1905.

NEW ZEALAND.

"THE STATUTES COMPILATION ACT, 1902":

MEMORANDUM BY THE SOLICITOR-GENERAL ON THE COMPILATION OF THE COAL-MINES ACTS.

Presented to both Houses of the General Assembly by Act.

MEMORANDUM.

PURSUANT to section 2 of "The Statutes Compilation Act Amendment Act, 1903," the Solicitor-General submits the following memorandum, directing attention to the consequential and other alterations in, additions to, and omissions from the text of the Acts compiled, with a statement where necessary of the reasons therefor:—

"The Coal-mines Act, 1891," No. 46:—

Section 2 (Interpretation): The definition of "certificate of competency" is altered so as to express the existing law. The definition of "coal-mine" is altered to give effect to section 2 of the Act of 1893. "Compiled Acts" is defined. "Mine-manager" has been added to the definition of "manager" as being the expression most commonly used throughout the Act, and "mining-manager" is omitted as not being used at all. "Service-certificate manager" is omitted as not being used, and "Certificate of service" is defined. The reference to the Mining Act in the definition of "Warden" is altered to the Act now in force.

Section 3: The subsections are numbered. The words "or extension of lease" are inserted in subsection (1) and again in subsection (2) to remedy what appears to be an accidental omission. "Minister of Mines" is made "Minister," as the term is defined. In subsection (3) "Warden" and "Minister" are transposed.

Section 7: "Shall feel" altered to "feels," and similar alterations made throughout all the Acts compiled for uniformity of expression and style.

Section 9: Omitted, having been repealed by section 10 of the Act of 1903.

Section 10: The words "or consolidation" are inserted after "amalgamation" wherever it occurs, to remedy what appears to be an accidental omission.

Section 11: The words "to be fixed by the Board," in paragraph (2), are omitted, as having no meaning. Paragraph (3) has been recast to give effect to section 2 of the Act of 1901.

Section 12: "Exceptions" is inserted after "reservations" to accord with the final paragraph. The words "made in conformity with section three" are omitted as being unnecessary. All references to "Her Majesty" are altered to "His Majesty." In subsection (3) "tramway" and "railway" are transposed. Throughout the section various verbal alterations are made for accuracy of expression but without affecting the sense.

Section 13: "Any lease under this Act" is altered to "the lease."

Section 14: "Or applicants" is omitted as unnecessary.

Section 15: "Except as otherwise provided by this or any other Act" is inserted at the beginning of the section, to save clauses 4 and 5 of the compilation relating to leases of Westland and Nelson coalfields reserves and education endowments.

Section 18: The references to the Acts named are brought up to date.

Section 19: The paragraphs are numbered, and "mine-manager" is used throughout in lieu of "mining-manager."

Section 20: The section has been broken into two sections with numbered subsections. "For mine-managers' certificates" is inserted after "to conduct examinations" in order to avoid conflict with the Inspection of Machinery Act; "one of whom" is altered to "one of the members of the Board"; "any certificate" is altered to "a mine-manager's certificate." The paragraph commencing "There shall be two grades of mine-managers' certificates" and the first paragraph of section 21 have been recast without in any way affecting the existing law; "or of service" is omitted as the power to grant service certificates has expired.

Section 22: In this section, and also in the subsequent sections, "winding" is inserted before "engine," to accord with the definition of "engine-driver" in the interpretation clause of the Act, also with section 48 of "The Inspection of Machinery Act, 1902"; "issued by the Board under the compiled Acts," &c., is added at the end of the first paragraph, to give effect to the existing law; the second paragraph is altered to give effect to the Inspection of Machinery Act.

Section 23: The reference to engine-drivers is omitted as being no longer in force.

Section 24 is omitted as lapsed.

Section 25: The second paragraph is recast to give effect to what is presumably the real intention—viz., that in the case of the engine-driver his disqualification shall relate only to winding-engines or winding-machinery.

Section 26: The section is recast to secure accuracy of expression and meaning, and to give effect to the real intention; "winding-gear or machinery" in the second paragraph is altered to "winding-engine or winding-machinery as aforesaid," for uniformity of expression.

Section 28: In this section, and also in sections 31 and 32, the reference to boys is omitted as being inconsistent with section 27. The second paragraph is omitted as having no meaning. The section does not create the offence referred to.

Section 33: "On to each working-face," &c., is added to the second paragraph of subsection (1), to give effect to section 11 of the Act of 1903"; "man and youth" is altered to "workman," and "which" to "and the air." The correct year of the Inspection of Machinery Act is inserted in subsections (29) and (32). Subsection (46) is omitted in favour of section 3 of the Act of 1901, with the necessary verbal alterations.

Sections 34 and 35: "Appendix" is altered to "Second Schedule"; and in the latter section "any Act hereby repealed" is altered to "any Act repealed by 'The Coal-mines Act, 1891.'"

Section 36: The section is made to apply to general, special, and additional rules, such being the manifest intention.

Section 40: The paragraphs are numbered, and one or two verbal alterations are made.

Section 45: The paragraphs are numbered, and in the last paragraph "have" is altered to "has."

Section 59: The necessary alterations have been made to give effect to this section as a clause of the compilation.

Section 60: The proviso is omitted in favour of section 9 of the Act of 1901.

Section 63: The paragraphs are renumbered. In paragraph (3) of the Act, verbal alterations in language are made for uniformity in style of drafting, and "be liable to a fine" is substituted for "forfeit and pay a sum."

Section 65: The subsections are renumbered, and verbal alterations made in the language for clearness.

Section 69: The subsections are renumbered, consequent on subsection (1) being divided into two subsections. General verbal alterations in language are made for clearness and uniformity. Moreover, effect is given to the amendments made by section 4 of the Act of 1901.

Section 70: In the last subsection "of the mine" is inserted after "manager" for clearness.

Section 72: The section is divided into numbered subsections, and "Resident" is omitted before "Magistrate's Court."

Section 74: The year of the Weights and Measures Act is correctly stated.

Section 75: The section is divided into three numbered subsections, and verbal alterations in language are made for clearness and uniformity.

Section 86 (Appropriation): "Part of this" is inserted before "Act" to prevent conflict with the appropriation clauses of Part II. of the compilation.

Section 87 (Repeals): The first paragraph is omitted as spent and unnecessary. The second paragraph is altered so as to apply to the Acts compiled and the compilation.

A Schedule of the Acts compiled is inserted, and the Appendix of the Act becomes the Second Schedule of the compilation.

In the special rules contained in the Appendix "workmen" or "persons" has been used throughout instead of the indiscriminate use of "men," "miners," "colliers," &c. In paragraph (1) "the Coal-mines Acts" is inserted for convenience of reference, and the term is subsequently used where necessary. In paragraph 77 the reference to "boys" is omitted as conflicting with section 27 of the Act, which expressly forbids the employment of boys.

"The Coal-mines Act Amendment Act, 1893," No. 50:—
Section 2: Effect is given to this section in clause 2 of the compilation.

"The Sunday Labour in Mines Prevention Act, 1897," No. 7:—
Section 7 (commencement of Act) is omitted.

"The Coal-mines Act Amendment Act, 1901," No. 46:—
Section 2: Effect is given to this section in clause 14 of the compilation.
Section 3: Subsection (6) (repeal) is omitted.
Section 4: Effect is given to this section in clause 77 of the compilation.
Section 5: The words "in which the land comprised in the proposed lease is situate" are added at the end of the section.

"The State Coal-mines Act, 1901," No. 47:—
Section 4: In this section and elsewhere throughout the Act "this Act" is substituted for "the principal Act," and "this Part of this Act" for "this Act."
Section 9: Proper effect is given to this section in clause 66 of the compilation.
Section 10: "Under the aforesaid sections sixty-four and sixty-five hereof" is substituted for "as aforesaid which has been approved by Parliament." The alteration is necessary because the preceding section is transferred to its proper place in the compilation.
Section 13: A necessary transition provision relating to debentures already issued is added as subclause (2) to clause 107 of the compilation.
Section 19: The reference to the Public Account and Consolidated Fund is omitted as being impliedly repealed by section 2 of the Act of 1902.

"The State Coal-mines Amendment Act, 1902," No. 8:—
Sections 3 and 5 are omitted as being spent.

"The Coal-mines Act Amendment Act, 1903," No. 80:—
Section 2: Effect is given to this section in clause 37 of the compilation.
Section 11: Effect is given to this section in clause 39 of the compilation.
Section 12: Effect is given to this section in clause 114 of the compilation.

General as to all the Acts compiled:—

Proper cross-references have been made throughout the compilation.
The Long and Short Titles of the compilation take the place of the corresponding Titles to the Acts compiled, and a reference to such Acts is made in subclause (2) of clause 1 of the compilation.

A schedule is attached hereto showing how each section of the Acts compiled is disposed of in the compilation.

Subject to the alterations above referred to, I hereby certify that the annexed compilation, intituled "The Coal-mines Act, 1905," is a true and correct compilation of the respective Acts specified in the First Schedule thereto.

FRED FITCHETT, Solicitor-General.

Crown Law Offices, Wellington, 25th July, 1905.

COAL-MINES ACTS COMPILATION.

1891, No. 46.—"The Coal-mines Act, 1891":—

Repealed Act.	Compiled Act.
Section 1	Section 1
" 2	" 2
" 3	" 4
" 4	" 6
" 5	" 7
" 6	" 8
" 7	" 9
" 8	" 11
" 9	(*b*)
" 10	Section 13
" 11	" 14
" 12	" 15
" 13	" 16
" 14	" 17
" 15	" 19
" 16	" 20
" 17	" 21
" 18	" 22
" 19	" 23
" 20	" 24, 25
" 21	" 26
" 22	" 28
" 23	" 27
" 24	(*c*)
" 25	Section 29
" 26	" 30
" 27	" 31
" 28	" 32
" 29	" 33
" 30	" 34
" 31	" 35
" 32	" 36
" 33	" 39
" 34	" 40
" 35	" 41
" 36	" 42
" 37	" 43
" 38	" 44
" 39	" 45
" 40	" 46
" 41	" 47
" 42	" 48
" 43	" 49
" 44	" 50
Section 45	Section 51
" 46	" 52
" 47	" 53
" 48	" 54
" 49	" 55
" 50	" 56
" 51	" 57
" 52, 53	(*d*)
" 54	Section 59
" 55	" 60
" 56	" 61
" 57	" 62
" 58	" 63
" 59	" 64
" 60	" 65
" 61	" 68
" 62	" 69
" 63	" 70
" 64	" 71, 72
" 65	" 73
" 66	" 74
" 67	" 75
" 68	" 76
" 69	" 77
" 70	" 79
" 71	" 80
" 72	" 81
" 73	" 82
" 74	" 83
" 75	" 84
" 76	" 85
" 77	" 86
" 78	" 87
" 79	" 88
" 80	" 89
" 81	" 90
" 82	" 91
" 83	" 92
" 84	" 93
" 85	" 94
" 86	" 95
" 87	" 96
" 88	" 97

1893, No. 50.—"The Coal-mines Act Amendment Act, 1893":—

Repealed Act.	Compiled Act.
Section 1	(*a*)
Section 2	Section 2

1895, No. 26.—"The Coal-mines Act Amendment Act, 1895":—

Repealed Act.	Compiled Act.
Section 1	(*a*)
" 2	Section 18 (1)
" 3	" 18 (2)
Section 4	Section 18 (3)
" 5	" 18 (4)

1897, No. 7.—"The Sunday Labour in Mines Prevention Act, 1897":—

Repealed Act.	Compiled Act.
Section 1	(*a*)
" 2	Section 38 (1)
" 3	" 38 (2)
4	" 38 (3)
Section 5	Section 38 (4)
" 6	" 38 (5)
" 7	" (*a*)

1901, No. 46.—"The Coal-mines Act Amendment Act, 1901":—

Repealed Act.	Compiled Act.	Repealed Act.	Compiled Act.
Section 1	(a)	Section 4	Section 77
" 2	Section 14	" 5	" 10
" 3	" 39 (46)	" 6	(b)

1901, No. 47.—"The State Coal-mines Act, 1901":—

Repealed Act.	Compiled Act.	Repealed Act.	Compiled Act.
Section 1	(a)	Section 12	Section 106
" 2	Section 98	" 13	" 107
" 3	" 99	" 14	" 108
" 4	" 100	" 15	" 112
" 5	" 101	" 16	" 113
" 6	" 102	" 17	" 114
" 7	" 103	" 18	" 115
" 8	" 67	" 19	" 110
" 9	" 66	" 20	" 116
" 10	" 104	" 21	" 117
" 11	" 105		

1902, No. 8.—"The State Coal-mines Amendment Act, 1902":—

Repealed Act.	Compiled Act.	Repealed Act.	Compiled Act.
Section 1	(a)	Section 4	Section 111
" 2	Section 109	" 5	(c)
" 3	(c)		

1903, No. 80.—"The Coal-mines Act Amendment Act, 1903":—

Repealed Act.	Compiled Act.	Repealed Act.	Compiled Act.
Section 1	(a)	Section 8	Section 78 (5)
" 2	Section 37	" 9	" 74
" 3	" 58	" 10	" 12
" 4	" 78 (1)	" 11	" 39
" 5	" 78 (2)	" 12	" 114
" 6	" 78 (3)	" 13	" 5
" 7	" 78 (4)	" 14	" 3

(a) Omitted; not necessary. (b) Repealed; 1903, No. 80. (c) Omitted; exhausted. (d) Repealed; 1900, No. 43.

Compiled by the Solicitor-General, under the provisions of "The Statutes Compilation Act, 1902," pursuant to the resolution of both Houses of the General Assembly dated the 5th day of November, 1904.]

COAL-MINES.

ANALYSIS.

AN ACT to compile certain Acts to regulate the Granting of Coal-mines Leases, and to make Better Provision for the Regulation and Inspection of Coal-mines; and also to provide for State Coal-mines. Title.

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

1. (1.) The Short Title of this Act is "The Coal-mines Act, 1905." Short Title.

(2.) This Act is a compilation of the Acts mentioned in the First Schedule hereto.

2. In this Act, if not inconsistent with the context,— Interpretation.

"Agent" means any person having for the time being, on behalf of the owner, the care and direction of the mine: 1891, No. 46, sec. 2

"A week" shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night:

"Boy" means a male person under the age of thirteen years:

"Certificate of competency" means a certificate of competency granted to a mine-manager by the Board of Examiners under this Act or any of the compiled Acts, or any former Act relating to coal-mines, or to an engine-driver by such Board under any such compiled Act or former Act, or by the Board of Examiners under "The Inspection of Machinery Act, 1902":

"Certificate of service" means a certificate of service granted to a mine-manager or engine-driver by the Board of Examiners under any of the compiled Acts:

"Coal" means anthracite, black coal, brown coal, shale, and includes lignite and every other mineral used for fuel:

"Coal-mine" or "mine" means every colliery and coal or shale mine, whether in actual work, or discontinued, or exhausted, or abandoned; and every shaft, pit, level, and inclined plane in course of being made or driven for commencing or opening any such colliery or coal-mine, and all works belonging thereto respectively: 1893, No. 50, sec. 2

"Coal-mining lease" or "lease" means a lease of land granted under this Act for coal-mining purposes:

"Commissioner of Crown Lands" or "Commissioner" means the Commissioner of Crown Lands for any land district exercising jurisdiction in such part thereof as is not included within any mining district:

"Compiled Acts" means the Acts mentioned in the First Schedule hereto.

"Engine-driver" means a person in the actual charge of the winding-engine or winding-machinery:

"Inspector of Mines" or "Inspector" means an Inspector of Mines appointed for the purposes of this Act:

"Machinery" means and includes steam and other engines, boilers, furnaces, winding and pumping gear, whims, windlasses, chains, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatsoever kind used for the extraction of coal or for any coal-mining purpose: 5

"Manager" or "mine-manager" means the person having the control and daily supervision of a mine:

"Mining district" means a mining district constituted under "The Mining Act, 1898":

"Minister" means the Minister of Mines: 10

"Owner," when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is 15 merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; and, in the case of a company incorporated under any Act for the registration of mining companies, or relating to 20 joint-stock companies, includes the manager of such company, and in any other case the person having the management of mining operations carried on in a mine; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner 25 as if he were an owner, but so as not to exempt the owner from any liability:

"Permit" means an authority in writing under the hand of the Inspector:

"Plan" includes a map and section, and a correct copy or 30 tracing of any original plan as so defined:

"Prescribed" means prescribed by this Act or by any regulations made thereunder:

"Warden" means a Warden appointed under "The Mining Act, 1898," for any mining district: 35

"Youth" means a male person not under the age of thirteen years and under the age of eighteen years.

Bed of river deemed vested in Crown.
1903, No. 80, sec. 14

3. (1.) Save where the bed of a navigable river is or has been granted by the Crown, the bed of such river shall remain and shall be deemed to have always been vested in the Crown; and, without 40 limiting in any way the rights of the Crown thereto, all minerals (including coal) within such bed shall be the absolute property of the Crown.

(2.) For the purpose of this section—

"Bed" means the space of land which the waters of the 45 river cover at its fullest flow without overflowing its banks:

"Navigable river" means a river continuously or periodically of sufficient width and depth to be susceptible of actual or future beneficial use to the residents (actual or future) 50 on its banks, or to the public for the purpose of navigation by boats, barges, punts, or rafts; but nothing herein shall prejudice or affect the rights of riparian owners in respect of the bed of non-navigable rivers.

PART I.

Coal-mining Leases.

