

NATIONAL LAND CODE

TERENGGANU QUARRY RULES 2007

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NATIONAL LAND CODE

TERENGGANU QUARRY RULES 2007

PART I PRELIMINARY

IN exercise of the powers conferred by section 14 of the National Land Code [*Act 56 of 1965*], the State Authority makes the following rules:-

Citation and commencement

1. (1) These rules may be cited as the [Terengganu Quarry Rules 2007](#).
- (2) These Rules come into [operation on the 1 Jun 2007](#).

Interpretation

2. In these Rules, unless the context otherwise requires -

“Code” means the National Land Code;

“consultant” means a professional mining or mineral resources engineer or any other professional engineer registered with the Board of Engineers, Malaysia, having sufficient quarrying experience and considered competent by the Quarry Inspector;

“explosive” means any substance used with a view to produce a practical effect by explosion and includes gunpowder, nitroglycerin based explosives, ammonium nitrate based explosives, any other blasting agent, safety fuse, detonators, detonating cord, shock tubes and any other initiating devices;

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

“licensee” means the person or persons so named in a licence;

“machinery” means engines, earthmoving machines, compressors, drilling equipment, cutting machine, sawing machine, 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 Quarry Inspector as the quarry manager under subrule 7(3) or deemed to be one under subrule 7(6);

“officer” means Quarry Inspector or Quarry Assistant;

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

“permittee” means any person issued with a permit;

“public officer” means a person lawfully holding, acting or exercising the functions of a public office as defined in section 3 of the Interpretation Acts 1948 and 1967 [*Act 388*];

“quarry” when used as a noun, means any open or underground excavation, other than which is controlled under any written law relating to mineral, made for extracting and removing rock material from any land and includes 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 public officer for the time being authorized by the Quarry Inspector to exercise the powers of supervising and controlling of quarries;

“Quarry Inspector” means any public officer who is a qualified mining or mineral resources engineer or any other public officer who is a qualified engineer of any other discipline having sufficient knowledge in quarrying as determined competent by the State Authority and appointed under section 12 of the Code;

“rock material” means any earth, gravel, stone, coral, shell, guano, sand, loam or clay or any bricks, lime, cement or other commodities manufactured from the said materials;

“surveyor” means a qualified surveyor registered with Malaysia Institute of Surveyor.

PART II

QUARRYING OPERATIONS

Duties of permittee or licensee

3. The permittee or licensee shall -

- (a) carry out all his quarrying operations in a safe, skillful, 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 comply with all conditions of the permit or licence, orders, instructions and regulations made under these Rules; and
- (e) comply with all laws, rules and regulations currently in force.

Quarry scheme and notice of commencement, etc.

4. (1) The permittee or licensee shall not start any work to operate or run a quarry before obtaining approval from the Quarry Inspector on a scheme submitted on his behalf by his consultant.

(2) 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;
- (e) provide measures for environmental protection in accordance with any law currently in force relating to environment or pollution control; and
- (f) contain any other details and information as may be required.

(3) When an operation in a quarry is to start or stop, the permittee or licensee or manager, through his consultant, shall notify the Quarry Inspector in writing, of the date of such event.

(4) The notification shall be accompanied by the consultant's observations of the conditions of the quarry then.

Permit or licence to be exhibited at quarry

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 cause, fails to display or produce such permit or licence commits 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 lease or licence area;
- (b) the volume of rock material excavated; and
- (c) any other details.

Manager

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

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

(3) If the Quarry Inspector approves the person so nominated as the 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 the manager of the quarry, the permittee or licensee shall within three days of such cessation, notify such fact in writing to the Quarry Inspector and may nominate some other person as the manager.

(5) The approval of the Quarry Inspector under subrule (3) shall be given in writing and every person so approved shall produce and allow for inspection of such approval whenever called upon to do so by any officer.

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

Instructions by manager

8. (1) Unless so exempted by the Quarry Inspector, the manager shall, within thirty days of being approved under subrule 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 Quarry Inspector may at any time order the manager to frame new instructions, or vary, add to or substitute existing instructions so approved under this rule.

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

(3) If the Quarry Inspector does not approve any of the proposed instructions, he shall within thirty days after the receipt thereof, 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.

(5) If the manager within the period specified in paragraph (4) of this rule objects in writing to such alteration, addition or substitution 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.

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

(7) 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.

Inspection Record Book

9. (1) A book in the form approved by the Quarry Inspector, known as the Inspection Record Book, shall be kept by the manager wherein he shall certify, at least once in ten days or as directed by the Quarry Inspector, 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, 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 for the persons employed in or about the quarry, or to other life and property, and shall as soon as such repairs or alteration 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 maintained 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 Malay or English Language.

