

SUPPLEMENT

TO THE

JEW ZEALAND GAZETT

OF

THURSDAY, APRIL $\mathbf{2}.$ 1908.

Publisbed by Anthority.

WELLINGTON, MONDAY, APRIL 6, 1908.

Regulations under "The Coal-mines Act, 1905," and its Amendments.

PLUNKET, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this fourth day of April, 1908.

Present :

THE HONOURABLE W. HALL-JONES PRESIDING IN COUNCIL.

THE HONOURABLE W. HALL-JONES PRESIDING IN COUNCIL. IN pursuance and in exercise of all powers and authorities conferred upon him by "The Coal-mines Act, 1905," and its amendments, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the Order in Council making regulations under the said Act, dated the twenty-third day of August, one thousand nine hundred and six, and in lieu thereof doth hereby make the following regulations, and prescribe the several forms and fees hereinafter set forth; and doth hereby declare that such regulations shall come into force on the date of the publication thereof in the New Zealand Gazette:—

REGULATIONS.

Mine-managers' Certificates.

1. The Board of Examines (hereinafter termed "the Board") shall examine, or cause to be examined, on the subjects hereinafter specified, applicants for certificates as mine-managers, first and second class, under sections 24 to 26 of "The Coal-mines Act, 1905" (hereinafter termed "the said Act"). At all meetings of the Board three shall form a quorum.

2. The Board may appoint supervisors from time to time to superintend such examinations.

3. Every application for a certificate as a mine-manager 3. Every application for a certificate as a mine-manager shall be made in writing under the hand of the applicant to the Secretary of the Board of Examiners, Mines Depart-ment, Wellington, accompanied (in the case of a certificate by examination under sections 25 or 26 of the said Act) by a fee of £1 sterling, together with a certificate that the appli-cant is not less **than** twenty-one years of age, and that he has been employed for a period of not less than five years in undergound workings in a coal-mine, and a medical certifi-cate that his senses of sight and hearing are not defective,

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and (in the case of a certificate without examination under

and (in the case of a certificate without examination under section 27 of the said Act) by a fee of 10s., together with the certificate from the recognised authority specified in that section, and also a certificate at date as to the general conduct and sobriety of the applicant. 4. Certificates by examination shall be in the form set forth in Forms 1 or 2, and certificates without examination shall be in the form set forth in Form 3 hereto. 5. Each member of the Board shall receive by way of travelling-expenses the sum of £1 11s. for each day's absence from his place of abode for the purpose of attending at a meeting of the Board, including the day of his leaving his place of abode, but not the day of his return thereto. He shall also be repaid all sums properly expended by him for fares by railway, coach, or steamer in travelling for the purpose of such attendance. 6. The subjects for examination for first-class certificates

6. The subjects for examination for first-class certificates shall be as follows :--

- (1.) Prospecting, boring, shaft-sinking, and opening out
- tion ;
- (4.) Dealing with old workings and other sources of danger
- (5.) Steam boilers and engines used about mines;
 (6.) Mine drainage and haulage, and appliances for same;

- same;
 (7.) Geology, surveying, and making plans;
 (8.) Practical elementary electricity;
 (9.) Arithmetic, and a knowledge of "The Coal mines Act, 1905." and amendments; also first aid to the injured.
 The subjects for examination for second class certificates

7. (1.) Prospecting, boring, shaft-sinking, and opening out

- a colliery;
 (2.) Working coal and timbering underground;
 (3.) Mine-gases, spontaneous combustion, and ventila-
- tion;
- (4.) Dealing with old workings and other sources of danger; Mine drainage and haulage and appliances for same;
- (c.) Practical elementary electricity;
 (7.) Arithmetic, and a knowledge of "The Coal-mines Act, 1905," and amendments; also first aid to the injured.

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8. Every applicant must be able to give drawings to illustrate details connected with any work to be done in or about a coal-mine, and must give all details of calculations, and in matters of opinion must fully state his reasons for

and in matches of philos must find state in reasons for arriving at any given conclusion. 9. All applications for certificates shall, prior to examina-tion, be forwarded by the Secretary of the Board to the Inspector of Mines of the district for inquiry and report as to the bona fides of the applicant.

Half-yearly Returns.

10. The half-yearly returns to be forwarded to the Inspec-tor of Mines under section 76 of the said Act shall be in the form set forth in Form 4 hereto.

Sick and Accident Fund.

