



THE MINING REGULATIONS 1981

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 8th day of December 1981

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Mining Act 1971, 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 Mining Regulations 1981.

(2) These regulations shall come into force on the 1st day of January 1982.

**2. Interpretation**—In these regulations, unless the context otherwise requires, “the Act” means the Mining Act 1971.

### *Preliminary*

**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) The form of other documents to be used for the purposes of the Act shall be such as may from time to time be prescribed or provided by the Secretary.

**4. Fees**—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.

### *Prospectors' Rights*

**5. Prospector's right to be produced on demand**—Every holder of a prospector's right shall produce it for inspection when requested to do so by the Secretary, any person authorised in that behalf by the Secretary, an Inspector, a member of the Police, or any person in the service of the Crown charged with the administration of Crown land.

**6. Receipt of fees by Post Office**—All fees received by the Post Office for the issue of prospectors' rights shall be credited to the Post Office Account, and then be paid into the Consolidated Revenue Account as mining revenue.

**7. Statements relating to prospectors' rights**—Every person who issues prospectors' rights shall forward to the Secretary a statement relating to the issue of rights at such time and containing such information as may be required by the Secretary.

#### *Prospecting Licences*

**8. Rent**—(1) The annual rent payable under a prospecting licence shall be \$1 per hectare or part of a hectare or \$20, whichever is the greater, and shall be paid yearly in advance.

(2) Every application for a prospecting licence shall be accompanied by the first year's rent.

(3) If a prospecting licence is for any reason not granted the rent shall be refunded.

**9. Statement of proposed work and expenditure**—Every application for a prospecting licence or for a renewal of a prospecting licence in respect of an area of over 40 hectares shall be accompanied by a statement, signed by or on behalf of the applicant, setting out details of—

- (a) The specific sum of money proposed to be expended annually on prospecting operations; and
- (b) The proposed timing of the various operations proposed to be carried out and the estimated cost of each operation.

**10. Statement of actual expenditure**—The holder of a prospecting licence shall, at intervals of 6 months after the date on which the licence was granted, forward to the Inspector a statement in duplicate, verified by statutory declaration, of the amount of money expended on prospecting operations during the preceding 6 months, together with a report in duplicate of the nature and results of those operations.

#### *Exploration Licences*

**11. Evidence to accompany application**—(1) Every application for an exploration licence shall be accompanied by evidence of—

- (a) The financial standing of the applicant; and
- (b) The technical qualifications of the applicant or his technical advisers; and
- (c) The ability of the applicant to comply with the provisions of the Act relating to exploration licences.

(2) The applicant shall, if requested to do so by the Minister, furnish such further evidence relating to the matters referred to in subclause (1) of this regulation as the Minister may require. If the applicant fails to produce such evidence to the Minister's satisfaction within 30 days after receiving the request, the application shall lapse.

#### *Mining Licences*

**12. Rent**—The annual rent payable under a mining licence shall be \$5 per hectare or part of a hectare.

#### *Special-site Licences*

**13. Rent**—The rent payable under a special-site licence shall be \$100 per hectare or part of a hectare.

*Licences for Roads, Tramways, etc., and Easement Certificates*

**14. Rent**—The rent payable under a licence granted under section 93 of the Act, and under an easement certificate, shall be \$100 per hectare or part of a hectare.

**15. Restrictions on transfer of licence or certificate**—Every licence granted under section 93 of the Act, and every easement certificate, shall be appurtenant to the prospecting or 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.

**16. Restrictions on use of tramway**—No person who holds a tramway licence, or an easement certificate for the purpose of a tramway, shall carry passengers or goods for reward on the tramway unless the fares and charges have been approved by the Minister, and such provisions relating to the safety of life and property as the Minister requires have been made.

**17. Conditions of tramway, aerial ropeway, and pipeline licences**—(1) Every holder of a tramway, aerial ropeway, or pipeline licence shall at his own expense provide and maintain to the satisfaction of the Inspector such crossing places over or under the tramway, ropeway, or pipeline as the Inspector considers are reasonably required for the convenience of the public or of any owner or occupier of land.

(2) Every crossing place under a tramway or ropeway shall be protected from falling material.

**18. Conditions of road and bridge licences**—(1) The holder of a road or bridge licence shall not be entitled to the exclusive use of the road or bridge which shall at all times be open to full and free use by the public.

(2) Notwithstanding the provisions of subclause (1) of this regulation, if the holder of a road or bridge licence has expended money in forming or maintaining the road or bridge and it is used by the holder of any other mining privilege to provide access to the land comprised in the privilege, the holder of the other privilege shall pay to the holder of the road or bridge licence a reasonable proportion of the expenditure. In default of agreement as to the amount of such proportion, it shall be fixed by arbitration in accordance with the provisions of the Arbitration Act 1908.

