

SAND AND GRANITE QUARRIES ACT

(CHAPTER 284)

(Original Enactment: Act 44 of 1970)

REVISED EDITION 2013
(31st October 2013)

An Act for the licensing and control of sand and granite quarries and for matters incidental thereto.

[15th December 1971]

Short title

1. This Act may be cited as the Sand and Granite Quarries Act.

Interpretation

2. In this Act —

“granite quarry” means any land from which granite blocks, gravel, stones and overburden are extracted by blasting, sorting, breaking, loading and transporting, whether the processes are executed by manual labour or mechanical means;

“licence” means a licence granted under section 5;

“licensee” means any person to whom a licence to use or manage any land for the purposes of a sand or granite quarry has been granted under section 5;

“Licensing Officer” means the officer appointed by the Minister under section 3;

“sand quarry” means any land on which persons are employed in manual labour in any process for or incidental to the getting, dressing or preparation for the sale or otherwise of sand, gravel or earth.

Appointment of Licensing Officer

3. The Minister may, by notification in the *Gazette*, appoint an officer to be the Licensing Officer for the purposes of this Act.

[4/99]

Prohibition on quarrying without licence

4.

—(1) No person shall, on or after 15th December 1971, use or manage any land for the purposes of a sand or granite quarry without a licence from the Licensing Officer authorising him to do so.

(2) Any person who uses or manages any land for the purposes of a sand or granite quarry without a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

(3) In any prosecution for an offence under this section —

(a)

the existence in or on any land of any apparatus or accessories for the getting, dressing or preparation for the sale or otherwise of sand shall be prima facie evidence that the person owning or having the control of such apparatus or accessories has been using or managing the land for the purposes of a sand quarry; and

(b)

the existence in or on any land of any mechanical equipment or other like thing used for the purpose of extracting granite blocks, gravel, stones and overburden by blasting, sorting, breaking, loading and transporting shall be prima facie evidence that the person owning or having the control of that mechanical equipment or other like thing has been using or managing the land for the purposes of a granite quarry.

Licences to be discretionary

5.

—(1) The Licensing Officer may at his discretion grant, renew or refuse any licence in pursuance of this Act or any regulations made thereunder.

(2) Licences in pursuance of this Act or any regulations made thereunder may be granted, renewed or refused without any reason for such grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the Licensing Officer may think fit and shall be subject to suspension or revocation at any time without compensation and without notice by the Licensing Officer upon breach of any restriction or condition subject to which it was granted.

(3) The Licensing Officer may require any applicant for a licence to furnish such information as the Licensing Officer may reasonably require for a full and proper consideration of the application and, in the event of refusal to furnish such information, shall refuse to grant or renew the licence.

(4) Except as otherwise expressly provided in the licence, any licence granted or renewed in pursuance of this Act or any regulations made thereunder may be for such period not exceeding 12 months as the Licensing Officer thinks fit.

(5) There shall be charged for the grant or renewal of any licence such fee as the Minister may, from time to time by regulations, prescribe.

(6) No such licence shall be transferable without the consent of the Licensing Officer.

(7) No licence for carrying on any granite quarry shall be granted unless the applicant for the licence deposits with the Licensing Officer a certified site plan from the Chief Surveyor indicating the location of the granite quarry.

(8) Any person aggrieved by the refusal by the Licensing Officer to grant or renew any licence or by the suspension or revocation by the Licensing Officer of any licence may within one month of the refusal, suspension or revocation appeal to the Minister whose decision shall be final.

Security for due performance of obligations of licensees

6. The Licensing Officer may, as a condition of the grant of a licence in respect of any sand or granite quarry, require such security as he thinks fit to be deposited with the Licensing Officer for the due performance by the licensee of all or any obligations imposed upon him by the licence or by this Act or any regulations made thereunder.

Power to execute works

7.

—(1) If a licensee fails to execute any work or works which he is required by his licence or by this Act or any regulations made thereunder to execute for the purpose of preventing any nuisance or danger to life or property, the Licensing Officer may, by

notice in writing, require him to execute the work or works within such time as may be specified in the notice.