Leases in the Westland and Nelson Coalfields to be granted subject to this Act.
1891, No. 46, sec. 3

4. (1.) All powers, authorities, and functions conferred upon the Minister of Lands or any Land Board by or in virtue of sections nine, ten, or eleven of "The Westland and Nelson Coalfields Administration Act, 1877," or in any other Act relating to the granting of leases of land for coal-mining purposes, or the extension of any such leases in the said coalfields, are hereby transferred to and shall be exercised by the Minister; but such powers and functions shall not be exercised by him in relation to the granting or extension of any lease as aforesaid unless the same respectively has been recommended by the Warden; and no such lease or extension of lease shall be granted until a copy of the application for the same has been lodged with the Greymouth or Westport Harbour Boards respectively having any interest in the land to be dealt with under the proposed lease or extension of lease, nor until such application has been advertised once at least in two successive weeks in a newspaper circulating in the district wherein the aforesaid land is situate.

(2.) Every lease or extension of lease or amalgamation of leases which may be granted under "The Westland and Nelson Coalfields Administration Act, 1877," shall be granted only by the Minister, or by the Warden, or Commissioner of Crown Lands, as the case may be, respectively, subject to the provisions of this Act, and not otherwise:

Provided that before any amalgamation of lease shall take effect a return of such proposed amalgamation shall be laid upon the table of each House of the General Assembly.

(*a.*) The Legislative Council and the House of Representatives may, by resolution, refuse to permit any such amalgamation.

(*b.*) In the absence of any such resolution such amalgamation shall take effect from the termination of the session.

(3.) All powers, authorities, and functions conferred upon the Minister of Lands, or a Land Board, or Commissioner of Crown Lands by or in virtue of section eight of "The Westland and Nelson Coalfields Administration Act, 1877," to dispose of other than alienate any of the lands respectively described in the First, Second, and Third Schedules thereof are hereby transferred to and shall be exercised by the Minister and Warden respectively, in manner hereinafter provided.

(4.) Nothing in this Act contained shall be construed to amend or affect "The Westland and Nelson Coalfields Administration Act, 1877," or any Act amending the same, otherwise than as is herein expressly provided, and all leases already amalgamated shall be valid and unaffected.

Coal leases over education endowments.
1903, No. 80, sec. 13

5. (1.) At the request of the School Commissioners, High School Boards, University Councils, or College Governors in whom any land is vested as an education reserve or education endowment, and on such terms as may be stipulated, the Governor may, on the recommendation of the Warden, if in a mining district, issue leases

or licenses for the raising and disposal of coal or lignite, in accordance with the provisions of this Act.

(2.) All rents and royalties arising from any lease or license granted under this section shall be paid over to the persons in whom the lands are vested, to be applied by them in the manner provided by law with respect to the proceeds of the sale or leasing of education endowments.

Warden or Commissioner may grant coal leases.
1891, No. 46, sec. 4

6. (1.) The Warden in every mining district, and the Commissioner of Crown Lands of a land district in any portion thereof which is situate outside of a mining district, may, with the consent of the Minister, grant leases of land for raising coal subject to the provisions of this Act, and not otherwise:

Provided that no such lease shall be granted until the application therefor has been twice advertised at an interval of one week in some newspaper circulating in the district.

(2.) In the exercise of the aforesaid power the Warden or Commissioner, as the case may be, subject to the approval of the Governor, may grant leases for raising coal from any seam which may lie under the sea, or any part of the foreshore thereof below high-water mark, or under any tidal river, anything contained in "The Harbours Act, 1878," notwithstanding; and all persons taking coal from any such seam as aforesaid, unless duly authorised in that behalf as herein provided, shall be deemed to be in the illegal occupation of Crown lands within the meaning of any Land Act for the time being in force.

Licenses for raising lignite.
Ibid, sec. 5

7. Subject as mentioned in the last preceding section, the aforesaid Warden or Commissioner may grant licenses to authorise the holders thereof to occupy, for any period not exceeding three years from the granting thereof, not more than twenty acres of Crown lands for the purpose of raising lignite; and may grant leases in substitution thereof if required for a further period.

Applications for leases.
Ibid, sec. 6

8. (1.) Applications for leases must be made in writing to the Warden or Commissioner, as the case may be, and accompanied by a deposit of three shillings for every acre applied for, which deposits shall be credited to the applicants respectively against any fees, rents, and royalties that may be or may thereafter become due in respect of their said applications or leases.

Priority.

(2.) Where more than one application is made for a lease of the same land, precedence shall be in the order of the receipt of the applications by the Warden or Commissioner; if made on the same day, the precedence shall be decided by lot.

Person aggrieved may petition Governor.
Ibid, sec. 7

9. (1.) If any person feels himself aggrieved at the refusal of the Minister to sanction the grant to him of a lease under this Act, or as to the area to be comprised in any lease proposed to be granted to him with such sanction, he may petition the Governor for a review of his case, and the Governor may thereupon grant a lease under the public seal of the colony, or refuse such lease, or vary the terms of the lease proposed to be granted to the said person.

(2.) But previous to granting any lease under the authority of this section the Governor shall cancel any existing lease granted under sanction of the Minister of so much of the land comprised in the lease as may be included in the lease proposed to be issued by him, and no

person shall be entitled to claim or to receive compensation in respect of any lease being so cancelled.

Leases to be signed by Governor. 1901, No. 46, sec. 5

10. Every lease granted under this Act shall be signed by the Governor for and on behalf of His Majesty the King, but no such lease shall be granted until the application therefor has been twice advertised at an interval of one week in some newspaper circulating in the district in which the land comprised in the proposed lease is situate.

Lessee may assign or surrender lease. 1891, No. 46, sec. 8

11. On the recommendation of the Warden or Commissioner, as the case may be, the lessee of a coal-mining lease, with the consent in writing of the Minister first had and obtained,—

(*a.*) May assign or otherwise part with the possession of the demised premises or any part thereof, or his estate or interest therein, notwithstanding there may be contained in any such lease any provision to the contrary, and no other consent whatsoever shall be requisite; or

(*b.*) May surrender his lease.

Assignment or transfer of lease to be laid before Parliament. 1903, No. 80, sec. 10

12. All assignments or transfers of any coal-mining lease shall be laid on the table of both Houses of Parliament forthwith if Parliament is in session, and, if not, then within ten days after the meeting of the first session of Parliament thereafter; and no assignment or transfer of any coal-mining lease shall be deemed to be completed until ten days after the date upon which such assignment or transfer of any coal-mining lease has been laid on the table of both Houses of Parliament as aforesaid.

Lease may be amalgamated or consolidated. 1891, No. 46, sec. 10

13. (1.) Every lease may, with the consent in writing of the Minister, be amalgamated or consolidated with other coal-mining leases:

Provided that before any amalgamation or consolidation of leases shall take effect a return of such proposed amalgamation or consolidation shall be laid upon the table of each House of the General Assembly.

(2.) The Legislative Council and the House of Representatives may, by resolution, refuse to permit any such amalgamation or consolidation.

(3.) In the absence of any such resolution such amalgamation or consolidation shall take effect from the termination of the session.

Term, area, rent, royalty, and conditions of leases. Ibid, sec. 11

14. (1.) Every lease shall be made subject to such conditions as the Warden or Commissioner, with the sanction of the Minister, thinks fit, and shall contain covenants for securing the proper and effectual working of the coal within the land thereby demised, and for the surrender of the said land at the end or earlier determination of the lease; and

(*a.*) Shall be for a term not exceeding sixty-six years:

(*b.*) Shall comprise an area not exceeding two thousand acres, and shall impose a dead-rent at the rate of not less than one shilling nor more than five shillings per acre:

1901, No. 46, sec. 2

(*c.*) Shall reserve a royalty at the rate of not less than twopence nor more than one shilling per ton on the output of all marketable coal raised under the powers of the lease:

Provided that such royalty shall not be payable on any unsaleable waste coal or rubbish:

(*d.*) Shall provide that, when and so long as the amount of royalty on any coal-mining lease exceeds the sum paid as rent, the rent-charge shall cease.

Royalty on existing leases.
1901, No. 46, sec. 2

(2.) The provisions of the *last preceding* subsection relating to unsaleable waste coal or rubbish shall also apply in the case of all existing leases.

(3.) In the case of the lease of the Mokihinui Mine, dated the twenty-fifth day of September, one thousand nine hundred, which is granted to co-operative miners, royalty shall be paid in accordance with the provisions of this section.

Reservations and exceptions in leases.
1891, No. 46, sec. 12

15. (1.) Every lease granted under the authority of this Act for coal-mining purposes shall be deemed to have been granted subject to the following exceptions, reservations, and conditions:—

(*a.*) The surface of the soil, water and watercourses, shall be and be deemed to have been excepted from any demise thereby made, and such surface shall be and be deemed to have been and continue to be vested in His Majesty, except in so far as may be necessary for the construction by the lessee of any tramways, or the erection of buildings, machinery, and plant, or the storing coal, or as spoil-banks for waste coal or other refuse.

(*b.*) Any person, with the sanction of the Minister, on the recommendation of the Warden or Commissioner of Crown Lands, as the case may be, first obtained, shall have free access, egress, and regress upon the land demised for the purpose of constructing any adit or tunnel through such land, so long as he does not interfere with the coal-mining works in operation, and also shall have at all times the right, subject always to non-interference with the coal-mining works as aforesaid, to use such adit or tunnel for any of his own purposes.

(*c.*) There shall be and be deemed to have been excepted out of any such demise unto His Majesty, his successors and assigns, all timber trees and trees likely to be timber standing, growing, or being, or which at any time during the term of any such lease shall stand, grow, or be in or upon the demised premises or any part thereof, together with free liberty of ingress, egress, and regress to and for His Majesty, his successors and assigns, the Governor and the Minister, and all persons having his or their authority so to do, to fell, cut, and carry away the same at fit and reasonable times.

But, nevertheless, every lessee of a coal-mining lease shall and may cut down any timber trees for the purpose of constructing any railway or tramway thereon, or rolling-stock for such railway or tramway, or any buildings, or for prop-wood or firewood, or other necessary purposes incidental to the proper working of the coal-mine, railway, or tramway.

(*d.*) There shall be and be deemed to have been excepted out of any such demise unto His Majesty, his successors and assigns, all metals and minerals other than coal that are,

shall, or may be found upon the demised premises, with leave for His Majesty, his successors and assigns, the Governor and the Minister, and all persons authorised by him or them, at all reasonable times to enter into and upon the demised premises to search, dig, get, have, take, and carry away the same.

(*e.*) The lessees shall and will permit His Majesty, or the Governor, or the Minister, or his or their agents, Inspectors, viewers, workmen, servants, or any other person or persons whom he or they may appoint, to enter upon the demised land, mines, and premises at all reasonable times, and to survey and inspect and make plans of the said mines and works, and to see whether the said mines and works are in good and substantial order, condition, and repair, and are ventilated, worked, managed, and carried on in a proper and workmanlike manner, according to the true intent and meaning of such lease. And the lessees shall and will help and assist such person or persons so entering as aforesaid by means of their agents and other workmen, and permit them to have the use of the engines, implements, and utensils for the purpose of such inspection as aforesaid.

(*f.*) The Governor, on behalf of His Majesty, may at any time during the term of the lease resume the demised land and premises, subject to compensation being paid for such resumption to the lessee or owner. Such compensation shall be determined as provided in Part III. of "The Public Works Act, 1894," and shall include the value of the goodwill of any mine and premises taken; and such lessee or owner shall be indemnified and protected by His Majesty against all contracts and engagements then existing in reference to the said mine and premises, or the supply of coal therefrom, and from all claims and demands in respect thereof respectively.

(*g.*) If the lessee suspends mining operations or neglects to carry on such operations, except in the case of a strike, accident, or other unavoidable cause, in accordance with the terms of his lease, for a period of three months, His Majesty, or the Governor, or the Minister may serve on the lessee a notice specifying the particular breach complained of, and requiring the lessee to remedy the breach; and if the lessee does not, within three months after the service of such notice, remedy the breach, His Majesty, or the Governor, or the Minister may enter on the demised premises and take possession of all buildings and improvements thereon, and determine the lease.

(*h.*) In any proceedings by action or otherwise to enforce such right of entry or forfeiture the lessee may in the action, if any, or in any action brought by himself, apply to the Court for relief, and the Court may grant or refuse relief as the Court, having regard to the proceedings and conduct of the parties, and to all the other circumstances,

thinks fit; and, in case of relief, may grant it on such terms as to compensation, costs, or otherwise as the Court in the circumstances of each case thinks fit. In the event of forfeiture and entry as aforesaid the lessee shall be allowed two months from the date of entry to remove all machinery, plant, and trade-fixtures (but not buildings), or shall be entitled to receive and be paid compensation therefor, to be determined under Part III. of "The Public Works Act, 1894," the provisions whereof shall, *mutatis mutandis*, apply.

(*i.*) If at any time during the term of his lease the lessee neglects or refuses to pump the water out of any underground working for three days after the Inspector has given the lessee notice in writing to do so, the Inspector may, if it appears that such neglect or refusal to pump the water is likely to be prejudicial to the safety of any adjoining mines, or to the prejudice of the Crown as proprietor, enter upon the mine and take possession of the pumping-machinery, and to employ men to work such machinery for pumping out the said workings at the cost of the lessee; and any costs so incurred shall be deemed to be a debt due to His Majesty by the lessee.

(2.) Every such lease hereafter granted shall be read and construed as if such exceptions, reservations, and conditions were set out in such lease in words at length.

Power reserved to construct public works.
1891, No. 46, sec. 13

16. Every lease shall be subject to the stipulation that the Governor may, if he thinks fit, authorise the construction, in or upon any land comprised in the lease, of any race, dam, road, canal, railway, tramway, or other works which may be required for public convenience.

Lease may be subject to prior existing rights.
Ibid, sec. 14

17. In any case in which an application is made in pursuance of this Act for a lease of land, in any part of which any person other than the applicant may be entitled under any license to cut, construct, or use any race or dam, or to enjoy any other easement for mining or other purposes, the Governor may, if he thinks fit, authorise the issue of a lease of such land, subject to all existing rights in, to, or to the use of such race or dam or other easement, and impose such terms as the Governor may think fit in order to secure the enjoyment of the same or to secure compensation for any injury or inconvenience likely to arise to such person by reason of the issue of such lease.

Governor may reserve Crown land for use of railway.
1895, No. 26, sec. 2

18. (1.) The Governor may from time to time, by notice in the *Gazette*, reserve all such Crown lands, whether the same now are or at any time hereafter may be comprised in a coal-mining lease, as he considers necessary for the use of any railway, or for railway-stations, or for any railways, tramways, bridges, inclines, and staiths, or other means of transit between any coal-mine and any railway or tramway at any time constructed by the Minister for Public Works or by the lessee of any coal-mining lease; and thereafter the same shall be reserved and held for the purposes specified in such *Gazette* notice and no other.

(2.) Any reserve made under this section may be made to take effect during the currency of any coal-mining lease, or for such other period and upon such conditions as to the Governor may seem fit.

Currency and conditions of reserve.

1895, No. 26, sec. 3

(3.) The provisions of Part III. of "The Public Works Act, 1894," shall apply in respect of all lands reserved or taken under this section.

Part III. of "The Public Works Act, 1894," to apply.

Ibid, sec. 4

(4.) The Governor may from time to time, by *Gazette* notice, revoke any reservation of land made under this section, and thereupon the land to which such revocation applies shall cease to be reserved.

Reserve may be revoked.

Ibid, sec. 5

19. Except as otherwise provided by this or any other Act, all rents, royalties, fees, and other moneys arising from any lease granted under the authority of this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Rents and royalties to form part of Consolidated Fund.

1891, No. 46, sec. 15

20. Every Warden and Commissioner respectively shall, within the first seven days of each month, transmit particulars of the situation, terms, and conditions of every lease issued under this Act within his district during the last preceding month, and of every transfer, surrender, or forfeiture of any such lease; and shall also transmit to the Minister such other particulars in respect of the grant or refusal of any coal-mining leases within the jurisdiction of such Warden or Commissioner as the said Minister may require.

Monthly return of leases to be sent to Minister.

Ibid, sec. 16

21. (1.) The owner or lessee of every coal-mine, whether situate on private lands or on Crown lands, and whether existing before or after the commencement of this Act, shall, subject to all contracts and engagements for the time being of such owner or lessee, be bound at all times, when so required, when the mine is being worked, to supply the Government railways, and all railways the property of railway companies situated in the vicinity of such mines, and all steamships, whether British or foreign, visiting the port nearest to the mine, with coal at rates current for the time being, for the travelling requirements of such railways and for the travelling requirements for steam-vessels, not to exceed seven days' supply respectively, but not to a larger extent than the mine can supply during the ordinary working-hours:

Owners and lessees bound to supply coal in certain cases.

Ibid, sec. 17

Provided that all steamships shall be so supplied in turn in order of arrival, as customary.

(2.) Nothing herein contained shall be construed to require any owner or lessee to supply coals to any vessel or steamship in contravention of international law or international treaties, or during a strike, or for other reasonable cause.

(3.) Every owner or lessee of a mine who refuses, fails, neglects, or prevents, or causes the refusal, failure, neglect, or prevention of, the supply of coal in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal, failure, neglect, or prevention continues.

(4.) "Owner" and "lessee" in this section respectively include any one or more owners or lessees, and any company, whether incorporated or not.

Regulation of Mines.

22. (1.) The Governor may from time to time appoint such competent persons as he thinks fit to be Inspectors of Mines under

Inspectors.

