

Supplement No. 2 published with Gazette No. 13 of 23rd June, 2008.

EXPLOSIVES LAW

(2008 Revision)

Law 28 of 1975 consolidated with Law 4 of 2008.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 28 of 1975-11th December, 1975
Law 4 of 2008-23rd January, 2008

Consolidated and revised this 13th day of May, 2008.

Note (not forming part of the Law): This revision replaces the 1997 Revision which should now be discarded.

EXPLOSIVES LAW

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ARRANGEMENT OF SECTIONS

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EXPLOSIVES LAW

(2008 Revision)

1. This Law may be cited as the Explosives Law (2008 Revision). Short title
2. In this Law - Definitions
 - “Collector” means the Collector of Customs;
 - “Commissioner” means the Commissioner of Police;
 - “explosive” means a substance or combination of substances which are chemically or physically unstable or are kept in a manner by which they can readily be rendered unstable so that, upon the application of heat, detonation or other triggering agent or device they are liable violently to disintegrate, chemically or physically, with shattering destructive effect, and includes any such substance or substances declared to be an explosive by regulations made under this Law;
 - “firearm” has the meaning ascribed to it in the Firearms Law (2008 Revision); 2008 Revision
 - “Governor” means the Governor in Cabinet; and
 - “Managing Director” means the person appointed as such under section 11(1) of the National Roads Authority Law (2006 Revision) and includes any person acting under his authority. 2006 Revision
 - “master”, “port” and “vessel” have the meanings ascribed to them in the Customs Law (2007 Revision). 2007 Revision
3. Unless otherwise specifically provided, this Law has no application to- Application
 - (a) firearms;
 - (b) fireworks;
 - (c) Her Majesty’s Armed Forces;
 - (d) explosives held in the control of the Customs, Police or Public Works Departments; or
 - (e) explosives being cargo in any vessel held for delivery to a consignee outside the Islands, where the master of such vessel has complied with all relevant Port and Customs regulations and any instructions issued by the Collector.
4. Whoever, not being authorised in writing by the Managing Director in that behalf- Offences and penalties

- (a) has in his possession or control;
- (b) sells;
- (c) buys;
- (d) barter;
- (e) deals in;
- (f) stores;
- (g) imports;
- (h) exports; or
- (i) uses,

any explosives or aids, abets or suffers any person under his control so to do is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months, and the explosive, with respect to which the offence is committed, shall be forfeited to the Crown unless the court, for good reasons, otherwise directs.

Powers of constables

5. Any constable may arrest without warrant any person who has committed or attempted to commit or whom he reasonably suspects has committed or attempted to commit an offence against section 4.

Regulations

6. The Governor may make regulations-

- (a) declaring any substance or combination of substances to be an explosive;
- (b) defining fireworks;
- (c) controlling the import and export of explosives;
- (d) controlling dealings in, storage and use of explosives;
- (e) for the disposal of explosives;
- (f) providing safety precautions for the use, handling and storage of explosives; and
- (g) providing for fees to be charged where storage is undertaken by the Managing Director in magazines established by the Public Works Department.

Validation

7. (1) Any function, duty or act performed, exercised or carried out by the Managing Director of the National Roads Authority, on or after the 1st July, 2004, in purported exercise of powers conferred by the Explosives Law (1997 Revision) or any regulations made thereunder, is validated and is to be taken to have been lawfully performed, exercised and carried out.

1997 Revision

(2) This Law does not affect any order or determination made by a court prior to the 18th February, 2008.

(3) If any legal proceeding has been commenced prior to the 18th February, 2008 but is not finally determined before that date, the proceeding shall be dealt with and determined under the provisions of the Explosives Law (1997 Revision).

Publication in consolidated and revised form authorised by the Governor in Cabinet this 13th day of May, 2008.

Carmena Watler
Clerk of Cabinet

(Price \$ 1.60)