(2) If the licensee fails to comply with the requirements of such notice, the Licensing Officer may, at any time after the expiration of the time specified in the notice and without instituting any proceedings against the licensee, cause the work or works to be executed and the expenses incurred thereby shall be paid by the licensee and may be recovered by the Licensing Officer —

(a)

by deducting the amount due from any sum deposited by the licensee as security under section 6; or

(b)

in the manner provided in section 22.

Conditions under which licences may be granted

8. No licence shall be granted unless the Licensing Officer is satisfied that the use of the premises as a sand or granite quarry will be unlikely —

(a)

to cause any nuisance or damage to occupants of adjoining or neighbouring land or buildings;

(b)

to cause depreciation in the value or amenity of adjoining or neighbouring land or buildings; or

(c)

to be dangerous to health, life or property.

Interference with bank of any river, stream or watercourse

9.

—(1) Any licensee who in the course of sand and granite quarrying operations interferes in any way with the bank of any river, stream or watercourse may be required by the Licensing Officer, by notice in writing, to restore the bank to the same condition as it was in before the interference or to remake it in such manner and within such time as may be specified in the notice.

(2) Any licensee who fails to comply with the requirements of such a notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

(3) The Licensing Officer may, at any time after the expiration of the time specified in such notice and without instituting any proceedings against the licensee, cause the works specified in the notice to be executed and the expenses thereby incurred shall be paid by the licensee in default and may be recovered by the Licensing Officer —

(a)

by deducting the amount due from any sum deposited by the licensee as security under section 6; or

(b)

in the manner provided in section 22.

Effluent water to be free from mud

10.

—(1) Every licensee shall only use fresh water in connection with his sand quarrying operations and shall make such provision or take such steps as will ensure that all the water, before it leaves the sand quarrying area on which it has been so used, is freed from any mud, sand, silt or any other refuse of the sand quarry which is likely to interfere with the natural flow of water in any river, stream, channel or watercourse.

(2) The Licensing Officer may, by notice in writing, require any licensee to provide such spillways, retaining walls, brush dams, settling pits and other mechanical appliances or devices as the Licensing Officer may consider necessary for effectual compliance with subsection (1) and may also order the licensee to suspend his sand quarrying operations until such provision has been made.

(3) The compliance of the licensee with a notice or order made under subsection (2) shall not affect any liability incurred by any licensee through breach of subsection (1).

Disposal of waste matter

11.

—(1) The Licensing Officer may give such directions in writing as he may consider necessary for the disposal of all earth, sludge, dirt, sand, silt or other waste matter from any sand or granite quarry.

(2) The Licensing Officer may, by notice in writing, require any licensee to take such precautions and to construct and maintain such drains, spillways, channels and other works as may in his opinion be necessary to ensure that earth, sludge, dirt, sand, silt or other waste matter from any sand or granite quarry will not be carried or washed away by storm water or by fresh water used for the purpose of working the sand or granite quarry to any place not being a place where the same may lawfully be deposited.

Excavation by direct action of water

12. No licensee shall without the written permission of the Licensing Officer use any method of removing or excavating sand by the direct action of fresh water.

Safety measures

13.

—(1) The licensee of any sand or granite quarry shall —

(a)

in the case of a sand quarry in which any open pit exists, erect and thereafter maintain such fencing and take such other precautions as may be necessary in the opinion of the Licensing Officer to prevent the occurrence of any danger or damage to life or property; and

(b)

in the case of a granite quarry —

(i)

provide such number of guards, watchmen, warning lamps and red flags at such places and times as the Licensing Officer thinks fit;

(ii)

not permit any deposit, material, machinery or any other object or thing to be scattered, dumped, placed or stationed at any place so as to hinder or obstruct access to and egress from the land adjoining or abutting any such quarry; and

(iii)

maintain the roads leading to any such quarry and crusher plant up to a standard approved by the Licensing Officer.

(2) The Licensing Officer may give a licensee such directions as he thinks fit as to the method of quarrying and the suspension or prohibition of granite quarrying operations including blasting to ensure safety to persons or property.