Ibid, sec. 18

this Act, and may from time to time allocate to such persons respectively localities within which they shall exercise their functions.

(2.) All persons who at the date of the coming into operation of this Act are Inspectors of Mines under "The Coal-mines Act, 1891," shall be and shall be deemed to be Inspectors of Mines under this Act.

(3.) No Inspector under this Act shall be allowed to hold any interest whatever in any mine in the locality in which he is authorised to act.

(4.) No Inspector shall act or practise as a land agent or as a manager, viewer, or agent, or mining engineer, or a valuer of land, or abitrator in any matter of dispute arising between owners of mines, or be employed in any way in any mine otherwise than in his official capacity under this Act.

Concurrent powers of Inspectors of Machinery and Inspectors of Mines.

(5.) Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of "The Inspection of Machinery Act, 1902," or to affect the duties of any Inspectors appointed under the Act last aforesaid in relation to the inspection in mines of machinery and boilers coming within the operation of the Act last aforesaid; but every Inspector of Mines shall have the same powers as the aforesaid Inspectors, and it shall be their duty regularly to inspect all machinery in mines, excepting steam-engines and boilers, and to see that such machinery is safe in all its parts and in good working-order.

(6.) Every Inspector of Mines shall be the holder of a first-class mine-manager's certificate.

Mine-manager. 1891, No. 46, sec. 19

23. (1.) Every coal-mine shall be under the control and daily supervision of the mine-manager, and the owner or agent of every such mine shall nominate himself or some other person (not being a contractor for getting the mineral in such mine, or a person in the employ of such contractor) to be the manager of such mine.

(2.) Every coal-mining company, whether registered or co-operative, shall appoint and continue to have a manager who shall be deemed the mine-manager of the company under this Act.

(3.) The name and address of every manager for the time being shall be notified in writing to the Inspector, and also to the Minister, and no person shall be so appointed who has not the management of the mining operations carried on by such company.

(4.) If any mine is worked for more than three days without there being such a manager for that mine as is required by this section, the owner and agent of such mine shall each be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding ten pounds for every day during which such mine is so worked.

Deputy manager.

(5.) If any manager is incapacitated from performing his duties, or is about to be unavoidably absent for more than three days, he or the agent shall appoint some fit person to act as deputy manager during such illness or absence; but no such deputy shall act for more than fourteen days unless authorised to do so by the Inspector.

Name of manager to be posted at mine.

(6.) The name of the manager of the mine for the time being shall be posted and kept posted at the pit-mouth of the mine.

Board of Examiners. Ibid, sec. 20

24. (1.) The Director of the Geological Survey of New Zealand, the Surveyor-General, the Inspecting Engineer of Mines, an In-

spector of Machinery, and three other persons who shall be the holders of mine-managers' certificates, who shall have not less than ten years' experience in coal-mining, to be from time to time appointed by the Governor, shall form a Board of Examiners to conduct examinations for mine-managers' certificates for the purposes of this Act.

(2.) One of the members of the Board, to be named by the Governor, shall be Chairman.

(3.) The Board shall conduct all examinations according to regulations to be prescribed by the Governor, who may also appoint a Secretary to the Board.

Application for certificate. 1891, No. 46, sec. 20

25. (1.) Every applicant for a mine-manager's certificate of competency shall make his application in manner as may be prescribed by regulations, and shall forward with such application the sum of one pound sterling as a fee for such certificate; and such fee shall entitle the applicant to come up for another examination after a period of three months without further charge in the event of his failing to pass his first examination.

First- and second-class certificates.

(2.) There shall be two grades of mine-managers' certificates —namely, a first-class certificate and a second-class certificate.

(3.) Notwithstanding anything in this Act contained, the Board of Examiners may grant or refuse a certificate of competency upon any grounds they may deem advisable.

Mine-manager to be holder of certificate or permit. Ibid, sec. 21

26. (1.) Every person employed or acting in the capacity of a mine-manager of a mine shall be the holder of a first-class certificate where more than twenty men are employed, and of a second-class certificate where more than six but not more than twenty men are employed; and where six men or less are employed he shall be the holder of a permit from the Inspector.

(2.) Every person who seeks to obtain a mine-manager's certificate shall pass an examination previous to obtaining such certificate, to show that he possesses the necessary knowledge and requirements in working a mine, and shall also be the holder of a certificate from his previous employers showing that he has been actually engaged in underground workings in a mine for a period of not less than five years; and shall forward the last-mentioned certificate, together with his application for examination, as hereinbefore mentioned.

Certificates from beyond the colony. Ibid, sec. 23

27. The Board of Examiners shall cause a certificate of competency as mine-manager to be granted, without previously undergoing an examination as aforesaid, to any person of good repute producing a certificate of competency from any duly constituted and recognised authority outside the colony, and satisfying the Examiners of his *bona fides*, and on paying the fee of ten shillings for such certificate.

Engine-drivers' certificates. Ibid, sec. 22

28. (1.) Every person employed or acting in the capacity of engine-driver who is in charge of any winding-engine or any winding-machinery by means of which respectively persons are brought up or passed down or along any shaft, pit, or inclined plane, or level, shall be the holder of an engine-driver's certificate issued by the Board under the compiled Acts or by the Board referred to in section forty-eight of "The Inspection of Machinery Act, 1902."

(2.) Every person who seeks to obtain a certificate as engine-driver under this Act shall apply to the Board referred to in the aforesaid section forty-eight of "The Inspection of Machinery Act, 1902."

Certified mine-manager or engine-driver may be disqualified.
1891, No. 46, sec. 25

29. (1.) Any person holding a certificate of competency or of service as a mine-manager or as an engine-driver, who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certified mine-manager or engine-driver, and if he fails to satisfy the said Board he may, by an order of the Governor in Council published in the Government *Gazette*, be disqualified for any period from acting as a mine-manager or as an engine-driver.

(2.) No person shall during the period of disqualification deliver any mine into the charge of the disqualified mine-manager, or any such winding-engine or winding-machinery as aforesaid into the charge of the disqualified engine-driver; and no such mine-manager or engine-driver shall, during the period of his disqualification, take charge of any mine or of any such winding-engine or winding-machinery as aforesaid.

Penalties.
Ibid, sec. 26

30. (1.) Any person who acts in the capacity of mine-manager, or of engine-driver in charge of any such winding-engine or winding-machinery as aforesaid, without a certificate of competency or of service, or while he is disqualified as aforesaid, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding five pounds for every day during which he shall act in such capacity.

(2.) Every person who, in breach of this Act, employs any uncertificated or disqualified mine-manager or engine-driver shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding five pounds for every day during which he so employs such uncertificated or disqualified mine-manager or engine-driver.

(3.) Every person acting as manager of a mine or as engine-driver in charge of any such winding-engine or winding-machinery as aforesaid shall, on demand of any Inspector of Mines, Inspector of Machinery, or other person authorised by the Minister, produce his certificate of competency or of service.

No female or boy to be employed in any mine.
Ibid, sec. 27

31. No female and no boy shall be employed in any capacity in or about any mine.

Youths not to be employed in certain cases.
Ibid, sec. 28

32. (1.) No youth shall be employed as lander or braceman at any time at a brace set over any shaft.

(2.) No youth shall be employed for more than forty-eight hours in any week, exclusive of the time allowed for meals, nor more than eight hours in any day, except in cases of emergency.

Youths under eighteen not to work engine, &c., in certain cases.
Ibid, sec. 29

33. (1.) Wherever any entrance to any mine or any communication within any part of any mine to any other part thereof is by means of a vertical shaft or pit or inclined plane or level, no person other than a properly competent person of the full age of eighteen years shall have charge of any engine, windlass, or gin (whether driven or worked by manual labour or any other power), or of any part of the machinery, ropes, chains, or other tackle by or by means of which persons are brought up or passed down or along any such vertical shaft or pit or inclined plane or level.

(2.) Every owner or agent or other person who knowingly employs or permits any person other than as aforesaid to have any such charge shall for every such offence be liable to a penalty not exceeding fifty pounds.

Persons in charge of steam-machinery to be employed certain number of hours only.
1891, No. 46, sec. 30

34. (1.) No person in charge of steam-machinery used in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than eight consecutive hours at any time.

(2.) Any such person who has continually worked for eight hours shall not resume work until after an interval of not less than four hours.

(3.) Such period of eight hours shall be exclusive of any time occupied in raising steam and in drawing fires and exhausting steam in connection with the machinery in charge of such person, and exclusive of meal-hours and of any time in which such person is employed in case of breakage or other emergency.

(4.) Every employer or person employed who fails to comply with the provisions of this section shall be deemed guilty of an offence against this Act.

(5.) Every person in charge as aforesaid who is guilty of negligence by which any property is destroyed or damaged shall be guilty of an offence against this Act.

(6.) If any such person as aforesaid is employed during seven consecutive days in every week, he shall be entitled to not less than twelve half-days or six full days of holidays during the year.

Register of youths employed below ground.
Ibid, sec. 31

35. The owner, agent, or manager of every mine to which this Act applies shall keep a register, and shall cause to be entered in such register the name, age, residence, and date of first employment of all youths who are employed in the mine below ground, and shall produce such register to any Inspector under this Act at the mine at all reasonable times, and allow him to inspect and copy the same.

Penalty for employing youths or boys in breach of Act, &c.
Ibid, sec. 32

36. (1.) If any person fails to comply with, or permits any person to violate, any provision of this Act with respect to the employment of youths or boys, or to the register of youths, he shall be guilty of an offence against this Act.

(2.) In case of any such violation or non-compliance by any person whomsoever, the owner, agent, and manager shall each personally be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this Act, to prevent such violation or non-compliance.

(3.) If it appears that a youth or boy employed in a mine, or that a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in violation of this Act, and under the belief in good faith that he was of that age, the owner, agent, or manager of the mine and employer shall be exempted from any penalty; and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

(4.) If it appears that any youth, working for or with his parent, or guardian, or other person, or under his order or charge, is kept at work for a longer period than is prescribed by this Act, such parent, guardian, or person shall be responsible therefor.

Overtime for underground work.
1903, No. 80, sec. 2

37. (1.) Subject to the provisions of any award in force under "The Industrial Conciliation and Arbitration Act, 1900," on the twenty-third day of November, one thousand nine hundred and three, being the date of the coming into operation of "The Coal-mines Act Amendment Act, 1903," a miner shall be entitled to be paid overtime when he is employed underground in a mine for more than eight hours in any day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

(2.) For the purposes of this section "miner" means any workman employed underground in a mine.

Employment of manual labour on Sunday prohibited.
1897, No. 7, sec. 2

38. (1.) Except in cases where the previous authority in writing of an Inspector of Mines has been obtained, it shall not be lawful for any person or company to directly or indirectly employ any workman on Sunday for hire or reward to do any skilled or unskilled manual labour in or about any mine.

Cases in which Inspector may grant permission.
Ibid, sec. 3

(2.) No Inspector of Mines shall give any such authority as aforesaid except in cases where he is satisfied that the labour cannot be suspended on Sunday without risk of injury to the mine or its operations; and when giving such authority he shall in each case state in writing his reasons for granting such authority, and shall specify the number of workmen that may be employed, and the nature of their employment, and the period during which such authority shall extend.

Right of appeal.
Ibid, sec. 4

(3.) There shall be the right of appeal to the Warden of the mining district from the decision of any Inspector of Mines in respect of the granting or refusing of an authority under this section.

Penalty.
Ibid, sec. 5

(4.) If any workman is employed in breach of this section, the person or company employing him, and also, where the employer is a company, the mine-manager and every director thereof, are severally liable to a penalty not exceeding five pounds:

Provided that it shall be a sufficient defence to a prosecution under this Act if the Court is satisfied that the employment was rendered necessary by reason of breakage or other special emergency involving danger to life or damage to property.

Not to affect "The Police Offences Act, 1884."
Ibid, sec. 6

(5.) Nothing herein contained shall be construed to affect the operation of section sixteen of "The Police Offences Act, 1884":

Provided that no person shall be punished twice for the same offence.

General rules.
1891, No. 46, sec. 33
1903, No. 80, sec. 11

39. The following general rules shall, so far as may be reasonably practicable, be observed in every mine:—

Ventilation.

(1.) (*a.*) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working-places of such mine, and the travelling-roads to and from such working-places, shall be in a fit state for working and passing therein.

(*b.*) An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each workman, and horse, pony, donkey, or mule, and the air shall sweep undiminished along the airway through each working-place, and on to each working-face when workmen are employed thereat.

(2.) Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided, that is to say,— Gunpowder and blasting.

(*a.*) It shall not be stored on the surface of or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Minister:

(*b.*) It shall not be stored in the mine in any quantity exceeding what would be required for use during one working-day for the purposes of the mine; and, if stored in the mine, it shall be kept in a drive or chamber separated by a door fixed across such drive at least thirty feet from any travelling-road:

(*c.*) Detonators for blasting shall be kept stored on the surface of the ground in a covered box placed in a separate magazine, apart from other explosives:

(*d.*) Not more than one hundred detonators for service shall be kept in any mine at one time, and these shall be kept in a covered box in the drive or chamber set apart for the purpose, and only taken out in such quantities as required for immediate use; detonators shall not, on any pretence whatsoever, be stored near any travelling-road, bored end, or working-face:

(*e.*) No person shall enter with a naked light a powder-magazine or any excavation in a mine where powder or other explosive or inflammable substance is stored:

(*f.*) No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine.

The proprietors of the mine shall provide copper prickers:

(*g.*) A charge which has missed fire may be drawn by a copper pricker, but shall not be visited until three hours have elapsed from the time of lighting the fuse of such charge; but in no case shall an iron or steel drill be used for the purposes of drawing or drilling out such charge, nor shall any charge be drawn where nitro-glycerine compounds or detonators have been used:

(*h.*) No person under the age of eighteen years shall be allowed to charge a hole with explosives or to fire any charge of explosives:

(*i.*) No drill-hole shall be bored within a distance of one foot in any direction from the site of a previously unexploded charge of any nitro-glycerine compound, and no drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded:

(*j.*) In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting opera-

tions by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations:

(*k.*) Mining companies or persons employing miners in blasting with nitro-glycerine compounds shall supply such miners with the means of thawing such compounds, and with the means of producing sulphate-of-iron spray.

Manholes in self-acting or engine planes.

(3.) Every underground plane on which persons travel which is self-acting or worked by an engine, windlass, or gin shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping-places and the ends of the plane; and shall be provided in every case, at intervals of not more than twenty yards, with sufficient manholes for places of refuge.

Spaces in horse-roads.

(4.) Every road on which persons travel underground, where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and of at least three feet in width between the wagons running on the tramroad and the side of the road.

Keeping spaces clear.

(5.) Every manhole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a manhole or such space so as prevent access thereto.

Fencing off entrance to shafts.

(6.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced or securely covered, but this provision shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations if proper precautions are used.

Every abandoned or disused shaft shall be fenced or securely covered in by the lessee or registered owner thereof, and its position indicated on the surface by a post or cairn of stones, or such other permanent distinguishing mark as the Inspector shall think sufficient.

Horizontal bar to be provided where fence or cover is temporarily removed.

(7.) When a fence or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance, not less than three nor more than four feet from the floor of the brace-chamber or drive, as the case may be.

Securing of shafts.

(8.) Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined, or otherwise made secure, for which purpose an ample supply of sound good timber or other necessary material shall be kept on the ground ready for immediate use.

Drives and excavations to be protected.

(9.) Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein.

10.) Safe and suitable lights, approved of by the Inspector, shall be provided for the use of miners when travelling in the main drives or roadways of any mine, and the upper entrance to every shaft or blind shaft in use, while open or unfenced, shall be illuminated by a fixed light. **Protected lights to be used in main drives.**

(11.) Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine, and another portion of the same shaft is used for raising material or pumping, the first-mentioned portion shall be cased or otherwise securely fenced off separate from the last-mentioned portion. **Division of shafts.**

(12.) Every working-shaft in which a cage is used, and every division of such shaft in which persons are raised and lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the top and the bottom of the shaft to the top, and thence to the engine-room, and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the bottom of the shaft; and no verbal signals or communications shall be made up or down a shaft exceeding fifty yards in depth in which cages are used, except through speaking-tubes or telephones in the pump compartment of such shaft. **Signalling.**

Every person employed in a mine shall make himself acquainted with the system of signals used in such mine.

A line or some other appliance shall be provided in each shaft to admit of danger-signals being communicated to the engine-driver from any portion of such shaft.

(13.) A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace. **Clear view for engine-driver.**

(14.) All methods of signalling in mines to indicate that persons or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on framed boards, one of which shall be placed at the chamber at the bottom of the workings in the shaft, and the other at the brace at or near the top of the shaft. **All modes of signalling to be clear and distinct.**

Such methods shall be subject to the approval of the Inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector; and any neglect to carry out such indicated alterations or amendments shall be an offence against this Act.

(15.) A cage shall have a sufficient cover overhead when used for lowering or raising persons in any working-shaft. Such cage-cover shall be constructed of iron not less than one-quarter part of an inch thick, and shall be securely hung on hinges and fitted with sloping sides, so as to be readily lifted upwards by persons within the cage. Wherever practicable, all persons working in shafts shall be protected **Cover overhead.**

overhead from falls of material down such shaft, by means of a roof or other suitable appliance.

Material not to be placed in same cage as men.

(16.) No iron, timber, tools, rails, sprags, or other material, except for repairing the shaft, shall be placed in the same cage in which persons are being lowered or raised from their work.

Braces to be covered overhead.