*General Provisions Relating to Applications*

**19. General provisions**—(1) Every application for a mining privilege shall be accompanied by 8 duplicates.

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

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

(4) If an application or notice 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 or rent or which is materially incorrect or deficient shall be void.

(6) The applicant or his duly authorised agent is to certify that the particulars in the application and supporting documents are correct.

(7) Before an 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.

**20. Consents to be supplied**—(1) If an application for a mining privilege is made in respect of land which is open for mining only with the consent of the owner and occupier, the written consent in the prescribed form shall accompany the application, or be forwarded so as to reach the Secretary within 20 working days after a request by the Secretary to forward the consent.

(2) If an applicant fails to comply with subclause (1) of this regulation, his application shall be void so far as it relates to land in respect of which the required consent has not been produced.

**21. Reports to be given**—(1) The Chief Surveyor shall report to the Secretary on every application for a mining privilege, other than a prospector's right and an exploration licence, and shall include in the report—

(a) The owner of the minerals on or under the land in respect of which the application has been made and details of any other rights appurtenant to such ownership;

(b) The owner and occupier of the land;

(c) The area and legal description of the land.

(2) In respect of an application for an exploration licence the Chief Surveyor shall report whether the land is within a National Park or a public reserve and supply the area and legal description of such land.

**22. Posting of notice on land**—(1) Every applicant for a mining privilege, other than for a prospector's right or an exploration licence, shall, before lodging the application, post a notice to the following effect on the land:

“This land containing (area) being (legal description) is the subject of an application for (state type of mining privilege) under the Mining Act 1971.

Date of posting \_\_\_\_\_ Name of applicant.”

(2) The notice shall be placed in a prominent position on the land clearly visible from a roadway, or, if a roadway is not adjacent to the land, then in a place nearest to an area of public access.

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

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

**23. Applications relating to foreshore and seabed**—(1) Every application for a mining privilege in respect of any part of the foreshore, as described in section 27 (1) (a) 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 mining privileges, or topographical features, as the case may require.

(2) Every application for a mining privilege in respect of any part of the seabed, as described in section 27 (1) (b) 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 the territorial sea, its position shall be fixed by a true bearing from any one of the following points on land:

A trigonometrical station; an established survey mark; a point defined by meridional circuit co-ordinates; a point defined by map grid co-ordinates; or 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:

Meridional circuit co-ordinates; map grid co-ordinates; or geographical co-ordinates.

**24. Refund of fees**—Application fees paid in respect of an application for a mining privilege shall not be refunded on the withdrawal or rejection of the application or on the refusal to grant a privilege, except with the approval of the Minister who may approve the refund of the total fee or such part of it as he thinks fit:

Provided that in any case where an application for an exploration licence for a term of 2 years is granted for a term of one year or less, any excess fee paid shall be refunded.

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

#### *Marking Out*

**26. Marking out**—The marking out of land 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 m 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 prospecting or mining licence over the sea beach it shall not be necessary to mark it out below high-water mark:
- (f) In the case of a mining licence over the bed of a stream from bank to bank, the boundaries of the licence shall be the banks of the stream as existing at the time when the licence was marked out, unless the Minister otherwise determines:
- (g) Subject to the provisions of section 115 of the Mining Act 1971, when the boundary of the mining privilege 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 (thus ↑) 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:
- (h) 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:
- (i) 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:
- (j) In the case of a tramway, road, pipeline, aerial ropeway, or tunnel licence it shall be sufficient if it is marked out, not at the boundaries, but at the starting and terminal points, and also at intervals of not more than 450 m along the proposed course of the tramway, road, pipeline, ropeway, or tunnel:
- (k) The marking out shall be maintained until the application for the mining privilege is finally disposed of under section 109 of the Act, and, where a licence is granted, throughout the term of the licence.

#### *Surrender of Mining Privileges*

**27. Licence to be produced**—(1) Every surrender of a mining privilege shall be lodged with or forwarded to the Secretary and shall be accompanied by the holder's copy of the licence or certificate being surrendered. If the holder has lost his copy of the licence or certificate, the Secretary may accept a declaration of loss.

(2) If only part of the privilege is being surrendered, the Secretary shall endorse the holder's copy of the licence or certificate 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 Commissioner of Crown Lands and, if the surrender relates to any Maori Land, the appropriate Registrar of the Maori Land Court.

### *Objections*

**28. Notice of objection**—(1) Every notice of objection to the granting of a mining privilege shall be in accordance with form MD 15 set out in the First Schedule hereto or to like effect.

