

**Cap.54
and Laws:
21 of 1970
95(I) of 2003
19(I) of 2005**

EXPLOSIVE SUBSTANCES LAW

CHAPTER 54.
EXPLOSIVE SUBSTANCES.

ARRANGEMENT OF SECTIONS.

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A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO
THE IMPORTATION AND USE OF EXPLOSIVE SUBSTANCES
AND OTHER MATTERS CONNECTED THEREWITH.

1949 Cap. 83.
51 of 55.

[1st January, 1940.]

1. This Law may be cited as the Explosive Substances Law.

PART I.

PRELIMINARY.

Interpreta-
tion.

Cap. 57.

2. In this Law—

“ certification of registration ” means a certificate of registration issued under the provisions of the Firearms Law ;

“ explosive substance ” means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder,

fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect, and includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of any explosive substance as above defined;

“firearms licence” means a firearms licence issued under the provisions of the Firearms Law ;

Cap. 57.

“Inspector of Explosives” means the Inspector of Explosives appointed under section 3 and includes an Assistant Inspector of Explosives appointed under the said section.

“person” includes a Municipal Corporation established under the Municipal Corporations Law.

Cap. 240.

“raw material” means any substance other than an explosive substance which is used as a constituent part in the manufacture of explosive substances;

“firearm” means a firearm of every description and includes an air-gun, air pistol or any other kind of gun from which any shot, bullet or other missile can be discharged, and any part thereof, and includes any weapon of whatever description, designed or adapted for the discharge of any noxious liquid, gas or similar thing, but does not include any toy gun or firearm which is preserved for antiquarian interests and not for use.

“ammunition” means any shooting equipment of any nature;

“firework” means any explosive substance or mixture of explosives or other substances designed to produce a firework effect with heat, light, noise, gases or smoke or a combination thereof, as products of a non explosive, self-maintained chemical reaction”.

PART II.

LICENSING.

3. The ~~Council of the Republic~~ may appoint a fit and proper person to be Inspector of Explosives under this Law and may appoint such number of Assistant Inspectors of Explosives as he may deem fit.

Appoint-
ment of
Inspector of
Explosives
and
Assistant
Inspectors
of Explo-
sives.

4.—(1) The Inspector of Explosive Substances may, subject to the provisions of regulations made under this Ordinance, at his discretion grant to any person, under such terms and conditions as he considers appropriate, in relation to any explosive substances determined therein—

Licences in
respect of
explosive
substances.

- (a) a licence to import explosive substances into the Republic, which shall be valid for an importation for a particular time period, and for those explosive substances to be stored in a storage for explosive substances for which a licence is valid in accordance with the provisions of paragraph (d) of this subsection;

- (b) a licence to manufacture explosive substances;
- (c) a licence to sell explosive substances;
- (d) a licence to store explosive substances;
- (e) a licence to transport and/or possess and/or use explosive substances in the Republic which may, in the judgement of the Inspector of Explosive Substances be issued for a determined period of use within the calendar year;
- (f) an approval to export explosive substances from the Republic which shall be valid for an exportation for a specified time period;
- (g) an approval of transit of explosive substance excluding ammunition and fireworks through the Republic, which shall be valid for transit for a specified time period;

The provisions of paragraphs (a), (f) and (g) shall not apply for the explosive substances and ammunition falling in the scope of the Minimum Requirements (Explosive Substances for Civil Uses) Regulations.

(2) Save for the provisions of paragraphs (a), (e), (f) and (g) of subsection (1), any such licence shall be issued on or after the first of January of the year and shall expire on the thirty first of the December, following the date of issue.

(3) Any holder of a licence or authorisation issued under this section must, upon a request of the Inspector for Explosive Substances or any police officer, produce the said licence or authorisation for control, and if he omits or refuses to do so, he shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds (£50).

(4) Any person who—

- (a) imports or attempts to import;
- (b) manufactures or attempts to manufacture;
- (c) sells or stores, or attempts to sell or store;
- (d) transports or possesses;
- (e) exports or attempts to export;
- (f) transits or attempts to transit;
- (g) uses or attempts to use,

any explosive substance without possessing a licence or authorization (the burden of proof lies on him), shall be guilty of an offence and liable upon conviction to imprisonment of ten years or a fine of one thousand five hundred pounds or to both such penalties. Any explosive substance in relation to which there are reasonable suspicions that an offence has been committed under the provisions of this subsection may be seized by the Inspector of Explosive Substances and be destroyed with the consent of the person which is considered as the suspect of the offence or confiscated in accordance with the provisions of section 12A.