Fencing of sand and granite quarries

14. Where any disused sand or granite quarry is dangerous to the public, it shall be kept reasonably fenced for the prevention of accidents, and if it is not so kept, the licensee of the sand or granite quarry or if there is no such licensee the owner of the land in which the sand or granite quarry lies shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

Power to enter upon premises for purposes of this Act

15. The Licensing Officer or any officer or employee duly authorised by the Licensing Officer in writing in that behalf may enter any premises which are used or which the officer or employee has reasonable cause to believe are to be used as a sand or granite quarry for the purpose of making any survey or inspection or of executing any work authorised by this Act to be executed by him without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of those premises in pursuance of this Act.

Penalty for obstructing officer in his duty

16. Any person who at any time hinders, obstructs or molests the Licensing Officer or any officer or employee authorised by the Licensing Officer in writing in that behalf in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year.

Default in compliance with notice, etc.

17.

—(1) When any notice, order or direction under this Act or any regulations made thereunder requires any act to be done or work to be executed by the owner or licensee of any sand or granite quarry and default is made in complying with the requirement of that notice, order or direction, as the case may be, the person in default shall, where no fine is specially provided for such default, be liable on conviction to a fine not exceeding \$1,000.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Act or any regulations made thereunder, the notice shall state a reasonable time for compliance with the requirement.

Penalty for offences not otherwise provided for

18. Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Act or any breach of the conditions or restrictions subject to which or upon which any licence is granted under this Act shall be an offence under this Act and in respect of any such offence for which no penalty is expressly provided the offender shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

Attempts and abetments

19. Any person who attempts to commit any offence punishable under this Act or abets the commission of such an offence shall be punished with the punishment provided for that offence.

Liability of licensee for act of agent or servant

20.

—(1) Whenever a licensee would be liable under the provisions of this Act or of any regulations made thereunder to any pecuniary penalty or forfeiture for any act, omission, neglect or default, he shall be liable to the same pecuniary penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business as such licensee.

(2) Every person who appears to be employed in any sand or granite quarry licensed under this Act shall, for the purposes of this section, be deemed to be a servant of the licensee thereof.

(3) Nothing in this section shall be construed as relieving any such agent or servant from any penalty or forfeiture to which he would otherwise be liable.

Saving of prosecutions under other laws

21. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or any regulations made thereunder or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or regulations made thereunder:

Provided that no person shall be punished twice for the same offence.

Costs and expenses to be determined by Magistrate's Court

22.

—(1) Except as herein otherwise provided, in all cases where costs or expenses are by this Act directed to be paid, the amount and any question of liability shall, in the case of dispute or failure to pay, be summarily ascertained and determined by a Magistrate's Court.

(2) If the amount of costs or expenses is not paid by the person liable to pay it within 7 days after demand, the amount may be reported to a Magistrate's Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court under this section, and the provisions of the Criminal Procedure Code (Cap. 68) shall, mutatis mutandis, apply to all such appeals.

Exemption

23. The Minister may by order exempt any sand or granite quarry from all or any of the provisions of this Act.

Regulations

24.

—(1) The Minister may make such regulations as he may consider expedient for the purposes of this Act.

(2) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

LEGISLATIVE HISTORY

SAND AND GRANITE QUARRIES ACT (CHAPTER 284)

This Legislative History is provided for the convenience of users of the Sand and Granite Quarries Act. It is not part of the Act.

1.1970 Revised Edition—Sand and Granite Quarries Act (Chapter 282)

Date of operation : 31 August 1971

2.Act 44 of 1970—Sand and Granite Quarries Act 1970

Date of First Reading : 2 September 1970
(Bill No. 37/70 published on 7 September 1970)

Date of Second and Third Readings : 4 November 1970

Date of commencement : 15 December 1971

3.1985 Revised Edition—Sand and Granite Quarries Act (Chapter 284)

Date of operation : 30 March 1987

4.Act 4 of 1999—Building and Construction Authority Act 1999

(Consequential amendments made to Act by)

Date of First Reading : 23 November 1998
(Bill No. 51/98 published on 24 November 1998)

Date of Second and Third Readings : 20 January 1999

Date of commencement : 1 April 1999

5.2013 Revised Edition—Sand and Granite Quarries Act (Chapter 284)

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