

MINES

MN301

MINING ACT 1978**MINING AMENDMENT REGULATIONS 1992**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Mining Amendment Regulations 1992*.

Principal regulations

2. In these regulations the *Mining Regulations 1981** are referred to as the principal regulations.

[* Reprinted in the Gazette of 24 August 1988 at pp. 3147-3242.
For amendments to 15 May 1992 see 1991 Index to Legislation of
Western Australia pp.425-426.]

Regulation 5 amended

3. Regulation 5 (a) of the principal regulations is amended by deleting "of the" and substituting the following —

" of a ".

Regulation 15 amended

4. Regulation 15 of the principal regulations is amended by inserting after subregulation (1) the following subregulation —

- “ (1a) Expenditure incurred under subregulation (1) during the month in which the anniversary date of the commencement of the term of the licence occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date. ”.

Regulation 21 amended

5. Regulation 21 of the principal regulations is amended by inserting after subregulation (1) the following subregulation —

- “ (1aa) Expenditure incurred under subregulation (1) during the month in which the anniversary date of the commencement of the term of the licence occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date. ”.

Regulation 31 amended

6. Regulation 31 of the principal regulations is amended by inserting after subregulation (1) the following subregulation —

- “ (1a) Expenditure incurred under subregulation (1) during the month in which the anniversary date of the commencement of the term of the lease occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date. ”.

Regulation 64 amended

7. Regulation 64 (3) of the principal regulations is amended by deleting “and (5)” and substituting the following —

- “ , (5) and (6) ”.

Regulation 76A inserted

8. After regulation 76 of the principal regulations, the following regulation is inserted —

Withdrawal of caveats

- “ **76A.** One or more caveats may be withdrawn by lodging a withdrawal of caveat in Form 24A in the First Schedule with the prescribed fee. ”.

Regulation 83 amended

9. Regulation 83 of the principal regulations is amended by deleting “a discharge of mortgage in the form No. 26” and substituting the following —

- “ an instrument of discharge, in Form 26 or 26A, as applicable, ”.

Regulation 110 amended

10. Regulation 110 (2) of the principal regulations is amended by deleting “at Perth”.

Regulation 115 amended

11. Regulation 115 of the principal regulations is amended by deleting “\$500 ” and “\$100” and substituting respectively the following —

- “ \$5 000 ” and “ \$1 000 ”.

First Schedule amended**12. The First Schedule to the principal regulations is amended —**

- (a) in Attachment 2 to Form 21 by deleting "BLOCK" wherever it occurs and substituting the following —

" PRIMARY ";

- (b) by deleting Form 23 and substituting the following form —

Form 23	WESTERN AUSTRALIA Mining Act 1978 (Regs. 75, 81, 84 & 134)	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> STAMP DUTY </div>		
TRANSFER No.				
INTEREST BEING TRANSFERRED (a) Type of tenement (b) Number (c) Mineral Field (d) Number of shares	<div style="border: 1px solid black; padding: 5px;"> Details of Mining Tenement and Interest <div style="display: flex; justify-content: space-between;"> (a) (b) </div> <div style="display: flex; justify-content: space-between;"> (c) (d) </div> </div>			
TRANSFEROR (e) Full name and address	<div style="border: 1px solid black; height: 30px;"> (e) </div>			
CONSIDERATION (f) In words — see Note 1	<div style="border: 1px solid black; height: 30px;"> (f) </div>			
TRANSFeree (g) Full name and address	<div style="border: 1px solid black; height: 30px;"> (g) </div>			
(h) Mortgage number and Mortgagee or "NIL" (See note 2)	<div style="border: 1px solid black; height: 30px;"> (h) </div>			
<p>THE TRANSFEROR for the consideration expressed HEREBY TRANSFERS TO THE TRANSFeree the interest specified in the abovementioned mining tenement, and the TRANSFeree accepts the said interest subject to any mortgage shown hereon and to all the terms and conditions under which it is now held.</p>				
DATED this day of 19 .				
(i) Signature of transferor (j) Signature of transferee (k) Signature of witness	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px; vertical-align: top;"> TRANSFERORS sign here Signed (i) in the presence of (k) Signed (i) in the presence of (k) Signed (i) in the presence of (k) </td> <td style="width: 50%; padding: 5px; vertical-align: top;"> TRANSFerees sign here Signed (j) in the presence of (k) Signed (j) in the presence of (k) Signed (j) in the presence of (k) </td> </tr> </table>		TRANSFERORS sign here Signed (i) in the presence of (k) Signed (i) in the presence of (k) Signed (i) in the presence of (k)	TRANSFerees sign here Signed (j) in the presence of (k) Signed (j) in the presence of (k) Signed (j) in the presence of (k)
TRANSFERORS sign here Signed (i) in the presence of (k) Signed (i) in the presence of (k) Signed (i) in the presence of (k)	TRANSFerees sign here Signed (j) in the presence of (k) Signed (j) in the presence of (k) Signed (j) in the presence of (k)			
LODGING PARTY (l) Full name and address (for return of documents)	<div style="border: 1px solid black; height: 30px;"> (l) </div>			