(17.) Every brace or pit-bank shall be properly covered to protect the workmen from the inclemency of the weather.

Proper ladder or footway.

(18.) A proper ladder or footway shall be provided in every shaft in which a whim, whip, or windlass is used, and in every working pit or shaft where no machinery is used for lowering or raising persons employed therein.

Chains.

(19.) A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling-chain attached to the cage or load. When chains are employed as couplings to cages two single-linked chains of uniform size shall be used to each coupling.

Ropes and chains to be tested.

(20.) Before any rope or chain is used in the shaft of a mine it shall be tested and proved to be equal to carrying twice the weight of the ordinary load; and in mines where persons are lowered or raised in shafts the ropes and chains shall be periodically tested at intervals of not more than three months to carry twice the weight of the ordinary load.

And such tests shall be made in the presence of some person appointed for that purpose by the miners engaged in the mine.

Appliance to prevent rope on drum slipping.

(21.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping.

Brake.

(22.) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) to show to the person who works the machine the position of the cage or load in the shaft.

Cages to have safety appliances.

(23.) Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads.

Spring catches or tumblers to be affixed to skids.

(24.) Spring catches, or automatic or self-acting doors or tumblers, of a suitable kind shall be affixed to the skids or guides below the poppet-heads of every shaft in which a cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by overwinding.

Protection to persons ascending or descending shaft.

(25.) In any shaft exceeding twenty feet in depth, in which cages are not used, no person shall descend or ascend by the aid of machinery unless, in addition to the use of the loop, cross-bar, or other appliance, he be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the

arms; and such method of staying shall be used by every person who finds it necessary, in the execution of his duty, to descend or ascend a shaft on top of the cage-covers.

Inclination of ladders.

(26.) A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position, unless in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every such ladder shall have substantial platforms, at intervals of not more than thirty feet, and a suitable fixture for a hand-grip shall be placed above such ladder, for the use of persons ascending or descending such ladder.

Dressing-rooms.

(27.) If more than six persons are employed in the mine below ground in one shift, sufficient accommodation shall, if ordered by the Inspector, be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses; and in no case shall men be allowed to change their dresses upon a boiler.

Persons in charge of machinery.

(28.) No person under the age of twenty-one years shall be placed in charge of or have the control of any steam engine or boiler used in connection with the working of any mine. No person in charge of steam-machinery in connection with the working of any mine shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the mine.

Machinery to be examined.

(29.) All machinery in which steam, water, or air, or any two or more of them, are used as motive power shall be subject to the provisions of "The Inspection of Machinery Act, 1902," so far as the same shall reasonably apply; and no such machinery, erected or fitted up, shall be employed until it has been examined by an Inspector appointed under the last-mentioned Act, and certified by him to be in proper and fit working-condition.

Machinery to be kept in good order and condition.

(30.) All boilers, compressors, engines, gearing, and all other parts of machinery, when used for any mining purpose or for the treatment of the products of any mine, shall be kept in a fit state and condition.

Fencing machinery.

(31.) Every fly-wheel, and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, shall be and be kept securely and safely fenced, except tramways worked by ropes or chains.

Gauges to boiler and safety valve.

(32.) Every steam-boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve; and at least once in every six months, or oftener if required, every boiler shall be thoroughly cleansed; and once in every twelve months every such

boiler shall be subjected to an hydraulic test; and the date and full description of every such test and cleansing shall be entered in a book to be kept by the mine-manager or other person in charge of the mine, and the entries in such book shall, on demand, be open to the perusal of any Inspector under this Act or under "The Inspection of Machinery Act, 1902."

Vertical shafts to underground furnaces.

(33.) The smoke from every boiler for generating steam, and from every furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement, in manner as to be completely airtight.

Wilful damage.

(34.) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety valve, or other appliance or thing provided in any mine in compliance with this Act.

Protection of abandoned shafts.

(35.) No person shall, after any shaft has become disused for mining purposes, wilfully damage or render useless such shaft by the removal of any fencing, covering, casing, lining, ladder, platform, or other appliance provided in such shaft, without the consent of the Minister.

Water and bore-holes.

(36.) Where a place is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed eight feet in width, and there shall be constantly kept, at a sufficient distance, not being less than twenty feet in advance, at least one borehole near the centre of the working, and flank boreholes shall be put in not more than fifteen feet apart on each side.

Mines liable to flood to be provided with escape-drives.

(37.) In every mine which in the opinion of an Inspector is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings, or any of them, shall be constructed as may seem necessary and as may be prescribed by the Minister for the escape of workmen from the lower workings, or to insure their safety in every such mine during the period of any inundation or inburst of water in such mine.

Ladders to be provided in upcasts.

(38.) Ladders (and, when necessary, convenient platforms connected therewith) shall be provided in each rise, upcast, or passage giving access to workings at a higher level in a mine, and a notice shall be posted at the foot of each such rise, upcast, or passage stating the height of such rise, upcast, or passage to the chamber or drive above.

Manager in charge of mine to inspect.

(39.) The manager of every mine, or other competent person or persons appointed for such purpose, shall once at least in every twenty-four hours examine the state of all safety appliances or gear connected with the cages,

winding-ropes, or shafts in the mine, and shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mine, and shall record in writing, in a book to be kept for that purpose, his opinion as to their condition and safety, and any repairs, and as to any alterations required to insure greater safety to the persons employed in the working of such mine, and such book shall, on demand, be open to perusal by any Inspector under this Act; and every such safety appliance or gear, if condemned by any Inspector of Mines or Inspector of Machinery, shall forthwith be removed or made fit.

Examination of mine.

(40.) In every mine once in every twenty-four hours if one shift of workmen is employed, and once in every twelve hours if two shifts are employed during any twenty-four hours, a competent person or competent persons, who shall be appointed for the purpose, shall, before the time for commencing work in any part of the mine, inspect with a safety lamp that part of the mine and the roadways leading thereto, and shall make a true report of the condition thereof so far as ventilation is concerned; and the workmen shall not go to work in such part until the same and the roadways leading thereto are cleared from gas by ventilation and stated to be safe.

Every such report shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

Stations to be appointed.

(41.) In every mine in which inflammable gas has been found within the preceding twelve months, a station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and a workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been cleared from gas by ventilation, and inspected and stated to be safe, and such inspection shall be made within two hours before the time fixed for the miners commencing work.

Fencing of places not in use.

(42.) All entrances to any place not in actual course of working and extension shall be properly fenced across the whole width of such entrance, so as to prevent persons inadvertently entering the same.

Withdrawal of workmen in case of danger.

(43.) If at any time it is found by the person for the time being in charge of the mine or any part thereof that, by reason of noxious gases prevailing in such mine, or such part thereof, or of any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine, or such part thereof as is so found dangerous. A competent person who shall be appointed for the purpose shall inspect the mine, or such part thereof as is so found dangerous, and, if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the

condition of such mine or part thereof; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated by such report not to be dangerous.

Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

Safety lamps and lights.

(44.) Whenever safety lamps are required by this Act, or by the special rules made in pursuance of this Act, to be used, such lamps shall be supplied by the owner, agent, or manager, of a pattern to be approved by the Inspector. A competent person who shall be appointed for the purpose shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be secure and securely locked; and, in any part of a mine in which safety lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not without due authority be unlocked; and in the said part of the mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety lamp, or any lucifer-match or apparatus of any kind for striking a light, or any tobacco-pipe or any contrivance for smoking.

Barometer and thermometer.

(45.) After inflammable gas has been found in any mine it shall be cleared by ventilation, and a barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Right of inspection by miners extended.
1901, No. 46, sec. 3

(46.) (*a.*) Where workmen are employed in a mine, or any of the workmen so employed are members of a society formed in connection with the coal-mining industry, and registered under "The Industrial Conciliation and Arbitration Act, 1900," as an industrial union of workers, such workmen or society may, at their own cost, appoint any two persons to inspect the mine, whether such persons are employed in the mine to be inspected or not.

(*b.*) The persons so appointed shall have full liberty to visit and inspect every part of the mine, its machinery and workings, once at least in every month.

(*c.*) The mine-owner and mine-manager may accompany the persons so appointed in their inspection, and shall give them full and free facilities for the inspection.

(*d.*) The persons so appointed shall make a full and faithful report in writing of the result of their inspection, which report shall be signed by them, and they shall furnish a copy thereof to the owner or manager of the mine, who shall cause the same to be recorded in a book kept at the office of the mine.

(*e.*) Such book shall, at all reasonable times, be open to the inspection of any Inspector or workmen employed

in the mine, or officer of the said society, who may take copies of or extracts from the reports recorded therein.

(47.) The books mentioned in this section, or a copy thereof, and a copy of this Act, shall be kept at the office at the mine, and any Inspector under this Act, and any person employed in the mine, may at all reasonable times inspect and take copies from any such books, or extracts from such Act.

Books and copy of Act to be kept at mine. 1891, No. 46, sec. 33

Any manager, or any person in charge of or giving orders or directions relating to the carrying-on of any mining operations in a mine, who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

Penalty for breach of general rules in this section.

A printed copy of the rules provided for in this section shall be posted in the office and on a building or board in some conspicuous place in connection with every mine.

Printed copy of general rules to be posted in the office.

40. The special rules set forth in the Second Schedule to this Act shall be the special rules for the conduct and guidance of persons acting or employed in or about every mine to insure the health and safety of such persons, and the owner or agent of every mine shall cause a copy of such special rules to be hung up in some conspicuous place in the mine.

Special rules in Second Schedule to apply to all mines. Ibid, sec. 34

41. (1.) The owner or agent of any mine may from time to time frame, alter, or revoke such additional special rules (hereinafter called "additional rules"), not in conflict with the special rules set forth in the said Second Schedule, as may appear under the particular state and circumstances to be desirable for obtaining the above objects, which shall at once be transmitted by the owner or agent to the local Inspector, who shall forthwith transmit them with a report of their respective fitness to the Minister; and, if they are not objected to within one month after the receipt thereof by the Minister, they shall be the additional rules of the mine, and published in manner mentioned in the next following section.

Additional rules for particular mines. Ibid, sec. 35

(2.) So much of any additional rules as at the commencement of this Act are in force in any mine under any Act repealed by "The Coal-mines Act, 1891," relating to coal-mines, and are not in conflict with the special rules contained in the Second Schedule to this Act, shall continue to be the additional rules in such mine until altered or revoked by additional rules made under this Act.

Saving of existing additional rules.

42. For the purpose of making known the general rules, the special rules, the additional rules, and the provisions of this Act to all persons employed in or about each mine to which this Act applies, a copy of the general rules contained in section thirty-*nine* of this Act, supplied on the application of the owner, agent, or manager of the mine by the Inspector on behalf of the Governor, and an entire copy of the special rules and additional rules, shall be published as follows:—

Publication of rules and provisions of Act. Ibid, sec. 36

(*a*.) The owner, agent, or manager of such mine shall cause such general, special, and additional rules, with the name and address of the Inspector, and the name of the owner

or agent, and of the manager, appended thereto, to be posted up in legible characters in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed; and, so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch.

(*b.*) The owner, agent, or manager shall supply a printed copy of the general, the special, and the additional rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner, agent, or manager are paid.

(*c.*) Every copy of the general, the special, and the additional rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

Penalty for destroying or defacing rules when posted.
1891, No. 46, sec. 37

43. Every person who pulls down, injures, or defaces any proposed rules, or any rules when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of any rules, shall be guilty of an offence against this Act.

Rules certified by Inspector to be evidence.
Ibid, sec. 38

44. An Inspector under this Act shall, when required, certify a copy, which is shown to his satisfaction to be a true copy, of any rules which for the time being are established under this Act in any mine; and a copy so certified shall be evidence (but not to the exclusion of other proof) of such rules, and of the fact that they are established under this Act and have been signed by an Inspector.

False statement by owner, agent, or manager as to posting up rules deemed an offence.
Ibid, sec. 39

45. If the owner, agent, or manager of any mine makes any false statement with respect to the posting-up of any rules he shall be guilty of an offence against this Act; and if any additional rules for any mine are not transmitted within the time limited by this Act to the local Inspector, for the approval of the Governor, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by enforcing to the best of his power the foregoing provisions in that behalf, to secure the transmission of such rules.

Openings in mines to be provided.
Ibid, sec. 40

46. (1.) Within one year after commencing the working of any bords, stalls, or longwall workings in any mine there shall be made and completed at least two separate and distinct shafts or outlets to the surface from such mine, intercommunicating with each other, so that such shafts or outlets shall afford a separate means of ingress or egress available to the persons employed in such mine. Such shafts must not, if made after the commencement of this Act, be nearer than fifty feet to each other. Proper apparatus for raising or lowering persons at each such shaft shall be kept on the works of the mine, and, if not in actual use at the shafts, shall be so kept as to be quickly available for use.

Penalty.

(2.) The owner of any mine wherein such two openings shall not be completed as aforesaid shall be liable to a penalty not exceeding one hundred pounds for every week during which the same shall remain incomplete.

Not to apply if not more than ten persons employed below ground.

(3.) But this provision shall not apply so long as not more than ten persons are employed below ground at any one time in the whole

of the different seams in connection with each outlet in such mine or working.

No agreement to bar liability.
1891, No. 46, sec. 41

47. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets.

Shafts with vertical or overhanging ladders to have platforms.
Ibid, sec. 42

48. (1.) In every case where vertical or overhanging ladders are used in connection with the shaft of any mine, securely fixed platforms shall be constructed at intervals of not more than thirty feet from each other in such shaft, and such ladders shall have sufficient spaces for foot-holds of not less than six inches; but in no case shall new vertical or overhanging ladders be constructed either in substitution for old ones or otherwise.

(2.) Every person who contravenes or does not comply with this section shall be guilty of an offence against this Act.

Persons employed in mines to satisfy themselves and to report as to safety of mine.
Ibid, sec. 43

49. Every person employed in or about any mine shall satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use before commencing and whilst at work, and in case of any defect or insecurity he shall cease to use anything unsafe; and every such person who witnesses in or about any such mine any circumstance, matter, or thing which may be likely to produce therein danger of any kind, and every person who may be notified by any such person of any such circumstance, matter, or thing, shall notify the same to the person (if any) under whose immediate directions or control he may be; and every such person in subcharge of and employed in mining operations in any part of a mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed, or otherwise he shall be guilty of an offence against this Act.

Inspector to make inquiry on complaint of miner.
Ibid, sec. 44

50. Immediately upon any miner working in the mine making a complaint under this Act to any Inspector, it shall be the duty of such Inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter, and the name of the informant shall not be divulged by the Inspector.

Plan of workings of mine to be kept and copy forwarded to Inspector.
Ibid, sec. 45

51. (1.) The owner, agent, or manager of every mine where there are underground workings shall keep at the office at the mine an accurate plan of the workings of such mine, made by a certificated manager, a duly qualified mining engineer, or by a surveyor authorised as such by the Surveyor-General, and a copy of such plan shall be forwarded to the Inspector once in every six months with the whole of the workings shown thereon up to one month previously.

(2.) Every such plan shall be made to a scale of not less than two chains to an inch.

Penalty on default.

(3.) If the owner, agent, or manager of any mine fails, neglects, or refuses to forward to the Inspector a copy of such plan once in every six months, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty pounds for each offence.

Check survey if plan incorrect.

(4.) If the Inspector has reason to think that any plan forwarded to him as aforesaid is incorrect he shall report the same to the Minister, who, if he thinks fit, may cause a check survey to be made, and if thereupon the plan aforesaid prove to be incorrect in any material respect the owner, agent, or manager of the mine in which the said check survey is made shall be liable to pay all costs and charges for making such check survey or in connection therewith, and such costs and charges may be recovered as a debt due to the Crown.

Plan of abandoned mine to be sent to Minister.
1891, No. 46, sec. 46

52. (1.) Where any mine is abandoned the owner of such mine at the time of such abandonment shall, within one month after such abandonment, send to the Minister an accurate plan, on a scale of not less than two chains to one inch, or on such other scale as the plan used in the mine at the time of such abandonment is constructed on, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under care of the Minister.

(2.) Every person who fails to comply with this section shall be guilty of an offence against this Act.

Notice to be given to Inspector of abandonment, &c., or opening of mine.
Ibid, sec. 47

53. (1.) When any mine is abandoned, or the working thereof discontinued, or after any abandonment or discontinuance for more than one month the working thereof is recommenced, or when any workings are commenced for opening a new mine, the owner or agent shall give notice thereof in writing to the Inspector within one month after such abandonment, discontinuance, recommencement, or commencement.

(2.) In every case of abandonment or discontinuance the mine shall be and be kept securely fenced by the owner or agent, and all trial pits shall be fenced and kept secure by the owner of the land on which such trial pits are sunk.

Powers of Inspectors.
Ibid, sec. 48

54. Every Inspector under this Act shall have power to do all or any of the following things, namely:—

(*a.*) To make from time to time such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with;

(*b.*) To enter, inspect, and examine any mine and every part thereof at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine;

(*c.*) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto;

(*d.*) To exercise such other powers as may be necessary for carrying this Act into effect.

Inspector to give notice to owner or agent of mine of causes of danger not provided for by rules.
Ibid, sec. 49

55. If in any respect (which is not provided against by any express provision of this Act or by any special rule) any Inspector finds any mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so

as, in his opinion, to threaten or tend to the bodily injury of any persons, such Inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

If owner or agent objects to comply with requisition, question to be determined by arbitration.
1891, No. 46, sec. 50

56. (1.) If the owner or agent of the mine—

(*a.*) Objects to remedy the matter complained of in the notice he may, within seven days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister, and shall also send a copy of the same to the Inspector, who shall report on the same to the Minister, and thereupon the matter shall be determined by arbitration in manner provided by this Act in relation to the special rules, and the date of the receipt of such objection shall be deemed to be the date of the reference;

If he fails to comply with award, or with requisition where no arbitration, he is guilty of offence against Act.

