

Mining (Savings and Transitional) Regulation 1992

[1992-446]



New South Wales

Status Information

Currency of version

Repealed version for 1 November 1993 to 31 August 2003 (accessed 7 October 2024 at 2:14)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by the [Mining Regulation 2003](#), cl 62 with effect from 1.9.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 3 September 2003

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Mining (Savings and Transitional) Regulation 1992



New South Wales

1 Name of Regulation

This Regulation may be cited as the *Mining (Savings and Transitional) Regulation 1992*.

2 Commencement

This Regulation commences on 21 August 1992.

3 Saving of existing mineral claims held by minors

Any person who, immediately before the commencement of the *Mining Act 1992*, was the holder of a registered claim under the *Mining Act 1973*:

- (a) may continue to hold the corresponding mineral claim under the *Mining Act 1992*, and
- (b) may be granted a renewal of the mineral claim under the *Mining Act 1992*, even if the person has not attained the age of 18 years.

4 Saving of existing residence areas and business areas

- (1) Any person who, immediately before the commencement of the *Mining Act 1992*, was in lawful occupation of a residence area or business area referred to in clause 13 of the Second Schedule to the *Mining Act 1973* may continue to occupy the area.
- (2) This clause ceases to apply to a residence area or business area if the occupier of the area fails to give written notice, in accordance with subclause (3), that the occupier wishes to continue to occupy the area.
- (3) Notice in relation to any calendar year must be given:
 - (a) to the mining registrar for the mining division within which the residence area or business area is situated, and
 - (b) during December in the previous calendar year, and must be accompanied by a fee of \$25.

(4) An authority or mineral claim may not be granted over a residence area or business area to which this clause applies except with the written consent of the occupier of the area.

(5) A written consent given under this clause is irrevocable.

5 Saving of existing rent

Any rent in relation to a mining lease, mining purposes lease or coal lease that was, immediately before the commencement of the *Mining Act 1992*, payable under the provisions of:

(a) section 95 of the *Mining Act 1973*, or

(b) section 75 the *Coal Mining Act 1973*,

in respect of private lands (within the meaning of the Act concerned) remains payable in accordance with those provisions, for the remainder of the term of the corresponding mining lease under the *Mining Act 1992*, as if those provisions were still in force.

6 Saving of existing royalty

Any royalty that was, immediately before the commencement of the *Mining Act 1992*, payable under:

(a) a mining lease under the *Mining Act 1973*, or

(b) a coal lease under the *Coal Mining Act 1973*,

being royalty payable by virtue of the conditions on which the lease was granted, remains payable in accordance with those conditions for the purposes of the *Mining Act 1992*.

7 Saving of aggregation of labour and expenditure conditions of certain mining leases

(1) The labour and expenditure conditions of any mining leases whose labour or expenditure conditions were aggregated, immediately before the commencement of the *Mining Act 1992*, pursuant to Regulation 43 of the *Mining Regulations 1974* are taken to be aggregated for the purposes of this clause.

(2) The effect of the aggregation of the labour and expenditure conditions of any such mining leases is to allow the holder or holders of the mining leases to comply with those conditions, subject to any conditions on which the relevant application under Regulation 43 of the *Mining Regulations 1974* was granted, as if they were the conditions of a single mining lease over the whole of the land the subject of those mining leases.

(3) The aggregation of the labour and expenditure conditions of any such mining leases may be varied or revoked as if those mining leases were the subject of a declaration under clause 16A of the *Mining (General) Regulation 1992*.

- (4) Pursuant to clause 1 of Schedule 6 to the *Mining Act 1992*, this clause takes effect from the commencement of that Act.