Stek and Accusent Fund. 11. No withdrawal of money from the account mentioned in the said Act as the "Sick and Accident Fund" (herein-after referred to as "the said account"), at any post-office savings-bank, shall be permitted until the miners' associa-tion of the district has nominated at least two persons as trustees of the said fund, and has given to the Chief Post-master of the district and to the Minister of Mines written notice of such nomination, and of the acceptance of such trusteeship by the persons so nominated. trusteeship by the persons so nominated.

12. When any change takes place in the office of trustee, either by death, resignation, removal, or otherwise, similar

notices shall at once be given by the association. 13. Whenever any sum of money is withdrawn by the trustees from the said account, the trustees shall give to the Inspector of Mines residing nearest to the post-office savings-bank where the said account is kept full particulars of the

14. No sum exceeding £20 in amount shall be withdrawn from the said account without the written authority of such

Inspector. 15. (1.) All moneys withdrawn from the said account shall

- (1.) At moneys withdrawn roth the sale account share be paid and applied as follows: —

 (a.) When any workman has been off work through an accident for one week or more, he shall receive the sum of 12s. 6d. per week, or at the rate of 2s. 1d. for every working day from the date of the control of the mode. accident, such payments to be made on the certi-ficate of a medical officer, and shall continue so ficate of a medical officer, and shall continue so long as such medical officer and the trustees certify that such workman is unable to work; or, in case any workman is permanently disabled, he may be granted a fixed sum, not exceeding £50, in satisfaction of all claims: Provided that no workman shall be entitled to any payment unless he has been so disabled by accident as to prevent him working for a period of not less than one week. one week.
 - (b.) If any workman meets with an accident which proves fatal, the nearest relative of such workman may be granted a sum not exceeding £10 towards defraying the funeral expenses of the deceased workman; and an additional sum, not exceeding £15, may be granted to the widow or other near relative of such deceased workman in full satisfaction of all claims.

faction of all claims. (2.) Any workman who meets with an accident which disables him from work shall send, or cause to be sent, within seven days of such accident occurring, a notice in writing to the Inspector of Mines; and all applications for relief must be made within fourteen days from the date of the accident, or the claim cannot be entertained. (3.) No workman shall be entitled to relief from the Sick and Accident Fund for any accident caused by drinking intoxicating liquors, fighting, or any kind of athletic sports or game of amusement, or for any accident caused by the misconduct of such workman. 16. The sums mentioned in the preceding clause shall only

misconduct of such workman. 16. The sums mentioned in the preceding clause shall only be paid on condition that an equal amount is contributed by the miners' association from its private fund. In case, however, a fixed amount is granted under clause 15 hereof to any workman who is permanently disabled, in full satis-faction of all claims, a sum not exceeding £50 may be paid out of the said account without the miners' association being liable to contribute a moint.

out of the said account without the miners' association being liable to contribute a moiety. 17. (1.) For each quarterly period ending 31st March, 30th June, 30th September, and 31st December in each year, returns shall be furnished by the trustees to the Minister of Mines, showing the several amounts paid into the said account, and the particulars of all withdrawals and disbursements therefrom during such quarter. (2.) Every such return shall be so forwarded within ten days after the expiration of the quarterly period to which it relates, and shall be verified by the statutory declaration of the president or other officer of the association. 18. The trustees shall keep proper books of account, show-

18. The trustees shall keep proper books of account, show-ing the various items of receipts and expenditure in relation

to the said account; and such books shall at all reasonable times be open to the inspection of any Inspector of Mines, who may take such extracts therefrom as he may require.

here a miners' association is in existence an allowance of not exceeding 21 per cent. may be made as a contribu-tion towards the expense of management of the fund.

tion towards the expense of management of the fund. 20. If in any case the trustees or any of them wilfully commit a breach of any of these regulations, or misspend or misappropriate any of the moneys standing to the credit of, or withdrawn from, the said account, then the Minister of Mines, on proof of the fact, by notice to the Chief. Postmaster of the district, may prohibit any further dealing with such account by the said trustees or any of them, and may remove the offending trustee or trustees from office. and may remove the offending trustee or trustees from office; and any moneys so misappropriated may be recovered in the name of the Minister of Mines as a debt due to His Majesty the King.

the King. 21. In case of removal of the trustees or any of them from office as last aforesaid, the Minister shall, by writing, forth-with request the miners' association of the district to appoint other persons or person to fill the vacancy, and, if such association neglects so to do for the space of fourteen days after service of such written request, then the Minister may appoint a trustee or trustees to fill such vacancy; and such trustee or trustees, when so appointed, shall have and may exercise all the powers of the original trustee or trustees with respect to the said account.

