

**75. Transfer of tenement**

Unless otherwise provided in the Act or these regulations the holder of a mining tenement may apply to transfer the whole of it or an interest in it by lodging a transfer in the form No. 23 in the First Schedule with the prescribed fee, but —

- (a) every transfer shall be accompanied by the instrument of lease or licence (if issued) and, where applicable, a security similar to that required under sections 26, 52, 60 or 70F of the Act;
- (b) when 2 or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each;
- (c) when a tenement is held by several holders, and 2 or more of such holders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each holder;
- (d) when all holders desire to simultaneously transfer the whole tenement, one transfer, executed by all the holders shall be sufficient;
- (e) when a holder desires to transfer portions of his interest in a tenement to 2 or more persons a separate transfer for each interest transferred shall be executed;
- (f) all transfers shall take priority according to the date and time of their registration; and
- (g) when —
  - (i) a mining tenement is encumbered by a mortgage; or
  - (ii) a share in a mining tenement is encumbered by a mortgage and the transfer affects that share,

the transfer shall be accompanied by the written consent of the affected mortgagee.

*[Regulation 75 amended in Gazette 31 May 1991 p. 2699; 24 Jun 1994 p. 2933.]*