

*Quarries.***No. 8 of 1889.****An Ordinance relating to Quarries.***(See No. 7 of 1876, No. 7 of 1887, and No. 9 of 1887.)*

WHEREAS it is expedient that due provision should be made to regulate the working of quarries within any town where a municipal council or local board is established: It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited for all purposes as "The Quarries Ordinance, 1889."

Short title.

2 In this Ordinance—

"Quarry" includes any quarry from which rock, stone, cabook, or gravel is obtained;

Interpretation clause.

"To open, work, or use a quarry" means and includes any act whatsoever whereby the soil or any rock, stone, cabook, or gravel three feet below the surface of any land is disturbed, dug, blasted, removed, carried, or otherwise dealt with for the purpose of obtaining rock, stone, cabook, or gravel.

3 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be published in the *Government Gazette*, to declare that the provisions of this Ordinance shall apply to any town where a municipal council or local board of health and improvement is or shall be established; and this Ordinance shall come into operation in such town at such time as shall be appointed by such Proclamation.

Ordinance not to come into operation in any town until Proclamation in the *Gazette*.

4 It shall not be lawful for any person other than a person duly licensed as hereinafter provided to open, work, or use any new or existing quarry within the limits of any town to which the provisions of this Ordinance shall have been so declared to apply as aforesaid.

Working, using, or opening quarries without a license illegal.

The limits of each town to which this Ordinance shall be made to apply by any Proclamation issued under section 2 shall be taken to be the same as the limits defined for the purposes of the Ordinances No. 7 of 1876, No. 7 of 1887, or No. 9 of 1887, unless such limits shall be expressly altered by such Proclamation.

5 In any such town where a municipal council or local board of health and improvement is or shall be established, the chairman of such council or local board may grant licenses for the opening, working, or using of any quarry.

Chairman of municipal council or local board may grant licenses.

The licenses shall be substantially in the forms set out in the schedule hereto annexed, and shall continue in force from the day on which they are respectively granted till the thirty-first day of December then next ensuing.

Form and duration of licenses.

6 The chairman of a municipal council or local board of health and improvement authorized to grant licenses under this Ordinance may, at his discretion, refuse to grant any license which may be applied for, or may attach such

Conditions may be attached to licenses.

Quarries.

Licenses may be
revoked.

conditions thereto, and take such security for the fulfilment of such conditions, as he may deem expedient ; and may revoke any such license in the event of any of such conditions not being fulfilled.

Penalty for
breaches of
Ordinance.

7 Any person who shall open, work, or use, or suffer or permit to be opened, worked, or used any quarry in breach of, or in any way contrary to, any of the provisions of this Ordinance, or otherwise than in accordance with the license in that behalf granted under this Ordinance, shall be guilty of an offence, and be liable on the first conviction to a fine not exceeding fifty rupees, or to rigorous imprisonment not exceeding three months, or both ; and on every subsequent conviction to a fine not exceeding one hundred rupees, or to rigorous imprisonment not exceeding six months, or both.

Institution of
prosecution.

8 No prosecution shall be entertained for any offence under this Ordinance unless instituted within six months from the date of the commission of the offence.

Prosecutions
and fines.

9 All prosecutions under this Ordinance within any town where a municipal council is or shall be established may be instituted in the court of the municipal magistrate.

All fines recovered under this Ordinance within any town where a municipal council is or shall be established shall be paid into the municipal fund, and all fines recovered in any town where a local board of health and improvement is or shall be established shall be paid into the local fund.

Ordinance No. 27
of 1884
unaffected.

10 Nothing in this Ordinance contained shall be deemed in any way to affect the operation of "The Wells and Pits Protection Ordinance, 1884."

SCHEDULE.

1.—License to Work an Existing Quarry.

I, _____, Chairman of the Municipal Council of _____ (or Chairman of the Local Board of Health and Improvement of _____, as the case may be), do hereby license A. B. to work and use a (describe nature of) quarry, situated at _____ ; bounded on the north by _____, on the south by _____, on the east by _____, on the west by _____, subject to the following conditions : (here insert the conditions, if any).

Given at _____ this _____ day of _____, 18 —.

Chairman of _____.

2.—License to Open a New Quarry.

I, _____, Chairman of the Municipal Council of _____ (or Chairman of the Local Board of Health and Improvement of _____, as the case may be), do hereby license A. B. to open, work, and use as a (describe nature of) quarry the land called _____, situated at _____ ; bounded on the north by _____, on the south by _____, on the east by _____, on the west by _____, subject to the following conditions : (here insert the conditions, if any).

Given at _____ this _____ day of _____, 18 —.

Chairman of _____.

14th August, 1889.