Coal-miners' Relief Fund.

22. (1.) In any district where there is no miners' associa-tion the Minister of Mines and the Public Trustee shall, on receipt of a certificate from a duly qualified medical officer, and also on the certificate from an-Inspector of Mines, apply the moneys deposited to the credit of the Coal-miners' Relief Fund, as follows:—

- d, as follows:— (a.) When any workman has been off work through an accident for one week or more, he shall receive the sum of 12s. 6d. per week, or at the rate of 2s. 1d. for every working day from the date of the accident, which payment shall continue so long as such medical officer and Inspector of Mines certify that such workman is unable to work; but when an accident occurs in any mine situate in a locality remote from settlement, where the services of a medical officer are not procurable, nayment at the medical officer are not procurable, payment at the medical officer are not procurable, payment at the prescribed rate may be made for any period not exceeding thirty days from the date of the acci-dent on the certificate of the Inspector of Mines alone. In cases where any workman is per-manently disabled, he may be granted a fixed sum, not exceeding £50, in satisfaction of all claims; but in any such case the certificate of a duly qualified medical officer and an Inspector of Mines will be required : Provided that no work-man shall be entitled to any payment in any case unless he has been so disabled by accident as to prevent him working for a period of not less than one week. one week.
- one week.
 (b.) If any workman meets with an accident which proves fatal, the nearest relative of such workman may be granted a sum not exceeding £10 towards defraying the funeral expenses of the deceased workman; and an additional sum, not exceeding £15, may be granted to the widow or ether near relative of such deceased workman in other near relative of such deceased workman, in full satisfaction of all claims.

(2.) Any workman who meets with an accident which disables him from work shall send, or cause to be sent, within seven days of such accident occurring, a notice in writing to the Inspector of Mines; and all applications for relief must be made within fourteen days from the date of the accident,

or the claim cannot be entertained. (3.) No workman shall be entitled to relief from the Coal-miners' Relief Fund for any accident caused by drinking intoxicating liquors, fighting, or any kind of athletic sports or game of amusement, or for any accident caused by the misconduct of such workman.

State Coal-mines.

23. The Minister is hereby authorised to purchase, sell, supply, and deliver firewood, charcoal, coke, or any other products the result of coal-mining operations, as a necessary and ordinary branch of the business of selling, supplying, and delivering coal and other products the result of coalmining operations.

Coal-mining Leases and Prospecting Licenses.

24. The application for a coal-mining lease or a license to prospect for coal shall be made in such of the forms numbered 5 and 6 as is applicable. 25. The application shall be transmitted to the Warden's or Commissioner of Crown Lands' office by post or other-wise, 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.

26. The land applied for shall be marked out in manner as set out in clause 41 of these regulations; and unless this rule is complied with the application shall be deemed to be void.

27. 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. 28. When filing the application there shall also be lodged with the Mining Registrar or Commissioner, 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

being in no case less than two nor more than five, as the Registrar requests or the Commissioner prescribes. 29. The sums to be lodged with the Receiver under sub-section (b) of section 1 of clause 2 of the Coal-mines Act Amendment Act (No. 2), 1907, to abide the disposal of the application, shall, according to the nature of the application, be the sums set forth in Form 9 hereto, or, in so far as that form does not apply, then such sums as the Warden or the Commissioner directs: Provided that, in every case where it appears to the Warden or Commissioner that the sums so lodged are in-sufficient, 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 com-pied with the Warden or Commissioner may either postpone or dismiss the application, upon such terms as to costs and or dismiss the application, upon such terms as to costs and otherwise as he thinks fit.

30. The Warden or Commissioner, 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. thereto.

31. As soon as practicable after the filing of the application and the lodging of the duplicate originals, the Registrar or Commissioner shall minute thereon the time and place of hearing appointed by the Warden or Commissioner (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.

the application is to be heard. 32. 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 regis-tered letter containing a copy of the minuted application or of the advertisement thereof, or by delivering such copy to him personally. him personally.

