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THE NATURAL RESOURCES AND ENVIRONMENT ORDINANCE, 1993

NATURAL RESOURCES AND ENVIRONMENT
(COLLECTION AND DISPOSAL OF USED TYRES) RULES, 2012

(Made under section 18(u) and (v))

In exercise of the powers conferred by section 18(u) and (v) of the Natural Resources and Environment Ordinance [*Cap. 84 (1958 Ed.)*], the Majlis Mesyuarat Kerajaan Negeri has made the following Rules:

Citation, application and commencement

1.—(1) These Rules may be cited as the Natural Resources and Environment (Collection and Disposal of Used Tyres) Rules, 2012.

(2) These Rules shall come into force on such date as may be appointed by the Minister by a Notification published in the *Gazette*, and the Minister may appoint different dates for the coming into force of these Rules in different local authority areas in the State.

Interpretation

2. In these Rules—

“approved site” means any site, plant or premises approved by the Controller to which used tyres may be delivered, deposited, treated, disposed of, recycled or converted to other products;

“Board” means the Natural Resources and Environment Board;

“Controller” means the Controller of Environmental Quality appointed under section 3(9) of the Ordinance;

“licensed collector” means any person licensed under rule 4 to collect, receive or remove used tyres from any tyre trader or owner of a vehicle to an approved site;

“local authority” has the same meaning assigned to it in the Local Authorities Ordinance, 1996 [*Cap. 20*];

“Minister” means the Minister in the State Government having responsibility for environment;

“Ordinance” means the Natural Resources and Environment Ordinance [*Cap. 84 (1958 Ed.)*];

“owner”, in relation to a vehicle, includes its registered owner, lessee and any other person or body of persons having control or possession thereof;

“permitted quantity” means the maximum pieces of used tyres as specified by the Minister by a Notification in the *Gazette* which a tyre trader registered under these Rules is permitted to have at any one time in each of his business premises or in each of his building, site, land or location;

“person” includes an individual, a firm, a company or any other body of persons whether corporate or unincorporate;

“retreading” means providing tyres with new rubber surfaces in order to be fit for reuse, and to ensure such tyres meet the requirements as specified in the Malaysian Standard MS 224:2005 (Retreaded Pneumatic Rubber Tyres for Passenger Cars & Commercial Vehicles) or such other standards as may be issued or published by the Department of Standards Malaysia from time to time;

“tyre retreader” means any person who carries on the business of retreading of tyres;

“tyre trader” means any person (other than a tyre retreader) who, in the course of his trade or business, sells or offers for sale tyres or mends or repairs or replace tyres of vehicles and includes a person who sells vehicles which have been fitted with or have rubber tyres;

“used tyres” means tyres which are no longer serviceable or can no longer be used in any vehicle or are removed from any vehicle and not meant for retreading or to be repaired for use in any vehicle; and

“vehicle” means any car, lorry, truck, tractor, plane, moveable plant or equipment and includes a motorcycle, bicycle, tricycle or rickshaw.

Prohibition to deposit, dispose of, etc. used tyres

3.—(1) Subject to paragraph (3), no owner of a vehicle or tyre trader or person having control or possession of any used tyres, shall—

(a) deposit, throw away, discard or dispose of any used tyres from his premises except at an approved site;

(b) deliver or hand over or remove from his premises, possession or custody any used tyre to any person who is not a licensed collector or holder of a permit; or

(c) permit any person other than a licensed collector or holder of a permit, to take away or remove from his premises, possession or control any used tyre.

(2) Any person who contravenes any of the provisions of paragraph (1) shall be guilty of an offence: Penalty, a fine not exceeding thirty thousand ringgit or a term of imprisonment not exceeding one year or to both fine and imprisonment.

(3) Paragraph (1) shall not apply to any person—

(a) who is authorized in writing by the Licensed Collector to collect or remove used tyres on its behalf from a tyre trader, tyre retreader or owner of a vehicle; or

(b) who is issued with a permit by the Controller to take away or remove used tyres for specific purposes under rule 8; or

(c) who is a tyre retreader and is registered with the Controller under rule 9.

