

**LAND ORDINANCE  
(Sabah Cap. 68)  
LAND (QUARRY) RULES 1997**

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ARRANGEMENT OF RULES

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## LAND (QUARRY) RULES 1997

In exercise of the powers conferred upon him by section 46 of the Land Ordinance [Cap.68.], the Yang di-Pertua Negeri hereby makes the following rules:

### PART I PRELIMINARY

#### **Citation and commencement.**

1. These rules may be cited as the Land (Quarry) Rules 1997 and shall come into force on such date as the Minister may, by notification in the *Gazette* appoint.

[01-01- 1998]

#### **Interpretation.**

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

"authorised officer" means the Chief Quarry Inspector, any Quarry Inspector or Quarry Assistant;

"Chief Quarry Inspector" means such person as the Minister may, by notice in the *Gazette*, appoint to be the Chief Quarry Inspector for the purposes of these rules;

"explosive" means any substance used with a view to producing 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 of Sabah;

"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 arms, crest, flag, arms and armour; and
- (d) vehicle, ship and boat, in part or in whole, whose production has ceased;

"licence" means a licence issued under section 23 of the Ordinance;

"licensee" means any person issued with a licence;

"machinery" means engines, earthmoving machines, compressors, drilling equipment, conveyor belts, crushers, grinders and all other appliances of whatsoever kind used in quarry;

"manager" means the person for the time being recorded in the office of the Chief Quarry Inspector 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;

"Ordinance" means the Land Ordinance (Cap. 68);

"quarry" when used as a noun, means any open or underground excavation, 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 officer for the time being authorised by the Chief Quarry Inspector 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 earth, gravel, stones, coral, shell, guano, sand, loam or clay or any bricks, lime, cement or other commodities manufactured from the materials aforesaid.

PART II  
QUARRYING OPERATIONS

**Licensee's obligations.**

3. The licensee shall –
- (a) carry out all his quarrying operations in a safe, skilful, efficient and workman-like 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 licence, all provisions, orders, instructions and directions made under these rules; and
  - (e) comply with all laws, rules and regulations for the time being in force.

**Approval of scheme before commencement of work.**

4. (1) The 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 Chief Quarry Inspector on a scheme submitted. 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 programme of reclamation and protection on abandoned workings;
- (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 licensee or manager shall notify the Chief Quarry Inspector in writing the date of such event. The notification shall be accompanied by the observations of the conditions of the quarry then.

**Display of licence.**

5. (1) Every licensee shall continuously display in his office at the quarry the 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.

**Employment of surveyor or geologist.**

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

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

**Notification of manager of quarry.**

7. (1) The licensee shall before an operation in a quarry is to commence notify the Chief Quarry Inspector in writing the name, address and qualification of the manager nominated for the quarry.

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

(3) If the Chief Quarry Inspector 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 licensee shall, within fourteen days of such cessation, notify such fact in writing to the Chief Quarry Inspector and may nominate some other person as manager.

(5) The approval of the Chief Quarry Inspector under subrule (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 authorised officer.

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

**Instructions for employees.**

8. (1) Unless so exempted by the Chief Quarry Inspector, 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 surroundings in respect of operating quarrying appliances and carrying out accessory works as appear under the particular circumstances best calculated to ensure their health and safety:

Provided that the Chief 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 to the Chief Quarry Inspector and, if the Chief 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 Chief Quarry Inspector 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

Secretary of Natural Resources whose decision shall be final and binding upon all parties.

(5) Any such instructions shall cease to be in force as soon as the Chief Quarry Inspector, with the consent of the Secretary of Natural Resources, 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.

#### **Inspection Record Book.**

9. (1) A book in the form approved by the Chief Quarry Inspector, 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, defaults in pollution control equipment or discovery of any new pollution source, and shall specify any repairs or alterations which have been executed, and enter a record thereof.

(2) Whenever an authorised 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 authorised officer such report shall not be held to limit or affect the responsibility of the 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 authorised 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.



**Plans of quarry workings.**

10. The licensee or manager shall keep such plans of quarry workings as may be approved by the Chief 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 Chief Quarry Inspector may be required.

**Returns to be furnished.**

11. The licensee or manager shall furnish returns containing information as to his quarry operations of such description, in such manner and in such times as the Chief Quarry Inspector may either generally or in particular cases determine.

