



NEGERI PERAK

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF PERAK GAZETTE

PUBLISHED BY AUTHORITY

Jil. 45
Bil. 13

25hb Jun 1992

TAMBAHAN No. 13
PERUNDANGAN

Pk. P.U. 30.

NATIONAL LAND CODE 1965

(Act 56 of 1965)

PERAK QUARRY RULES 1992

PART I

PRELIMINARY

In exercise of the powers conferred by section 14 of the National Land Code the State Authority hereby makes the following rules: Act 56/65.

1. These rules may be cited as the **Perak Quarry Rules 1992** and shall come into force on the 1st day of July 1992. Citation and commencement.

2. In these rules unless the context otherwise requires—
“Code” means the National Land Code; Interpretation. Act 56/65.

“Consultant” means a professional mining engineer or any other engineer registered with the Board of Engineers, Malaysia and having sufficient quarrying experience and considered competent by the Land Administrator;

“explosive” means any substance used with a view to produce a practical effect by explosion and includes gunpowder, dynamite, gelignite, fulminate of mercury, nitro-glycerine, safety fuse, detonators, detonating cord or any other initiating devices;

“Government” means the State Government;

“historical object” means any artefact or other object to which religious traditional, artistic or historic interest is attached and includes any—

- (a) ethnographic material such as a house-hold implement, decoration article, personal ornament;
- (b) work of art such as a carving, sculpture, painting, architecture, textile, musical instrument, weapon and any other handicraft;
- (c) manuscript, coin, currency note, medal, badge, insignia, coat of arm, crest flag, arm and armour;
- (d) vehicle, ship and boat, in part or in whole, whose production have ceased:

“licence” means a licence issued under section 69 of the code;

“licensee” means any person issued with a licence;

“machinery” means engines, earthmoving machines, compressors, drilling equipments, conveyor belts, crushers, grinders and all other appliances of whatsoever kind used in a quarry;

“manager” means the person for the time being recorded in the office of the Land Administrator as the quarry manager under rule 7(3) or deemed to be one under rule 7(6);

“monument” means any building, earthwork, standing stone, keramat, cave or other structure, erection or excavation, and any tomb, tumulus or other place of interment or any other immovable property of a like nature or any part or remains of the same, the preservation of which is a matter of public interest by reason of the religious, historic, traditional or archaeological interest attaching thereto;

“officer” means a Land Administrator, Quarry Inspector or Quarry Assistant;

“permit” means a permit issued under section 71 of the Code;

“permittee” means any person issued with a permit;

“quarry” when used as a noun, means any open or underground excavation, other than that which is controlled under the Mining Enactment, made for extracting and removing rock material from any land and includes the crushing or other treatment works on the site or elsewhere in the State;

“quarry” when used as a verb, means to break or excavate ground for the purpose of extracting and removing rock material from any land and includes the processes of crushing, grinding, dressing or other treatment of such material on the site or elsewhere in the State;

“Quarry Assistant” means any officer for the time being authorised by the Land Administrator to assist the Quarry Inspector in exercising, supervision and control of quarries;

“Quarry Inspector” means an officer appointed under rule 22(b).

“rock material” means any rock, stone or marble.

PART II

QUARRYING OPERATIONS

3. The permittee or licensee shall—

- (a) carry out all his quarrying operations in a safe, skilful, efficient and workmanlike manner;
- (b) not cause any danger, damage or inconvenience to life or property;
- (c) use all proper precautions in all quarrying operations;
- (d) observe and perform all conditions of the permit or licence, all provisions, orders and regulations made under these rules; and
- (e) comply with all laws, rules and regulations for the time being in force.

Duties of permittee or licensee.

4. (1) The permittee or licensee shall not start any work to set up a new quarry or to reorganise an old quarry and to run it before obtaining an approval in writing from the Land Administrator on a scheme submitted on his behalf by his Consultant. Such scheme shall—

- (a) show that sufficient consideration has been given to the safety of the public and persons involved in the work;
- (b) be designed so as to make it practical in the future to quarry zones affected by the scheme;
- (c) be aimed to provide maximum possible recovery of rock material having regard to sound engineering practice;
- (d) provide measures for dumping of waste materials and a program of reclamation and protection on abandoned workings;

Quarry Scheme and notice of commencement: ect.

