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## 1949, No. 10

AN ACT to Amend the Coal-mines Act, 1925.

Title.

[30th September, 1949

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Coal-mines Amendment Act, 1949, and shall be read together with and deemed part of the Coal-mines Act, 1925 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. V, p. 843

## PART I

## AMENDMENTS OF THE COAL ACT, 1948

Global sum to include royalties from worked-out mines.  
1948, No. 37

**2.** Section seventeen of the Coal Act, 1948, is hereby amended, as from the commencement thereof, by omitting from paragraph (a) of subsection one the words “ the privately owned coal and servitudes and rights vested in the Crown by this Part of this Act ”, and substituting the words “ any privately owned coal or servitudes, not being coal or servitudes acquired by the Crown before the commencement of this Part of this Act ”.

Section 14 amended.

**3.** Section fourteen of the Coal Act, 1948, is hereby amended by inserting, after subsection one, the following new subsection:—

“(1A) Any such meeting may relate to such one or more of the matters referred to in paragraphs (a), (b), (c), and (d) of subsection one of this section as the Commission thinks fit.”

Advance payments on account of compensation.

**4.** Section twenty-three of the Coal Act, 1948, is hereby amended by adding to subsection three the following proviso:—

“ Provided that this subsection shall apply only in cases where the claimant was at the date of the commencement of this Act entitled to the receipt of royalty or rent in respect of the coal, servitude, or right to which the claim relates and would have continued to be so entitled after that date if this Part of this Act had not been passed.”

Compensation to be paid out of State Coal-mines Account, and rents and royalties to be paid to that Account.

**5.** Section twenty-three of the Coal Act, 1948, is hereby amended, as from the commencement thereof, by adding the following subsections:—

“(4) All amounts payable under this section shall be paid out of the State Coal-mines Account.

“(5) Notwithstanding anything to the contrary in section twenty-nine of the principal Act, all royalty or rent arising from any coal-mining right granted under Part I of the principal Act in respect of any coal vested in the Crown by this Part of this Act shall be paid into the Public Account and form part of the State Coal-mines Account.

“(6) No land or mine shall by reason of this section be deemed to be subject to Part III of the principal Act.”

6. The Coal Act, 1948, is hereby amended by inserting, after section twenty-three, the following new section:—

“23A. (1) Where any compensation is payable or to become payable under this Part of this Act in respect of a holding that is subject to a settlement, the Supreme Court, on the application of any beneficiary under the settlement or of the trustee thereof, may make such order or orders as the Court thinks fit for the purpose of ensuring that the compensation is laid out, invested, accumulated, and paid in such manner as in the opinion of the Court will give the beneficiaries under the settlement the like benefit therefrom as they might lawfully have had from the holding, or as near thereto as may be, regard being had to the terms of the settlement and to all relevant circumstances affecting the premises in which the holding subsisted, including—

“(a) The terms of any coal lease subsisting at the commencement of this Part of this Act and the operation of any provision therein contained as to undergettings, short workings, and other matters:

“(b) The period within which coal being worked might have been expected to be worked out or coal not being worked might have been expected to come into working and to be worked out:

“(c) The extent to which, having regard to those circumstances, the premises ought to be regarded as property of a wasting character:

“Provided that no part of the income of the compensation shall be required or caused by an order under this section to be set aside as capital of the settlement.

“(2) For the purposes of this section the term ‘settlement’ means any Act, deed, agreement, will, or other instrument, or any number of such instruments, under or by virtue of which any real or personal property stands limited to or in trust for any persons by way of succession, including any such instruments affecting the estates or interests of any one or more of such persons exclusively.”

Disposal of compensation by Supreme Court as between beneficiaries under settlements. 1948, No. 37

Section 42  
amended.  
1948, No. 37

7. Section forty-two of the Coal Act, 1948, is hereby amended, as from the commencement thereof, as follows:—

(a) By inserting in subsection one, before the words “under Part III of that Act”, the word “granted”:

(b) By inserting in subsection two, before the words “under Part III of that Act”, the word “granted”:

(c) By adding to subsection five the following additional provisoes:—

“Provided also that it shall not be necessary for the applicant under any application under this subsection to mark out the land or to advertise the application, or to make any surveys or file any plans except such surveys or plans as may in any case be required by the Warden or Commissioner or directed by the Minister:

“Provided further that the Warden or Commissioner, with the approval of the Minister, may accept any application under this subsection that is made after the commencement of this Act by a person who, being in the opinion of the Minister entitled to do so, has given notice under this section in respect of the land concerned”:

(d) By adding to subsection twelve the words “Every applicant who is authorized under this subsection to carry on any mining operations shall, pending the grant of the coal-mining right, be liable for the same rates under the Rating Act, 1925, or under any other Act as if this Act had not been passed”.

