

Amended by 1928 No. 33.

New Zealand.

## ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Wages of workmen to constitute an equitable charge on plant, &amp;c.</p> <p>3. Section 21 of principal Act (as to surveys) amended.</p> | <p>4. Section 92 of principal Act amended.</p> <p>5. Section 182 of principal Act amended. Typographical error corrected.</p> <p>6. Section 185 of principal Act (as to sinking fund) amended.</p> |
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1927, No. 70.

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

[5th December, 1927.]

Title.

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

1. This Act may be cited as the Coal-mines Amendment Act, 1927, and shall be read together with and deemed part of the Coal-mines Act, 1925 (hereinafter referred to as the principal Act). Short Title.

2. (1) All wages payable for a period not exceeding six months by the owner of a coal-mine in respect of any coal-mining operations carried on by him shall, as and when they become payable, be an equitable charge upon that owner's interest in the land on which the mine is situated, and in any other land over which he has any rights of prospecting for or extracting coal, and in all plant, machinery, and appliances used for the purposes of such operations. Wages of workmen to constitute an equitable charge on plant, &c.  
Cf. 1922, No. 39, s. 47

(2) As between different claimants all such charges shall have priority according to the dates when the wages became payable in respect of which those charges have arisen, and every charge created by virtue of this section shall, save as hereinafter provided, have priority over all existing or subsequent mortgages, charges, or encumbrances howsoever created.

(3) Notwithstanding anything to the contrary in any other Act, if any property subject to a charge created by this section is also subject to a charge created by such other Act such charges shall rank equally with each other unless by virtue of that Act the charge created thereby would be deferred to the charge created by this section.

(4) Every charge created by this section shall be deemed to have been determined on the expiration of twelve months after the date of its creation, unless in the meantime proceedings for the enforcement of such charge have been commenced.

(5) For the purpose of enforcing any such charge the Supreme Court or a Judge thereof may on summons make such order as he or it thinks fit either for the sale of any property the subject of the charge or for the appointment of a receiver, or otherwise; and any order for sale shall be carried into effect by the Sheriff in the same manner as in the case of a writ of sale, with any modifications that may be necessary or may be provided by rules of Court in that behalf.

(6) For the purposes of this section "coal-mining operations" means mining for coal, and includes prospecting; and also includes the storage and treatment of coal at or adjacent to the mine; the transport of coal from the mine; the erection, maintenance, and use of tramways, water-races, power-stations, buildings, machinery, and plant in connection with the business of mining for coal; and generally the doing of all acts incidental to or in furtherance of such business.

Section 21 of principal Act (as to surveys) amended.

3. Section twenty-one of the principal Act is hereby amended as follows:—

(a) By inserting at the beginning of paragraph (h) the words "In the case of an application for a coal-mining lease":

(b) By inserting at the beginning of paragraph (i) the words "In the case of an application for a coal-mining lease"; and also by inserting in the same paragraph, after the words "twenty acres in area," the words "and in the case of every other application for a coal-mining right irrespective of the area applied for."

Section 92 of principal Act amended.

4. Section ninety-two of the principal Act is hereby amended by inserting, after subsection one, the following new subsection:—

"(1A) The amount of air passing into the mine as fixed pursuant to the last preceding subsection shall be so distributed throughout the mine as to ensure that the total quantity of air in the current conducted into any working-place is not less than the minimum required for the persons and horses employed in that working-place."

Section 182 of principal Act amended.

5. (1) Section one hundred and eighty-two of the principal Act is hereby amended by omitting from subsection two the word "debentures," and substituting the word "securities."

Typographical error corrected.

(2) The said subsection two is further amended as from the date of commencement of the principal Act by omitting the reference to the Coal-mines Act, 1925, and substituting a reference to the Coal-mines Act, 1905.

Section 185 of principal Act (as to sinking fund) amended.

6. Section one hundred and eighty-five of the principal Act is hereby amended by omitting from subsection one all words down to and inclusive of the words "outstanding at the end of each year," and substituting the words "A sinking fund in respect of loan-moneys raised under the authority of this Part of this Act shall be established out of net profits by an annual setting-aside of an amount equal to two per centum of the total amount so raised."

RPL & SUB. S. 22

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