- (e) provide measures for environmental protection in accordance with any law currently in force relating to environmental or pollution control; and
- (f) contain any other details and information as may be required.

(2) When an operation in a quarry is to commence, recommence or stop, the permittee or licensee or manager shall through his Consultant notify the Land Administrator in writing, the date of such event. The notification shall be accompanied by the Consultant's observations of the conditions of the quarry then.

Permit or
licence to
be displayed.

5. (1) Every permittee or licensee shall continuously display in his office at the quarry the permit or licence issued to him in respect of the said quarry.

(2) Any person who, without reasonable excuse, fails to display or produce such licence or permit shall be guilty of an offence.

Survey.

6. A permittee or licensee shall, if required to do so by any officer, employ a surveyor to show him—

- (a) the boundaries of his permit or licence area;
- (b) the volume of rock material excavated; and
- (c) any other relevant details pertaining to the quarry.

Manager.

7. (1) The permittee or licensee shall notify the Land Administrator in writing the name, address and qualification of the manager nominated for the quarry.

(2) The Land Administrator may refuse to approve any person nominated and may require the permittee or licensee to nominate some other person as manager.

(3) If the Land Administrator approves the person so nominated as manager, he shall make a record of the same in his office, and the person so recorded, shall for the purposes of these rules, be the manager of the quarry.

(4) If the person so recorded ceases to be manager of the quarry, the permittee or licensee shall within three days of such cessation, notify such fact in writing to the Land Administrator and may nominate some other person as manager.

(5) The approval of the Land Administrator under paragraph (3) of this rule shall be given in writing and every person so approved shall produce and permit for inspection such approval whenever called upon to do so by any officer.

(6) In the event of there being no manager approved for any period and for whatever reason, the permittee or licensee as the case may be shall be deemed to be manager.

8. (1) Unless so exempted by the Land Administrator, the manager shall, within one month of being approved under rule 7 (3), frame such instructions for the conduct and guidance of persons employed in or about the quarry and its surrounding quarrying appliances and accessory works as appear under the particular circumstances best calculated to ensure their health and safety; provided that the Land Administrator may at any time order the manager to frame new instructions, or vary, add to or substitute existing instructions so approved under this rule.

Instructions
by Manager.

(2) A copy of such instructions shall be submitted to the Land Administrator, and if the Land Administrator has not within thirty days from the receipt thereof objected to them in writing to the manager, the said instructions shall come into force.

(3) If the Land Administrator does not approve any of the proposed instructions, he shall within thirty days after the receipt of them, propose and transmit to the manager by whom they were framed, any alteration in or addition to the same or substitution of any other instructions therefor.

(4) If the manager has not within thirty days from the receipt of the amended instructions objected in writing to such alteration, addition or substitution, such amended instructions shall come into force; otherwise the matter in dispute shall be referred to the State Director of Lands and Mines whose decision shall be final and binding upon all parties.

(5) Any such instructions shall cease to be in force as soon as the Land Administrator, with the consent of the State Director of Lands and Mines, in writing withdraws his approval thereof.

(6) A copy of such instructions shall be continuously displayed at a conspicuous place within the principal building and such other appropriate places at the quarry so that all persons employed at the quarry shall have access thereto and opportunity to read them.

9. (1) A book in the form approved by the Land Administrator, known as the Inspection Record Book, shall be kept by the manager wherein he shall certify, at least once in ten days, that he or any competent person appointed by him has personally inspected every part of the quarry and the facts which, at the time of inspection, he finds existing in the quarry in regard to the safety of workings and accessory works,

Inspection
Record
Book.

defaults in pollution control equipment or discovery of any new pollution source, and shall specify any repairs or alterations which in his opinion are required to ensure greater safety to the persons employed in or about the quarry, or to other life and property, and shall as soon as such repairs or alterations have been executed, enter a record thereof.

(2) Whenever an officer has inspected a quarry or accessory works thereto, he shall report in the Inspection Record Book his findings and opinion derived from such inspection, and he shall also record any alteration or requirement he deems necessary.