On the day on which the application is filed, or as soon 33. 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. 34. If any person desires to object to the application, he shall, by himself, his solicitor, or registered agent under the shall, by himself, his solicitor, or registered agent under the ap-Mining Act, not later than three days before the time ap-pointed for the hearing, give notice thereof by filing in the Registrar's office a notice in the form numbered 7 hereto, and by serving on the applicant a duplicate original of such notice.

35. 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

36. At any stage of the proceedings the Warden may re-quire the applicant to furnish a sketch-plan of the land to which the application relates, and also may allow the appli-cation to be amended in any particular upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.

37. If 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 or Commissioner, 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, edicurrent costs and otherwise as he terms as to notices, adjournment, costs, and otherwise as he thinks fit.

38. If the applicant does not desire to appear, the declara tion referred to in subsection (q) of section 1 of clause 2 of the Coal-mines Act Amendment Act (No. 2), 1907, shall be in the form numbered 8 hereto.

39. All applications shall be numbered consecutively by the 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."

40. The appointment and notification by the Warden or Commissioner 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, either generally with respect to all cases in a given Courthouse or specifically with respect to specific cases, and may in like manner be made by the Registrar acting under the general instructions of the Warden.

Marking-out.

41. The marking out by the person who desires and is qualified to take up a lease or prospecting license shall be done by marking out the same at the boundaries of the land in manner following :

- (1.) At every angle or corner of each boundary-line, or as near thereto as is practicable, there shall be erected pegs of substantial material, standing not less than 2 ft. above the surface of the ground, and
- less than 2 ft. above the surface of the ground, and being not less than 3 in. square, or, in the case of a round peg, being not less than 3 in. in diameter.
 (2.) If pegs are not available, there may be used in lieu thereof cairns of stones or mounds of earth, having in each case a height of not less than 2 ft., and a diameter at the base of not less than 18 in.
 (3.) The direction of the boundary-line on each side of each neg shall be indicated with reasonable cleart.
- each peg shall be indicated with reasonable clear-ness by a trench, having a length of at least 5 ft. along the boundary-line on each side of the peg, and a depth and breadth of at least 6 in. : Provided that if trenches cannot conveniently

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.
(4.) The pegs, cairns, or mounds shall bear or have affixed thereto some one distinguishing mark.
(5.) In the case of a sea-beach lease or prospecting license it shall not be necessary to mark it out below high-water mark.
(6.) When the boundary of the mining privilege is on

- (6.) When the boundary of the mining privilege is on the bank or in the bed of a watercourse, then, in so far as it is not practicable to mark such boundary by means of pegs, cairns, mounds, tree-blazing, or trenches, it shall be sufficient if in lieu thereof arrow headed marks (thus Λ) are cut or clearly indicated upon 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 1 ft. in length, and each of the lines composing it being not less than 2 in. broad. (7.) In addition to such arrow-headed marks there shall
- also be cut or clearly indicated at every corner or angle of each boundary-line the distinguishing mark.
- (8.) In every case where it is not practicable to mark out the boundary on the actual boundary-lines, the marks actually used shall indicate with approxi-mate correctness the situation of the actual boundary-lines, and their distance from such marks.
- (9.) The marking-out shall in every case be maintained until the mining privilege is duly taken up, or the application therefor is finally disposed of.
 (10.) The land shall be marked out before the application
- is filed, and unless this rule is complied with the application shall be deemed to be void.

42. In addition to the foregoing regulations, the applicant shall also conform to the several rules set forth in Part I, section 2, of the Coal-mines Act (No. 2), 1907.

Office Hours.

43. (1.) The office of the Court or of the Commissioner shall be open to the public every day from 10 a.m. to 1 p.m., and from 2 p.m. to 4 p.m., except on Saturdays, Sundays, and holidays. On Saturdays the office shall be open to the public from 10 a.m. to 12 noon, and on Sundays and holidays the office shall be closed :

Provided that when the clerk has to attend more offices than one he shall keep his office open on such days and hours as the Warden from time to time appoints. (2.) A notice of the office hours shall be kept posted in some conspicuous place in and outside the office.

Holidays.

Companies of limited liability only.

FORM 5. [Reg. 24.

"Under "The Coal-mines Act, 1905," and Amendments. APPLICATION FOR A COAL LEASE.

[If the land is situate wholly outside a mining district the application must be made to the Commissioner of Crown Lands of the land district, and this form must be altered accordingly.]

