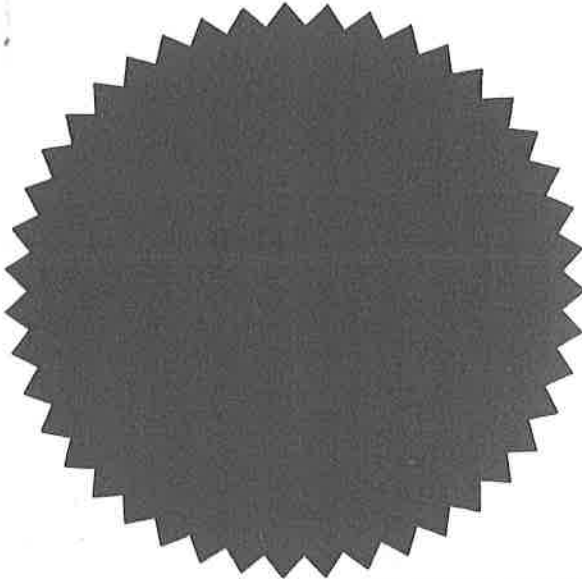


JAMAICA

No. 8 – 2015



I assent,

P. C. Allen

Governor-General.

25th day of June, 2015

AN ACT to Amend the Quarries Control Act.

[26th day of June, 2015]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Quarries Control (Amendment) Act, 2015, and shall be read and construed as one with the Quarries Control Act (hereinafter referred to as the "principal Act") and all amendments thereto.

Short title
and
construction.

2. Section 2 of the principal Act is amended by inserting in the correct alphabetical sequence, the following definitions—

Amendment
of section 2
of principal
Act.

"applicant" means a person applying for a licence under section 8;

"licence" means a quarry licence granted under section 8.

Amendment
of section 5
of principal
Act.

3. Section 5 of the principal Act is amended—

(a) in subsection (3), by deleting—

- (i) the words “A person” and substituting therefor the words “Subject to subsection (3C), a person”;
- (ii) from paragraph (a) the words “thirty thousand” and substituting therefor the words “one million”;
- (iii) from paragraph (b) the words “fifty thousand” and substituting therefor the words “two million”;
- (iv) the semi-colon and the word “and” at the end of paragraph (b) and substituting therefor a full-stop; and
- (v) paragraph (c);

(b) by inserting next after subsection (3), the following as subsections (3A), (3B) and (3C)—

“ (3A) Subject to subsection (3C), a person who engages in the extracting, purchasing, stockpiling, transporting or disposing of quarry material or quarry mineral, in the course of, or obtained by means, of illicit quarrying, commits an offence, and shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3B) Subject to subsection (3C), a person who aids and abets another person in—

- (a) the commission of an offence under subsection (3) or (3A);
- (b) illicit quarrying; or
- (c) extracting, purchasing, stockpiling, transporting or disposing of quarry material or quarry mineral, in the course

of, or obtained by means of, illicit quarrying,

commits an offence, and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3C) Where an offence referred to under this section involves the use of any mechanical motorized equipment (including tractors, loaders and draglines) the person convicted thereof shall be liable on summary conviction in a Resident Magistrate's Court—

- (a) in the case of a first conviction, to a fine not exceeding one million five hundred thousand dollars or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment; or
- (b) in the case of a second or subsequent conviction, to a fine not exceeding two million five hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.”.

4. The principal Act is amended by inserting next after section 5, the following as section 5A—

“ Require-
ment for
authoriza-
tion of
adjoining
landowner
or agent.

5A. Subject to the provisions of this Act, no person shall operate a quarry within fifteen metres from the boundary between the land on which the quarry is located and any other land, except with the written authorization of the owner or lawful occupier of that other land.”.

Insertion of
new section
5A in
principal
Act.

Amendment
of section 8
of principal
Act.