(*b.*) Fails to comply with the requisition of the notice given by the Inspector, when no objection is sent within the time aforesaid, or with the award made on arbitration, within twenty days after the receipt of such notice or the making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence.

Court may adjourn proceedings for penalty to enable requisition or award to be complied with.

(2.) The Court, if satisfied that the owner or agent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn any proceedings taken before it for punishing such offence, and if the works are completed within a reasonable time no penalty shall be inflicted.

No agreement to be bar to complying.

(3.) No persons shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this section, or be liable under any contract to any penalty or forfeiture for doing such acts.

Penalty if any person commits breach of Act whereby any other person is injured or killed.
Ibid, sec. 51

57. Every person who contravenes or does not comply with any of the provisions of this Act, or who is guilty of negligence by which any person is injured or killed, either by himself, his agent, or servant, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding, if he is the owner, mine-manager, or underground manager, or person in charge of or giving orders or directions relating to the carrying-on of any mining operations in any mine, fifty pounds, and, if he is any other person, not exceeding ten pounds, for each offence; and, further, if the underground manager is shown to have been guilty of carelessness or negligence, his certificate may be suspended for such time as the Minister shall think fit, or be cancelled by the Minister.

Accident in mine *primâ facie* evidence of negligence.
1903, No. 80, sec. 3

58. (1.) Any accident occurring in a mine shall be *primâ facie* evidence that such accident occurred through some negligence on the part of the owner.

Compensation in case of accidents caused by negligence.

(2.) If any person employed in or about any mine suffers any injury in person, or is killed, owing to the non-observance in such

mine of any of the provisions of this Act, such non-observance not being solely due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, his agents or servants, the person so injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant in or about which such person was so employed, and all charges arising under the provisions of this section shall, as between themselves, be paid rateably.

Mode of recovery of compensation.

(3.) Such compensation may be recovered under the provisions of "The Workers' Compensation for Accidents Act, 1900," or "The Deaths by Accidents Compensation Act, 1880," or "The Employers' Liability Act, 1882," which shall respectively be applicable, according to the circumstances of each particular case; subject, however, that notice of injury having been sustained may be given under the last-mentioned Act at any time within three months from the occurrence of the accident causing the injury, instead of within six weeks as in the said Act mentioned.

Other rights saved.

(4.) Nothing in this section shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any Act other than this, if he prefers to proceed under such Act, but in such case he shall forfeit any right he may have to take proceedings under this section.

In proceedings against manager or person in charge burden of proof to lie on defendant that he is not such.

1891, No. 46, sec. 54

59. For the purpose of any proceeding taken under the provisions of this Act against any manager or person in charge of or giving orders or directions relating to the carrying-on of any mining operations in a mine, the burden shall lie on the defendant of proving he is not such manager or person.

In case of accident in mine, manager to notify Inspector, who is to report to Minister.

Ibid, sec. 55

60. (1.) The manager of every mine shall forthwith after the occurrence of any accident attended with serious injury to any person give a written notice thereof to the Inspector, and also shall forthwith report the same by telegraph message to the Minister, and any manager who omits to give such notice shall be guilty of an offence against this Act.

In case of serious accident mine not to be interfered with until inspected.

(2.) Any portion of a mine where a serious accident occurs shall not be interfered with until inspected by the Inspector or some other person appointed by the Minister or Coroner's jury, unless with the view of saving life or preventing further injury.

Inspector to attend inquest.

Ibid, sec. 56

61. Unless the Inspector or some person appointed by the Minister is present at an inquest holden upon the body of any person whose death may have been caused by any such accident, the Coroner shall adjourn the same, and by written notice delivered or sent four days at the least before holding the adjourned inquest give notice of the time and place of holding the same, but before such adjournment the Coroner may take evidence to identify the body and order the interment thereof; and the Inspector or other person authorised in that behalf, and also the owner, agent, or manager,

either in person or by counsel, shall be at liberty to examine or cross-examine any witness at any such inquest:

Provided that if the accident has not occasioned more than one death, and notice of the inquest has been given by the Coroner not less than forty-eight hours before the time of holding the same, it shall not be imperative on the Coroner to adjourn such inquest if the majority of the jury think it unnecessary.

As to Coroners' inquests.
1891, No. 46, sec. 57

62. With respect to Coroners' inquests on the bodies of any persons whose death may have been caused by accidents in mines, the following provision shall have effect, that is to say:—

Any person having a personal interest in or employed in or in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the jury; nevertheless, whenever it is practicable, one-half the jurymen shall be miners.

As to question whether mine is a coal-mine or not.
Ibid, sec. 58

63. If any question arise whether a mine is a coal-mine to which this Act applies, such question shall be referred to the Minister, whose decision thereon shall be final.

RESUMPTION OF LAND OR MINES.—ENCROACHMENTS.

Private lands may be resumed for coal-mining purposes.
Ibid, sec. 59

64. (1.) All lands which, previous to the twenty-fifth day of September, one thousand eight hundred and ninety-one (being the date of the commencement of "The Coal-mines Act, 1891"), have been alienated or agreed to be alienated from the Crown, whether by way of absolute sale, or lease, or for any lesser interest, shall, with the consent of the owners or occupiers thereof respectively; and

(2.) All lands which after the aforesaid date have been or may hereafter be so alienated or agreed to be so alienated from the Crown, but not expressly for coal-mining purposes, shall, without the consent of the owners or occupiers thereof respectively; and

(3.) All Native lands which have been alienated since the thirtieth day of August, one thousand eight hundred and eighty-eight, or which hereafter may be alienated by the Native owners thereof to any person other than His Majesty, except lands alienated expressly for mining or coal-mining purposes, shall—

Be liable to be resumed by His Majesty for coal-mining purposes on paying full compensation to the owner and occupier thereof for the value of the lands and improvements so resumed.

Mode of resumption, and compensation therefor.

(4.) Any resumption of lands as aforesaid may be made by the Governor under "The Public Works Act, 1894," as if it were a taking of land for a public work within the meaning of that Act, and the compensation to be paid shall be ascertained in manner provided by Part III. of that Act for the purposes of this Act.

Coal-mines on private lands, Native lands, or leased Crown lands may be acquired by contract.
Ibid, sec. 60

65. The Governor, in the name and on behalf of His Majesty,—

(*a.*) May contract with the owner or lessee of any coal-mine situate on private or Native lands for the acquisition of such lands and mine on such terms as he thinks fair and reasonable; or

(*b.*) May contract with the lessee or lessees of any coal-mine situate on Crown lands for the purchase of their respective interests therein, and the cancellation of the lease, on paying such compensation for the same, including value of goodwill, if any, as may be determined under "The Public Works Act, 1894."

Every such resumption or contract to be subject to approval of Parliament.
1901, No. 47, sec. 9

66. Every resumption of land under section sixty-*four* and every contract under section sixty-*five* of this Act shall be subject to the approval of Parliament, and for that purpose the following provisions shall apply:—

(*a.*) Full particulars of such resumption or contract shall, within ten days after the same is decided on, be laid before Parliament if sitting, or, if not, then within ten days after the commencement of the next ensuing session.

(*b.*) Such resumption or contract shall not be proceeded with unless a resolution approving the same is, within thirty days after the presentation of such particulars to Parliament, passed by the House of Representatives, and such resolution, if passed, is not, within ten days after the same has been communicated to the Legislative Council by the House, negatived by resolution of the Council.

When coal-mine resumed or acquired owner's contracts transferred to Minister.
Ibid, sec. 8

67. In every case where a coal-mine is resumed or acquired under the provisions of this Act, all the owner's contracts and engagements then in force relating to the mine or its operations, or the output or supply of coal therefrom, shall, except in so far as is otherwise agreed on between the owner and the Minister, be deemed to be transferred to His Majesty by force of this Act, without the necessity of any instrument of transfer, assignment, or other assurance, and the benefit and burden thereof shall accordingly pass to and devolve upon the Minister on behalf of His Majesty:

Provided that the owner shall from time to time execute all such instruments as the Minister deems necessary for the purpose of giving fuller effect to the statutory transfer created by this section.

Works on private land.
1891, No. 46, sec. 61

68. (1.) Where, for the purpose of working any mine, it is required to carry any work on, or over, or under any private land, or to take any such land or any part thereof for mining works in connection with such mine, the Governor, on the application and at the proper cost and charges of the owner of the said mine, may take such land or any part thereof under "The Public Works Act, 1894," as for a public work within the meaning of such Act.

(2.) All provisions of the said Act shall apply accordingly for the purpose, but the effect of the Proclamation taking the land shall be to vest such land in the applicant instead of in His Majesty, and all proceedings after the aforesaid Proclamation in respect of compensation and otherwise in respect of complying with the said Act shall be had against the applicant, who shall be deemed to be the respondent, and shall be liable in respect of such taking in the same manner and to the same extent as His Majesty or the Minister for Public Works would be in respect of taking land for a Government work under the said Act.

For purposes of this Act Minister of Mines substituted for Minister for Public Works in Public Works Act.
Ibid, sec. 62

69. For all purposes of this Act "The Public Works Act, 1894," shall be read as if the words "The Minister of Mines" had been inserted therein in lieu of the words "The Minister for Public Works."

In case of encroachment Minister may authorise inspection.
1891, No. 46, sec. 63

70. (1.) Upon the affidavit of any person taken before any Justice of the Peace or solicitor of the Supreme Court, claiming to be legally or equitably interested in any mine, or in any land adjoining or near to any other mine, that the owner of such last-mentioned mine is or is by the person making such affidavit believed to be encroaching upon such first-mentioned mine or land, the Minister may, by writing under his hand, authorise the Inspector, together with a mining-surveyor or experienced miner, to enter upon such last-mentioned mine or land for the purpose of ascertaining whether any such encroachment has been made, and, if so, the extent thereof.

Deposit to cover cost.

(2.) Before granting such authority the Minister shall require the person making or lodging the affidavit to deposit such a sum of money, not exceeding one hundred pounds, as shall be necessary to cover the cost of such inspection.

Entry on adjoining mine or land.

(3.) The persons so authorised may thereupon enter on the mine or land described in such order, and descend any shaft or enter any mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine shall be descended or entered, and make such plans and sections of the mine or land entered upon, and of any drives or other works therein, as shall be necessary for the purpose aforesaid; and the owner or agent of the mine to be entered upon shall render all necessary assistance to the persons so authorised.

Persons inspecting not to divulge information without consent.

(4.) Every such Inspector, surveyor, or miner shall, before entering on such mine or land, make a statutory declaration before any person authorised to take the same that he will not (except as a witness in a Court of justice, or in reporting on same to the Minister), without the consent in writing of the owner of the mine or land to be entered upon, divulge or cause to be divulged to any person whomsoever any information obtained upon or by such entry, save only as to whether such mine is safely worked, and whether such owner is encroaching on such first-mentioned mine or land.

(5.) Every person who acts contrary to such declaration, and any owner or agent who refuses such assistance as may be necessary to enable the persons authorised by the Minister to descend the shaft or enter and examine the mine, shall be liable to a fine not exceeding fifty pounds.

Application of deposit.

(6.) If there is no encroachment the Minister may, out of the sum deposited as aforesaid, defray the cost of such inspection; and, if such owner or agent renders such assistance as may be necessary for the purposes aforesaid, may, out of such sum, award to such owner compensation for any loss or expense to which he may be put by reason of such inspection.

Miscellaneous.

Arbitration.
Ibid, sec. 64

71. (1.) In the event of any dispute arising between any miners and the owner or agent of any mine as to any general, special, or additional rules, or between the parties aforesaid and the Inspector as to the administration of the rules, or upon any matter within the scope of this Act (not being an offence against this Act) and not otherwise provided for, the matter in dispute may be referred

to the arbitration of one or more arbitrators appointed by the parties on each side respectively and an umpire to be appointed by such arbitrators.

(2.) The determination of such arbitrator, or of such arbitrators, or arbitrators and umpire, or of the majority thereof (if there be more than two), shall be final, and the award may be made a rule of the Supreme Court.

(3.) The cost of every arbitration under this Act shall be defrayed and paid as the award directs.

Conduct of arbitration.
1891, No. 46, sec. 64

72. For the purposes of such arbitration the Minister shall, on behalf of the Governor, be deemed to be a party to such arbitration within the meaning of the following provisions, unless otherwise specially provided by this Act in any particular case:—

(*a.*) If either party fails to appoint an arbitrator within twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration, and his decision shall be final and binding on both parties.

(*b.*) If the said arbitrators fail to act in the matter when referred to them within fourteen days after their appointment, or fail to agree upon the matter referred to them within twenty-eight days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, whose decision shall be final and binding on both parties.

(*c.*) Every such arbitration shall be carried on in the manner prescribed by "The Arbitration Act, 1890," and be subject to such last-mentioned Act in the same manner as if the reference to such arbitration had been made by consent of parties under a deed.

(*d.*) Each party shall pay his or its cost of such reference, and any costs incidental to the apportionment of an umpire shall be paid equally by the parties to the arbitration.

(*e.*) Such arbitrators or umpire shall have all the powers vested in Commissioners by "The Commissioners Act, 1903."

(*f.*) Whenever the Minister is a party to an arbitration each party shall appoint its own arbitrator, and a Judge of the Supreme Court, to be nominated by the Governor, shall be the umpire between the said arbitrators.

Injury to adjoining mine by flood-water.
Ibid, sec. 65

73. (1.) Every owner of a mine, where there is an accumulation of water, who wilfully or negligently permits any water to overflow or percolate into any adjoining mine to the injury thereof, or to the impeding of any working therein, shall be liable to pay to the owner of such adjoining mine a contribution towards the cost of draining the said last-mentioned mine.

(2.) Such contribution shall be in proportion to the amount of water allowed to overflow or percolate as aforesaid, and, with costs, may be recovered in any Court of competent jurisdiction by the owner of the said adjoining mine into which the water has been allowed to overflow or percolate.

(3.) But no owner of any mine shall be entitled to claim or to recover any contribution as aforesaid under this section unless he has left a barrier of solid coal or unworked ground not less

than thirty-three yards thick along the entire line of the boundary dividing his mine from any adjoining mine.

Power to make regulations. 1891, No. 46, sec. 66

74. The Governor may from time to time, by Order in Council, make, alter, or revoke regulations for all matters concerning the administration of this Act, and the conduct of officers and persons engaged therein, and for securing safety and the prevention of accidents, and, among other things, for—

(*a.*) Prescribing terms and conditions for the issue of certificates of competency for mine-managers and engine-drivers in charge of any winding-gear for letting down or bringing up persons from mines;

(*b.*) Regulating the examinations to be held with respect to the necessary knowledge and requirements in working a mine for the purpose of ascertaining the fitness of any person applying for any such certificate;

(*c.*) Regulating the management and administration of the funds and moneys mentioned or referred to in section seventy-*seven* of this Act;

(*d.*) Regulating the formation and establishment of Medical Clubs, and the notification of such formation to the coal-mine owners in the district; 1903, No. 80, sec. 9

(*e.*) Regulating the management and administration of the funds and moneys of such Medical Clubs;

(*f.*) Regulating the mode of keeping the accounts of the funds of such clubs, and of the inspection and audit of the books thereof, and the books of the coal-mine owners and Post-Office Savings-bank in relation only to such funds and accounts;

(*g.*) Fixing fines for breaches of such regulations, such fines not to exceed for a first offence five pounds, and for a second or subsequent offence ten pounds.

(*h.*) And generally to make any other regulations in relation to such Medical Clubs and the funds thereof as may be necessary to give effect to this Act.

Inspector to make annual report. 1891, No. 46, sec. 67

75. Every Inspector shall, on or before the first day of April in every year, make a report in writing of his proceedings during the year ending on the preceding thirty-first day of December, and transmit the same to the Minister.

Half-yearly returns by owner, agent, or manager of mine. Ibid, sec. 68

76. (1.) The owner, agent, or manager of every mine shall, in the months of January and July in every year, send to the Inspector, on behalf of the Minister, correct half-yearly returns for the preceding six months respectively ending on the last day of the previous months of June and December, specifying the quantity of coal or other mineral produced from such mine, and the number of persons ordinarily employed in or about such mine, below ground and above ground respectively, together with any other information connected with the mine the Minister may from time to time require.

(2.) The return shall be in such form as may be prescribed from time to time, and forms for the purpose of such returns shall be furnished on application to the Mines Department; and the Minister may publish the result of such returns.

(3.) Every owner, agent, or manager of a mine who fails to com-

ply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

Sick and Accident Fund, and Coal-miners' Relief Fund.
1891, No. 46, sec. 69
1901, No. 46, sec. 4

77. (1.) The owner of every coal-mine, whether situate on private lands or on Crown lands, in addition to the conditions for the payment of any royalty, shall contribute to a fund for the necessary relief of coal-miners who may be injured whilst working in coal-mines, and for the relief of the families of coal-miners who may be killed or injured whilst so working.

(2.) For the purpose of such fund every such owner shall, in the months of January, April, July, and October in every year, pay a sum equivalent to one halfpenny per ton on all coal, except brown coal and lignite, sold during the preceding three months respectively ending on the last day of the previous months of December, March, June, and September, and one farthing per ton on all brown coal and lignite sold during the same period, into the Post-Office Savings-bank which is nearest to the said mine to the credit of an account called "The Sick and Accident Fund" in connection with the miners' association of the district where such mine is situated.

