

CHAPTER 96 EXPLOSIVES ACT

• Act • Subsidiary Legislation •

ACT

Amended by

Act No. 42 of 1972

Act No. 5 of 1974

Act No. 36 of 1996

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CHAPTER 96 EXPLOSIVES ACT

An Act to provide for the safe storage of explosives.

[Amended by Act No. 42 of 1972, Act No. 5 of 1974, Act No. 36 of 1996.]

[8th December, 1956.]

1. Short title

This Act may be cited as the Explosives Act.

2. Interpretation

In this Act—

“explosive” means gunpowder, nitro-glycerine, carbon bisulphide, dynamite, gun-cotton, blasting powders, fulminate of mercury or of any other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect; also fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined;

“Government explosives store” means a place provided by the Minister for the storage of explosives;

“vessel” includes every kind of steam or sailing vessel, hulk, lighter, flat, boat or any kind of craft used for the conveyance of persons or things by water.

3. Importation, etc., of explosives

The Minister may, by Order published in the *Gazette*, prohibit absolutely or subject to conditions or restrictions the manufacture, the keeping, the importation and the sale of any explosive.

4. Mooring of vessels having explosives on board

(1) Every vessel having on board as cargo any explosive and entering or being in any port in Grenada shall conform to all regulations made under this Act in relation to the mooring of, and the notice or warning to be given by, such vessels.

(2) It shall be lawful for the Port Manager or any person acting under his or her orders to cause any vessel acting in contravention of any such regulations to be removed at the expense of the owner or master thereof to such place as may be prescribed, and the expenses incurred in such removal may be recovered by the Port Manager as a civil debt in a court.

5. Provision for storage of explosives

(1) The Minister shall provide a place hereinafter referred to as a Government explosives store for the storage of explosives imported into Grenada.

(2) The owner of any explosive stored in a Government explosives store shall pay to the Treasury such charges as may from time to time be prescribed.

6. Notice of arrival of vessel to be given

(1) The master, owner or agent of any vessel having on board as cargo any explosives shall on the arrival of such vessel in any port in Grenada and before landing such explosives furnish the Port Manager with the following particulars—

- (a) the nature of such explosives;
- (b) the quantity of such explosives;
- (c) the mark of such explosives; and
- (d) the method of packing.

(2) If any explosives are landed in contravention of this section the master, owner and agent of such vessel shall be guilty of an offence.

7. Landing of explosives

(1) All explosives imported into Grenada shall be landed under the supervision of the Commissioner of Police, or a person authorised by him or her, and a Treasury officer and shall be stored immediately in a Government explosives store.

In this subsection, the expression “explosives” means gunpowder, nitro-glycerine, carbon bisulphide, dynamite, gun-cotton, blasting powder and such other substances as the Minister may, by Order, prescribe.

(2) A person contravening the provisions of this section shall be guilty of an offence.

8. Storage of explosives

(1) All explosives except cartridges and other ammunition lawfully held under the provisions of the Firearms Act or other written law shall be stored in a Government explosives store or in a building or place approved by the Commissioner of Police.

(2) A person who—

- (a) stores explosives in contravention of subsection (1); or
- (b) keeps, or has in his or her possession or under his or her control, explosives without lawful authority,

shall be guilty of an offence and liable to imprisonment—

- (i) on summary conviction, for not less than two nor more than five years,
- (ii) on conviction on indictment, for not less than ten nor more than thirty years.

(3) In this section, the expression “explosives” means gunpowder, nitro-glycerine, carbon bisulphide, dynamite, gun-cotton, blasting power and such other substances as the Minister may, by Order, prescribe.

9. Licence to deal in, use, sell or purchase explosives

(1) The Commissioner of Police may grant a licence to any person to deal in or sell explosives in accordance with the regulations:

Provided that where a person is licensed under the provisions of the Firearms Act, Chapter 105, to deal in firearms and ammunition it shall not be necessary for such person to obtain a license under the provisions of this section to deal in types of ammunition within the terms of the license under that Act.

