

CHAPTER 144.

MINING (COMPENSATION).

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT BY ARBITRATION OF DAMAGES ARISING FROM THE SEARCHING AND PROSPECTING FOR AND WINNING OF MINERALS THE PROPERTY OF HIS MAJESTY THE KING. Ordinance No. 28 of 1916.

[21st November, 1916.]

WHEREAS under and by virtue of the provisions of the Land Regulations and of other powers him enabling, the Governor has power to grant Licences and Leases to persons desirous of searching and prospecting for and winning minerals in, under, and through Crown lands or of searching and prospecting for and winning minerals which by any Crown grant or other means whatsoever are reserved to or vested in His Majesty the King;

And Whereas it is expedient in the public interest to provide for the assessment by arbitration of claims for compensation by third parties in respect of acts done by any such Licensees or Lessees as aforesaid;

Be it enacted as follows :—

1. This Ordinance may be cited as the Mining (Compensation) Ordinance, and shall be read as one with the Arbitration Ordinance.

Short title.
Construction.
Cap. 77.

2. In this Ordinance—

“ Grantee ” means a grantee under a Crown grant, and includes any person claiming through or under him;

Interpretation.

“ Lessee ” means any lessee under a lease granted by the Governor, and includes any person claiming through, by, or under such lessee;

“Licensee” means any licensee under an exploration or prospecting licence granted by the Governor in respect of any mineral mentioned in such licence, and includes any person claiming through, by, or under such licensee.

Claims by interested parties.

3. (1) (a) Where, under and by virtue of the terms of any Crown grant, any mineral rights are reserved to His Majesty in, through, or under any land mentioned in such grant; and

(b) Where the same or part of the same portion of Crown land is under licence or lease to different licensees or lessees in respect of different minerals mentioned in their respective licences or leases,

all claims by any grantee, or by any one of two or more licensees or lessees (hereinafter referred to as “an interested party”) against any licensee or lessee for compensation for the use of, or for any injury to any interest which such interested party may possess in, any such land, shall be determined and assessed by arbitration and in no other way.

(2) In the event of an interested party proceeding to enforce any such claim except as in this Ordinance provided, it shall be lawful for any such licensee or lessee, at any time after appearance and before delivering any pleadings or taking any other steps in the proceedings, to apply to the Supreme Court or a Judge thereof to stay the proceedings, and such Court or Judge shall thereupon stay such proceedings.

Written claim for compensation.

4. An interested party desirous of recovering compensation under this Ordinance shall serve the licensee or lessee from whom he demands such compensation with a written claim specifying the nature of the claim and the amount of the compensation demanded.

Arbitration of differences.

5. In the event of the licensee or lessee upon whom a written claim is served disputing in whole or in part his liability to make compensation, a difference between such

parties shall be deemed to have arisen, and such difference shall be determined—

- (a) if the amount of the compensation claimed does not exceed fifty pounds, by a Magistrate; and
- (b) if such amount exceeds fifty pounds, by a Judge of the Supreme Court,

in like manner as if such Magistrate or Judge were a single arbitrator appointed pursuant to the provisions of the Arbitration Ordinance.

Cap. 77.