(3) Notwithstanding anything contained in or omitted from the report of an officer such report shall not be held to limit or affect the responsibility of the permittee or licensee or manager under these rules.

(4) The Inspection Record Book shall be kept in good order and open at all reasonable times to the examination of any officer and all entries therein shall be clearly and legibly written in ink in Bahasa Malaysia or English.

(5) Nothing in these rules shall be construed to impose the obligation of keeping the Inspection Record Book or copy thereof for more than twelve months after the Inspection Record Book has ceased to be used for entries therein under this rule.

Quarry plans.

10. The permittee or licensee or manager shall keep such plans of the quarry workings as may be approved by the Land Administrator and shall furnish him with accurate copies of such plans or any other plans in his possession prepared in such manner as the Land Administrator may require.

Returns.

11. The permittee or licensee or manager shall furnish returns containing informations as to his quarry operations of such description, in such manner, and at such times as the Land Administrator may either generally or in particular cases determine.

Entry,
inspection,
etc. of
quarry.

12. The permittee or licensee or manager and all quarry workers shall provide every officer with every facility necessary for entry, inspection, examination, enquiry, the taking of samples at any part of the quarry or otherwise for the exercise of his powers under these rules.

Environmental
protection
and
pollution
control.

13. (1) The permittee or licensee or manager shall take measures to ensure compliance with all laws relating to environmental protection and pollution control.

(2) The Land Administrator may require the permittee or licensee to carry out any necessary control or protective

measures relating to noise, vibration, fumes or dust particles at the quarry operations and may determine the standard or limit to be complied with by the permittee or licensee.

(3) The Land Administrator may require the permittee or licensee to install and operate such monitoring devices relating to noise, vibration, fumes or dust particles and to maintain in such manner as may be directed by him the records of the measurement from such devices of any noise, vibration, fumes or dust particles resulting from any quarry operation.

PART III

SAFETY REQUIREMENTS

14. (1) No person shall work or be caused or permitted to work in any high and steep place where inadvertent slipping or over-balancing may result in his fall, unless he is secured by a life-line or otherwise safe-guarded.

High and steep working places to be safeguarded.

(2) The permittee, licensee or manager shall bench or slope any face of a quarry to such extent as may be required by any officer to ensure its stability.

15. (1) Suitable means of escape in case of emergency must be provided at all working places.

Escape from and access to working places.

(2) In every quarry where access to a working place is by means of a shaft, winze, or inclined face, a sufficient footway, guiding rope, chain or ladder whichever the case may be, shall be provided as an alternative. Wire ropes or strands of wire ropes shall not be used for climbing purposes if they are frayed or have projecting wires.

(3) Every ladder used shall, unless so exempted by the Quarry Inspector—

- (a) be securely fixed at an inclination between fifteen and twenty degrees from the vertical but not in an over-hanging position;
- (b) have iron rungs not less than sixteen millimetres diameter and not further apart than twenty-five centimetres between centres;
- (c) have tie rungs at intervals of not more than three metres;
- (d) have timber sides with cross-sections not less than five centimetres by ten centimetres;
- (e) not have a vertical height exceeding ten metres without terminating at platforms; and
- (f) project not less than one metre above the platform at its upper end.

PART IV

POWERS OF OFFICERS

22. A Land Administrator shall have the power to— Powers of
Land
Administrator.
- (a) direct and control in accordance with the provisions of these rules the operation of any quarry on any land;
 - (b) to appoint such number of Quarry Inspectors as he deems necessary to exercise supervision and control of quarries on his behalf;
 - (c) exercise the powers given to a Quarry Inspector under these rules; and
 - (d) suspend, vary or cancel any order made under these rules by any Quarry Inspector or Quarry Assistant.
23. (1) A Quarry Inspector, in carrying out the purposes of these rules into effect, may— Powers of
Quarry
Inspector
and Quarry
Assistant.
- (a) call for and inspect, whenever he may deem necessary, any permit, licence or other document relating to quarrying operations;
 - (b) enter, inspect and examine, any quarry and any place where he has reasonable cause to believe that quarrying operations are being carried out;
 - (c) take such measures as he thinks fit to ensure the use of proper precautions in all quarrying operations for the prevention of any danger, damage or inconvenience to life or property;
 - (d) give all such lawful orders as may be necessary to enable him to effectively perform the duties imposed upon him and to exercise such powers as are vested in him by the provisions of these rules, and every such order shall be given in writing if so required by any person affected thereby;
 - (e) arrest with or without warrant (if necessary with the assistance of the police) any person whom he may find committing an offence against the provisions of the Code relating to quarrying or the provisions of these rules;
 - (f) require any person whom he finds in a quarry to give him statements on any subject into which it is his duty to enquire;
 - (g) take samples of any material whether solid, liquid, gaseous or vapours being discharged from a quarry; and