(2) Every notice of objection shall specify the application objected to by reference to its number, and state clearly the grounds on which the objection is based.

**29. Notice of hearing**—(1) The Registrar of the Planning Tribunal shall fix the time and place for the hearing of the objection and shall, not less than 15 working days before the date fixed for the hearing, give notice of that time and place to—

- (a) The applicant for the mining privilege;
- (b) The objector;
- (c) The Deputy Secretary of Energy (Mines);
- (d) The territorial authority for the territory affected by the application;
- (e) The Regional Council or United Council in whose area the land to which the application relates is situated where the objection is in relation to an application for a mining licence;
- (f) The Commissioner for the Environment, where the hearing relates to an application for which an environmental impact report has been required and an audit prepared by the Commissioner or an officer of the Commission for the Environment;

Provided that the Chairman of a division of the Planning Tribunal may reduce the said period of 15 working days to a period of not less than 5 working days if he is of the opinion that circumstances justify the reduction.

(2) If the objector fails without sufficient cause to appear before the Tribunal at the time fixed for the hearing, the Tribunal may dismiss the objection.

### *General Provisions*

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

(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 privilege with the particulars of the Minister's certificate, and return the privilege 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 mining privilege affected, and attach the certificate to that record copy.



**31. Lost licences and certificates**—Every application for a duplicate licence or certificate under section 134 of the Act shall be accompanied by such evidence relating to the loss or destruction of the original licence or certificate as the Secretary may require.

**32. Entry, recovery of rent, etc.**—Except where express provision is made to the contrary, the terms, conditions, reservations, and provisions subject to which every mining privilege shall be deemed to be granted and held shall include the following:

- (a) Every officer or person acting in the administration of the Act, or authorised by the Minister, the Secretary, or an Inspector, shall at all times have full and free right of ingress, egress, and regress in respect of the land comprised in the mining privilege, and the mines and mining works thereon:
- (b) If default for 30 days is made in the full and punctual payment of any rent, royalty, or other money payable to the Crown in respect of any mining privilege, the Secretary or any person authorised by him may at any time thereafter without any previous or other notice or demand enter on such land, mines, and works or any of them and distrain all or any machinery, tools, goods, chattels and other effects of the licensee (including any person having any legal or equitable interest in the mining privilege) there found (excepting tools of trade to the value of \$100 and other personal effects to the value of \$300) and may sell the same in such manner, at such prices, and on such conditions in all respects as he thinks fit:
- (c) The sale may be effected either on the land or elsewhere, and to that end the effects distrained may be removed:
- (d) Not less than 5 days' notice of the time and place of sale shall be given by advertisement in a newspaper circulating in the locality in which the land is situated:
- (e) All money received in respect of such sale shall be applied in or towards payment—first, of the costs and expenses of the distraint, removal and sale; secondly, in or towards payment of the rent, royalty, or other money in respect of which the distraint was made; and the surplus (if any) shall be payable to the licensee or other person entitled thereto:
- (f) The right of distraint, removal, and sale may be exercised irrespective of and without prejudice to any other right, remedy, or power conferred by the Act in respect of the non-payment of rent, royalty, or other money payable to the Crown under the privilege.

**33. Offences**—Except where authorised by or under the Act or these regulations or any other Act, no person shall—

- (a) Damage or otherwise interfere with the land comprised in any mining privilege held by any other person, or the buildings, works, or machinery thereon; or
- (b) Deposit on the land comprised in any mining privilege, other than his own, any earth, stones, tailings, or other substance; or
- (c) Remove from any workings any props, timber, or other structures, so as to endanger the mining privilege or the rights of any other person; or

- (d) Allow any timber or obstruction for which he is responsible to remain for more than 12 hours on or in any road, street, path, or watercourse or on any land other than his own; or
- (e) Remove, deface, or alter any peg, mark, or notice set up by any other person in accordance with the Act or these regulations.

**34. Deposit of tailings**—If the holder of a mining privilege discharges or deposits tailings outside the boundaries of the land comprised in the privilege he shall forfeit all rights to the tailings.

#### *Boring Operations*

**35. Particulars to be supplied**—(1) The particulars to be supplied to the Inspector under section 153 of the Act shall be full details of the information obtained by the boring operation, including—

- (a) A description of each formation penetrated;
- (b) The thickness of each formation penetrated;
- (c) The inclination of the borehole;
- (d) The results of any analyses made of core or sludge samples taken;
- (e) The width and assay value of any mineralised deposit, or the depth and value per cubic metre of any alluvial deposit located by the borehole; and
- (f) The method of calculating such value.