(1A) The Chief Technical Officer, Ministry of Works may, on such terms and conditions as he or she determines, grant a licence to a person to use explosives.

(2) The Commissioner of Police may grant a licence to any person to purchase explosives in accordance with the regulations.

(3) Subject to subsection (1), a person—

- (a) dealing in or selling or purchasing explosives who is not licensed in accordance with the provisions of subsection (1) or (2) respectively;
- (b) being the holder of a licence granted under the provisions of subsection (1) or (2) who deals in or sells or purchases explosives otherwise than in accordance with the terms of such licence; or
- (c) without a licence granted under subsection (1A), uses explosives,

shall be guilty of an offence.

10. Power of entry

It shall be lawful for the Permanent Secretary (Finance) or the Commissioner of Police or any person authorised by either of them or any police officer at all reasonable times and without notice to enter any place in which explosives are kept or stored for sale for the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with.

11. Search under warrant

(1) It shall be lawful for a magistrate on reasonable cause assigned upon oath to issue a warrant under his or her hand for searching any place in which explosives are suspected to be kept contrary to the provisions of this Act or the regulations.

(2) A sample of any explosive or of an ingredient of any explosive, and any substance reasonably supposed to be an ingredient of any explosive found in any such place, may be taken by the person executing the search.

12. Power to make regulations

It shall be lawful for the Minister to make and, when made, to vary or revoke regulations for the management, safety and control of Government explosives stores and generally for the carrying out of the provisions of this Act and to attach to a breach of such regulations a penalty of five thousand dollars:

Provided that until such regulations are made, the regulations contained in the Schedules shall be in force.

13. Power to stop and search vehicles, etc.

(1) The Commissioner of Police or a person acting on his or her general or specific instructions may, at any time of day or night, stop and search any vehicle, vessel, aircraft, or other type of conveyance whatsoever, which he or she has reasonable cause to believe is being used for the carriage of explosive without lawful authority.

(2) Whoever carries out a search under the powers conferred by subsection (1) may, if it appears to him or her that the vehicle, vessel, aircraft or conveyance has been or is being used in connection with the commission of an offence against this Act, seize the same and any explosive therein and effect its detention or removal with such precautionary measures as appear to him or her to be necessary to safeguard the public.

(3) It is an offence to hinder or prevent the Commissioner of Police or a person acting on his or her instructions from performing the functions under this section authorised.

14. Penalty

A person found guilty of an offence against this Act in respect of which no specific penalty has been provided shall be liable on summary conviction to a fine of five thousand dollars.

15. Forfeiture of explosives

All explosives kept or stored in contravention of the provisions of this Act or the regulations shall be forfeited.

16. Forfeiture of licence upon conviction of offence

If a person to whom a licence has been granted under the provisions of this Act or the regulations is convicted of an offence against this Act such licence shall, upon conviction, become void and shall be forfeited.

17. Duration of licence

A licence granted under this Act shall be valid for a period of one year from the date of issue.

First Schedule

EXPLOSIVES ACT

Regulations for the Use and Management of Government Explosives Stores and to Fix Charges in respect of Explosives Stored therein

[Section 12.]

1. Control and Management

Government explosives stores shall be under the control and management of the Commissioner of Police.

2. Storage of Explosives

All explosives shall be stored under the supervision of the Commissioner of Police or some person authorised by him or her, and a Treasury officer.

3. Damaged Packages

No damaged package shall be stored in a Government explosives store. If any package in a Government explosives store is found to be damaged the owner thereof shall be notified and him or her shall deal immediately with such package in accordance with the instructions of the Commissioner of Police, and if the owner fails to comply with such instructions him or her shall be guilty of an offence.

4. Deliveries

(1) A person desiring to take any explosive from a Government explosives store shall give not less than two hours notice to the Commissioner of Police.