See Reprint  
of Statutes,  
Vol. VII, p. 977

Interpretation.

8. Section two of the Coal Act, 1948, is hereby amended, as from the commencement thereof, by repealing the definition of the expression “annexed to”, and substituting the following definition:—

“‘Annexed to’, in relation to any coal, means appertaining to or held or enjoyed with the coal or any part thereof, or appertaining to or held or enjoyed with any right to prospect for or win the coal or any part thereof:”.

## PART II

## MISCELLANEOUS AMENDMENTS

9. (1) Every certificate of competency as a mine-manager or as an underviewer or as a fireman-deputy (whether granted before or after the passing of this Act) shall be deemed to be suspended in accordance with this section unless it is from time to time endorsed by an Inspector with a certificate to the effect that the holder of the certificate is the holder of a recognized first-aid certificate granted not more than five years before the date of the endorsement.

Certificates of competency to be periodically endorsed by Inspector as to first-aid certificates.

(2) The suspension of a certificate of competency in accordance with this section shall take effect as follows:—

(a) In the case of a certificate that has been endorsed under this section, on the expiration of five years from the date of the last endorsement:

(b) In the case of a certificate that has not been endorsed under this section, on the expiration of five years from the date of the certificate or on the expiration of two years from the passing of this Act, whichever of those periods is the later to expire.

(3) A certificate of competency to which this section applies shall have no force or effect during any period while it is suspended in accordance with the foregoing provisions of this section.

(4) A record of every endorsement made for the purposes of this section shall be made in the register of certificates of competency kept in accordance with section fifty-four of the principal Act.

(5) For the purposes of this section,—

“Certificate of competency” includes a certificate of service granted under section two of the Coal-mines Amendment Act, 1910: 1910, No. 78

“Recognized first-aid certificate” means a certificate which—

(a) Indicates that the holder has passed an examination in first aid to the injured; and

(b) Is recognized by the Minister for the purposes of this section.

Inspections  
before  
commencing  
work in open-  
cast mine.

10. Section one hundred and twenty-eight of the principal Act is hereby amended by adding the following new subsection:—

“(3) The manager of an open-cast mine shall, within two hours immediately before the commencement of work on any day, inspect every part of the mine in or over which workmen are to work or pass during the day, and all neighbouring places from which danger might arise and every appliance or rope to be used by the workmen, and shall ascertain the condition thereof, and the general conditions from the point of view of the safety of the mine and of the men employed therein. The manager shall without delay make a full and accurate report of his inspection in a book which shall be kept at the mine for the purpose, and shall be accessible to the Inspector and to the workmen; and every such report shall be signed by and, so far as it does not consist of printed matter, shall be in the handwriting of the person who made the inspection.”

Periodical  
inspection of  
open-cast and  
other mines.  
1936, No. 51

11. (1) Section one hundred and twenty-nine of the principal Act (as amended by section four of the Coal-mines Amendment Act, 1936) is hereby further amended by adding to subsection one the following new paragraphs:—

“(e) The manager in the case of an open-cast mine and a fireman-deputy or a higher official in the case of any other mine shall, while any work is being carried on in the mine, inspect every working-place therein at intervals of not more than five hours:

“(f) The manager of an open-cast mine shall, once at least in every twenty-four hours, examine thoroughly the state of all safety appliances and gear of the mine, and shall, once at least in every week, examine thoroughly all the buildings, machinery, and plant of the mine and all places used in the working of the mine.”

(2) The said section one hundred and twenty-nine of the principal Act is hereby further amended by repealing subsection two, and substituting the following subsection:—

“(2) Every person who makes any examination or inspection or carries out any test as aforesaid shall make

a full and accurate report of the result of the examination, inspection, or test, and as to any alterations or repairs required to ensure greater safety to the persons employed in the working of the mine; and every such report shall be recorded without delay in a book to be kept at the mine for the purpose and to be accessible to the workmen, and shall be signed by and, so far as it does not consist of printed matter, shall be in the handwriting of the person who made the examination or inspection or carried out the test."

(3) Section four of the Coal-mines Amendment Act, 1936, is hereby consequentially amended by repealing subsection two. 1936, No. 51

**12.** Section two of the Coal-mines Amendment Act, 1935, is hereby amended as follows:— Authorizing  
Minister to  
purchase, sell,  
store, and  
process coal.  
1935, No. 11

- (a) By omitting from paragraph (a) of subsection one the word "slack", and substituting the word "coal":
- (b) By omitting from paragraph (b) of subsection one the words "such slack", and substituting the word "coal":
- (c) By omitting from paragraph (c) of subsection one the words "such slack" and the word "slack" at the end of the paragraph, and substituting in each case the word "coal":
- (d) By omitting from paragraph (d) of subsection one the words "such slack", and substituting the word "coal".