(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 quarry workings as may be approved by the Quarry Inspector and shall furnish him with accurate copies of such plans or any other plans in his possession prepared in such manner as the Quarry Inspector may require.

Returns

11. The permittee or licensee or manager shall furnish returns containing information as to his quarry operations of such description, in such manner and at times as the Quarry Inspector 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 Quarry Inspector may require the permittee or licensee to carry out any necessary control on all protective measures relating to blasting, noise, vibration, fly rocks, **silt**, fumes or dust particles at the quarry operations and may determine the standards or limit to be complied with by the permittee or licensee.

(3) The Quarry Inspector may require the permittee or licensee to install and operate such monitoring devices relating to noise, vibration, silt, fly rocks, 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, silt, fly **roks**, fumes or dust particles resulting from any quarry operations.

PART III
SAFETY REQUIREMENTS

High and steep working places to be safeguarded

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

(2) The permittee or 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.

Escape from and access to working places

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

(3) Wire ropes or strands of wire rope shall not be used for climbing purposes if they are frayed or have projecting wires.

(4) 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 overhanging position;

(b) have timber sides with cross-section not less than five centimetres by ten centimetres;

(c) have iron rungs not less than sixteen millimetres diameter and not further apart than twenty-five centimetres between centres;

(d) have tie rungs at intervals of not more than three metres;

(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.

Safety appliances not to be removed, etc.

16. No person, unless properly authorized in that behalf, shall wilfully remove, alter or render useless any fencing, timber, covering, guide rope, chain, ladder gauge, safety valve or anything in or about a quarry provided for the safety of any person.

Respirator, safety helmet and safety boots

17. Respirator, safety helmet and safety boots of approved standard shall be supplied and shall be used by every person in such part of the quarry as may be directed by the Quarry Inspector.

First aid facilities

18. Every quarry shall be equipped with adequate first aid facilities.

Machinery used in a quarry

19. All machinery used in a quarry shall be of a standard approved by the Quarry Inspector and their use, handling or operation shall be in accordance with procedures approved by the Quarry Inspector.

Explosives to be stored, used, *etc.* in quarry as approved

20. No explosives shall be brought into, stored in, placed in, moved about or used in any quarry except those of such type and standard, in such places, in such quantities, in such manner, and under such conditions as shall be approved by the Quarry Inspector.

Proceedings upon accident

21. (1) Whenever any accident causing or resulting in -

(a) loss of life or serious bodily injury to any person, or

(b) serious injury to the property of any person not being the permittee or licensee or of the State;

has occurred in any quarry or in connection with any work whatsoever incidental to or connected with quarrying operation, it shall be the duty of the manager or other person for the time being in charge of the quarry to report to the Quarry Inspector, Land Administrator and the police by the quickest means possible and subsequently with the least possible delay in writing to the Quarry Inspector, Land Administrator and the police the facts of the matter as far as they are known to him.

(2) In the event of an accident as described in subrule (1), all quarry operations related to such accident shall immediately cease and shall not resume until the Quarry Inspector is satisfied and certifies that all safety and the precautionary measures have been taken or complied with and that such operation can be resumed.

(3) For the purpose of this rule, "serious bodily injury" means any injury as listed in the First Schedule.

PART IV

POWERS OF OFFICERS

Powers of Quarry Inspector

22. (1) A Quarry Inspector shall have the power to-

- (a)* direct and control in accordance with the provisions of these Rules the operation of any quarry on any land under a temporary occupation licence or permit;
- (b)* call for and inspect, whenever he may deem necessary, any permit, licence or other document relating to quarrying operations;
- (c)* enter, inspect and examine, any quarry and any place where he has reasonable cause to believe that quarrying operations are being carried out;
- (d)* 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;
- (e)* 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;
- (f)* 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;
- (g)* requires any person whom he deems necessary to give 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 giving into effect the provisions of the Code relating to quarrying and the provisions of these Rules.

Powers of Quarry Assistant

23. 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.

Powers of the State Director of Lands and Mines

24. The State Director of Lands and Mines shall have all the powers of the Quarry Inspector and may overrule in writing any instruction of the Quarry Inspector.

Quarry Inspector may stop any operation at the quarry

25. If at any time it appears to the Quarry Inspector that any operation at a quarry is being carried out in contravention of the terms and conditions of a licence or permit or in any manner as likely to cause danger to life or property, it shall be lawful for the 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 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 Quarry Inspector may deem necessary.

Orders regarding quarry wastes, etc.