(h) exercise all other powers as are necessary for carrying out the provisions of the Code relating to quarrying and the provisions of these rules into effect.

(2) Subject to the limit of his authority and any direction from a Quarry Inspector, a Quarry Assistant shall have all the powers of a Quarry Inspector.

Land Administrator or Quarry Inspector may stop any operation at the quarry.

24. If at any time it appears to the Land Administrator or Quarry Inspector that any operation at a quarry is being carried out in contravention of the terms and conditions of a licence or permit in such manner as likely to cause danger to life and property, it shall be lawful for the Land Administrator or Quarry Inspector to order immediate cessation of the operation and removal of all persons from the quarry or any part thereof until such arrangements shall have been made as are, in the opinion of the Land Administrator or Quarry Inspector, necessary either to secure compliance with such requirements or to avert danger, or to allow the operation to continue on such precautionary measures being taken as the Land Administrator or Quarry Inspector may deem necessary.

Orders regarding quarry wastes: etc.

25. (1) A Quarry Inspector shall have the power to give such orders as may be necessary to control the disposal of all earth, sludge, dirt or other refuse matter from any quarry, crushing or dressing plant, water-course or other place.

(2) A Quarry Inspector may order such precautions to be taken and such dams, spillways, channels and other works to be constructed and maintained as may in his opinion be necessary to ensure that earth, sludge, dirt and other refuse matter from any quarry, crushing or dressing plant, water-course or other place shall not be carried or washed by storm water or by water used for the purpose of working in any quarry to any place not being a place where the same may lawfully be deposited.

Identification of Officers.

26. Any officer seeking to enter any quarry under the powers conferred upon him by these rules, shall produce on demand, for inspection, an authority card stating his office and authority, and no person shall be obliged to admit to his quarry any person purporting to be such an officer except on production of such authority card.

PART V

OFFENCES AND PENALTIES

Breaches of rules.

27. Any person who—

(a) fails to carry out quarry operations in accordance with the provisions of these rules;

- (b) contravenes or fails to observe any provision of these rules;
- (c) hinders or in any way obstructs an officer in the exercise of his powers under these rules;
- (d) fails to comply with any order lawfully given by an officer in the exercise of any power under these rules; or
- (e) wilfully withholds any information or conceals or prevents, or attempts to conceal or prevent any person from appearing before or being examined by an officer;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit and additionally to a fine of one hundred ringgit for every day during which such offence is continued after conviction.

28. Any person employed in or about a quarry who does any act in such unskilled or unworkmanlike manner as to be likely to cause danger or damage to any person in or about the quarry or fails to take such due and proper precautions as may be necessary to ensure the safety of any person in or about the quarry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit and to imprisonment for a term not exceeding six months.

Negligent conduct.

29. Where a person who is an owner, licensee or permittee of a quarry or any manager of or person employed in or about a quarry commits a breach of any of the provisions of these rules which in the opinion of any Court before which the proceedings are taken was reasonably calculated to endanger the safety of life and property or to cause a dangerous accident, and an accident was caused as a result of such default or negligence such person shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit and to imprisonment for a period not exceeding six months.

Breach endangering life and property.

PART VI

GENERAL

30. Nothing in these rules shall operate to exempt any person from any civil or criminal liability.

Criminal or civil liability unaffected.

