you completed and attached an Environmental Assessment?
.....

Have you advertised the application as required under section 62?
.....

Number of years for which licence is required: years.

Names of owners, occupiers and all other persons having an interest
in the land to whom notice of application has been given (continue
on separate sheet if necessary):

If this application relates to an area held under an existing coal
prospecting licence state licence number:

If transitional application under section 31 state number and date
of existing coal mining right:

Notice posted on ground (date):

Dated at this day of 19.....

Application fee and deposit as prescribed must accompany this
application.

.....
Signature of Applicant

or

Solicitor or Authorised Agent.



FIRST SCHEDULE—*continued*

Form CM(L) 3

APPLICATION FOR ANCILLARY COAL MINING LICENCE

UNDER THE COAL MINES ACT 1979

Secretary of Energy,
Wellington.

NOTE: Original plus 5 copies required.

Name of applicant:

Address:
(Full street address)

Occupation:

Registered office:

Address for service:

Land description (continue on separate sheet if necessary)—attach plan:

State number and date of issue of coal mining licence:

State purpose for which licence is required (continue on separate sheet if necessary):

Have you completed and attached an Environmental Assessment?
.....

Have you advertised the application as required under section 62?
.....

Names of owners, occupiers and all other persons having an interest in the land to whom notice of the application has been given (continue on separate sheet if necessary):

If transitional application under section 31 state number and date of existing coal mining right:

Notice posted on ground (date):

Dated at this day of 19.....

Application fee plus first year's rent as prescribed must accompany this application.

.....
Signature of Applicant
or
Solicitor or Authorised Agent.

FIRST SCHEDULE—*continued*

Form CM(L) 4

APPLICATION FOR RENEWAL OF COAL PROSPECTING LICENCE

UNDER THE COAL MINES ACT 1979

Secretary of Energy,
Wellington.

PURSUANT to the Coal Mines Act 1979, I [*Full name, address and occupation*] being the holder of a coal prospecting licence No. dated the day of 19.... hereby apply for a renewal of the said licence for a period of (maximum 3 years).

Address for service

.....
Signature of Applicant.

Attach full particulars, *verified by statutory declaration*, of the work done and the money expended in prospecting operations during the term of the coal prospecting licence. Details of the proposed work programme and expenditure for the period sought should also accompany this application.

Application fee as prescribed must accompany this application.

 Form CM(L) 5

AUTHORITY TO ACT AS AGENT

UNDER SECTION 61 (2) OF THE COAL MINES ACT 1979

I,, of, hereby authorise, of to act as my agent to [*State here special power delegated to agent*], and I agree that whatever the said shall lawfully do under this authority, until revoked by me, I will at all times ratify and confirm as good and valid.

Dated at this day of 19....

Signed

FIRST SCHEDULE—*continued*

Form CM(L) 6

NOTICE OF APPLICATION

UNDER SECTION 62 (1) OF THE COAL MINES ACT 1979

To: [*State name of owner, occupier or other person having an interest in the land*]:

PURSUANT to the Coal Mines Act 1979, I, [*Full name, address and occupation*] give notice of an application to the Secretary of Energy, Wellington, for [*Describe nature of coal mining right*] over that area of land containing [*Describe land by reference to area, legal description, etc.*].....

Public notice of the application will be published in a newspaper circulating in the district and any objections must be made within 21 days after the publication of the notice. If the objection is on a question of law the written notice of objection must be lodged with the Registrar of the District Court nearest to the land to which the application relates, or, with my consent, any other District Court. Section 65 of the Coal Mines Act 1979 requires you at the same time to send a copy of the objection to me and to the Secretary of Energy, Wellington. If the objection is on any ground not involving a question of law, the form of objection is to be sent to the Secretary of Energy, Wellington, in accordance with section 66 of the Coal Mines Act 1979, and you are to state if you require the objection to be referred to a District Court Judge for hearing under section 68 of the Act.

A copy of the objection must also be served on me.

Dated at this day of 19....

.....
Signature of Applicant.

Form CM(L) 7

PUBLIC NOTICE OF APPLICATION

UNDER SECTION 62 (2) OF THE COAL MINES ACT 1979

I, [*Full name and full street address of applicant*] hereby give notice that I have applied to the Secretary of Energy, Wellington, for a [*Specify type of coal mining right*] over the following land [*Identify land by reference to legal description, locality, and ownership*].

Dated at this day of 19....

.....
Applicant.

FIRST SCHEDULE—continued

Form CM(L) 8

CONSENT TO GRANT OF COAL PROSPECTING LICENCE

UNDER THE COAL MINES ACT 1979

I, [Full name and address] being the owner/occupier of the land/part of the land [Here specify land] or the owner of the coal for which a coal prospecting licence has been applied for by [Full name and address] do hereby consent to the grant of the said licence and to any renewal thereof subject to the following conditions [Specify if required, otherwise delete]:

Dated at this day of 19.....

.....
Owner/Occupier.

Form CM(L) 9

CONSENT TO GRANT OF COAL MINING RIGHT (OTHER THAN A COAL PROSPECTING LICENCE)

UNDER THE COAL MINES ACT 1979

I, [Full name and address] being the owner/occupier of the land/part of the land [Here specify land] for which a [Specify type of coal mining right] has been applied for by [Full name and address] do hereby consent to the grant of the said licence subject to the following conditions [Specify if required, otherwise delete]:

Dated at this day of 19.....

.....
Owner/Occupier.

FIRST SCHEDULE—*continued*

Form CM(L) 10

NOTICE OF OBJECTION TO AN APPLICATION

UNDER SECTIONS 65 TO 69 OF THE COAL MINES ACT 1979

To: Secretary of Energy, Wellington, for objections under section 66 or Registrar, District Court, for objections under section 65.

The undersigned hereby objects to the grant of a licence to over an area of described as upon the following grounds (continue on separate sheet if necessary):

Dated at this day of 19.....

.....
 Signature of Objector.

If your objection is not on a question of law, but you desire it to be investigated by a District Court Judge in terms of section 68 of the Coal Mines Act 1979, you should complete the following:

I require this objection to be referred to the District Court at (here nominate nearest Court to the land concerned).

.....
 Signature of Objector.

Form CM(L) 11

SURRENDER/PARTIAL SURRENDER OF COAL MINING RIGHT

UNDER THE COAL MINES ACT 1979

Secretary of Energy,
 Wellington.

I, [*Full name, address and occupation*] being the holder of the coal mining right specified in the First Schedule hereto apply to surrender the same absolutely or as to the parts of the land set out in the Second Schedule.

FIRST SCHEDULE

[*Specify coal mining right*]

SECOND SCHEDULE

Attach plan of area being surrendered.

Identify area by reference to legal description, ownership, and by reference to its location in relation to cadastral boundaries, survey monuments, topographical features or other coal mining rights.

Dated at this day of 19.....

.....
 Signature of holder of coal mining right.

NOTE: The Deputy Secretary of Energy, Mines Division, Wellington, can provide assistance with the completion of the forms set out in this Schedule.

SECOND SCHEDULE

Reg. 4 (1)

FEES

	\$
Application for coal prospecting licence	5
Application for renewal of coal prospecting licence	5
Application for coal mining licence	5
Application for ancillary coal mining licence	5
Surrender of coal mining right	2
Application for duplicate coal mining right under section 81 of the Act	2

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the Coal Mines Regulations 1939 in so far as they relate to coal mining rights.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 March 1980.

These regulations are administered in the Mines Division of the Ministry of Energy.