(5) For the purposes of subsection (4)—

(a) "has in his possession" shall include not only having in one's own personal possession, but also knowingly having in the actual possession or custody of any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or of any other person; and if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

(b) when an offence is committed thereunder, each of the following persons shall be deemed to have taken part in committing the offence and be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly, that is to say:—

(i) every person who actually does the act or makes the omission which constitutes the offence;

(ii) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(iii) every person who procures, aids or abets another person in committing the offence;

(iv) every person who solicits or incites or endeavours to persuade another person to commit the offence;

(v) every person who does any act preparatory to the commission of the offence.

(6) The provisions of this section shall not apply to—

(a) ammunition not exceeding two thousand rounds for airguns, air rifles or air pistols stored at any time in any premises by any person for his personal use, and who is a holder of a registration certificate in relation to an airgun, air rifle or air pistol

(b) ammunition not exceeding fifty rounds for revolvers or pistols stored at any time in any premises by any person for his personal use, who is a holder of a registration certificate for a revolver or pistol and is a holder of a special licence to possess such revolver or pistol, granted under the Firearms Law;

(c) cartridges not exceeding one thousand rounds (or instead of such cartridges one thousand grams of gun powder and one thousand primers) or upon a special authorisation in writing of the Inspector for Explosive Substances not exceeding three thousand rounds, stored at any time in any premises by any person for his personal use, who-

(i) is a holder of a registration certificate and a registration licence in relation to a firearm and a holder of a firearm licence which is valid on the date of storage;

(ii) is a holder of a firearms licence which is valid on the date of storage for a firearm in relation to which a registration certificate and possession licence have been issued for the benefit of any other person under the provisions of the Firearms *Law*

Ⓢ The provisions of paragraph (c), (d) and (e) of subsection (1) shall not apply in the case of retailers or final users of cartridge tools in manufacturing-

(a) where they obtain them from a holder of a sales licence in accordance with the provisions of subsection (1); and

(b) where they obtain them in quantities not exceeding ten thousand pieces.

“Raw materials
in the
manufacture
of explosives

4A.—(1) Save for the provisions of subsection (2) and (3), raw materials intended to be used or which are used in the manufacture of explosive substances shall be subject to the provisions of this ~~Law~~ and the regulations made under section 13.

(2)(a) The Inspector of Explosive Substances may establish a list of raw materials specifying those raw materials for which it is not required to grant a licence, within the meaning of subsection (1);

(b) The above list shall be published by means of a notification of the Inspector of Explosive Substances, in the official gazette of the Republic.

(3) The provisions of subsection (1) shall not apply—

(a) to holders of a licence to manufacture hunting cartridges, in relation to raw materials for the production of hunting and competition cartridges excluding—

- (i) pellets of bullets;
- (ii) hunting and competition shot pellets;
- (iii) air gun shot pellets.

(b) Save for the provisions of section 7, in the case of holders of a licence to manufacture hunting and competition cartridges, or the holders of a licence to manufacture hunting shot pellets and competition cartridges, in relation to hunting lead shot pellets and competition cartridges the size of which does not exceed 4,75 mm.

(4) Any person who disposes of, sells, or uses raw materials for which a licence has been issued in accordance with the provisions of subsection (1) for a purpose other than the manufacture of explosive substances shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand pounds.

4B.—(1) The Inspector for Explosive Substances may establish a list of fireworks classifying fireworks into categories depending on the power, use and/or other characteristics or parameters.

(2) The Inspector of Explosive Substances may determine in the list of fireworks, those fireworks—

- (a) for which no licence is required in accordance with the provisions of section 4;
- (b) which are excluded from the provisions of the regulations made under this ~~Law~~.

(3) The list provided for in subsection (1) shall be published by means of a notification of the Inspector for Explosive Substances, in the official gazette.”

PART III.

SPECIAL PROVISIONS RELATING TO AMMUNITION AND SHOT.

5. (1) Every holder of a licence to sell explosive substances who deals in cartridges or any other description of ammunition (in this section called the “dealer”) shall keep on his premises a book to be called the Ammunition Stock Book, and a book to be called the Ammunition Sales Register, in such form as may be respectively prescribed, wherein he shall record his stock and sales of ammunition, as the case may be.

Books to be kept by dealers in cartridges and other ammunition.

