

Regulations under the Mining Act, 1926.

CHARLES FERGUSSON, Governor-General.

IN exercise of the powers conferred upon him by the Mining Act, 1926 (hereinafter termed "the Mining Act"), His Excellency the Governor-General of the Dominion of New Zealand doth hereby revoke all regulations relating to mining which are inconsistent with or repugnant to the regulations hereby made, and in lieu thereof doth hereby make the regulations set forth hereunder; and doth hereby declare that the regulations hereby made shall come into force on the day of the gazetting hereof.

REGULATIONS.

INTERPRETATION.

1. (1.) IN these regulations, if not inconsistent with the context, words and expressions shall have the same meaning as in the Mining Act.

(2.) In so far as relates to the receiving and disposing of applications for prospecting warrants, prospecting licenses, and mining privileges in respect of water, where the land to which the application relates is situate wholly outside a mining district and is other than Native land, all references in these regulations to the Warden or the Registrar shall be deemed to be references to the Commissioner of Crown Lands of the land district in which the land is situate, and all references to the Receiver shall be deemed to be references to the Receiver of Land Revenue of that land district, and these regulations shall be construed accordingly.

MINERS' RIGHTS.

2. A miner's right that does not extend to Native ceded lands shall be in the form numbered 1 or (in the case of a consolidated miners' right) 2 in the First Schedule hereto; and a miner's right that does so extend shall be in the form numbered 3 or (in the case of a consolidated miners' right) 4 in that Schedule, and shall specify the block of Native ceded land to which it extends.

3. Subject to the provisions of the Mining Act relating to Native ceded land, the qualification of a miner's right shall not be necessary in the cases and for the purposes following, that is to say,—

In case of	For the purposes of
(1.) Any officer under the Mining Act	The exercise of his official functions and powers under the Mining Act.
(2.) Any person deriving title to mining privilege by transmission, or by operation of law	His title, and the exercise of his rights thereunder.
(3.) The mortgagee of a mining privilege	His title as mortgagee, and the exercise of his rights under the mortgage.
(4.) The holder of a license for a mining privilege	The exercise of his rights as such holder, and all applications to the Warden of the Court relating to such mining privilege.
(5.) A workman, contractor, or tributer in respect of a mining privilege	The exercise of his rights, liens, and remedies in respect of money owing to him as such workman, contractor, or tributer.
(6.) An occupier of private land	Commencing any suit for encroachment on or damage to such land.

4. With respect to every person who is by law required to have the qualification of a miner's right, the following provisions shall apply:—

(1.) It shall be his duty to produce the miner's right for inspection whenever requested so to do by the Warden, or any Inspector, or Receiver, or Registrar, or by any person authorized in that behalf by the Warden.

(2.) It shall at all times lie on him to prove that he has the necessary qualification by producing the miner's right, or satisfactorily accounting for its non-production.

5. (1.) In every case where the qualification of a miner's right is necessary in order to authorize the doing of any of the things referred to in the Mining Act or in these regula-

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tions, and any person does any of those things without having the necessary qualification, he shall acquire no right by virtue or in respect of the thing so done; and, if in any civil proceedings before the Warden or the Warden's Court he fails by reason of not having the necessary qualification, costs shall be given against him:

Provided nevertheless that at any time within twelve months after the thing was so done (whether any proceedings are pending or not) he may acquire the necessary qualification in the manner and subject to the conditions following, that is to say,—

(a.) He may apply for such and so many antedated miners' rights as would have conferred the necessary qualification if they had been taken out and issued on the antedates specified therein; such antedate being, however, in no case more than twelve months earlier than the actual date on which the antedated miner's right is issued.

(b.) There shall be payable in respect of each such antedated miner's right the ordinary fee where the date of actual issue is not more than one month later than the antedate, and in any other case a special fee equal to twice the ordinary fee.

(c.) On payment of the requisite ordinary or special fees the antedated miners' rights shall be issued to him, bearing in each case the date of its actual issue, and also the antedate; and each such miner's right shall, for the purposes of the Mining Act, and any former Mining Act, operate as if it had been actually issued on the antedate:

Provided that it shall not operate to relieve him from any pecuniary penalty for breach of any provision of the Mining Act or the regulations thereunder.

(d.) If the application for the antedated miner's right is made in the course of the hearing of any civil proceedings, it shall be made to the Warden before the decision in the proceedings is given, and shall not be issued unless the applicant not only pays the requisite ordinary or special fee, but also either pays or gives satisfactory security for the payment of such of the costs and expenses incurred by all other parties to the proceedings up to the time of the actual issue of the antedated miner's right as will be rendered fruitless by reason of such issue; the amount of such costs to be fixed, if necessary, by the Warden.

(2.) The foregoing provisions of this clause shall, *mutatis mutandis*, apply in the case of a person who, being the holder of a mining privilege under any former Mining Act, has neglected to take out a miner's right as required by such Act.

As to Issue of Miners' Rights by Postmasters.

6. (1.) Miners' rights (whether ordinary, consolidated, or antedated) may be issued by and the fees therefor may be paid to the Postmaster at any post-office appointed by the Minister for the purpose, and such payments shall be deemed as valid as if made to a Receiver of Gold Revenue.

(2.) Receipts arising from the issue of miners' rights at a post-office shall be entered in the post-office cash-book, and treated as part of the balance due on Post Office Account to be remitted by Sub-Postmasters to Chief Postmasters, and by Chief Postmasters to credit of the Post Office Account, and then to be paid to the Public Account as goldfields revenue.

(3.) Each Postmaster shall enter every payment on a statement-form headed "Receipts under the Mining Act, 1926." The name of the person to whom a miner's right is issued, together with his address, and the number and description on the miner's right so issued, shall be entered in the body of the form.

(4.) A copy of each statement, containing the foregoing particulars, shall be made forthwith and transmitted by the Postmaster who prepares the same to the nearest Receiver of Gold Revenue.

PROSPECTING.

Prospecting Warrants and Licenses.

7. The application for a prospecting warrant or prospecting license may be in such one of the forms numbered 5 to 8 in the First Schedule hereto as is applicable; and the warrant or license may be in such one of the forms numbered 9 to 14 in that Schedule as is applicable.

8. In the case of a prospecting license, the applicant shall mark out the ground in the same manner as in the case of a claim.

9. In the case of prospecting warrants or licenses relating to Native land, the following provisions shall apply:—