

- (1.) The application need not be publicly notified by advertisement nor posted on the mining privilege unless the Warden otherwise directs.
 - (2.) The application may be granted in whole or in part, as the Warden thinks fit, and, if granted, shall be granted by certificate of reduction in the form numbered 45 in the First Schedule hereto.
 - (3.) The certificate shall be registered in the same manner as in the case of a certificate of protection.
64. When disposing of any application for a certificate of reduction, the Warden, for the purpose of determining the extent to which the prescribed number of workmen should be reduced, and the period for which the reduction should be granted, shall not confine himself to merely temporary exigencies, but shall have regard to all the circumstances fairly affecting the matter, including the following considerations:—
- (1.) In the case of a claim to be worked by hydraulic sluicing, the nature and extent of the claimholders' water-supply, the cost of procuring it, and the date when it will be fully available;
 - (2.) In every case, the number of workmen that can be reasonably and advantageously employed, having regard to the nature and extent of the ground and the extent of the water-supply; and
 - (3.) The extent, if any, to which the proposed reduction, or the period for which it may be granted, would lock up ground that otherwise might be reasonably and advantageously worked.

PROTECTION OF MINING PRIVILEGES.

Certificates of Protection.

65. (1.) The application for protection of mining privileges under section 161 of the Mining Act may be in the form numbered 25 in the First Schedule hereto, and, if granted, shall be granted by certificate of protection in the form numbered 46 in the First Schedule hereto.

(2.) (a.) Every application for protection under section 168 of the Mining Act shall be filed in the Warden's Court nearest to the place where the mining privilege is situate, addressed to the Minister of Mines.

(b.) The Warden shall hear the application and all objections thereto in the same manner in all respects as if the same were an application to the Warden under section 169 of the Mining Act and Regulation No. 33, and the provisions of the said section and regulation shall, *mutatis mutandis*, apply to every such application.

(c.) After hearing the evidence for the applicant and the objectors (if any) the Warden shall forward a copy of the evidence taken to the Minister, with his recommendation on the application, and the Minister, in his discretion, may grant the application for the period applied for or for any lesser period, or he may refuse the application.

As to Statutory Protection of Mining Privileges.

66. The provisions of section 164 of the Mining Act relating to protection without application shall apply only within the South Island or Stewart Island, and in cases only where the land is situate at an altitude of not less than 3,000 ft. above the sea-level; and the period of protection shall in every case be the period from the first day of May to the thirty-first day of October (inclusive) in each year:

Provided that the Warden may from time to time prescribe such lower altitude (being in no case less than 2,000 ft.) and such shorter period (between the aforesaid dates) as he thinks fit, having regard to the locality of the land and the normal snow-level. Such prescription may be either generally as to any specified locality or specifically as to any specific mining privileges, and may be made either of his own motion or on summary application, and shall be deemed to be sufficiently notified by publication in the *Gazette*.

CERTIFICATES OF EASEMENT.

67. The application for a certificate of easement under section 209 of the Mining Act may be in the form numbered 26 in the First Schedule hereto, and with respect thereto the following provisions shall apply:—

- (1.) The application need not be publicly notified by advertisement.
- (2.) Subject as last aforesaid, the application shall be made and disposed of under Regulation 33.
- (3.) The certificate of easement may be in the form numbered 47 in the First Schedule hereto.
- (4.) The certificate of easement shall be deemed to be appurtenant to the mining privilege for facilitating whose mining operations the certificate is granted, and accordingly the certificate shall not be transferable apart from such privilege, and upon the expiry or other determination of the term of such privilege the certificate shall, *ipso facto*, become void.

- (5.) The Warden may, by certificate of easement, grant to any person, being the holder of a claim, the right to connect with and use any shaft, tunnel, or drive on any other person's mining privilege:

Provided that if such shaft, tunnel, or drive existed on such mining privilege when it was taken up no compensation shall be payable by the grantee for or on account of the cost of construction.

REGISTRATION OF MINING PRIVILEGES AND OF INSTRUMENTS AFFECTING THE SAME.

Register, and Registration Office.

68. (1.) The register shall be in the form numbered 48 in the First Schedule hereto.

(2.) The register may be divided into parts as follows:— Part I: Claims. Part II: Water-rights. Part III: Business-site licenses. Part IV: Residence-site licenses. Part V: Special-site licenses. Part VI: Mineral licenses. Part VII: Miscellaneous. And registrations may be effected accordingly, nevertheless without affecting the numerical sequence of the instruments registered.

69. Every register existing at the time of the coming into operation of the Mining Act shall so continue, and in every case where, in any new register opened under the Mining Act, any registration relates to any mining privilege, or interest therein, already registered in such existing register, the Registrar shall, by note on the allotted folium of the new register, give such reference to the registration in the said existing register as will afford reasonable facilities for search.

70. (1.) The office of registration of a mining privilege granted under the Mining Act shall be the office of the Registrar to whom the same is transmitted by the Warden for registration and issue, as provided by section 180 of the Mining Act.

(2.) The office of the Registrar shall in every case be the office of the Warden's Court.

(3.) In the case of mining privileges granted by the Warden prior to the coming into operation of the Mining Act, but not then registered, the office of registration shall be the office of the Registrar at the Courthouse where the same was granted.

(4.) The office of registration of every ordinary claim held otherwise than under license shall be the office fixed by the Warden for the registration of such claims in the locality in which the claim is situate.

(5.) The office of registration of every transfer or other instrument affecting any mining privilege shall be the office where the mining privilege itself is registered.

71. The registration of an instrument shall not be deemed to be invalid by reason merely of being effected in the wrong office, unless the Warden is satisfied that it has resulted in deceiving any person and thereby actually prejudicing his rights.

Mode of Registration of Instruments.

72. In the case of each register all instruments shall be registered in the order in which they are deposited with the Registrar for registration, and shall be numbered consecutively in the register, commencing with the number 1.

73. For the purpose of the last preceding clause hereof, an application under clauses 77 or 78 of these regulations shall be deemed to be an instrument.

74. In every case the instrument registered, or a duplicate original or certified copy thereof, shall be retained and filed as a record by the Registrar, and for that purpose the instrument deposited for registration shall be accompanied by such duplicate original or certified copy.

75. (1.) The registration of an instrument shall be effected by entering in the register on an allotted folium thereof the particulars specified in the aforesaid form numbered 48, or such of them as are applicable, and also by endorsing on the instrument and on the filed duplicate or copy a memorial under the hand of the Registrar setting forth the registered number of the instrument, the office of registration, and the precise time of registration (being the date and hour at which the instrument was deposited with the Registrar for registration).

(2.) Such memorial shall, without proof of the Registrar's signature, be received in all Courts as evidence that such instrument has been duly registered.

76. If the instrument deposited for registration is a transfer of a mining privilege or of any interest therein, or of any part thereof, then the license or document of title shall be produced to the Registrar, who, when registering such instrument, shall, provided all arrears of rent have been paid, endorse on such license or document a memorial under his hand setting forth the registered number of such instrument, its nature (e.g. "transfer by way of sale," "mortgage," or as the case may be), the office of registration, the names of the parties, and the precise time of registration. In the case of a transfer of any surveyed portion of any surveyed claim the following