

**MINISTRY OF TRANSPORT AND MINING**

**MINES AND GEOLOGY DIVISION**



**A GUIDE TO OBTAINING A QUARRY LICENCE**



**May 2016**

*Under Section 5(i) of the Quarries Control Act, 1983, any person(s)/company wishing to operate a quarry must first apply to the Honourable Minister through the Commissioner of Mines.*

## **PROCESS**

(1) This application is made on a prescribed form along with supporting documents. These include:-

(a) Non-refundable application fee of Twenty Five Thousand Dollars (\$25,000.00), or whatever fee is in force from time to time.

(b) Proof of legal access to land for the proposed area to be quarried. This can be in the form of:-

- 1) Certificate of Title
- 2) Stamped Sales Agreement or Instrument of Transfer
- 3) Stamped Lease Agreement
- 4) Affidavit from Attorney or Justice of the Peace indicating ownership or possession of land

(c) Six (6) copies of a topography map at a scale of 1:12,500.

(d) Six (6) copies of a survey diagram at a scale of at least 1:6000 showing the exact area to be quarried.

(e) Two (2) character references.

(f) Notice of Intent to establish a quarry at the proposed site.

(g) Requisite Test Certificate depending on the type(s) of material to be quarried.

In the case of a company, the application must also be supported by:-

- (a) Certificate of Incorporation
- (b) Names of Directors

(2) A copy of the application is forwarded to a number of government and government related agencies requesting inspection of the proposed quarry site and their recommendations. These include:-

- (a) The National Works Agency (NWA)
- (b) National Environment Protection Agency (NEPA)
- (c) Agricultural Land Management Division (ALMD)
- (d) The Environment Health Unit (EHU), Ministry of Health
- (e) The Parish Council (of the parish) where the proposed site is located.
- (f) Any other relevant organization (deemed necessary).

(3) The Quarries Advisory Committee (QAC)

The QAC is an advisory committee appointed by the Honourable Minister under Section 6 of the Quarries Control Act, 1983, and is comprised of private and public sector members. The duty of the QAC is to advise the Minister -

- (a) on matters of general policy with respect to quarries.
- (b) with respect to applications for licences; or
- (c) upon any other question, referred to it by the Minister

The final Inspection report is deliberated upon by the QAC. The QAC can recommend that:-

- ① an application be deferred pending the need for additional information
- ② a licence be granted with conditions
- ③ a licence be refused

### ***Recommendations***

#### ***a) Deferral***

The QAC can recommend to the Commissioner of Mines that an application be deferred pending the obtaining of additional information, clarification of issues and concerns or the inspection or reinspection by any relevant or competent body.

*b) Refusal*

The QAC may recommend to the Minister that an application be refused for reasons set out under Section 9 (i) of the Act.

Where the Minister proposes to refuse an application for a licence, he shall notify the applicant in writing and afford him an opportunity to show cause why the licence should not be refused.

*c) Granting of Licence*

Upon the recommendation for the granting of a licence, the applicant is required to submit:-

- a valid Tax Compliance Certificate
- a Quarry Plan (Business Development Plan - depending on operation)
- a Restoration Bond

***THE QUARRY LICENCE***

A quarry licence is granted for a specific time period and over a clearly defined area. (A quarry licence is transferable.)

There are a number of Special Conditions imposed when a licence is granted. These include conditions and/or restrictions laid out by any or all of the relevant agencies. These include:

- 1) the timely submission of production returns
- 2) payment of quarry tax
- 3) suspension and/or revocation of the licence
- 4) appropriate engineering practices
- 5) sound environmental practices
- 6) restoration of quarried-out lands
- 7) safety practices

Under Section 15 of the Act, every licensee is required to submit to the Commissioner on a quarterly basis, on the form specified, the number of tonnes or cubic yards of quarry material or quarry mineral sold or otherwise disposed of.

Under Section 14 of the said Act, every licensee is required to pay a tax of 3  $\frac{1}{2}$ % (or whatever rate may be in force from time to time) of the market value on any quarry material sold or otherwise disposed.

Every licensee who fails to pay the tax for any quarterly period shall pay by way of penalty, fifteen percent of the tax due from him for that period. Additionally, the tax payable bears an interest of fifteen per cent (15%) per annum.

Every licensee who fails to submit production returns for any quarterly period is liable to a penalty of one percent of the tax payable by him. This penalty shall not in any case be less than fifteen thousand dollars or more than thirty thousand dollars.

### ***Rehabilitation of Quarried-Out Lands***

Under Section 12 of the Act, every licensee is required, for rehabilitation of the land on which a quarry is located, to maintain on deposit with the Commissioner, a restoration bond. This is currently J\$2.87M/hectare or J\$0.79M/acre. This is essentially a performance bond held against any engineering or environmental breaches by the licensee.

<b><i>SOME FACTORS THAT ARE CONSIDERED WHEN REVIEWING AN APPLICATION</i></b>
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### **Quarry Density**

- Number of quarries in the area under consideration
- Distance from nearest quarry
- Need to restrict excessively large output in the locality
- Types of material to be quarried
- Basic geology including engineering properties of site and area in general



### **Environmental Factors**

- Impact on the environment - aesthetics, visual intrusion
- Need to preserve the character of the environment (flora & fauna)
- Danger of (increase) pollution to the neighborhood - Dust & Noise
- Proximity to man made structures including civil works - such as bridges
- Impact of quarrying on other stakeholders
- General suitability for other land uses



### **Traffic Density**

- Increase in heavy traffic on the road infrastructure
- Ingress/Egress
- Local Infrastructure



### **Quality Assurance**

- Suitability of material for intended purpose based on tests carried out



### **Resource/Mean Evaluation**

- Possession of the resources necessary to embark on quarrying activities (capital, competency)
- Understanding and appreciation of requirements/obligations under the Act/Licence
- Sediment replenishment rate of a river is taken into account for all sand quarries



### **Quarry Zone**

- Should be located within area designated for quarrying - whether by zoning or otherwise

## ***DEFINITIONS***

- Quarry** - any place (not being a mine as defined in the Mining Act) where material or quarry mineral has been removed or is being removed, whether by excavation or otherwise, to supply material for construction purposes, other than dimension stones for the construction industry.
- Quarry Material** - rock, stone, sand (including sea sand), marl, gravel, shale, clay, Pozzolan, fill and limestone, where such material does not contain any minerals in economically workable quantities.
- Quarry Minerals** - gypsum and other substance that the Minister may, by notice published in the *Gazette*, declare to be a quarry mineral.
- Rehabilitation** - to restore to previous condition or set up again in Good condition.
- Illicit Quarrying** - any removal of quarry material or quarry mineral from any place without a licence or without the prior consent of the Minister.
- Quarry Plan** - a comprehensive document addressing activities prior to, during and post quarrying, including engineering practices, environmental concerns, business development and rehabilitation.
- Quarry Zone** - area specially designated for quarrying.