(3.) In case there is no miners' association, the money shall be paid into the Post-Office Savings-bank which is nearest to the said mine, to the credit of the Minister of Mines and the Public Trustee, in an account to be called "The Coal-miners' Relief Fund."

(4.) All moneys so paid into the said Sick and Accident Fund shall be operated upon only by the persons appointed in that behalf by the miners' association of the district, in accordance with regulations to be from time to time made by the Governor, and all moneys so paid into the said Coal-miners' Relief Fund shall be operated on only by the aforesaid Minister and Public Trustee jointly for the purposes of the said relief.

Inspector may examine books of mine.

(5.) Any Inspector of Mines is hereby authorised and empowered, at any reasonable time, to examine from time to time the books of any owner of a coal-mine for the purpose of ascertaining the quantity and description of coal raised from such mine during any period or periods; and also to ascertain from the proper officer having control of the Sick and Accident Fund of the miners' association of the district, and from the proper officer at any Post-Office Savings-bank as aforesaid, the amount paid to the credit of the Sick and Accident Fund or the Coal-miners' Relief Fund, as the case may be, by any owner of a coal-mine from time to time, and to compare the amounts so paid by any such owner in respect of any quarter of a year with the quantity and description of coal sold during such quarter as appearing in the books of such mine.

Penalty for failing to contribute.

(6.) If on such comparison it appears that any such owner has not paid into the aforesaid Sick and Accident Fund or Coal-miners' Relief Fund any amount as hereby prescribed, or only a part thereof, such owner shall be deemed guilty of an offence against this Act, and shall be liable to a penalty of two pounds sterling in respect of each and every pound sterling or fraction of a pound sterling which he should have but has not paid into the said Sick and Accident Fund or Coal-miners' Relief Fund respectively; and all penalties recovered under this section, less the expenses incident to the recovery of the same, shall be paid by the Inspector of Mines into the aforesaid Sick

and Accident Fund or Coal-miners' Relief Fund respectively, and shall form part thereof.

(7.) Every owner of a coal-mine who refuses, obstructs, or prevents, or causes the refusal, obstruction, or prevention of the production of the books of the mine, and the free examination of such books for the aforesaid purposes by any Inspector of Mines on his request for such production, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal, obstruction, or prevention continues.

Penalty for obstructing Inspector.

(8.) In any action brought by a workman against the owner for injuries, the amount to which such workman may be entitled from the Sick and Accident Fund or Coal-miners' Relief Fund shall be taken into consideration in assessing the damages.

(9.) "Owner" in this section includes any one or more owners, and any company, whether incorporated or not.

78. (1.) In addition to the funds mentioned in the *last preceding* section hereof, there may be established another fund called "The Coal-miners' Medical Fund."

Coal-miners' Medical Fund.
1903, No. 80, sec. 4

(2.) The miners' association mentioned in subsection *two* of the said section may, for a district as mentioned in that section, form a Medical Club, and shall upon such formation forthwith notify in writing the coal-mine owners within such district of the formation of such Medical Club.

Miners' association may form Medical Club.
Ibid, sec. 5

(3.) The owner of every coal-mine so notified shall (anything in any other Act notwithstanding) collect and deduct from the wages payable by him to every person employed in, upon, or about his coal-mine such sum per week as hereinafter prescribed, and shall pay such amount on the last day of each month into the Post-Office Savings-bank nearest to the mine, to the credit of an account called "The Coal-miners' Medical Fund" of the district where such mine is situated.

Money to be deducted from wages and paid to credit of Medical Fund.
Ibid, sec. 6

(4.) All moneys so paid into the said Medical Fund shall be operated on by the persons appointed in that behalf by the said Medical Club in accordance with the regulations to be formed as hereinbefore mentioned.

How Medical Fund operated on.
Ibid, sec. 7

(5.) The said Medical Club shall decide what sum per week shall be paid by each member thereof as aforesaid, and may from time to time decrease, increase, or alter such sum, and shall notify the mine-owners of the amounts so fixed for payment in such manner as provided by regulations.

Weekly payments by members.
Ibid, sec. 8

79. (1.) No wages or contract-money shall be paid to any person employed in or about any mine to which this Act applies at or within any publichouse, beer-shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith.

Wages or contract-money not to be paid at publichouse, &c.
1891, No. 46, sec. 70

(2.) Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each person-

ally be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this section, to prevent such contravention or non-compliance.

Payment of persons employed in mines by weight of mineral gotten.
1891, No. 46, sec. 71

80. (1.) Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, such person shall be paid according to the weight of the mineral gotten by them.

Deductions from weight.

(2.) Nothing herein contained shall preclude the owner, agent, or manager of the mine from agreeing with the persons employed in such mine that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten, which shall be sent out of the mine with such mineral, or in respect of any tubs, baskets, or hutches being improperly filled, in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the banksman or weigher and check-weigher (if there be one), or, in case of difference, by a third party to be mutually agreed on by the owner, agent, or manager of the mine on the one hand, and the person employed in the mine on the other.

Penalty.

(3.) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section he shall be guilty of an offence against this Act; and, in the event of any contravention of or non-compliance with this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this section, to prevent such contravention and non-compliance.

Men may appoint check-weigher.
Ibid, sec. 72

81. (1.) The persons who are employed in a mine to which this Act applies, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to as "a check-weigher") at the place appointed for the weighing of such mineral in order to take an account of the weight thereof, and if in any mine reasonable facilities are not afforded to him for taking such account the owner and agent of such mine shall each be guilty of an offence against this Act.

Check-weigher not to interrupt the working of the mine.

(2.) The check-weigher shall not be authorised in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorised only to take such account as aforesaid, and his absence shall not be a reason for interrupting or delaying such weighing.

May be removed by Court if he interrupts.

(3.) If a check-weigher impedes or interrupts the working of the mine, or interferes with the weighing, or otherwise misconducts himself, such owner or agent may complain to the nearest Magistrate's Court, which, if it thinks fit, may call upon the check-weigher to show cause against his removal.

(4.) Such Court shall hear the parties, and, if it thinks that sufficient ground is shown to justify the removal of the check-weigher, may make a summary order for his removal, and he shall thereupon be removed.

(5.) The Court may in every case make such order as to the cost of the proceedings as it thinks just.

(6.) The payment of a check-weigher appointed by the persons employed in a mine shall be a charge upon every miner employed in such mine and hewing coal by weight in the said mine, and may be recovered from any such miner.

Payment of check-weigher.

5 **82.** If the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of the last preceding section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Where persons employed are paid by measure or gauge.
1891, No. 46, sec. 73

10 **83.** "The Weights and Measures Act, 1903," shall apply to the weights and machines used in or at any mine for weighing mineral; and the Inspector shall, once at least in every three months, without unnecessarily impeding or interrupting the working of the mine, inspect and examine in manner directed by the said Act the weighing-
15 machines and weights so used, or the measures or gauges used at or in such mines in lieu of weights.

Weights and Measures Act to apply.
Ibid, sec. 74

84. (1.) If any mine is worked, and through the default of the owner or agent thereof special or additional rules have not been established for the same according to the provisions of this Act, or the
20 general, special, or additional rules have not been hung up or affixed, or have not after obliteration or destruction been renewed or restored, or if any of such general, special, or additional rules which ought to have been observed by the owner or agent of such mine are neglected or wilfully violated by any such owner or agent, such person shall be
25 liable to a penalty not exceeding twenty pounds; and also

(2.) In case the default or neglect is not remedied with all reasonable despatch after notice in writing thereof given by the Inspector to the owner or agent of such mine, such person shall be liable to a further penalty of one pound for every day during which
30 the offence continues after such notice.

(3.) In default of payment of any such penalty, such person shall be liable to be imprisoned for any period not exceeding one month.

Penalties for offences by owner or agent of mines with respect to general, special, or additional rules.
Ibid, sec. 75

85. Every person, other than as mentioned in the *last preceding*
35 section, whether or not employed in or about any mine, who neglects or wilfully violates any of the special or additional rules established for such mine shall for every such offence be liable to a penalty not exceeding five pounds, or, in default of payment, to be imprisoned for any period not exceeding one month.

Penalty for offences against rules by other persons.
Ibid, sec. 76

40 **86.** Every person who wilfully obstructs any Inspector in the execution of this Act, and every owner, agent, or manager of any mine who refuses or neglects to make or produce as hereinbefore required a plan of the workings of the mine, or to furnish the means necessary for making any entry, inspection, examination, or inquiry under this
45 Act, shall for every such offence be liable to a penalty not exceeding fifty pounds.

Penalty for obstructing Inspector.
Ibid, sec. 77

87. Every person who wilfully pulls down, injures, or defaces any notice hung up or affixed as required by this Act shall be guilty of an offence against this Act.

Defacing notices.
Ibid, sec. 78

50 **88.** Every person employed in or about a mine, other than an owner, agent, or manager, who is guilty of an act or omission which in the case of an owner, agent, or manager would be an offence against this Act, shall be deemed to be guilty of an offence against this Act.

Anything which is an offence if done by owner, agent, or manager of mine is an offence if done by miner in that mine.
Ibid, sec. 79

General penalty for offences against Act. 1891, No. 46, sec. 80

89. Every person who is guilty of an offence against this Act shall, when no other penalty is fixed by this Act, be liable to a penalty not exceeding, if he is an owner, agent, or manager, fifty pounds, and if he is any other person ten pounds, for each offence; and, if the Inspector has given written notice of any such offence, to a further penalty not exceeding five pounds for every day after such notice that such offence continues to be committed.

General penalty for offences against rules. Ibid, sec. 81

90. Every person who wilfully violates or neglects any provision of this Act, or any general or special or additional rule established hereby or hereunder, for the violation or neglect of which no penalty is hereby expressly imposed, shall for every such offence be liable to a penalty not exceeding ten pounds.

Recovery of penalties. Ibid, sec. 82

91. (1.) All penalties imposed by this Act may be recovered summarily before two or more Justices of the Peace under "The Justices of the Peace Act, 1882," at the suit of the Inspector or at the suit of any other officer authorised in that behalf by the Minister.

Disposal of penalties recovered.

(2.) All penalties imposed by this Act shall, when recovered, be paid to the Public Account, and shall, except as mentioned in the next succeeding section, be carried to and form part of the Consolidated Fund.

Governor may direct penalty to be paid to person injured or to relatives of person killed. Ibid, sec. 83

92. The Governor may direct—

(*a*.) That any penalty imposed for neglecting to send or cause to be sent notice of any accident as required by this Act, or for any offence against this Act which may have occasioned loss of life or personal injury, shall be paid to any relative, or among any relatives of the deceased person, or to the injured person, not being a person who occasioned or contributed to the accident or committed the offence; or

Or that portion be paid to person giving information.

(*b*.) That any portion of any penalty recovered under this Act shall be paid to the person giving the information whereby such penalty was recovered.

Procedure in prosecutions for offences. Ibid, sec. 84

93. (1.) The description of any offence under this Act in the words of this Act shall be sufficient in law.

(2.) The owner, agent, or manager may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person.

(3.) The Court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

Notice may be served by registered letter. Ibid, sec. 85

94. Except as hereinbefore mentioned in section *sixty*, all notices under this Act may be in writing or print, or partly in writing and partly in print; and all notices and documents required by this Act to be served or sent by or to the Minister or an Inspector may be either delivered personally or served and sent by post as a registered letter, and, if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to produce the receipt for the registration of such letter.

Expenses of administering this Part of Act to be paid out of moneys appropriated. Ibid, sec. 86

95. All costs and expenses incident to carrying the provisions of this Part of this Act into effect shall be defrayed out of moneys to be from time to time appropriated by the General Assembly for the purpose.

Saving of instruments and regulations. Ibid, sec. 87

96. All Orders in Council, Proclamations, appointments, awards, orders, rules, and regulations made under any of the eompiled Acts, and in force at the commencement of this Act, shall continue and be in force until new ones are made under the provisions of this Act.

97. There shall be implied in every agreement with the owner of a mine for the sale or supply of coal by him from a mine a condition that such agreement shall not be binding on him, but shall be suspended during a strike in such mine.

All agreements with mine-owner for supply of coal to be deemed suspended during strike in the mine.

1891, No. 46, sec. 88

5

PART II.

State Coal-mines.

Lands and Mines subject to this Part of this Act.

98. The Governor may from time to time, by notice in the *Gazette*, set apart for the purposes of this Part of this Act any unalienated Crown lands which in his opinion contain coal or may be required for coal-mining operations under this Part of this Act.

Unalienated Crown lands may be set apart.

1901, No. 47, sec. 2

10

99. It shall be the duty of every Land Board, or other authority charged with the sale or other disposal of Crown lands, to ascertain before such sale or disposal whether the same contain coal, and, if they do, to report the fact to the Governor, and not to sell or otherwise dispose of the lands without the consent of the Governor.

Land Board to ascertain whether land contains coal before disposing thereof.

Ibid, sec. 3

15

100. (1.) All lands set apart as aforesaid, and all lands and mines resumed or acquired under the provisions of sections sixty-*four* and sixty-*five* hereof, shall be deemed to be subject to this Part of this Act, and shall be held and dealt with thereunder and not otherwise.

All lands set apart or resumed or acquired under this Part of Act to be dealt with thereunder.

Ibid, sec. 4

20

(2.) The Governor may from time to time, by notice in the *Gazette*, exempt any of the said lands or mines from the operation of this Part of this Act, and thereupon the lands or mines so exempted shall cease to be subject thereto, and shall be disposed of as the Governor directs.

Governor may exempt such lands from Act.

25

(3.) The Governor may permit any lands subject to this Part of this Act to be disposed of by way of lease under "The Land Act, 1892," subject to the condition that the lease may be determined at any time by the Governor, without compensation to the lessee, in the event of the land being required for coal-mining purposes under this Part of this Act:

Or permit same to be leased, subject to right to cancel if required for coal-mining.

30

Provided that with respect to the lands comprised in the First, Second, and Third Schedules to "The Westland and Nelson Coalfields Administration Act, 1877," subsection one of section forty-four of "The Mining Act, 1898," shall apply.

Proviso as to lands in Westland and Nelson Coalfields.

35

State Coal-mines.

101. Subject to the provisions of this Part of this Act, it shall be lawful for the Minister, on behalf of His Majesty, to open and work coal-mines on land subject to this Part of this Act, and to work coal-mines subject to this Part of this Act, and generally to carry on the business of coal-mining in all its branches.

Minister may open and work coal-mines.

Ibid, sec. 5

40

102. For the purposes of the *last preceding* section the Minister, on behalf of His Majesty, may from time to time, in such manner and on such terms as he thinks fit,—

Powers of Minister for carrying on coal-mining.

Ibid, sec. 6

45

(*a.*) Appoint managers, engineers, agents, workmen, and servants; and

(*b.*) Construct, erect, or by purchase, lease, or otherwise acquire buildings, plant, machinery, railways, tramways, hulks,

ships, and other fixed or movable appliances or works of any description, and sell or otherwise dispose of the same when no longer required; and

(*c.*) After State requirements have been provided for, sell, supply, and deliver coal and other products the result of coal-mining operations; and

(*d.*) Enter into and enforce contracts and engagements; and

(*e.*) Generally, in so far as is not elsewhere in this Part of this Act sufficiently provided for, do anything that the owner of a coal-mine might lawfully do in the working of the mine or that is authorised by regulations under this Act.

Powers of Minister in respect of transport of coal. 1901, No. 47, sec. 7

103. In addition to the powers conferred on the Minister by the *last preceding* section he may, in such manner as he thinks fit, work any tramway, hulk, ship, or other movable appliance acquired by him under that section for the purpose of supplying and delivering coal.

Power to raise money. Ibid, sec. 10

104. In order to provide funds for the payment of all compensation or purchase-moneys payable in respect of any resumption or contract under the aforesaid sections sixty-*four* and sixty-*five* hereof, or for the construction, erection, or acquisition of buildings, plant, machinery, railways, tramways, hulks, ships, or other appliances or works required for the working of any mine under this Part of this Act, or for the supply of coal therefrom, the Colonial Treasurer, upon being authorised by the Governor in Council so to do, may from time to time raise any sum or sums not exceeding in the whole the sum of one hundred and fifty thousand pounds from any balances in any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891," or from any moneys to the credit of the Public Works Fund, or from any bank, monetary institution, or person.

Authority for lending money. Ibid, sec. 11

105. This Act shall be a sufficient authority to the officers having the custody or control of the aforesaid accounts, and to the Colonial Treasurer in respect of the Public Works Fund, to lend out of such balances and moneys as aforesaid any sums not exceeding in the whole one hundred and fifty thousand pounds.

Security for persons lending money. Ibid, sec. 12

106. No person, body, or authority from whom any moneys are raised as aforesaid shall be concerned to see or inquire whether or to what extent the powers given by this Part of this Act to raise money have been exercised or are intended to be exercised; and all sums raised or purporting to be raised under this Part of this Act shall, in so far as concerns the safety and security of the lender, be deemed to have been lawfully raised.

Debentures. Ibid, sec. 13

107. (1.) As security for the moneys so raised, or in satisfaction of the aforesaid compensation or purchase-money, where the persons entitled thereto are willing to accept debentures in lieu of cash, the Colonial Treasurer may from time to time create and issue debentures for any amount not exceeding in the whole one hundred and fifty thousand pounds, and with respect to such debentures the following provisions shall apply:—

(*a.*) The debentures shall be in such form as the Colonial Treasurer prescribes, and shall be signed by him and countersigned by the Controller and Auditor-General.