26. (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, effluent or other refuse matter from any quarry, crushing, processing 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, effluent and other refuse matter from any quarry, crushing, processing 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

27. 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

Breach of Rules

28. 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) willfully withholds any information or conceals or prevents, or attempts to conceal or prevent any person from appearing before or being examined by an officer;

commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit and in the case of continuing offence to a further fine of one hundred ringgit for each day during which such offence is continued.

Negligent conduct

29. Any person employed in or about a quarry who does any act in such unskilled or unworkman like 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 commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Breach endangering life and property

30. Where a person who is an owner, permittee or licensee of a quarry or any manager 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 commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

Prosecution

31. The Quarry Inspector or the State Director of Lands and Mines authorized in writing by the Public Prosecutor may conduct the prosecution for any offence under these Rules.

Compounding of offences

32. (1) With the exception of rule 30, the Quarry Inspector or the State Director of Land and Mines may, in lieu of taking proceedings against any person in respect of any offence against the provisions of these Rules, compound the offence by accepting from such person a sum of money not exceeding five hundred ringgit.

(2) The method and procedure for compounding such offence is as prescribed in the Second Schedule.

(3) The compounding of an offence under this rule shall have the effect of an acquittal of such accused person.

PART VI

GENERAL

Criminal or civil liability unaffected

33. Nothing in these Rules shall operate to exempt any person from any civil or criminal liability.

Liability of employer

34. 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, 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

35. No liability shall lie against any officer in respect of any expense, damage or injury arising in or from the lawful exercise of the powers conferred on him by these 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 operation may be mined

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

(2) In the event of mining is accorded priority the permittee or licensee shall be given first option to mine provided he applies for and is given a mining title over his licensed area.

(3) The licence need not be surrendered if quarrying and mining operations are to be carried out simultaneously.

(4) If a permittee or licensee who is given the option under subrule (2) fails or does not wish to mine the mineral deposit he shall surrender his licence over the area concerned and cease all quarrying operation 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.

(5) Such compensation may in default of agreement be claimed and determined by suit in the appropriate Court.

Exemption

37. The Menteri Besar may, by declaration in the *Gazette*, exempt any person or any area from any provision of these Rules.

FIRST SCHEDULE

[subrule 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 cases the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

SECOND SCHEDULE

[subrule 32 (2)]

COMPOUNDING OF OFFENCES

1. Sum to be collected and method of payment.
 - (1) The sum of money to be collected for compounding an offence shall not exceed **five hundred ringgit**.
 - (2) Payment of the sum shall be made in cash or by money order, postal order, cashier's order, banker's order or banker's draft made payable to the State Director of Lands and Mines and crossed "Account Payee Only".
 - (3) Payment may be delivered personally or by post to the person making the offer.
 - (4) Every payment received shall be accounted for as money belonging to the State Government and an official receipt shall be issued for it to the person to whom the offer to compound was made.
2. Form for offer to compound.

The form as follows shall be used for making an offer to compound but may be modified as necessary.

TERENGGANU QUARRY RULES 2007
[subrule 32 (2)]

OFFER TO COMPOUND OFFENCES

To:
.....
.....

Sir,

Reference:

It appears to me that you as the *permittee licensee/manager/worker of have committed the following offence under the Terengganu Quarry Rules 2007 :

Relevant Provision of the Rules:

Date:Time:

Place:

Particulars of offence:
.....
.....

2. You are hereby informed that, by virtue of the authority conferred on me by subrule 32 (1) of the [Terengganu Quarry Rules 2007](#), I am prepared, and hereby offer, to compound the offence for the sum of RM (Ringgit:). If this offer is accepted, payment must be made in cash or money order, postal order, cashier's order, banker's order or banker's draft made payable to the STATE DIRECTOR OF LANDS AND MINES, and crossed "ACCOUNT PAYEE ONLY" and may be delivered personally to me at the following address:

.....
.....
.....

An official receipt will be issued upon payment.

3. This offer will lapse on If full payment of the sum stated above is received by the close of business of the date, no further proceedings will be taken against you in respect of the offence. Otherwise prosecution will be instituted without further notice.

Date:

Officer authorized to compound:

Signature
Name
Designation

- Delete where necessary

REPLY FORM

(To the officer authorized to compound)

.....
.....
.....
.....

I refer to the offer to compound an offence bearing reference and dated
I accept the offer and enclose herewith *cash / money order / cashier's order / banker's order / banker's draft No.
..... for the sum of
as full settlement of the compound.

Signature :
Name (Block letters) :
Address :

* Delete where necessary

Dated 29 Mei 2007
[SUK.TR. ;
PTG.TR. BB/04/2006/01/01 ;
PUN.TR. 70 Sj. 3 Bhg. 11 ;

A. RAHIM BIN JUSOH
*Secretary of the State Executive Council
of Terengganu.*