(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 1:8,000, 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 and a topographic map of 1:50,000 or 1:63,360 scale which accurately locates this plan. 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 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 g, shall be taken at least every 3 metres and be placed in a suitable 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.

#### *Miscellaneous Provisions*

**36. Date of grant**—The date on which any mining privilege is granted shall be the date on which it is signed by the Secretary.

**37. Directions of Inspector**—Any requirement, order, direction, or notice made or given by an Inspector under the Act or these regulations may be addressed in general terms to the person in charge of a mine or dredge and be delivered to the mine or dredge.

**38. Administration charge**—The administration charge to be deducted from payments under sections 23, 224, and 225 of the Act shall be 10 percent of the amount payable.

**39. Revocations**—The Mining Regulations 1973 and the Mining Regulations 1973, Amendment No. 1 are hereby revoked.

Reg. 3 (1)

SCHEDULES

FIRST SCHEDULE

FORMS

FORM MD 1

**APPLICATION FOR PROSPECTING LICENCE  
UNDER THE MINING ACT 1971 FOR AN AREA  
OF 40 HECTARES OR LESS**

No. ....

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

Date and  
Time Received

NOTE: Original plus 8 copies required.

Name of applicant<sup>1</sup>: .....

Address: .....  
(Full street address)

Telephone No. ....

Occupation: .....

Registered office: .....

Address for service: .....

Land description<sup>2</sup> [*Continue on separate sheet if necessary*]: .....

.....

.....

.....

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Time of marking out<sup>3</sup>: .....

Method of prospecting<sup>4</sup>: .....

Number of years for which licence is required: ..... years  
(maximum 3 years).

FIRST SCHEDULE—continued

Names of owners and occupiers, etc.<sup>5</sup>: .....

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.....

.....

Notice posted on ground [Date]<sup>6</sup>: .....

Environmental assessment [Attached]<sup>7</sup>: .....

**<sup>8</sup>APPLICATION FEE \$50 PLUS FIRST YEAR'S RENT  
MUST ACCOMPANY THIS APPLICATION**

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

**1-8**For notes on preparation of Application, see overleaf.

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**INSTRUCTIONS FOR COMPLETING APPLICATION FORM FOR LICENCE**

1. The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
2. (a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, i.e.:
  - (i) Land Ownership:
    - Unoccupied Crown Land
    - Crown Land
    - Crown Leasehold (specify tenure)
    - Freehold Land (if leased specify type of lease or licence)
    - Maori Land
    - State Forest
    - National Park
    - Public Reserve (specify classification)
    - Foreshore, sea, lake, river, streambed
    - Endowment



FIRST SCHEDULE—continued

FORM MD 2

APPLICATION FOR PROSPECTING LICENCE UNDER THE MINING ACT 1971 FOR AN AREA OVER 40 HECTARES

No. ....

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

Date and  
Time Received

NOTE: Original plus 8 copies required.

Name of applicant<sup>1</sup>: .....

Address: .....  
(Full street address)

Telephone No. ....

Occupation: .....

Registered office: .....

Address for service: .....

Land description<sup>2</sup> [*Continue on separate sheet if necessary*]: .....

.....

.....

.....

Method of prospecting and work programme<sup>3</sup> [*Continue on separate sheet if necessary*]: .....

.....

.....

Number of years for which licence is required: ..... years  
(maximum 3 years).

Names of owners and occupiers, etc.<sup>4</sup>: .....

.....

.....

Notice posted on ground [*Date*]<sup>5</sup>: .....

Environmental assessment [*Attached*]<sup>6</sup>: .....

FIRST SCHEDULE—*continued***<sup>7</sup>APPLICATION FEE \$50 PLUS FIRST YEAR'S RENT  
MUST ACCOMPANY THIS APPLICATION**

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

<sup>1-7</sup> For notes on preparation of Application, see overleaf.
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[Back]

**INSTRUCTIONS FOR COMPLETING APPLICATION FORM FOR  
LICENCE**

1. The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from the other addresses indicated.
2. (a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, i.e.:
  - (i) Land Ownership:
    - Unoccupied Crown Land
    - Crown Land
    - Crown Leasehold (specify tenure)
    - Freehold Land (if leased specify type of lease or licence)
    - Maori Land
    - State Forest
    - National Park
    - Public Reserve (specify classification)
    - Foreshore, sea, lake, river, streambed
    - Endowment
  - (ii) Mineral Ownership:
 

(Note: The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc., must also accompany the application.