31. Wherever it is proved to the satisfaction of any Court having jurisdiction that a breach of any of the provisions of these rules has been committed by any person employed on the land in respect of which such breach has been committed,

Liability of employer.

the employer shall be held to be liable for such breach, and to the penalty provided therefor, unless he shall prove to the satisfaction of such Court that the same was committed without his knowledge or consent and that he had taken all reasonable means to prevent the same and to enforce the observance of such provisions;

Provided that nothing contained in this rule shall be deemed to exempt such first mentioned person from liability in respect of any penalty provided by these rules for any breach proved to have been committed by him.

Non-liability
of officer.

32. No liability shall lie against any officer in respect of any expense, damage or injury arising in a or from the lawful exercise of the powers conferred on him by rules and such officer shall not be subject to any action, claim or demand whatsoever arising in or from the lawful exercise of such powers.

Mineral
deposit
exposed
by quarrying
operations
may be
mined.

33. (1) Any valuable mineral deposit exposed by quarrying operations shall forthwith be reported by the licensee, permittee or manager to the Land Administrator or Quarry Inspector who shall accord priority to its working or mining.

(2) In the event mining is accorded priority the licensee or permittee shall be given first option to mine provided he applies for and is given a mining title over his temporary occupation licence or permit area. His temporary occupation licence or permit need not be surrendered if quarrying and mining operations are to be carried out simultaneously.

(3) If a licensee or permittee who is given the option under paragraph (2) fails or does not wish to mine the mineral deposit he shall surrender his temporary occupation licence or permit over the area concerned and cease all quarrying operations thereon; provided he shall receive reasonable compensation for any loss or damage sustained in consequence of such surrender which sum shall not include any sum on account of the value of the mineral deposit. Such compensation may in default of agreement be claimed and determined by suit in the appropriate Court.

Discovery
of and right
to historical
object and
monument.

34. (1) If any historical object or monument is exposed by quarrying operations or is otherwise discovered within the boundary of his permit or licence area the licensee, permittee or manager shall forthwith report the same to the Land Administrator or Quarry Inspector and if it is practicable so to do, shall deliver the object to the Land Administrator or Quarry Inspector who shall give a receipt therefor.

(2) Every historical object or monument discovered under paragraph (1) shall, unless otherwise provided in any written law, be the absolute property of the Government.

(3) On receipt of a report under paragraph (1) or where he has reason to believe that any historical object or monument has been discovered, the Land Administrator or Quarry Inspector shall give notice thereof to Lembaga Muzium Negeri Perak who shall be entitled to the custody and possession of the same on behalf of the Government and shall be responsible for its recording, preservative treatment and ultimate disposal.

(4) In any case Lembaga Muzium Negeri Perak may decide not to retain such object and the same shall then be returned to the person who delivered up possession thereof to the Land Administrator or Quarry Inspector and thereupon the property in such object shall be deemed to have been transferred to the person to whom such object would have belonged if this rule had never been made.

(5) When any historical object or monument is retained by Lembaga Muzium Negeri Perak or where in the opinion of the Lembaga the same should be preserved in the place where it was found, there shall be paid by the Lembaga reasonable compensation to—

- (a) the finder thereof; and
- (b) the owner of the land in or on which the same was discovered (if such land is not a State Land or Federal Land):

Provided that no such payment as aforesaid shall be made to the finder thereof where the finder has failed to report the discovery of the same in accordance with paragraph (1).

35. The Menteri Besar of Perak may, by declaration in the *Gazette*, Exemption. exempt any person or any area from any provision of these rules.

SCHEDULE

(Rule 21 (3))

SERIOUS BODILY INJURY

1. Emasculation.
2. Permanent privation of the sight of either eye.
3. Permanent privation of the hearing of either ear.
4. Privation of any member or joint.
5. Destruction or permanent impairing of the powers of any member or joint.
6. Permanent disfiguration of the head or face.

7. Fracture or dislocation of a bone.
8. Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Made the 27th May 1992.

[PSUK. Pk. BPK. 1A355/9/2:

PU. Pk. 67/71-54.]

MUHAMMAD PADZIL BIN KHALID,
Secretary,
State Executive Council,
Perak