**Right of authorised officer to enter, inspect etc.**

12. The licensee or manager and all quarry workers shall provide every authorised officer with every facility necessary for the 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.

**Compliance with environmental protection laws.**

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

(2) The Chief Quarry Inspector may require the licensee to carry out any necessary control on 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 licensee.

(3) The Chief Quarry Inspector may require the 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 operations.

PART III  
SAFETY REQUIREMENTS

**Safety requirements for high and steep place.**

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 licensee or manager shall bench or slope any face of a quarry to such extent as may be required by any authorised officer to ensure its stability.

**Escape in case of emergency.**

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

(2) In every quarry where access to working place is by means of 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 Chief Quarry Inspector –

- (a) be securely fixed at an inclination between fifteen and twenty degrees from the vertical but not in 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.

**No removal etc. of safety structures.**

16. No person, unless properly authorised 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.

**Supply of respirator and safety helmet.**

17. Respirator and safety helmet 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 Chief 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 Chief Quarry Inspector. Their use, handling or operation shall be in accordance with procedures approved by the Chief Quarry Inspector.

**Explosives.**

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 Chief Quarry Inspector.

**Accidents.**

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 licensee or of State,

has occurred in any quarry or in connection with any work whatsoever incidental to or connected with any 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 Chief Quarry Inspector and the Police by the quickest means possible and subsequently with the least possible delay in writing to the Chief Quarry Inspector and the Police the facts of the matter as far as they are known to him.

(2) In 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 Chief 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 referred to in the Schedule.

#### PART IV POWERS OF AUTHORISED OFFICERS

##### **Powers of Chief Quarry Inspector.**

22. The Chief Quarry Inspector shall have the power -
- (a) to direct and control in accordance with the provisions of these rules the operation of any quarry on any land in Sabah;
  - (b) to appoint such number of Quarry Inspectors as he deems necessary to exercise supervision and control of quarries on his behalf;
  - (c) to exercise the powers given to a Quarry Inspector under these rules; and
  - (d) to suspend, vary or cancel any order made under these rules by any Quarry Inspector or Quarry Assistant.

##### **Powers of Quarry Inspector.**

23. (1) A Quarry Inspector, in carrying out the purposes of these rules into effect, may -
- (a) call for and inspect, whenever he may deem necessary, any 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 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 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.

**Power to order cessation of operation.**

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

**Power of Quarry Inspector to give orders.**

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, 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.

**Production of authority card.**

26. Any authorised 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 authorised officer except on production of such authority card.

PART V  
OFFENCES AND PENALTIES

**Offences.**

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 authorised officer in the exercise of his powers under these rules;

- (d) fails to comply with any other lawful instruction or order given by an authorised 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 authorised officer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit and additionally to a fine of five hundred ringgit for every day during which such offence is continued after conviction or to imprisonment for a term not exceeding six months or to both.

**Offence of causing danger or damage.**

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 five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

**Offence of causing accident by act of default or negligence.**

29. Where a person who is an owner, licensee 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 be liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a period not exceeding twelve months or to both.

PART VI  
GENERAL

**No exemption from criminal liability.**

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

**Liability of employer for act of employee.**

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, 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.

**Immunity of authorised officer.**

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

**Mineral deposit.**

33. Any valuable mineral deposit exposed by quarrying operations shall forthwith be reported by the licensee or manager to the Chief Quarry Inspector or Director of Lands and Surveys.

**Historical object or monument.**

34. (1) If any historical object or monument is exposed by quarrying operations or is otherwise discovered within the boundary of his licence area the licensee or manager shall forthwith report the same to the Chief Quarry Inspector or Quarry Inspector.

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



(3) On receipt of a report under subrule (1) or where he has reason to believe that any historical object or monument has been discovered, the Chief Quarry Inspector shall give the notice thereof to the Curator of the Sabah Museum 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 the Curator of the Sabah Museum may decide not to retain such object and the same shall then be returned to the person who delivered up possession thereof to the Chief 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.

**Power to exempt.**

35. The Minister may, by declaration in the *Gazette*, exempt any person or any area from provisions 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 this 3rd day of September, 1997.

By His Excellency's Command,

DATUK YONG TECK LEE,  
*Chief Minister of Sabah.*

Sabah LawNet