FIRST SCHEDULE—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
3. Give details of proposed work and expenditure as follows:
- The sum of money to be spent annually (or within such lesser period) on prospecting operations; and
  - A stage by stage description of the prospecting programme related to the expenditure referred to in (a) above for each year. This should include details of any access construction that may be necessary.
4. List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given. If the land in the application is only open for mining\* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.
- (\*Mining includes prospecting)
5. Prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:
- “This land containing (area and give description) is the subject of an application dated the                      day of  
19        for a prospecting licence under the Mining Act 1971:  
..... Name of Applicant.”
- (Land cannot be entered on for posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. See section 112 of the Mining Act 1971.)
6. The applicant must submit an environmental assessment of the impact of the proposed prospecting operations. An environmental assessment form is available with the application forms and should be completed as fully as possible. This should include specific details on access requirements.
7. The original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with \$50 application fee plus rent at the rate of \$1 per hectare or part of a hectare with minimum annual rental of \$20. *In no case must the amount accompanying this application be less than \$70.*
-



FIRST SCHEDULE—continued

FORM MD 3

APPLICATION FOR LIMITED IMPACT PROSPECTING LICENCE UNDER THE MINING ACT 1971

No. ....

Secretary of Energy, P.O. Box 6342, Te Aro, WELLINGTON.

Date and Time Received

NOTE: Original plus 8 copies required.

Name of applicant<sup>1</sup>: .....

Address: ..... (Full street address)

Telephone No. ....

Occupation: .....

Registered office: .....

Address for service: .....

Land description<sup>2</sup> [Continue on separate sheet if necessary]: .....

Time of marking out<sup>3</sup> (if area is 40 hectares or less): .....

Method of prospecting<sup>4</sup>: [Include, on a separate sheet, scope of proposed prospecting activities in terms of section 48A of the Act.] .....

Number of years for which licence is required: ..... years (maximum 2 years).

Names of owners and occupiers, etc.<sup>5</sup>: .....

Notice posted on ground [Date]<sup>6</sup>: .....

Environmental assessment [Attached]<sup>7</sup>: .....

FIRST SCHEDULE—continued

<sup>8</sup>APPLICATION FEE \$50 PLUS FIRST YEAR'S RENT  
MUST ACCOMPANY THIS APPLICATION

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

<sup>1-8</sup>For notes on preparation of Application, see overleaf.

—

[Back]

**INSTRUCTIONS FOR COMPLETING APPLICATION FORM FOR LICENCE**

1. The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
2. (a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, i.e.:
  - (i) Land Ownership:
    - Unoccupied Crown Land
    - Crown Land
    - Crown Leasehold (specify tenure)
    - Freehold Land (if leased specify type of lease or licence)
    - Maori Land
    - State Forest
    - National Park
    - Public Reserve (specify classification)
    - Foreshore, sea, lake, river, streambed
    - Endowment
  - (ii) Mineral Ownership:
 

(Note: The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc., must also accompany the application.

FIRST SCHEDULE—continued

(c) The name and address of the local authority within whose district the land covered by the application lies must also be given.

- 3. Marking out is required if the area is 40 hectares or less and the date and time of marking out must be specified, e.g., 26 September 1981 at 2.30 p.m.
- 4. The proposed method of prospecting given stage by stage for the full term of the licence must be specified. The scope of activities should indicate specifically what work is proposed, e.g., the length of tracking, number of drill sites required, the number of helicopter pads to be cleared. The extent of work permitted, if a licence is granted, may be reduced in accordance with the area and type of land involved.
- 5. List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given. If the land in the application is only open for mining\* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.

(\*Mining includes prospecting)

6. Prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:

“This land containing (area and give description) is the subject of an application dated the \_\_\_\_\_ day of 19\_\_\_\_ for a prospecting licence under the Mining Act 1971:

..... Name of Applicant.”

(Land cannot be entered on for marking out or posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. See section 112 of the Mining Act 1971.)

- 7. The applicant must submit an environmental assessment of the impact of the proposed prospecting operations. An environmental assessment form is available with the application forms and should be completed as fully as possible.
- 8. The original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with \$50 application fee plus rent at the rate of \$1 per hectare or part of a hectare with minimum first year’s annual rent of \$20. *In no case must the amount accompanying this application be less than \$70.*



FIRST SCHEDULE—continued

FORM MD 4

APPLICATION FOR RENEWAL OF PROSPECTING LICENCE UNDER THE MINING ACT 1971

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

I [*Full name, address, and occupation*] being the holder of Prospecting Licence No. .... dated the ..... day of ..... 19..... hereby apply for a renewal of the said licence for a period of .....

Address for service .....

.....  
Signature of Applicant

- (a) Annex statement of work done and money expended as required by section 50 (4) (d) of the Mining Act 1971.
- (b) If area of land exceeds 40 hectares attach work programme etc., (Regulation 9 of the Mining Regulations 1981).
- (c) Application fee \$50 must accompany this application.

