

THE MINING ORDINANCE, 1960

(Ordinance No. 2 of 1960)

THE MINING (INSPECTOR OF MINES) REGULATIONS, 1976

In exercise of the powers conferred by subsection (1) of section 28 of the Mining Ordinance, 1960 [20/60.], the Minister has made the following Regulations:

1. Citation.

These Regulations may be cited as the Mining (Inspector of Mines) Regulations, 1976.

2. Interpretation.

In these Regulations –

“Inspector” means an Inspector of Mines appointed under regulations 3.

3. Appointment of Inspector of Mines.

The Permanent Secretary to the Chief Minister may appoint an Inspector of Mines for the purpose of carrying out the provisions of these Regulations.

4. Duties of Inspector of Mines.

The duties of an Inspector shall be as follows:

- (a) to make day to day entries in a journal of all acts done by him and of all orders made by him in pursuance of the duties imposed upon him and the powers vested upon him by the provisions of these Regulations, and periodically to submit such journal for the inspection of the Chief Inspector;
- (b) to call for and inspect, whenever he deems necessary, any document of title to mining land or licence in respect of mining land or water;
- (c) to satisfy himself by personal examination that all conditions of such documents of title and licences are being faithfully observed;
- (d) wherever he has reason to believe that any person is unlawfully carrying on, or is doing any act with a view to unlawfully carrying on, mining operations upon or under any State or reserved land or any land alienated for agriculture purpose, forthwith to visit and inspect such land, and make such inquiry into the matter as may be necessary; and if after such inquiry it appears to him that any person is unlawfully acting as aforesaid, to call in the assistance of the police, if necessary, and to take proceeding against such person;
- (e) to satisfy himself, by personal inspection, that the requirements of the Mining Ordinance are consistently observed, and to report to the Chief Inspector any matter in respect of which he may be of opinion that an inquiry or order is necessary;
- (f) to take measures to ensure the use of proper precautions in all mining operations for the prevention of danger, damage or inconvenience to life and property;
- (e) to make such orders as he may consider necessary in cases of dispute between occupiers of mining land in respect of their occupation or use of such land.

5. Powers of an Inspector of Mines.

The powers of an Inspector shall be as follows:

- (a) to give all such lawful orders as may be necessary to enable him effectually to perform the duties imposed upon him by these Regulations, and every such order shall be given in writing if so required by any person affected thereby;
- (b) to arrest without warrant and take before a Magistrate any person who has committed an offence against the provisions of the Mining Ordinance.

6. Order for cessation of work.

In any case in which it appears to an Inspector that the condition of a mine or of any mining land, or of any of the lands or works or appliances appurtenant to or auxillary to such mine or land, is such as to be likely to be a sources of danger to life or property, the Inspector shall have the removal of all persons from the mine on any part thereof, or to allow work to continue on such precautionary measures being taken as he may deem necessary.

Dated at Kota Kinabalu, this 19th day of January, 1976.

TAN SRI DATUK HAJI MOHD. SAID BIN KERUAK
KETUA MENTERI,
Sabah.

July 2007