(2) It shall be lawful for the Inspector of Explosives or any police officer of any rank not lower than that of sergeant at any time when the premises of a dealer are open for business, to enter such premises and inspect all ammunition in the stock of such dealer and to inspect the Ammunition Stock Book and the Ammunition Sales Register and to take a copy of any entries therein, and any dealer who refuses to allow such inspection to be made or copy to be taken, or who obstructs the Inspector of Explosives or police officer while making such inspection or taking such copy shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

(3) Any dealer—

(a) who acts in contravention of subsection (1), or

(b) whose stock of cartridges or of any other description of ammunition does not correspond to the stock as shown in the Ammunition Stock Book after deduction therefrom of the sales recorded in the Ammunition Sales Register,

shall, in the absence of a reasonable explanation, be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

Restrictions
on sale and
purchase of
cartridges or
other
ammunition.

6. (1) No person shall sell and no person shall purchase any cartridges or any other description of ammunition save in accordance with the following provisions :—

(a) the purchaser shall be the holder of a Certificate of Registration in respect of a firearm and, save where such firearm is a revolver, pistol, air-gun, air-rifle or air-pistol, the holder also of a Firearms Licence in force at the date of the sale or purchase ;

(b) in the case of the sale or purchase of ammunition for a revolver or pistol, the purchaser shall be the holder of a Certificate of Registration for a revolver or pistol and the holder also of a special permit from the Governor to possess such revolver or pistol granted under the Firearms Law ;

(c) the purchaser shall at the time of the sale produce to the vendor his Certificate of Registration and such Firearms Licence or Special Permit as he may be required to hold in accordance with the

provisions of paragraph (a) or (b) of this subsection, as the case may be :

Provided that where the purchaser is the holder of a Firearms Licence for a firearm in respect of which a Certificate of Registration has been issued to any other person under the provisions of the Firearms Law the purchaser shall produce to the vendor such Firearms Licence and also the Certificate of Registration in virtue of which such Firearms Licence was issued. Cap. 57.

(2) Any cartridges or other description of ammunition sold or purchased shall be of a type suitable for use for the firearm described in the Certificate of Registration produced by the purchaser to the vendor at the time of sale under the provisions of paragraph (c) of subsection (1).

(3) Any person who sells or purchases any cartridge or other description of ammunition in contravention of the provisions of this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

(4) Nothing in this section contained shall apply to the sale of cartridges or other description of ammunition to, or the purchase of cartridges or other description of ammunition by, the holder of a licence granted for the purposes of section 5.

7. (1) The Inspector of Explosives may, in his discretion and subject to such terms and conditions as to him may seem fit, grant to any person a licence to manufacture lead shot, other than slug shot, ball shot, or lead shot of a size larger than ~~4.75 millimetres~~.

Licence to
manufacture
lead shot.

(2) Every such licence shall be issued or or after the first day of January in every year and shall expire on the thirty-first day of December next following the date of issue.

(3) Any person who manufactures lead shot save under a licence under subsection (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

Possession of slug shot, etc., prohibited.

8. Any person who manufactures or who has in his possession, custody or control any slug shot, ball shot, or lead shot of a size larger than ~~4.75 millimetres~~ shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

PART IV.

GENERAL.

Bye-laws by Municipal Corporations. Cap. 240.

9. If at any time it shall appear to the Governor that there are bye-laws for the time being in force made by a Council under the Municipal Corporations Law for the storage or sale of explosive substances which are considered by the Governor to be suitable and adequate for the purpose, the Governor may by notification in the Gazette direct that such bye-laws shall be in force within the town or village comprised within the municipal limits of the Municipal Corporation by which such bye-laws were made, and that any Regulations made under this Law and specified in such notification shall not apply to such town or village.

Power of Governor in Council to apply this Law to other dangerous substances.

10. Where it is made to appear to the ~~Council of Ministers~~ ^{Council of} that any substance not being an explosive substance is specially dangerous to life or property by reason of its explosive properties he may by Order declare that the provisions of this Law and any Regulations made thereunder shall, subject to such exceptions or limitations as may be specified in the Order, apply to such substance in like manner as if such substance were an explosive substance within the meaning of this Law.

Appeal to the Governor in Council.

11. Any person aggrieved by the refusal to grant a licence or the cancellation of a licence or the terms or conditions imposed by the Inspector of Explosives in any licence may, within ten days from the date of such refusal or cancellation or from the date of the grant of the licence against which the appeal is made, appeal to the ~~Council of Ministers~~ whose decision thereon shall be final and conclusive.

Search and seizure.

12. (1) The Inspector of Explosives or any police officer of any rank not lower than that of sergeant may at any time without warrant enter any premises or place wherein or whereon he has reasonable ground to suspect that an explosive substance is being stored, kept, sold or exposed

for sale in contravention of this Law or any Regulations made thereunder and may seize and remove any such explosive substance together with the vessel containing the same.

(2) Any person who resists search or obstructs the Inspector of Explosives or any police officer acting under the provisions of subsection (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds or to both.

(3) If a period of 24 hours has been elapsed after the seizure of the explosive substances and no person has appeared claiming that is a holder of a licence granted according with the provisions of subsection (1) of section 4, then the Inspector of Explosive Substances may destroy them.

(4) If within the time period specified in subsection (3) a person has appeared claiming that is a holder of a licence granted according with the provisions of subsection (1) of section 4, then the Inspector of Explosive Substances may destroy the explosives substances with the consent of this person or after their confiscation in accordance with section 12A.

Confiscation of
explosive
substances.

12A.- (1) The Inspector of Explosive Substances or any police officer of a rank not lower than that of sergeant may, by means of summons, request the Court to order the confiscation of any explosive substances which have been seized in accordance with the provisions of this Law or any regulation made under it.

(2) Upon an application made under this section the Court orders the confiscation of any substances only where it is satisfied that-

- (a) The substances do not conform to the provisions of this Law or any regulation made under it,
- (b) The Inspector of Explosive Substances cannot safely store the seized substances.

(3) Where the explosive substances are confiscated in accordance with this section, they may be destroyed according to Court's directions.

13. (1) The ~~Council of Ministers~~ may, subject to the provisions of this Law, make Regulations for all or any of the following purposes—

Power to
make
Regulations.

- (a) prescribing the powers and duties of the Inspector of Explosives;
- (b) regulating the importation^{exportation and transfer} of explosive substances;
- (c) regulating the licensing and management of places for storing or keeping explosive substances and determining the construction and materials of any place in which any explosive substances may be stored or kept;
- (d) providing for the examination or inspection of any place licensed for the storage of explosive substances;
- (e) empowering the Inspector of Explosives to order such works or repairs to any store to be executed as in his opinion may be necessary to ensure the safe storage therein of explosive substances;
- (f) regulating the transport and storage of explosive substances;
- (g) regulating the sale of explosive substances;
- (h) prohibiting the introduction of explosive substances into any specified area;
- (i) regulating the manufacture of explosive substances;
- (j) regulating the use of explosive substances;
- (k) prescribing the fees to be paid for any licence issued or examination or inspection made under this Law or any Regulations made thereunder;
- (l) providing for the destruction with or without payment of compensation of explosive substances which have become unfit for use;
- (m) providing for the notification of accidents in connection with the storing or keeping of explosive substances;
- (n) providing for the examination of, and the issue of certificates of competency to, persons employed in the handling of explosive substances;
- (o) prescribing the form of any books and the forms of any applications, licences or certificate required, made or issued under the provisions of this Law or any Regulations made under this Law;
- (p) generally, for the better carrying out of the purposes of this Law;
- (q) the revocation, or amendment of licences or authorisations issued under this law;
- (u) the adoption of other provisions in relation to explosive substances, laws or regulation which directly or indirectly affect the grant of licences under the provisions of this Law.

(2) Such Regulations may impose penalties for the breach thereof not exceeding twelve months imprisonment or a fine not exceeding fifty pounds or both and may provide for the cancellation of any licence granted by the Inspector of Explosives.

Saving.

14. (1) All Orders in Council, Orders, Regulations, Rules and Bye-laws made by the ~~Council of Ministers~~ or the Governor under the Explosives and Petroleum Laws, 1882 and 1924, in respect of explosive substances and subsisting at the date of the commencement of this Law shall be deemed to have been made under this Law, and shall remain in force until replaced, amended or revoked by Regulations made under this Law.

(2) All bye-laws made by a Municipal Authority for the storage or sale of any explosive substance by virtue of the Explosives and Petroleum Laws, 1882 and 1924, or the Municipal Corporations Laws, and subsisting at the date of the commencement of this Law, shall, in so far as they are not inconsistent with the provisions of this Law or any Regulations made thereunder, remain in force until replaced, amended or revoked.

Exemption.

15. Nothing in this Law shall apply to ammunition imported for the use of, or used or to be used by ~~the~~ ~~Republic~~ Forces, or the Police Force.