To the Warden of the Mining District, at **PURSUANT** to "The Coal-mines Act, 1905," and amendments, the undersigned [Full name, residence, and occupation] hereby applies for a coal lease in respect of the following land: land :

[Here specify and identify the land with reasonable parti-cularity by reference to its area, situation, and ownership.]

Mark on pegs :

Address for service :

Dated at , this

, 19 . day of Signature of applicant : A. B.

[Or, as the case may be, A. B. (by his Solicitor or Registered Agent, C. D.).]

Precise time of marking out privilege applied for: [e.g., 6th March, 1908, at 2.30 p.m.]

Time and place appointed for the hearing of the appli-cation and all objections thereto: [e.g., Monday, 23rd March, 1908, at 10 a.m., at Warden's Court at .]

Objections must be filed in the Registrar's office and noti-fied to applicant at least three days before the time so ap-pointed.

. Mining Registrar.

[Reg. 24.

Under "The Coal-mines Act, 1905," and Amendments.

APPLICATION FOR LICENSE TO PROSPECT FOR COAL.

[If the land is situate wholly outside a mining district the application must be made to the Commissioner of Crown Lands of the land district, and this form must be altered accordingly.]

To the Warden of the Mining District, at PURSUANT to "The Coal-mines Act, 1905," and amendments, the undersigned [Full name, residence, and occupation] hereby applies for a license to prospect for coal in respect of the following land :---

[Here specify and identify the land with reasonable parti-cularity by reference to its area, situation, and ownership.]

Mark on pegs: Address for service :

Dated at

day of , 19 . , this

Signature of applicant: A. B.

[Or, as the case may be, A. B.

(by his Solicitor or Registered Agent, C. D.).]

Precise time of marking out privilege applied for: [e.g., 6th March, 1908, at 2.30 p.m.]

Time and place appointed for the hearing of the applica-tion and all objections thereto: [e.g., Monday, 23rd March, 1908, at 10 a.m., at Warden's Court at .]

Objections must be filed in the Registrar's office and noti-fied to applicant at least three days before the time so ap-pointed.

, Mining Registrar.

FORM 7. [Reg. 34.	4. That the ground applied for is Crown land open for mining.
Under "The Coal-mines Act, 1905," and Amendments.	5. That I believe myself [or the applicants] to be entitled
OBJECTION TO AN APPLICATION.	to the grant of the application, and know of no valid objec- tion thereto.
In the matter of an application numbered in the Appli- cation Record-book, at , for [Here state nature of application to which objection is made].	6. That, so far as I am aware, no public or private rights will be prejudicially affected by the grant of the application. 7. [Here set out such other facts as may be necessary.]
THE undersigned [Full name, residence, and occupation] hereby gives notice that he objects to the granting of the above-described application, and the following are the grounds of his objection, namely,—	And I make this solemn declaration conscientiously be- lieving the same to be true, under and by virtue of the pro- visions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."
[Here set out grounds of objection clearly, concisely, and in consecutive paragraphs.]	A. B.
Address for service: Dated at , this day of , 19.	Declared at , this day of , 19 , before me— , a Justice of the Peace for the Dominion of New Zealand [or as the case may be].
[Signature of objector, &c.]	•
	FORM 9.
FORM 8. [Reg. 38. Under "The Coal-mines Act, 1905," and Amendments.	SUMS AND FEES TO BE LODGED WITH THE RECEIVER IN CONNECTION WITH THE FILING OF APPLICATIONS, TO ABIDE THE DISPOSAL OF THE APPLICATION.
DECLARATION WHERE APPLICANT DOES NOT DESIRE TO APPEAR.	Where rent is payable One year's rent computed
In the matter of an application numbered in the	(plication.
Application Record-book at , for [State subject- matter of application].	(Survey fees as per scale for the time being prescribed by
I, A. B., [Full name, residence, and occupation], do hereby solemnly and sincerely declare as follows:— 1. That I am the applicant [or one of the applicants] named in the above-described application.	Where survey is necessary regulations under "The Mining Act, 1905," as ap- proximately estimated by the Receiver.
 2. That all the statements contained in the said application are true. 3. That all prescribed provisions as to marking out the ground referred to in the application, posting notices thereon, 	Where advertising is required { The approximate cost there- of as estimated by the Re- ceiver, not exceeding £2.
serving notices on all persons affected, and otherwise, have been duly observed, in so far as is required by law.	J. F. ANDREWS, Acting Clerk of the Executive Council.

By Authority: JOHN MACKAY. Government Printer, Wellington.

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