

ing and terminal points, and also at intervals of not more than 100 yards along the proposed course of the tramway.

- (j.) The marking-out shall in every case be maintained until the coal-mining right is granted, or the application therefor is finally disposed of.

APPLICATIONS IN RESPECT OF COAL-MINING RIGHTS.

52. For the purposes of section 21 of the said Act, but subject to the specific provisions elsewhere contained in that Act or these regulations with respect to specific applications, the following general rules, in so far as they are applicable, shall be observed with respect to every application to the Warden under that section—

(1.) The application shall be made in such one of the forms numbered 11 and 12 in the Schedule hereto as is applicable, or, if none of those forms is applicable, then in such form as the Warden prescribes or authorizes, and shall be filed by or on behalf of the applicant in the office of the Mining Registrar during office hours as defined in clause 56 of these regulations.

(2.) The application shall be transmitted to the office of the Mining Registrar by post or otherwise, and in the event of its reaching the office after office hours the time of filing shall be deemed to be the hour when the office is next open for business.

(3.) If the application is for a coal-mining right requiring to be marked out, it shall be marked out in accordance with clause 51 of these regulations before the application is filed; and unless this rule is complied with the application shall be deemed to be void.

(4.) The application shall in every case contain an address for service, which shall be in the same district as the office in which the application is filed, and all notices to be served on the applicant shall be deemed to be validly served if served at such address.

(5.) When filing the application there shall also be lodged with the Mining Registrar, by or on behalf of the applicant, such number of duplicate originals thereof, being in no case less than two nor more than five, as the Mining Registrar may require.

(6.) The sums to be lodged with the application under paragraph (b) of section 21 of the said Act, to abide the disposal of the application, shall, according to the nature of the application, be the sums set forth in Form 17 in the Schedule hereto; or, in so far as that Schedule does not apply, then such sums as the Warden or Receiver directs:

Provided that, in every case where it appears to the Warden or Receiver, that the sums so lodged are insufficient, the applicant shall forthwith, after demand in writing by the Receiver, lodge such further sum as is specified in the demand; and if such demand is not complied with the Warden may either postpone or dismiss the application upon such terms as to costs and otherwise as he thinks fit:

Provided also that the sums deposited under these regulations as rental shall be refunded to the persons entitled thereto without deduction in the event of the application not being granted.

(7.) The Warden, before disposing of the application, shall satisfy himself that the sums lodged as aforesaid are sufficient to pay all fees and other charges in respect whereof the lodgment has been made, and they shall be applied in payment thereof accordingly, and the surplus (if any) shall be returned to the person entitled thereto.

(8.) As soon as practicable after the filing of the application and the lodging of the duplicate originals the Mining Registrar shall minute thereon the time and place of hearing appointed by the Warden (such time being not less than the sixteenth day after the day of the filing of the application), and, for public information shall affix one of the duplicates, or an abstract of its subject-matter, in a conspicuous place outside the Courthouse where the application is to be heard.

(9.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall notify every person who to his knowledge is in occupation of the land, or any part of the land, comprised in the application, or has any estate or interest therein, or any interest which will be obviously affected by the grant of the application, by posting to him at his last known place of business or abode a registered letter containing a copy of the minuted application or of the advertisement thereof, or by delivering such copy to him personally.

(10.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall post up on the ground applied for, in some conspicuous position, a duplicate original of the minuted application, and shall there maintain the same until the day appointed for the hearing.

(11.) As soon as practicable after the filing of the application and in no case less than three days before the day appointed for the hearing thereof, the applicant shall file a declaration in the form numbered 14 in the Schedule hereto; and unless this rule is complied with the application shall be deemed to be void.

(12.) If any person desires to object to the application he shall, by himself, his solicitor, or registered agent, not later than three days before the time appointed for the hearing, give notice thereof by filing in the office of the Mining Registrar a notice in the form numbered 13 in the Schedule hereto, and by serving on the applicant a duplicate original of such notice. A copy of the notice shall also be forwarded to the Inspector of Mines for the district.

(13.) Such notice shall in every case contain an address for service, which shall be in the same district as the office in which the notice is filed, and all notices to be served on the objector shall be deemed to be validly served if served at such address.

(14.) At any stage of the proceedings the Warden may allow the application to be amended in any particular, upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.

(15.) In any case where, in respect of any application or objection, the foregoing provisions relating to the time or mode of giving, posting up, maintaining, or serving any notice are not duly complied with, the Warden, if satisfied that such non-compliance is not wilful, may in his discretion waive the same, or extend the time, upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.

(16.) If the applicant does not desire to appear, the declaration referred to in paragraphs (e) and (f) of section 23 of the said Act shall be in the form numbered 15 in the Schedule hereto.

(17.) All applications shall be numbered consecutively by the Mining Registrar according to the order of time in which they are filed, and he shall record them in the same order and with the same numbers in a book to be called the "Application Record-book."

(18.) The appointment and notification by the Warden as to the time and place for the hearing of any application, or for the holding of any preliminary inquiry, may be made by him in such manner as he thinks fit, and may in like manner be made by any officer acting under the general instructions of the Warden.

(19.) (a.) Every application to the Minister under section 18 of the said Act, for any right in respect of the timber, trees, metals, or minerals excepted out of any coal lease by paragraphs (b) and (c) of subsection (1) of section 18 may be made to the Warden nearest to the place where the lands are situated, in the manner prescribed by sections 21 and 22 of the said Act, the provisions of which shall, *mutatis mutandis*, apply.

(b.) The Warden shall hear such application and any objections thereto, and shall forward the application to the Minister together with a copy of the evidence taken at the hearing and with his recommendation thereon; and the Minister may, in his discretion, refuse the right applied for, or may grant the same on such terms and conditions as he thinks fit.

GENERAL *re* COAL-MINING RIGHTS.

53. The commission to be deducted under subsection (3) of section 4 of the said Act to meet administration and other charges shall be at the rate of 5 per centum of the revenues collected.

54. The regulations made under the Mining Act, 1926, or any amendments thereof, with respect to surveys shall, *mutatis mutandis*, apply to surveys required in pursuance of the Coal-mines Act, 1925, or these regulations.

55. (1.) All proceedings under sections 28 and 30 of the said Act for the cancellation of a coal-prospecting license or a tramway license or a way-leave or other easement granted in pursuance of the said Act shall be commenced by filing in the Warden's Court an application in the form numbered 16 in the Schedule hereto.

(2.) When filing the application there shall also be lodged with the Mining Registrar, by or on behalf of the applicant, such number of duplicate originals thereof, but in no case less than two nor more than five, as the Mining Registrar may require.

(3.) As soon as practicable after the filing of the application and the lodging of the duplicate originals, the Mining Registrar shall minute thereon the time and place of hearing appointed by the Warden, and for public information shall affix one of the duplicates, or an abstract of its subject-matter, in a conspicuous place outside the Courthouse where the application is to be heard.

(4.) On the day on which the application is filed, or as soon thereafter as is practicable, the Mining Registrar shall notify