(*b.*) They shall, in the case of each debenture, be for such amount, being not less than one hundred pounds nor more than one thousand pounds, as the Colonial Treasurer thinks fit, and shall be payable to bearer.

(*c.*) They shall have a currency of not more than forty years, and shall bear interest at a rate of not more than four per centum per annum, payable half-yearly.

(*d.*) They shall be payable, both as to principal and interest, at such place as is named therein.

(*e.*) They shall be numbered consecutively in series of debentures of the same amount, so that no two debentures of the same amount shall bear the same number.

(*f.*) They may, if the Governor in Council so declares, be convertible into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," and "The Consolidated Stock Act, 1884."

(*g.*) The principal sum named in every debenture, and all interest thereon, shall be a charge upon and shall be paid out of the Consolidated Fund.

(*h.*) Every debenture which on its face purports to have been issued under the authority of this Part of this Act shall, in so far as concerns the safety and security of the holder thereof, be deemed to have been validly issued, and no holder of any such debenture shall be concerned to see or inquire whether or to what extent the powers of issue given by this Act have been exercised or are intended to be exercised.

(2.) All moneys raised and debentures issued under "The State Coal-mines Act, 1901," shall be deemed to have been respectively raised and issued under this Part of this Act, and the provisions of this Part of this Act shall apply thereto accordingly.

Accounts.

108. With respect to each coal-mine worked by the Minister under this Part of this Act, the following provisions shall apply :—

In the case of each coal-mine accounts to be kept and balance-sheet prepared. 1901, No. 47, sec. 14

(*a.*) The Minister shall cause full and faithful accounts to be kept of all moneys received and expended, and of all credits and liabilities.

(*b.*) Within twenty-one days after the close of each financial year the Minister shall cause a balance-sheet for the year to be prepared, together with a statement of accounts (including a capital account and a profit and loss account).

(*c.*) Such balance-sheet and statement shall be so prepared as to show fully and faithfully the financial position of the mine, and the financial result of its operations for the year.

Balance-sheet and accounts to be audited.

(*d.*) Within twenty-eight days after the close of each financial year the Minister shall cause the balance-sheet and statement of accounts for the year to be submitted to the Audit Office for audit, and when so audited the same shall be published in the *New Zealand Gazette.*

And laid before Parliament.

(*e.*) The balance-sheet and statement of accounts, duly audited, together with a report by the manager on the operations of the mine for the year, shall, within ten days after the audit is completed, be laid by the Minister before Parliament, if sitting, and, if not, then within ten days after the commencement of the next ensuing session thereof.

State Coal-mines Account.
1902, No. 8, sec. 2

109. All moneys raised under the authority of this Part of this Act shall, as and when raised, and all other moneys received hereunder shall, as and when received, be paid into the Public Account to the credit of a separate account called "The State Coal-mines Account."

Except as otherwise provided, all sums expended or payable to be appropriated.
1901, No. 47, sec. 19

110. Except as provided by sections one hundred and *four* to one hundred and *seven* hereof, all sums expended or payable under this Part of this Act shall be payable out of moneys to be appropriated by Parliament:

Provided that moneys received under this Part of this Act in respect of the sale or supply of coal (including the moneys received from the Government Railways and other Departments) may, without further appropriation than this Act, be expended in or towards carrying out the purposes of this Part of this Act.

Temporary investment of moneys.
1902, No. 8, sec. 4

111. Any of the moneys in the State Coal-mines Account may, until required for the purposes of this Part of this Act, be temporarily invested from time to time, as the Colonial Treasurer directs, in any Government securities, or in any securities wherein for the time being any balances in the Public Account may lawfully be invested, and all interest received in respect of any such investment shall be paid into the State Coal-mines Account.

Application of Profits.

Sinking fund and depreciation fund to be established out of net surplus profits.
1901, No. 47, sec. 15

112. After full provision has, in the case of each mine, been made for all outgoings, losses, and liabilities for the year (including interest on debentures issued, and on moneys paid out of the Consolidated Fund and not recouped) the net surplus profits then remaining shall be applied in establishing a sinking fund in respect of debentures issued or moneys to be recouped to the Consolidated Fund as aforesaid, and, subject thereto, in establishing a depreciation fund in respect of capital expended.

Price of coal may be reduced if net surplus profits exceed 5 per cent.
Ibid, sec. 16

113. If at the close of any financial year it appears in the case of any mine that the net surplus profits for the year, computed as aforesaid, exceed five per centum on the total capital expended, then during the following year the Minister may reduce the price of the coal from such mine to such extent as, on the basis of the previous year's operations, will produce a net surplus profit of five per centum on the total capital expended.

Miscellaneous.

Mines to be managed and worked subject to Part I. of Act where applicable.
Ibid, sec. 17
1903 No. 80, sec. 12

114. Every coal-mine worked under this Part of this Act shall be managed and worked subject to the provisions of Part I. of this Act in so far as the same are applicable, and, in particular, sections seventy-*one* to ninety-*four* and the Second Schedule to this Act shall apply.

115. Any award under "The Industrial Conciliation and Arbitration Act, 1900," relating to coal-mines in the industrial district in which any State coal-mine is situated shall, subject to such variations as in the opinion of the Court are necessitated by local circumstances, apply to such State coal-mine.

Industrial awards to apply to State coal-mines, subject to variations by Court. 1901, No. 47, sec. 18

116. In order to preserve the interests of the Westport Harbour Board and the Greymouth Harbour Board the following provisions shall apply in every case where land purchased, acquired, or taken under the powers in that behalf hereinbefore contained is subject to the provisions of "The Westland and Nelson Coalfields Administration Act, 1877":—

Provisions as to Westport and Greymouth Harbour Boards. Ibid, sec. 20

(*a.*) A sum equal to the rents, royalties, fees, or other moneys which but for the operation of this Part of this Act would have been payable to either of the said Boards in respect of such land shall be paid to such Board out of the proceeds of the sale of coal from such land under this Part of this Act.

(*b.*) Such payment shall be made at such time and in such manner as the Minister directs, and the decision of the Minister as to the amount to be paid to each Board under this section shall be final and conclusive.

117. (1.) The Governor may from time to time make such regulations as he thinks necessary for any of the following purposes:—

Regulations. Ibid, sec. 21

(*a.*) The management of coal-mines under this Part of this Act;

(*b.*) The functions, duties, and powers of all persons acting in the management and working of coal-mines under this Part of this Act;

(*c.*) The form of the accounts to be kept and the balance-sheets to be prepared in respect of coal-mines under this Part of this Act;

(*d.*) The mode in which the sinking funds and other funds connected with coal-mines under this Part of this Act shall be held and administered;

(*e.*) Generally any other purpose for which, in the opinion of the Governor, regulations are contemplated or required.

(2.) All such regulations shall be gazetted.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ACTS COMPILED.

1891, No. 46.—"The Coal-mines Act, 1891."
1893, No. 50.—"The Coal-mines Act Amendment Act, 1893."
1895, No. 26.—"The Coal-mines Act Amendment Act, 1895."
1897, No. 7.—"The Sunday Labour in Mines Prevention Act, 1897": So far as it relates to coal-mines.
1901, No. 46.—"The Coal-mines Act Amendment Act, 1901."
1901, No. 47.—"The State Coal-mines Act, 1901."
1902, No. 8.—"The State Coal-mines Amendment Act, 1902."
1903, No. 80.—"The Coal-mines Act Amendment Act, 1903."

SECOND SCHEDULE.

SPECIAL RULES APPLICABLE TO ALL COAL-MINES.

MANAGER.

1. THE mine, and all the operative details of the management thereof, shall be under the control and daily supervision of the manager, whose duty it shall be to carry out and see carried out the various provisions of this Act and any Act for the time being in force for the regulation of coal-mines (all hereinafter referred to as "the Coal-mines Acts") so far as incumbent upon him or those acting under his control or direction, and to see that the mine is properly ventilated, and that sufficient materials and appliances are always provided for the proper carrying-out of all necessary operations. He shall be responsible for the appointment of a sufficient number of competent persons to carry out the requirements of the Coal-mines Acts and the special rules, and also to see that the working of the mine is carried on with all reasonable provisions for the safety of the persons employed.

2. The manager shall take all reasonable means for carrying out the requirements of the Coal-mines Acts and special rules by publishing and, to the best of his power, enforcing them.

3. The manager shall see that an adequate amount of ventilation is constantly produced in the mine, to dilute and render harmless noxious gases to such an extent that the working-places of the shafts, levels, stables, and workings of the mine, and the travelling-roads to and from such working-places, shall, so far as is reasonably practicable, be in a fit state for working and passing therein.

4. The manager shall see that an ample supply of timber, props, sprags, bricks, lime, sand, ropes, brattice-cloth, and other requisite materials are always on the premises, and the underviewer shall see that the same are distributed, and also report any deficiency.

5. The manager shall see that all the provisions contained in the Coal-mines Acts as to the non-employment of women and boys and the employment of youths are strictly enforced.

6. The manager must see that the signals for moving the cages are painted upon a board and placed in a conspicuous position.

UNDERVIEWER.

7. The manager may appoint one or more underviewers to assist him in the performance of his general and the above special duties, subject, however, to his own general supervision and control.

8. In addition to and without in any way restricting his general duties, the underviewer shall examine all parts of the mine daily, and also all the air-courses of the mine, and all stoppings and brattices connected with the same, and cause remedies to be provided immediately for all defects that may be found on such examinations.

9. The underviewer, whenever practicable, must personally attend to the matters and duties required by the following rules; and the performance and observance of such matters and duties shall not be intrusted to a deputy, except in cases in which the underviewer cannot reasonably perform them, or during his lawful absence. In these cases he may require his deputy or deputies to act for him, and they shall be bound to do and perform all acts, matters, and duties deputed to him or them by the underviewer according to these rules. The authority for deputy to act for underviewer must be in writing.

10. A safety lamp shall be used in making all such examinations as aforesaid.

11. He shall see that a sufficient quantity of timber for props and other purposes is daily supplied to the workmen, and cause the same to be cut in proper lengths and laid down in the working-places. He shall see that all the roads and tramways throughout the mine are kept in a safe and workable state.

12. He shall give all necessary instructions to the workmen in the mine respecting their work, and shall see daily that these rules are duly observed.

13. He shall daily make a correct entry of the readings of the barometer and thermometer in the mine-register, and shall use additional care with the ventilating apparatus and examination of the works during any unusual indications.

14. The underviewer, under the directions of the manager, shall see that locked safety lamps are used, and naked lights excluded wheresoever and whensoever danger from firedamp is apprehended, and shall see that proper caution boards or signals are placed and maintained for the purpose. He shall also examine the

lamps, and shall immediately withdraw any that he may find unsafe. The underviewer or his deputy shall see that the roof and the sides in all working-places are properly secured by the persons working in them, and that the roof and sides of every travelling-road be made and kept secure. The underviewer or his deputy shall visit every working-place as often as is practicable during each shift.

15. The underviewer shall not make nor allow any change to be made in the direction of the ventilation of the mine when any person is in the mine beyond the place where such change is proposed; and he shall, where practicable, cause the stables to be ventilated into the return air from the mine.

16. The underviewer or his deputy shall inspect daily the doors in the main airways, and see that they are checked or doubled. No door must be propped or fastened back whilst on its hinges. The underviewer must appoint doorkeepers whenever necessary. Doors only used occasionally by the underviewer or his deputy must be kept securely locked, and only opened by properly authorised persons. All doors must be kept in good repair, and hung so that they will close automatically.

17. The underviewer or his deputy shall see that the airways and air-crossings are kept properly opened, and shall travel through the airways at least once a week; and shall see that the regulators, tight-stoppings, doors, sheets, brattices, and danger-signals are immediately put where required. He shall see that the ventilating-furnaces and other ventilating-apparatus are properly attended to. The underviewer or his deputy must remain underground until the day's work is finished, and see that the doors and sheets are closed, and all the workmen are out of the mine.

18. The underviewer, acting under the direction of the manager, shall see that all places not in actual use are properly fenced across the whole width, so as to prevent persons inadvertently entering the same.

19. The underviewer shall see that all the provisions contained in the Coal-mines Acts and in these special rules relating to the use of gunpowder and other explosive substances used in the mine are strictly enforced.

20. The underviewer or his deputy shall see that proper manholes and signals which are made or provided are kept in good order, according to the provisions of the Coal-mines Acts.

21. The underviewer shall withdraw workmen from working-places which are in any way unsafe, and shall report the same.

Firemen and Deputies.

22. The manager shall appoint one or more competent persons to act as firemen or deputies of the mine.

23. In making the examinations provided for by the foregoing rules, the fireman shall mark with chalk the day of the month upon the face of each working-place, as 1, 5, 10, 25, or other numbers, as the case may be. He shall pay particular attention to the edges of the goaves and the gate-end lips. He shall be careful to ascertain that every part of the mine and roadways so to be examined are free from firedamp, chokedamp, or other impurities, and are safe for workmen to enter and work therein; and in case firedamp or other impure air is discovered in any working-place, road, or level, the fireman shall, in the first instance, thoroughly clear the same of such impurity, if that can be done easily, and shall thereupon report to the miners and other workmen that the same are safe; but if the impurity cannot be readily or at once cleared out, the workmen shall not be permitted to enter such working-places, roads, or levels until the impure air has been, by further appliances, entirely dispelled. He shall prevent workmen entering the roads or working-places until a report has been made that they are safe, and shall see that proper caution-boards are put up when necessary. If no firedamp, chokedamp, or other impurity shall be discovered or suspected to remain after such inspection, the fireman shall so report to the workmen, and allow them to proceed to work, and shall thereupon without delay enter such report in the mine report-book.

24. If from any cause the operations of the mine have been discontinued for an unusual length of time and thereafter resumed, no workmen shall be allowed to enter the mine until the manager or fireman has first entered and reported on the state of the workings; and in discharging this duty the manager or fireman must proceed with great caution, and shall not go further into the workings than he, from his own experience, deems safe; and in case there are reasonable grounds for apprehending the presence of impure air, he shall return to the mine-mouth and

remain there until precautionary measures have been applied to restore the proper ventilation of the mine.

25. He shall report to the manager—

(*a.*) Any deficiency in the amount of ventilation;

(*b.*) Any violation by workmen of the rule as to entering the mine before inspection;

(*c.*) Any use or attempted use of gunpowder or other blasting material without permission;

(*d.*) Any damage done to fences, signals, or marks in the mine;

and he shall fire all shots in every mine in which firedamp has been met with, or in which dry coal-dust exists in dangerous quantities, unless he has written authority to depute the duty to another person.

Roadsmen.

26. The roadsmen, in their different divisions and shifts, shall daily make careful inspection of the whole drawing-roads and headings from the mine-mouth and throughout the mine, and shall keep the same free of all obstructions and of the fixed height and width necessary for proper passage and ventilation.

27. They shall repair and remedy all damages and defects in the roads, and shall examine, put, and keep in proper condition all trap-doors and sheets, and shall see and enforce that the same be kept close, and, wherever practicable, shall make and keep all trap-doors self-acting.

28. They shall report daily to the mine-manager at the termination of each shift. They shall also report daily to the mine-manager any instance of neglect on the part of the miners in not carrying on their coal-faces or walls in accordance with the plan pursued in working the mine, or in not propping up and securing the roof in those parts of the workings under their care.

29. As removing falls from the roofs of drawing-roadways and air-courses, repairing defects, and supporting loose strata are within the roadsmen's duties, and as they are charged with the maintenance of all drawing-roads and passages in the mine, they are enjoined to proceed with the greatest caution, both for their own safety and the successful execution of their duties. In their operations they must exercise the greatest care, and are required to prevent all other workmen coming near any defective places or interfering with them when at work. They are required to undertake no repairs of unusual magnitude or danger without sufficient assistance and until provided with every necessary material, which shall be supplied to them on application to the mine-manager.

Miners and other Workmen.

30. Every workman now or hereafter employed in any of the works or workings of the mine, whether on surface or underground, shall be subject to these rules, and shall obey the commands or instructions of the manager, or of the underviewer, if any, in charge of the mine or part of the mine in which he is working.

31. Workmen are expressly forbidden to proceed towards or into their working-places at the commencement of any shift until it has been intimated to them by the fireman that the travelling-roads and working-places have been examined and are apparently safe to enter.

32. Till such intimation of apparent safety has been made, workmen shall either remain at the pit-head or mouth of the mine or at some other place assigned to them for the purpose. If no such place has been assigned at which to remain they shall always understand that the pit-head or mine-mouth, whichever it may in their case be, is the proper place at which they are required to wait for the requisite intimation.

33. On beginning work at every shift workmen shall be bound to satisfy themselves concerning the safety of their working-places, independently of such intimation as aforesaid, and they shall thereupon work at their appointed coal-faces or other work continuously, industriously, and without unnecessary intermission while the shift continues, and shall obey the orders applicable to the safe and proper prosecution of the colliery-works given them by the mine-manager, overman, or other person for the time being placed over them.

34. If while at work, or at any other time, workmen discover or are informed of the existence of any obstruction in the ventilation of the mine, or any stagnation or impurity of the air of the mine, or any accumulation of gas or water, or of the existence of any defects in the walls, roofs, or any other part of the mine, they shall

be bound to give instant information to the mine-manager, overman, or the person in charge of the mine for the time being, so that these defects may be remedied and danger therefrom averted.