—

FIRST SCHEDULE—continued

FORM MD 5

APPLICATION FOR MINING LICENCE UNDER THE MINING ACT 1971

No. ....

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

Date and  
Time Received

NOTE: Original plus 8 copies required.

Name of applicant<sup>1</sup>: .....

Address: .....  
(Full street address)

Telephone No. ....

Occupation: .....

Registered office: .....

Address for service: .....

Land description<sup>2</sup> [Continue on separate sheet if necessary]: .....

Time and date of marking out<sup>3</sup>: .....

Minerals to be mined: .....

Method of mining<sup>4</sup>: .....

Work programme<sup>5</sup>: .....

Number of years for which licence is required: ..... years.

Names of owners and occupiers, etc.<sup>6</sup>: .....

If held under a prospecting licence state number of licence: .....

Notice posted on ground [Date]<sup>7</sup>: .....

Environmental assessment [Attached]<sup>8</sup>: .....

FIRST SCHEDULE—*continued***<sup>9</sup>APPLICATION FEE MUST ACCOMPANY  
THIS APPLICATION**

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

<sup>1-9</sup> For notes on preparation of Application, see overleaf.
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—  
[Back]

**INSTRUCTIONS FOR COMPLETING APPLICATION FORM FOR  
LICENCE**

1. The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
2. (a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, i.e.:
  - (i) Land Ownership:
    - Unoccupied Crown Land
    - Crown Land
    - Crown Leasehold (specify tenure)
    - Freehold Land (if leased specify type of lease or licence)
    - Maori Land
    - State Forest
    - National Park
    - Public Reserve (specify classification)
    - Foreshore, sea, lake, river, streambed
    - Endowment
  - (ii) Mineral Ownership:
    - (Note: The Mining Act 1971 reserves all gold and silver to the Crown.)
    - In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc., must also accompany the application.

FIRST SCHEDULE—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
3. Marking out is not required if the application is for the whole of the land comprised in a previous mining licence held by the applicant provided the marks and boundaries have been maintained to the satisfaction of the Inspector of Mines. In all other cases marking out is required and the date and time of marking out must be specified, e.g., 26 September 1981 at 2.30 p.m.
  4. The method of mining for the full term of the licence must be specified, e.g., dredging, quarrying (open-cut), underground, sluicing, etc.
  5. The applicant must provide details of the programme of work proposed to be carried out related to the estimated mining expenditure. Expenditure is to show the annual estimated figures and the value and type of equipment to be used, and estimated annual production.
  6. List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given. If the land in the application is only open for mining\* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.
 

(\*Mining includes prospecting)
  7. At the time of marking out prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:
 

“This land containing (area and give description) is the subject of an application dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ for a mining licence under the Mining Act 1971: \_\_\_\_\_ Name of Applicant.”

(Land cannot be entered on for marking out or posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. See section 112 of the Mining Act 1971.)
  8. The applicant must submit an environmental assessment of the impact of the proposed mining operations. An environmental assessment form is available with the application forms and should be completed as fully as possible. This should include specific details of access requirements.
  9. Original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with the appropriate application fee.
 

The application fees are:

    - (a) Area of 5 hectares or less—\$50.
    - (b) Area greater than 5 hectares but not more than 50 hectares—\$100.
    - (c) Area greater than 50 hectares—\$500.

FIRST SCHEDULE—continued

FORM MD 6

APPLICATION FOR SPECIAL-SITE LICENCE UNDER THE MINING ACT 1971

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

NOTE: 8 copies required.

I [Full name, address, and occupation] hereby apply for a special-site licence over the following unalienated Crown land: ..... [Specify the land by reference to its area, legal description, and by its location in relation to cadastral boundaries, survey monuments, topographical features, etc., and annex plan].

State the mining purpose for which licence required and give the number(s) of the mining privilege(s) concerned.

State precise time of marking out: [e.g., 26 September 1981 at 2 p.m.].

Address for service: .....

Notice posted on ground [Date] .....

Application fee \$50 must accompany this application.

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant





FIRST SCHEDULE—continued

FORM MD 7

APPLICATION FOR LICENCE UNDER SECTION 93 OF THE MINING ACT 1971 OR EASEMENT CERTIFICATE UNDER SECTION 97 OF THAT ACT

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

NOTE: 8 copies required.

I [Full name, address, and occupation] hereby apply for a licence (or easement certificate) in respect of the following land: ..... [Specify the land by reference to its area and legal description, state whether the land is Crown land, private land, Maori land, etc. Show its location in relation to cadastral boundaries, survey monuments, topographical features, etc., and annex plan].