O F F I C E U S E		Received at.....m. on with fee of \$..... (Mining Registrar)	
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- Notes: 1. Where the stamp duty shown on the transfer is not in respect to the full amount of the consideration stated then the documents indicating the full stamp duty must accompany the transfer.
2. If a mortgage is registered with the Department of Mines and will continue after the transfer, insert the required details.
- If no mortgage, or a mortgage is to be discharged prior to or on the transfer, insert "nil".
- The consent of the mortgagee to the transfer must be lodged with this Form. ",

(c) by inserting after Form 24 the following form —

" Form 24A WESTERN AUSTRALIA
Mining Act 1978
(Sec. 122 Reg. 76A)

WITHDRAWAL OF CAVEAT

No.(s)

(a) Full name &
Address of
Caveator

Caveator
(a)

(b) Specify
caveat(s)
to be withdrawn
and mining
tenement(s)
affected

Caveat Number(s) and mining tenement(s) affected
(b)

THE CAVEATOR HEREBY WITHDRAWS the
abovementioned caveat(s) against the interest in the mining
tenement(s) described above

DATED this day of 19

(c) Signature of
caveator

Caveator or agent signs here

Witness signs here

(d) Signature of
witness

Signed(c) in the presence of (d)

(e) LODGING
PARTY

Full name and
address (for
return of
documents)

(e)

O F F I C E U S E		Received at.....m.	
		on	
		with fee of \$.....	
	 (Mining Registrar)	

"; and

(d) by inserting after Form 26 the following form —

" Form 26A

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 83)

PARTIAL DISCHARGE OF MORTGAGE No.(a) Full name &
Address of
Mortgagee

Mortgagee

(a)

(b) Date of
Mortgage

Mortgage details

(c) Number of
Mortgage

(b)

(c)

(d) Specify
mining
tenement(s) and
state either
"the whole" or
number of share
mortgage is
discharged from
(See Note 1)Details of mining tenement(s) and shares against which
Mortgage discharged

(d)

(e) Full name of
holders(s) of
shares mortgage
is discharged
against

(e)

THE MORTGAGEE HEREBY DISCHARGES the interest
in the mining tenement(s) described above from the
abovementioned Mortgage without releasing the mortgagor
from any liability under that Mortgage.

DATED this day of 19

(f) Signature and/or
company seal of
(a) the above

SIGNATURE(S)

WITNESS(ES) TO
SIGNATURE(S)

(f)

(g)

(g) Signature(s) of
independent
witness

.....

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.....

.....

.....

COMPANY
SEAL

LODGING PARTY
(h) Full name and
address (for
return of
documents)

(h)

O F F I C E U S E		Received at.....m.	
		on	
		with fee of \$.....	
	 (Mining Registrar)	

NOTE 1: If Mortgage is to be totally discharged use Form 26.

".

Second Schedule amended

13. The Second Schedule to the principal regulations is amended in column 2 of item 10, by inserting before "83", the following —

" 76A, ".

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.