5. Section 8 of the principal Act is amended by—

- (a) inserting next after subsection (1), the following as subsections (1A), (1B), (1C), (1D) and (1E)—

“ (1 A) An application submitted under subsection (1) shall—

- (a) have the quarry material or quarry mineral (whichever applies) in relation to which an application to operate a quarry is submitted, tested and certified as to its quality in writing by a laboratory approved by the Commissioner; and
- (b) include the certificate as to quality as determined under paragraph (a).

(1B) An applicant shall sign a written declaration certifying as to the origin of the samples.

(1C) The Commissioner may supervise the extraction of the samples for the purpose of verifying their origin or may engage an independent person to do so and the related cost shall be borne by the applicant.

(1D) An applicant who submits a false declaration or certificate, with respect to the origin, or the physical, chemical or other similar characteristics of a sample, or otherwise provides false information in connection with an application under this section, commits an offence and shall be liable on summary conviction in a Resident Magistrate’s Court—

- (a) in the case of a first conviction, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; or

- (b) in the case of a second or subsequent conviction, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(1E) The Committee, in determining whether to recommend the granting of an application for a licence under this section, shall consider the intended use of the quarry material or quarry mineral based on its physical, chemical or other similar characteristics and its fitness for purpose.”;

- (b) inserting next after subsection (4), the following as subsection (4A)—

“ (4A) A licensee who acts in contravention of, or fails to comply with any term, condition or restriction stipulated in the licence, commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars.”;

- (c) deleting paragraph (b) of subsection (5) and substituting therefor the following as paragraph (b)—

“ (b) may be renewed in accordance with subsection (6);”;

- (d) renumbering subsection (6) as subsection (7) and deleting paragraph (b) of the definition of “relevant authority” in subsection (7), as renumbered; and

- (e) inserting next after subsection (5), the following as subsection (6)—

“ (6) An application for renewal of a licence granted under this section shall be—

- (a) made to the Minister not later than four months before the date of expiration thereof; and

- (b) accompanied by the prescribed fee and such other documents as may be required by the Minister.”.

Insertion of
new section
8A in
principal
Act.

6. The principal Act is amended by inserting next after section 8, the following as section 8A—

“ Quarry
may
continue to
operate
pending
renewal of
licence.

8A. Where a licence granted under section 8 has expired and an application for renewal thereof is made in accordance with section 8(6), the applicant may continue to operate the quarry pending receipt of the renewed licence, unless it is communicated to the applicant in writing by the Minister that the application for renewal is refused.”.

Insertion of
new sections
11A and 11B
in principal
Act.

7. The principal Act is amended by inserting next after section 11, the following as sections 11A and 11B—

“ Receipt and
dispatch
voucher.

11A.—(1) An operator of a quarry shall issue—

- (a) a receipt for each payment by way of purchase of quarry material or quarry mineral; or
- (b) a dispatch voucher where quarry material or quarry mineral is removed from the quarry otherwise than pursuant to a sale for cash,

which shall state the quantity of the quarry material or quarry mineral to which the receipt or dispatch voucher relates and shall contain such other information as may be prescribed.

(2) Any person who knowingly issues a receipt or dispatch voucher that reflects misleading information, commits an offence, and shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Any person who contravenes subsection (1), commits an offence, and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) Every transporter or retailer of quarry material or quarry mineral or of both, shall, upon request by—

- (a) the Commissioner or any person authorized by him; or
- (b) a member of the Jamaica Constabulary Force or the Rural Police,

show to the person so requesting the receipt or dispatch voucher, as the case may be, in relation to the quarry material or quarry mineral.

(5) Any person found in possession of quarry material or quarry mineral, shall, upon request by any person referred to in subsection (4) (a) or (b), produce a receipt or dispatch voucher for the quarry material or quarry mineral or the licence granted pursuant to section 8.

(6) Any person who contravenes subsection (4) or (5), commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Commissioner
may conduct
random
sampling.

11B.—(1) The Commissioner may conduct random sampling of quarry material or quarry mineral found on a quarry.