State number of years for which licence or certificate required:

State registered number and name of licensee of mining privilege over which easement required (easement certificate only):

State nature of and reason for licence or certificate: [e.g., road, pipeline for transport of minerals, materials, etc.].

State date and number of mining privilege for the working of which licence or certificate required.

If land has to be marked out state precise time of marking out: [e.g., 26 September 1981 at 2 p.m.].

Specify works to be constructed and rights exercised:

Address for service: .....

Name of owners and occupiers and all other persons whose interests may be affected, to whom notice of application has been forwarded: .....

Notice posted on ground [Date] .....

Application fee \$50 must accompany this application.

I the undersigned being the applicant for the licence or the certificate or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

FIRST SCHEDULE—*continued*  
FORM MD 8

**AUTHORITY TO ACT AS AGENT UNDER SECTION 104 (3) OF  
THE MINING ACT 1971**

I, ..... of ..... hereby authorise ..... of ..... to act as my agent in respect of the attached application, 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 .....

FORM MD 9

**CONSENT OF OWNER AND OCCUPIER OF MAORI AND PRIVATE  
LAND TO LAND BEING OPEN FOR MINING UNDER SECTIONS 30,  
35, AND 36 OF THE MINING ACT 1971 AND TO THE GRANT OF A  
PROSPECTING LICENCE UNDER THAT ACT**

I/WE [*Full name and address*] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to the said land being open for mining in respect of an application for a prospecting licence by [*Name and address of applicant*] and to any renewal thereof and to any mining licence that may be sought in respect of this prospecting licence in accordance with the provisions of the Mining Act 1971, subject to the following conditions: ..... [*Specify if required*].

SCHEDULE

[*Specify the land by reference to area, legal description, certificate of title, etc.*]

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Owner(s)/Occupier(s)

FIRST SCHEDULE—continued

FORM MD 10

**CONSENT OF OWNER AND OCCUPIER OF MAORI AND PRIVATE LAND TO LAND BEING OPEN FOR MINING UNDER SECTIONS 30, 35, AND 36 OF THE MINING ACT 1971 AND TO THE GRANT OF A MINING LICENCE OR LICENCE UNDER SECTION 93 OF THAT ACT**

I/WE [Full name and address] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to the said land being open for mining and to the grant of a [Specify type of licence sought] applied for by [Name and address of applicant] subject to the following conditions: ..... [Specify if required].

SCHEDULE

[Specify the land by reference to area, legal description, certificate of title, etc.]

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Owner(s)/Occupier(s)

FORM MD 11

**CONSENT OF OWNER AND OCCUPIER OF MAORI AND PRIVATE LAND TO ENTRY FOR MARKING OUT AND POSTING NOTICE UNDER SECTION 112 OF THE MINING ACT 1971**

I/WE [Full name and address] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to entry on the said land for the purpose of marking out and posting notice in connection with the lodging of an application for a mining privilege and such incidental purposes as are authorised by section 112 of the Mining Act 1971.

SCHEDULE

[Specify the land by reference to area, legal description, certificate of title, etc.]

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Owner(s)/Occupier(s)

FIRST SCHEDULE—*continued*

FORM MD 12

**NOTICE OF FORWARDING OR LODGING AN APPLICATION FOR A MINING PRIVILEGE (OTHER THAN AN EXPLORATION LICENCE) ON THE OWNER AND OCCUPIER OF THE LAND AND OTHERS HAVING AN INTEREST IN THE LAND UNDER SECTION 104 (4) OF THE MINING ACT 1971**

To *[Full name and address]* being the owner(s)/occupier(s) of, or person or body having an interest in, the land specified in the Schedule.

I/We *[Full name and address]* give notice of an application to the Secretary, Ministry of Energy, Wellington, for a *[Specify type of privilege sought]* in respect of that land.

When the conditions under which the privilege could be granted have been established, public notice thereof will be given and a copy of that notice will be forwarded to the occupier(s) of that land.

SCHEDULE

*[Specify the land by reference to area, legal description, certificate of title, etc.]*

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant

—

FIRST SCHEDULE—*continued*

FORM MD 13

THE MINING ACT 1971

NOTICE OF RECEIPT OF APPLICATION

[*Name of Territorial Authority*]

PURSUANT to section 103C of the Mining Act 1971 (as inserted by the Mining Amendment Act 1981) public notice is hereby given that the [*Name of Territorial Authority*] has received a copy of an application (No. ....) for a [*Specify type of licence*] by [*Name and address of applicant*] over the land described in the Schedule below.

SCHEDULE

ALL that area of land containing ..... hectares and described as follows: .....  
.....  
.....

*Either*

and shown on the plan annexed.

*Or*

A plan showing the land in the application may be inspected at the office of the [*Name of Territorial Authority*].

A copy of the application may be inspected at the office of the [*Name of Territorial Authority*] or of the Inspector of Mines and Quarries [*Address*].

Dated at ..... this ..... day of ..... 19.....

.....  
Town/County Clerk

—

FIRST SCHEDULE—*continued*

## FORM MD 14

## THE MINING ACT 1971

**NOTICE OF APPLICATION AND PROPOSED CONDITIONS FOR THE  
GRANT OF A [Specify type of licence sought]**

PURSUANT to section 104 (7) of the Mining Act 1971 (as substituted by the Mining Amendment Act 1981), public notice is hereby given that I/we [Full name and address] have made application to the Minister of Energy for a [Specify type of mining privilege sought] being application number ..... over the land specified in the Schedule below and depicted in the plan annexed.

A copy of the application and conditions under which the Minister of Energy is prepared to approve this application may be inspected at the office of the [Name of Territorial Authority] or of the Inspector of Mines and Quarries [Address].

Any person or body specified in section 126 (2) of the Mining Act 1971 (as substituted by the Mining Amendment Act 1981) may object to the application or to any proposed conditions by lodging a written objection in the prescribed form with the Registrar, Planning Tribunal, Tribunals Division, Justice Department, Private Bag, Postal Centre, Wellington.

Any objection must be lodged within 20 working days after the date on which this public notice is given.

## SCHEDULE

[Specify the land by reference to area, legal description, certificate of title, and any name by which the land is commonly known.]

---

FIRST SCHEDULE—continued  
FORM MD 15

NOTICE OF OBJECTION TO AN APPLICATION UNDER SECTION  
126 OF THE MINING ACT 1971

The Registrar,  
Planning Tribunal,  
Tribunals Division,  
Justice Department,  
Private Bag,  
Postal Centre,  
Wellington.

I/We<sup>1</sup> ..... object to application number ..... by<sup>2</sup> ..... for  
a<sup>3</sup> ..... public notice of which appeared in the<sup>4</sup> ..... on<sup>5</sup>  
.....

The grounds of objection are:<sup>6</sup> [Continue on a separate sheet if necessary]: .....  
.....

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Objector(s)

**1-6**For notes on preparation of this form see overleaf

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[Back]

**INSTRUCTIONS FOR COMPLETING FORM FOR NOTICE  
OF OBJECTION**

1. Specify full name and address of the objector.
  2. Name and address of applicant.
  3. Specify type of mining privilege sought.
  4. Name of paper in which the public notice was published.
  5. Date on which notice published.
  6. Set out grounds of objection clearly, concisely, and in numbered consecutive paragraphs.
-

FIRST SCHEDULE—*continued*

FORM MD 16

**SURRENDER/PARTIAL SURRENDER OF MINING PRIVILEGE  
UNDER THE MINING ACT 1971**

Secretary of Energy,  
P.O. Box 6342,  
Te Aro,  
WELLINGTON.

I, [*Full name, address, and occupation*] being the holder of the mining privilege 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 mining privilege*]

SECOND SCHEDULE

[*Specify parts of land*]

Dated at ..... this ..... day of ..... 19.....

Signed: .....  
Current holder of mining  
privilege

*A fee of \$10.00 must accompany this application.*

—



## SECOND SCHEDULE

## FEES

Prospector's right	...	...	...	...	...	\$	10
Application for prospecting licence	...	...	...	...	...		50
Application for renewal of prospecting licence	...	...	...	...	...		50
Application for exploration licence 1 year or less	...	...	...	...	...		1,000
More than 1 year and up to 2 years	...	...	...	...	...		2,000
Application for mining licence—							
5 hectares or less	...	...	...	...	...		50
Greater than 5 hectares but not more than 50 hectares	...	...	...	...	...		100
Greater than 50 hectares	...	...	...	...	...		500
Application for authority to mine mineral not specified in mining licence	...	...	...	...	...		50
Application for special-site licence	...	...	...	...	...		50
Application for road, tramway, aerial ropeway, pipeline, tunnel, or bridge licence	...	...	...	...	...		50
Application for easement certificate	...	...	...	...	...		50
Application for moving-dredge easement certificate	...	...	...	...	...		50
Surrender of mining privilege (or part), each privilege	...	...	...	...	...		10
Application for duplicate licence or certificate under section 134 of the Act	...	...	...	...	...		10

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 the Mining Regulations 1973 and the amendments thereto, provide the necessary changes consequential on the enactment of the Mining Amendment Act 1981, and increase the fees payable.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 December 1981.

These regulations are administered in the Ministry of Energy.