

**Sand and Granite Quarries Act
(CHAPTER 284)**

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SAND AND GRANITE QUARRIES ACT

(CHAPTER 284)

(Original Enactment: Act 44 of 1970)

REVISED EDITION 2013

(31st October 2013)

An Act for the licensing and control of sand and granite quarries and for matters incidental thereto.

[15th December 1971]

Short title

1. This Act may be cited as the Sand and Granite Quarries Act.

Interpretation

2. In this Act —

“granite quarry” means any land from which granite blocks, gravel, stones and overburden are extracted by blasting, sorting, breaking, loading and transporting, whether the processes are executed by manual labour or mechanical means;

“licence” means a licence granted under section 5;

“licensee” means any person to whom a licence to use or manage any land for the purposes of a sand or granite quarry has been granted under section 5;

“Licensing Officer” means the officer appointed by the Minister under section 3;

“sand quarry” means any land on which persons are employed in manual labour in any process for or incidental to the getting, dressing or preparation for the sale or otherwise of sand, gravel or earth.

Appointment of Licensing Officer

3. The Minister may, by notification in the *Gazette*, appoint an officer to be the Licensing Officer for the purposes of this Act.

[4/99]

Prohibition on quarrying without licence

4.—(1) No person shall, on or after 15th December 1971, use or manage any land for the purposes of a sand or granite quarry without a licence from the Licensing Officer authorising him to do so.

(2) Any person who uses or manages any land for the purposes of a sand or granite quarry without a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

(3) In any prosecution for an offence under this section —

- (a) the existence in or on any land of any apparatus or accessories for the getting, dressing or preparation for the sale or otherwise of sand shall be prima facie evidence that the person owning or having the control of such apparatus or accessories has been using or managing the land for the purposes of a sand quarry; and
- (b) the existence in or on any land of any mechanical equipment or other like thing used for the purpose of extracting granite blocks, gravel, stones and

overburden by blasting, sorting, breaking, loading and transporting shall be prima facie evidence that the person owning or having the control of that mechanical equipment or other like thing has been using or managing the land for the purposes of a granite quarry.

Licences to be discretionary

5.—(1) The Licensing Officer may at his discretion grant, renew or refuse any licence in pursuance of this Act or any regulations made thereunder.

(2) Licences in pursuance of this Act or any regulations made thereunder may be granted, renewed or refused without any reason for such grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the Licensing Officer may think fit and shall be subject to suspension or revocation at any time without compensation and without notice by the Licensing Officer upon breach of any restriction or condition subject to which it was granted.

(3) The Licensing Officer may require any applicant for a licence to furnish such information as the Licensing Officer may reasonably require for a full and proper consideration of the application and, in the event of refusal to furnish such information, shall refuse to grant or renew the licence.

(4) Except as otherwise expressly provided in the licence, any licence granted or renewed in pursuance of this Act or any regulations made thereunder may be for such period not exceeding 12 months as the Licensing Officer thinks fit.

(5) There shall be charged for the grant or renewal of any licence such fee as the Minister may, from time to time by regulations, prescribe.

(6) No such licence shall be transferable without the consent of the Licensing Officer.

(7) No licence for carrying on any granite quarry shall be granted unless the applicant for the licence deposits with the Licensing Officer a certified site plan from the Chief Surveyor indicating the location of the granite quarry.

(8) Any person aggrieved by the refusal by the Licensing Officer to grant or renew any licence or by the suspension or revocation by the Licensing Officer of any licence may within one month of the refusal, suspension or revocation appeal to the Minister whose decision shall be final.

Security for due performance of obligations of licensees

6. The Licensing Officer may, as a condition of the grant of a licence in respect of any sand or granite quarry, require such security as he thinks fit to be deposited with the Licensing Officer for the due performance by the licensee of all or any obligations

imposed upon him by the licence or by this Act or any regulations made thereunder.

Power to execute works

7.—(1) If a licensee fails to execute any work or works which he is required by his licence or by this Act or any regulations made thereunder to execute for the purpose of preventing any nuisance or danger to life or property, the Licensing Officer may, by notice in writing, require him to execute the work or works within such time as may be specified in the notice.

(2) If the licensee fails to comply with the requirements of such notice, the Licensing Officer may, at any time after the expiration of the time specified in the notice and without instituting any proceedings against the licensee, cause the work or works to be executed and the expenses incurred thereby shall be paid by the licensee and may be recovered by the Licensing Officer —

- (a) by deducting the amount due from any sum deposited by the licensee as security under section 6; or
- (b) in the manner provided in section 22.

Conditions under which licences may be granted

8. No licence shall be granted unless the Licensing Officer is satisfied that the use of the premises as a sand or granite quarry will be unlikely —

- (a) to cause any nuisance or damage to occupants of adjoining or neighbouring land or buildings;
- (b) to cause depreciation in the value or amenity of adjoining or neighbouring land or buildings; or
- (c) to be dangerous to health, life or property.

Interference with bank of any river, stream or watercourse

9.—(1) Any licensee who in the course of sand and granite quarrying operations interferes in any way with the bank of any river, stream or watercourse may be required by the Licensing Officer, by notice in writing, to restore the bank to the same condition as it was in before the interference or to remake it in such manner and within such time as may be specified in the notice.

(2) Any licensee who fails to comply with the requirements of such a notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

(3) The Licensing Officer may, at any time after the expiration of the time specified