35. Workmen are expressly forbidden to go into or improperly near any place throughout the whole mine where danger is known or supposed to exist, except for the purpose of effecting repairs or other necessary work directed by the manager or his overman. They are forbidden to continue working in any part of the coal-face where a sudden outburst of firedamp happens, or where danger from any cause apparently threatens, until the same has been examined by the manager or overman in charge and reported safe or the impurity obviated.

36. Workmen shall, before commencing holing, when the face of coal does not exceed ten feet in width, set at least one sprag, and one additional sprag for every additional five feet or part of five feet, and shall afterwards keep them set during holing. After taking out the sprags or holing-props, if the coal or other mineral will not fall with wedging or from the effects of the shot, they shall not hole further until they have reset the sprags or holing-props.

37. Every workman shall, under the direction of the underviewer or his deputy, set a sufficient quantity of props and bars for safely supporting the roofs and sides in his working-place. The timber shall be properly set.

38. No workman shall use or allow to be used any gunpowder, except in conformity with the general rules for its use.

39. If from any accident or other cause workmen are at any time unable to find a sufficient supply of props when it is unsafe to continue their work without them, they are forbidden to remain at their working-faces; and no workman shall commence or continue to work in any place where he may consider the timber insufficient to support the roof of the mine, or discover any other cause that may render the place unsafe, until such defects have been put right by the person in charge.

Truckers and Drivers.

40. Truckers and drivers shall not be permitted to approach or to enter the working-places until the workmen have proceeded to work. Truckers shall carefully convey their loaded trucks to the place of delivery pointed out to them for the reception thereof, and shall place them securely under the supervision of those appointed to take charge.

Miscellaneous Regulations.

41. As a matter of common safety, all workmen in the mine who observe or come to know of any defect in any road, roof, or air-course, or in any stopping or permanent or temporary brattice, or other appliances or work devised for making, maintaining, and promoting effective ventilation of the mine, shall give notice thereof to the manager or overman, or other person in charge, so that the same may be forthwith repaired or rectified.

42. In like manner every workman engaged in the mine who observes or comes to know of any defect or flaw in the working machinery and gearing used in or about the mine, whereby the efficiency thereof may be impaired, shall be bound to communicate the same as above.

43. No workman shall on any pretence whatever be allowed to introduce into the mine any stranger without the sanction of the mine-manager.

44. Workmen and all other persons in the mine who have occasion to pass through any trap-door or sheet shall thereupon closely shut the same, and shall on no account leave it open. On discontinuing work at the end of a shift care must be taken by every workman closely to shut all trap-doors and sheets, and thereby allow of the proper current of air necessary for ventilation being constantly circulated, and no person shall injure a door or leave it open, break down or interfere with a stopping or a brattice, obstruct or damage an air-course, air-crossing, or air-pipe, or remove a caution-board or danger-signal, or do anything to interfere with the proper working of the mine, without an order from the underviewer or his deputy.

45. All workmen are especially forbidden to throw into, deposit, or leave coal, wood, stone, rubbish, or materials of any kind in any air-course or road so as to interfere with or hinder the air passing into and through the mine.

46. All workmen are prohibited from entering or remaining in any place throughout the whole mine where not absolutely required by duty at the time.

47. Workmen and all other persons are prohibited from defacing or removing marks which may be made in any part of the workings in connection with the survey

of the mine or for the guidance of the workmen in their operations. All workmen are forbidden to displace, injure, or damage in any way the coal-pillars, props, trucks, rails, or any part of the machinery, gearing, or apparatus.

48. Blasting is strictly prohibited, unless with the express permission of the manager or underviewer.

49. No person shall leave any light in any part of the mine when leaving his work.

50. Shots must be rammed with soft material not likely to strike fire, and in no case shall coal-dust be used for the ramming.

51. When a shot has missed fire it shall not be unrammed, but shall be reported to the underviewer or his deputy, and the place shall not be approached without the permission of the underviewer or his deputy.

52. Meetings of workmen in a body within the workings, or in any of the roads or air-courses of the mine, are strictly prohibited.

53. No person shall be permitted to enter or to continue in or about the mine or works while in a state of intoxication. No intoxicating liquor, on any pretence whatever, except in cases of necessity and with the consent of the manager, shall be taken into the mine.

54. No person shall ride upon any truck without the permission of the manager. No person shall go before any truck on any incline, brow, or slope unless duly authorised. Every person working on any incline, brow, or slope shall secure his truck from getting loose, and, before he attempts to take a truck down, shall ascertain that he has proper scotches or other means for stopping it on the way when required. He shall not take more than one truck down at a time unless he has the means of holding them, and when on the way he shall keep behind. When machinery is used he shall not, without hooking or otherwise securing it, place a truck on the plates or rails so that it could run down. The taker-off at the bottom of a steep incline or jig should not be in front of the tub when it is in motion.

55. The furnaceman shall constantly keep clean brisk fires; ashes shall not be allowed to accumulate upon or under the bars, but when cold they must be removed.

56. The ventilating furnace or apparatus shall not be left either day or night without the order of the manager. In changing shifts the man in charge of the ventilating-apparatus shall not leave his place before the arrival of a substitute. In case of sickness or lawful absence, a furnaceman or an engineman must give early and sufficient notice to the manager, so that a substitute may be provided.

57. No person shall use threatening or abusive language towards the manager or other official of the mine.

Rules designed to prevent Accidents from Firedamp.

58. The common but highly dangerous practice among miners of testing firedamp escaping from a blower by igniting it with their lamps is peremptorily forbidden.

59. The manager may at any time order that work in the mine, or in any particular portion thereof, shall be carried on with safety lamps only, and in such cases stations will be fixed upon by the manager where the safety lamps will be examined. From these stations no workman is to take a safety lamp without its having been examined by the person appointed for that purpose.

60. The manager shall appoint a competent person or persons who shall examine every safety lamp immediately before it is taken into the workings for use and ascertain it to be secure and securely locked; and in any part of a mine in which the safety lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not without due authority be unlocked; and in the said part of the mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety lamp, or any lucifer-match or apparatus of any kind for striking a light. He shall not allow any unlocked lamp to be in any part of the mine, excepting in a lamp-cabin or other station properly appointed for lighting lamps. He must also see that no safety-lamp gauze is used with less than twenty-eight parallel wires to the inch, or less than 784 apertures to the square inch, and that a sufficient number of approved safety lamps are provided.

61. No person shall try for firedamp with a naked light, or brush out or baffle gas. (See Rule 74.)

62. Where safety lamps are used they shall be used with the greatest care. Every person must examine his lamp to see that it is clean and securely locked on taking it from the lamp-keeper.

63. No one shall place a safety lamp on the floor, except when holing, and in all cases at least 2 ft. from the swing of the pick.

64. No one shall have in the mine any unlocked safety lamp in his possession, or a key or any contrivance for opening the same, except properly authorised persons.

65. No person shall work with his safety lamp full of fire, or unlock or unscrew the same, or blow out the flame, or light tobacco or other substance at the gauze, or damage or improperly use the lamp.

66. When a person is using a safety lamp his putter or trucker must not bring a naked light into the place where a safety lamp is used.

67. The lamp-keeper must not deliver out a safety lamp to be used that has less than twenty-eight parallel wires in an inch of the gauze, or which is not furnished with a proper lock and wire-pricker. He must see that each safety lamp, when given out for use, is in good working-order, clean, well trimmed, and securely locked; and must not allow any greasy waste to accumulate in the lamp-cabin, and must inform the underviewer whenever he finds that a safety lamp has been wilfully or negligently damaged or carelessly used.

68. The manager and underviewer shall have full power to direct the workmen how to use their safety lamps during the time of working, and every workman shall strictly attend to such directions.

69. Should any workman using a safety lamp detect by the usual indications the appearance or presence of firedamp, he is first to pull down the wick with the pricker, or otherwise lower the flame, and then retreat to the lamp-station and give information to the manager, underviewer, or fireman.

70. Workmen are strictly prohibited from continuing to work in a place where such indications have been observed by them, and should the flame continue in the interior of the lamp after the wick has been drawn down, the lamp must then be cautiously removed, and no attempt made to extinguish the flame by any other means.

71. Every person whatever in charge of a safety lamp who loses his light is to proceed to the station where the lamps are examined to have his lamp relighted and examined before being again used.

72. It is expressly directed that any person witnessing any improper treatment of the safety lamps by any one shall give immediate information to the manager in charge of the mine, so that a recurrence of such conduct may be prevented by the offending party being brought to justice.

73. Any person found smoking tobacco in any part of the mine where the safety lamp is used, or found with a tobacco-pipe or lucifer-matches in his possession, shall be liable to be taken before a Magistrate.

74. In places where safety lamps are used no person shall use or have in his possession a naked light; and matches shall not be taken into any part of the mine where gas or firedamp is known to exist under any pretence whatever.

75. If at any time it is found that the mine or any part thereof, by reason of firedamp or any other cause whatever, is dangerous, the manager, underviewer, or fireman, whoever is first made aware of the same, shall immediately order all workmen to withdraw from the mine, or such part thereof as is so found dangerous; and the manager, underviewer, or fireman shall inspect the same with a safety lamp, and make a true report of the condition of such mine or part thereof; and workmen shall not, except so far as may be necessary for inquiring into the cause of danger, or for the removal thereof, or for examination, be readmitted into the mine or such part thereof as may be so found to be dangerous until the same is reported not to be dangerous. Every such report shall be entered in the mine report-book, and signed by the person making the same.

76. No officer in a place of trust shall depute another person to do his work without the sanction of his superior; and no person in a place of trust shall absent himself without having previously obtained the permission of his superior officer for his term of absence.

Underground Workmen.

77. During the time of the mine-drawing every person in descending the shaft shall be under the direction of the banksman, and in ascending the shaft shall be under the direction of the onsetter, and no other person than the banksman and

onsetter shall give any signal during such time. No person shall get on or off the cage after the signal to go on has been given, nor until it has settled on the props or reached the bottom. No person shall take with him down or up the shaft tools, rails, props, sprags, or other bulky material, except for repairing the shafts. No person shall get on the cage after the number of persons stated on the board at the pit top and bottom are on. Every workman shall leave the cage immediately when ordered to do so by the banksman or onsetter.

Banksman and Onsetter.

78. The head banksman, subject to the manager's or underviewer's directions, shall have full control over the pit-top and over all persons engaged under him. The onsetter, subject to the manager's or underviewer's directions, shall have full control over the pit-bottom and all persons employed there. No person under the age of eighteen years shall have charge of the pit top or bottom.

79. The head banksman or other appointed person shall be at the mine at the appointed time in the morning, and shall provide a sufficient number of lights on the bank; and before the engine is started, and from time to time during the day, he shall see that the pulleys, ropes, cages, chains, and landing doors or frames are in safe working-condition; and he shall not allow any person to descend the shaft until he has put the loaded tubs into the cage, and the ropes and loaded cages have been run up and down the shaft, and the ropes, chains, cappings, and cages carefully examined by him. If any weakness or defect is found in anything belonging to the pit-top, or in the engine or machinery, he must not permit any person to descend or ascend until it is made secure. The banksman shall also attend to the proper signals.

80. The banksman in charge of the pit-top shall not let a stranger go down the shaft without the authority of the manager. The banksman, when he is informed of danger in the shaft, shall not allow any person to go down, unless for the purpose of repairing the shaft. He shall not allow any intoxicated person to descend. He shall himself give the signals, and let no other than appointed persons land the trucks or put them into the cages. He shall listen at the pit-top when any person is in the shaft, and instantly signal the engineman to stop the engine in case of alarm. He shall remain at the pit-top until all the workmen are drawn out.

81. The banksman or onsetter shall not let a youth under sixteen years of age go up or down the shaft unless accompanied by a man, and shall not permit more than the number of persons stated on the board at the pit top and bottom to descend or ascend at one time. The banksman and onsetter shall not allow a person to go down or up against a loaded cage in the same shaft unless it is bratticed, and shall not allow any person to take with him rails, props, sprags, tools, trucks, or other bulky materials, or to get on or off the cage until it has settled upon the props or reached the pit-bottom. The banksman shall send all tools down the shaft in a truck, and props, rails, brattice-boards, and other bulky materials shall be tied securely to the cage or rope by the banksman or onsetter when being sent down or up the shaft. If a rope is working in the shaft for underground planes, no person shall ride in the cage whilst this is running unless the rope be cased.

82. The head banksman shall see that the fencing is placed securely round the top of every shaft when it is not at work.

83. The onsetter shall be in the mine at the appointed time in the morning. He shall be at his station and give signals and perform his other duties under these rules, and he shall remain there to see the workmen all safely into the cage and up the shaft at the close of the day.

84. The onsetter shall report to the underviewer any person that gives a signal or disobeys his direction. He shall remain at the bell-handle and give cautionary signals, if necessary, when any person ascends or descends the shaft. He shall only allow appointed persons to put trucks into or take them out of the cages; and he shall see that the coals or materials do not project over the cage.

85. The onsetter shall see that the water-sump is never uncovered when any person is ascending or descending the shaft.

86. The banksman shall keep the cages and pit-top clear.

Signals.

87. The banksman and onsetter shall alone give the signals for moving the cages, which are as follows:—

When the cage is to be raised from the pit-bottom the bell is to be struck	Once.
When persons are about to ascend	Three times.
Which the banksman shall answer before the men get on the cage	Once.
When persons are about to descend, the banksman shall signal	Three times.
Which the onsetter shall answer by signalling	Once.
When the persons in the cage are ready, the signal to "Go on"	Once.
To "Stop the cage"	Once.
To "Lower the cage"	Twice.
To "Raise up," after being stopped	Four times.

The banksman and onsetter shall not allow any person to ride on the cage without the cover, unless by special permission.

Brakesman on Incline and Engine-planes.

88. The brakesman shall, during work, see that the machinery, ropes, signals, &c., are in proper working-order, and if he perceives anything wrong, at once report the same to the underviewer or his deputy. He must be cautious in conducting the trucks, and see that they are securely coupled. He shall pay attention to giving and receiving the necessary signals.

89. The underviewer or his deputy shall see that proper stops and blocks are fixed at the top of each incline. No person shall walk on any surface incline or railway, or ride on any truck or wagon thereon, without permission of the manager; and no person shall walk on any underground incline while the set is in motion.

Enginewright.

90. The enginewright or some competent person shall daily inspect the engines, boilers, steam-gauges, water-gauges, feed-pumps, safety valves, indicators, brakes, drums, ropes, chains, cages, and all other machinery used for the purpose of raising men or materials from the mine, and shall cause the same to be in a state of efficient repair.

91. The enginewright or some competent person appointed must daily examine the state of the shaft by which persons ascend or descend, and the guides and conductors therein, and shall make a written report thereon.

92. The enginewright shall see that the walling and timbering of the pumping-shaft and the pumping-apparatus are frequently examined. The fixed and suspended stages, cradles, land-loops, ropes, chains, gin, and capstan shall be examined before being used.

93. The enginewright shall see that competent persons of not less than twenty-one years of age are employed for working the machinery used in lowering and raising persons employed in the mine.

94. The enginewright shall see that the bells and signals required by the Coal-mines Acts are fixed and maintained in working-order, and that the engineman understands the code of signals.

95. The enginewright shall see that every cage used for the purpose of raising and lowering persons in the shaft has a proper covering overhead.

96. The enginewright shall see that all ropes are carefully attached to the drum, and when the cage is at the pit-bottom there must not be less than two rounds of rope on the drum.

97. When a winding-shaft rope requires "capping" or "splicing" it shall be done under the direction of the enginewright or a competent person appointed by the manager.

98. The enginewright shall report any breakage or derangement of machinery to the manager or engineer.

99. The enginewright or some competent person shall see that each boiler is laid off and cleaned when required; he shall make a careful examination of the same and all its connections, and not allow it to work unless in good working-order.

100. The enginewright shall see that every fly-wheel, and all exposed and dangerous parts of the machinery, are securely fenced.

Enginemen and Stokers.

101. Each engineman shall, every morning before commencing work, examine his engine and all the machinery connected therewith, and immediately report any defect to the manager or enginewright.

102. The engineman must run the ropes and loaded cages slowly up and down the pit before any person ascends or descends.

103. No one shall interfere with the engine except the engineman. He shall at all times gently lift the cage from the pit-bottom, and carefully drive the engine, and not leave the handle while persons are in the shaft, and shall not allow any person to remain in the engine-house. He shall pay particular attention to the indicators and signals, and shall stop the engine if any defect is perceived.

104. The engineman shall not leave his work whilst any person is underground, except when he is relieved by the engineman coming on the next shift; and in case of sickness or lawful absence, he must give early and sufficient notice to the engine-wright, so that a substitute may be provided.

105. The engineman shall make himself thoroughly acquainted, and act in accordance, with the signals laid down in these rules.

106. When work is suspended the engineman shall leave the cages in such a position that they do not impede the ventilation, and so as not to leave the pit-top unfenced.

107. Whilst any person is in the shaft the engineman shall drive the engine at a reduced speed.

108. The engineman or stoker shall from time to time during the day examine the fittings of the boilers, and at once report any defects to the manager or engine-wright. The stoker shall from time to time examine the water-gauge, safety valves, and steam-gauges, so as to ascertain the level of the water and pressure of the steam.

109. Any one infringing these special rules renders himself liable to prosecution, and for the payment of such penalties as are provided by the Coal-mines Acts.

Approximate Cost of Paper.—Preparation, not given; printing (1,450 copies), £21 5s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1905.

Price, 1s. 3d.