

No. L 83 1982

**THE LOCAL GOVERNMENT ORDINANCE, 1961  
(Ordinance No. 11 of 1961)**

**THE KENINGAU DISTRICT COUNCIL  
(EARTHWORKS) BY-LAWS, 1982**

In exercise of the powers conferred upon it by subsection (1) of section 50 of the Local Government Ordinance 1961, the Keningau District Council, with the approval of the Minister, has made the following By-laws:-

**Citation and commencement.**

1. These By-laws may be cited as the Keningau District Council (Earthworks) By-laws 1981 and shall come into force on the 1st day of January, 1983.

**Interpretation.**

2. In these By-laws :-

"Council" means the Keningau District Council;

"Earthworks" shall have the same meaning as that given to it in the Local Government Ordinance, 1961;

"a duly qualified engineer" means a Professional Engineer registered under the Registration of Engineers Act, 1967 and practising with the written approval of the Board of Engineers;

"minor earthworks" means any earthworks which the Council through the Engineer to the Council by direction exempts from the provisions of these By-laws, or an application, certifies as minor earthworks.

3. No person shall carry out any earthworks without a permit from the Council.
4. An application for a permit shall be made in writing and shall be accompanied by a plan or plans as referred to in By-law 6.
5. The Council may, in its absolute discretion, grant or refuse a permit or grant a permit subject to such conditions as it thinks necessary.
6. Whenever any earthworks are required to be carried out by any person or persons such person or persons shall submit such plan or plans in triplicate as the Council may require for the purpose, and such plan or plans shall be drawn and signed by a duly qualified engineer who shall be responsible for the proper execution of the earthworks.
7. The Council may give such directions or make such amendments to the plans or impose such further conditions for the execution of the earthworks if it deems fit and such directions, amendments or conditions shall be complied with.
8. A fee of \$50.00 shall be paid at the time when a plan is submitted to the Council for consideration under these By-laws.
9. These By-laws shall not apply minor earthworks.

**Penalties.**

10. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence shall be liable to a fine not exceeding two hundred ringgit for every day during which such offence is continued.
11. (1) The Council acting through its Chairman may direct any person who contravenes any provision of these By-laws to repair at his expense any damage caused by

him in consequence of such contravention and if he fails to do so, the Council shall engage a contractor to do the same and the cost shall be charged to the person who committed such breach together with a surcharge of not more than ten per centum of such cost.

(2) The cost of repairs shall be in addition to or in substitution for the penalty imposed under By-law 10.

**12.** (1) The Chairman of the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

(2) On payment of such sum, no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the Council.

Dated at Keningau, this 20th day of March, 1982.

UDIN DULLAH,  
*Chairman,*  
*Keningau District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 16th day of November, 1982.

AYUB AMAN,  
*Minister of Town and Country*  
*Development.*