(2) For the purposes of subsection (1), the Commissioner or a person duly authorized by the Commissioner may enter any quarry to extract therefrom a sample of quarry material or quarry mineral for testing, and the cost of such extraction shall be borne by the applicant.”

Repeal and replacement of section 13 of principal Act.

8. Section 13 of the principal Act is repealed and the following substituted therefor—

“ Licences etc., not transferable.

13.—(1) The holder of a licence or of an interest therein shall not transfer the licence or interest or any part or share thereof or create any interest whatsoever therein without first obtaining the consent in writing of the Minister.

(2) A licence or interest therein referred to in subsection (1), shall not take effect unless the prescribed fee has been paid.”

(3) A transfer or creation of an interest contrary to subsection (1), shall be void.”

Insertion of new sections 29A and 29B in principal Act.

9. The principal Act is amended by inserting next after section 29, the following as sections 29A and 29B—

“ Certification required for management of certain quarries.

29A.—(1) With effect from such date as the Minister may appoint by notice published in the *Gazette*, every quarry exceeding the prescribed size shall be managed by a person who—

- (a) has successfully completed the prescribed course of study for certification for quarry management; and
- (b) is the holder of a quarry management certificate issued by—
 - (i) the Commissioner; or
 - (ii) any person so authorized by the Commissioner.

(2) An application for a quarry management certificate under this section shall be made to the Commissioner in the prescribed form and shall be accompanied by the prescribed fee.

(3) Where the Commissioner is satisfied after considering an application under subsection (2) that the requirements for certification under this section are met, the Commissioner shall issue to the applicant a quarry management certificate in the prescribed form.

(4) A certificate issued under this section shall be valid for a period of five years and may be renewed upon application in the prescribed manner.

Prescribed course of study, certification form and fees for quarry managers.

29B. For the purpose of section 29A, the Commissioner shall propose to the Minister—

- (a) the course of study to be prescribed;
- (b) the form to be prescribed for certification for quarry managers;
- (c) the fees to be prescribed for processing applications for certification as a quarry manager.”.

10. Section 32 of the principal Act is amended by deleting—

- (a) the word “fifteen” and substituting therefor the words “five hundred”; and
- (b) the comma and all the words appearing after the words “six months”.

Amendment of section 32 of principal Act.

11. Section 34 of the principal Act is amended in subsection (1) by—

- (a) re-lettering paragraphs (d) to (r) as paragraphs (e) to (s) and inserting next after paragraph (c), the following as paragraph (d)—

“(d) prescribing fees to be charged by the Commissioner, for services provided;”;

Amendment of section 34 of principal Act.

- (b) inserting next after subsection (2) the following as subsection (3)—

“ (3) Notwithstanding the provisions of section 29 of the *Interpretation Act*, regulations made under this Act may prescribe, in respect of a breach of any of the provisions thereof, greater monetary penalties than those specified in that section, so however, that the maximum monetary penalty that may be imposed shall be a fine not exceeding five hundred thousand dollars or imprisonment for a term not exceeding six months or of both such fine and imprisonment.”.

Insertion of
new section
35 in
principal
Act.

12. The principal Act is amended by inserting next after section 34, the following as section 35—

“ Minister
may amend
monetary
penalties
by order.

35. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Consequential
amendments
to *Proceeds
of Crime Act*.

13. The Second Schedule to the *Proceeds of Crime Act* is amended by renumbering items 11 to 17, as items 12 to 18, and inserting next after item 10, the following as item 11—

“ 11. An offence under the Quarries Control Act.”.

Passed in the House of Representatives this 28th day of October, 2014.

MICHAEL A. PEART

Speaker.

Passed in the Senate this 1st day of May, 2015 with three (3) amendments.

FLOYD E. MORRIS

President.

On the 5th day of May, 2015 the House of Representatives agreed to the amendments made by the Senate.

MICHAEL A. PEART
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

(Sgd.) H. E. COOKE
Clerk to the Houses of Parliament.