Licensed collector

4.—(1) No person shall collect or remove any used tyre from any tyre trader or owner of a vehicle or any other person having control or possession of any used tyre, unless—

(a) he is licensed to collect or remove used tyres by the Controller; or

(b) he is authorised in writing by the Licensed Collector to collect or remove used tyres on its behalf.

(2) The Licensed Collector shall notify the Controller of the name, address and such other relevant particulars of the person authorised by him pursuant to paragraph 1(b).

Licence to collect used tyres

5.—(1) The Controller may grant a licence to any person to collect used tyres and to remove or transport the tyres for disposal at an approved site.

(2) An application for a licence shall be made in such form as may be prescribed by the Controller, and he may require the applicant to provide such other particulars or information as may be required by him.

(3) The licence shall be in the form specified in the First Schedule.

(4) Any licence granted under this rule shall be for such period and may be subject to such terms and conditions as may be imposed by the Controller.

(5) A licence issued under this rule shall not be transferable or assigned to any other party.

(6) An application to renew a licence shall be made to the Controller not less than one month prior to the date of its expiry.

Display of licence

6. A person who has been issued with a licence under rule 5 shall display the licence at his place of business and produce it for inspection when so required by an officer authorised by the Controller.

Records of collection

7. A licensee shall keep or cause to be kept proper and true records of the used tyres collected by him or by any other persons authorised in writing by the licensee, in such form and containing such particulars as may be stipulated by the Controller.

Permit to take away or remove used tyres

8.—(1) The Controller may issue a permit to take away or remove used tyres to any of the following—

(a) any person involved in fishery who requires used tyres as artificial reef;
or

(b) any person who requires used tyres for landscaping; or

(c) an owner or organiser of go-cart racing, car racing, sports arena or other similar sporting facilities or events which requires used tyres as protective shields or similar purposes; or

(d) an owner of buildings or a contractor who requires used tyres for construction of retaining wall, jetty or other structural purposes; or

(e) such other persons and for such other purposes as may be approved by the Controller.

(2) The permit shall be subject to such terms and conditions as may be imposed by the Controller.

(3) The permit shall be in the form specified in the Second Schedule.

Registration of tyre trader or tyre retreader

9.—(1) Any person who carries on the trade or business of a tyre trader or tyre retreader is required to register himself with the Controller.

(2) An application for registration shall be made in such form as may be prescribed by the Controller, and the Controller may require the applicant to provide such other particulars and information as may be required by him.

(3) Upon approval of the application, a certificate of registration shall be issued by the Controller, which may be subject to such terms and conditions as may be imposed by him.

(4) The Controller may suspend or revoke a certificate of registration if he is satisfied that the holder thereof has breached any of the terms and conditions imposed on the certificate.

Register

10. The Controller shall keep a register of all licences, certificates of registration and permits issued under these Rules.

Direction

11.—(1) The Controller may, after consultation with the Minister, may issue direction—

(a) to a tyre trader on the manner in which used tyres shall be stored or kept at his premises or custody or possession pending the collection or removal thereof;

(b) to any person granted a licence to collect used tyres on the manner in which used tyres may be collected and transported to an approved site for the purpose of protecting the environment, to prevent health, fire hazard and injury to others;

(c) to any person having the control of an approved site on the manner on the storage, disposal and treatment or recycling or conversion of used tyre to other uses or products; and

(d) to any person having the control of an approved site on the storage and the proper handling of recycling products of used tyres.

(2) The direction issued shall be signed by the Controller or any officer duly authorised by him.

Approved site

12.—(1) Any site, plant or premises where the used tyres may be delivered, deposited, disposed of or discarded or may be recycled or converted for other products shall require written permission of the Controller.

(2) An application for an approved site shall be made to the Controller in such form as may be prescribed by him.

(3) Upon approval of the application, the Controller shall issue a permit for the approved site, which may be subject to such terms and conditions as may be imposed.

(4) The owner or any other person having the control or management of any approved site shall comply with terms and conditions imposed by the Controller and any direction issued by him relating to the collection, storage, transportation, disposal and treatment or recycling or conversion of used tyres to other uses or products.

(5) Where any person fails to comply with any of the terms and conditions imposed by the Controller or any direction issued by him under paragraph (3) or (4), the Controller may suspend or revoke the use of the approved site and proceed to seal the premises.

Suspension or revocation of licence, permit, etc.

13. The Controller may suspend or revoke any licence, certificate of registration or permit issued under these Rules upon being satisfied that the holder thereof—

(a) has breached or failed to comply with any of the terms and conditions imposed; or

(b) has contravened or fails to comply with any of the provisions of these Rules.

Fees

14. The fees payable under these Rules shall be as specified in the Third Schedule.

Prohibition against unauthorised storage of used tyres

15.—(1) No person shall be permitted to own, keep, store, dispose of or dump on any land, plant, building, premises or site or any part thereof any used tyres in excess of the permitted quantity as may be specified by the Minister by a Notification in the *Gazette*, unless—

(a) the person is the holder of a licence to collect used tyres issued under rule 5; or

(b) the land, plant, building, premises or site concerned is an approved site in accordance with a permit issued under rule 12.

(2) Any person who contravenes paragraph (1) commits an offence.

Exemption

16. The Controller may, after consulting the Minister, and subject to such terms and conditions as may be imposed by him, exempt any person from any of the provisions of these Rules.

Penalty

17. Any person who—

(a) wilfully refuses or neglects to act or do anything in accordance with the direction or order of the Controller given under these Rules; or

(b) contravenes or fails to comply with any of the terms and conditions imposed in the licence, certificate of registration or in a permit issued under these Rules; or

(c) contravenes or fails to comply with any of the provision of these Rules, commit an offence and where no specific penalty is provided in these Rules, be liable—

(i) in the case of a first offence, to a fine not exceeding ten thousand ringgit; and

(ii) in the case of a second or subsequent offence, to a fine not exceeding thirty thousand ringgit or a term of imprisonment not exceeding one year or to both fine and imprisonment.

FIRST SCHEDULE

Serial No. _____



The Natural Resources and Environment (Collection and Disposal of Used Tyres) Rules, 2012
License to Collect and Remove Used Tyres
(Rule 5(3))

- (1) This license is issued to _____
which has its address at _____

- (2) This license is valid for _____ years unless it is revoked or suspended
prior to the date of expiry of license.
- (3) This license is subject to the terms and conditions stipulated in the Schedule or as below:

Date: _____

*Controller or Environmental Quality
Sarawak*

PERIOD OF LICENSE AND PAYMENT

End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:
End date: Payment: Date of payment:	End date: Payment: Date of payment:

CHANGE OF LICENSEE AND ADDRESS

	NRIC/Company No.	Signature
	NRIC/Company No.	Signature
	NRIC/Company No.	Signature
	NRIC/Company No.	Signature
	NRIC/Company No.	Signature

INSPECTION RECORD

SECOND SCHEDULE

(Rule 8)

Permit to take away or remove used tyres for special purposes

Serial No. _____



The Natural Resources and Environment (Collection and Disposal of Used Tyres) Rules, 2012

Permit to Take Away or Remove Used Tyres for Special Purposes

(Rule 8(3))

(1) This permit is issued to _____
which has its address at _____

for the purpose of _____

("the Purpose").

(2) The maximum permitted quantity of used tyres for the Purpose:

(3) Validity of this permit for the Purpose: _____

(4) This permit is subject to the terms and conditions stipulated below:

[to include that the permit to take away and remove used tyres is strictly for the Purpose only/not to exceed permitted quantity specified above/etc.]

Date: _____

Controller or Environmental Quality
Sarawak

THIRD SCHEDULE

(Rule 14)

Fees

The fees payable under these Rules are as follows:

<i>No.</i>	<i>Subject Matter</i>	<i>Rate</i>
1.	Licence to collect used tyres	RM 200 per annum
2.	Permit for an approved site	RM 100 per site
3.	Permit to take away or remove used tyres	RM 50 per permit
4.	Certificate of registration for :	
	(a) a tyre trader	RM 30 per registration
	(b) a tyre retreader	RM 30 per registration

Approved by the Majlis Mesyuarat Kerajaan Negeri this 16th day of February, 2012.

HAJAH SUTIN BT. SAHMAT,
Clerk to Majlis Mesyuarat Kerajaan Negeri

SARAWAK LAWNET



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK