

Mining (Transitional Provisions) Regulation 1992

Unvalidated References:

Mining Act 1992

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This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 17 of 1992.

Mining (Transitional Provisions) Regulation 1992

ARRANGEMENT OF SECTIONS.

1. Provisions relating to depth to which a lease for mining purposes granted under the repealed Acts extends.
2. Disposal of applications pending under the repealed Acts.

Mining (Transitional Provisions) Regulation 1992

MADE by the Head of State, acting with, and in accordance with the advice of the National Executive Council under the Mining Act 1992, to come into operation on the date of the coming into operation of the Mining Act 1992.

Dated 200 .

1. PROVISIONS RELATING TO DEPTH TO WHICH A LEASE FOR MINING PURPOSES GRANTED UNDER THE REPEALED ACTS EXTENDS.

(1) A lease for mining purposes granted under the repealed Acts and deemed, by Section 174 of the Act, to be a lease for mining purposes shall be deemed to extend to an infinite depth for a period of two years commencing on and from the coming into operation of the Act.

(2) The holder of a lease for mining purposes to which Subsection (1) applies may, during the period of two years referred to in Subsection (1), apply in writing to the Registrar for the assignment of a depth for the lease for mining purposes so that it complies with the provisions of Section 67(2) of the Act.

(3) On receipt of an application under Subsection (2) the Registrar shall—

- (a) give one copy of the application form each to such officers of the Department as the Director has determined will be responsible for the technical assessment of such applications; and
- (b) report in writing to the Board.

(4) Each of the officers to whom the Registrar has given a copy of the application form under Subsection (3)(a) shall, as soon as practicable, give a report thereon to the Board, who shall consider the application and reports and make a recommendation in writing to the Director.

(5) The Director, after considering a recommendation of the Board under Subsection (4), may—

- (a) approve the application; or
- (b) refuse the application; or
- (c) require the applicant to provide further information or to amend the application.

(6) Where the Director requires the applicant to provide further information or to amend the application under Subsection (5)(c), the Director shall, on receipt of such further information or amendment, consider the application and make a decision in accordance with Subsection (5).

(7) Where, on the expiry of the period of two years referred to in Subsection (1), no application under Subsection (2) has been made in respect of a lease for mining purposes referred to in Subsection (1) the Registrar, Board and Director shall proceed in accordance with the provisions of this section as if an application had been received under Subsection (2) but had not specified a depth, and the Director may assign such depth as he, after considering a report from the Board, considers appropriate.

(8) On the assignment of a depth for a lease for mining purposes under Subsection (5) or (7), the lease for mining purposes shall cease to have effect below that depth.

2. DISPOSAL OF APPLICATIONS PENDING UNDER THE REPEALED ACTS.

(1) Where, in relation to an application to which Section 178(1) of the Act applies, a substantial portion of the land to which the application relates is not available for the grant of the appropriate tenement under the Act, the application shall be null and void and the Registrar shall make an entry in the Register to that effect.

(2) Where an application to which Section 178(1) of the Act applies is an application for the renewal of a prospecting authority or mining tenement under the repealed Act, that application shall be deemed to be an application for the extension of the term of the appropriate tenement under the Act and shall be subject to the provision of Section 112 of the Act.

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