(2) All deliveries from a Government explosives store shall be made under the supervision of the Commissioner of Police or some person authorised by him or her, and a Treasury officer. Deliveries will be made only at the following times—

Monday	
Tuesday	between 8 a.m. and 12 noon;
Wednesday	and between 1 p.m. and 4 p.m.
Friday	

Thursday	between 8 a.m. and 12 noon.
Saturday	

Deliveries will not be made on Bank Holidays.

5. Notices and Barriers

The Commissioner of Police may by appropriate notice erected on or near a Government explosives store prohibit any person not having *bona fide* business thereat from approaching such store within the limits set out in such notice. Any person not having *bona fide* business at the Government explosives store and approaching within a limit so prohibited shall be guilty of an offence.

The Commissioner of Police may erect such barrier or barriers near thereto or around a Government explosives store as him or her shall think fit.

6. Precautions Against Fire

(1) No person shall smoke or have any naked flame in or within a distance of sixty feet of any Government explosives store.

(2) No person in a Government explosives store shall have on or about his or her person any matches or implements for producing flame or fire or any materials for smoking.

(3) A person contravening paragraph (1) or (2) shall be guilty of an offence.

7. Charges

The rent for any explosives stored in a Government explosives store shall be as follows—

For every five cubic feet of space occupied by explosive, inclusive of the containers and packing thereof, the sum of twenty cents for each calendar month or any part thereof, and so on in proportion for any greater or lesser space occupied:

Provided that no rent shall be charged for the first forty-eight hours.

8. Copy of Regulations to be Displayed

A copy of these Regulations shall be displayed in a conspicuous place in every Government explosives store and in the Treasury.

Second Schedule

EXPLOSIVES ACT

Regulations for Granting Licences to Deal in and Sell Explosives

[Section 9.]

Form of Licence

- 1. (1) A licence to deal in and sell explosives may be granted by the Commissioner of Police at his or her discretion and shall be in the following form:

EXPLOSIVES ACT, CHAPTER 96

Licence is hereby granted to of to deal in and sell explosives in accordance with the provisions of the Explosives Act and the regulations made thereunder, and in accordance with the special terms indorsed hereon, in and from his or her premises known as and situated at

SPECIAL TERMS

.....
.....

This licence expires on the (date)

.....

Date

Commissioner of Police

- (2) A licence to purchase explosives may be granted by the Commissioner of Police at his or her discretion and shall be in the following form and entry thereon shall be made, as indicated, by the vendor of the explosive or his or her agent, at the time of sale of the explosive:

EXPLOSIVES ACT, CHAPTER 96

Licence is hereby granted to of to purchase (insert quantity) of (insert nature of explosive) in accordance with the provisions of the Explosives Act and the regulations made thereunder.

To be filled in by Vendor or his or her Agent

<i>Date of purchase</i>	<i>Nature and quantity of explosive</i>	<i>Name of Vendor</i>	<i>Signature of Vendor or his or her Agent</i>

This licence expires on the (insert date)

.....

Date

Commissioner of Police

- (3) A licence to use explosives may be granted by the Chief Technical Officer at his or her discretion and shall be in the following form:

EXPLOSIVES ACT, CHAPTER 96

Licence is hereby granted to of

to use the explosive in accordance with the conditions set out hereunder.

Conditions

.....
.....
.....

This licence expires on the day of 20.....

.....
Date *Chief Technical Officer*

Fee

- 2. (1) The fees payable shall be as follows:
 - (a) Licence to deal in and sell explosives \$5,000
 - (b) Licence to purchase explosives \$1,000
 - (c) Licence to use explosives \$1,000
- (2) The fees payable shall be paid to the Accountant-General.

Appeal

- 3. A person aggrieved by the grant of or refusal of a licence under these Regulations by the Commissioner of Police or Chief Technical Officer, as the case may be may appeal to the Minister and the decision of the Minister thereon shall be final.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation
