

CHAPTER 159

THE EXPLOSIVES ACT

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EXPLOSIVES

An Act to provide for the safe storage of explosives.

(31st October, 1949.)

1011949.
1811989.
S.I. 3911989.

1. This Act may be cited as the Explosives Act. **Short title.**
2. In this Act— **Interpretation.**

"Comptroller of Customs" means the officer for the time being performing the duties of Comptroller of Customs and includes any Customs officer authorized by the Comptroller of Customs in that behalf;

"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, fire-works, 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 any place provided by the Minister for the storage of explosives;

"prescribed" means prescribed by the Cabinet by regulations made under the provisions of this Act;

"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. The Cabinet may by order published in the *Gazette* prohibit absolutely or subject to conditions or restrictions **Importation &c., of explosives.**

the manufacture, the keeping, the importation and the sale of any explosive.

Mooring of vessels having explosives on board.

4. (1) Every vessel having on board as cargo any explosive and entering or being in any port in Antigua and Barbuda 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 Harbour Master or any person acting under his 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 Harbour Master as a civil debt in a court of competent jurisdiction.

Provision for storage of explosives.

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

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

Notice of arrival of vessel to be given.

6. (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 Antigua and Barbuda and before landing such explosives furnish the Harbour Master with the following particulars—

- (a) the nature of such explosives,
- (b) the quantity of such explosives,
- (c) the marks 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 against this Act.

Landing of explosives.

7. (1) All explosives imported into Antigua and Barbuda shall be landed under the supervision of a Customs

officer and 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 Cabinet may by order prescribe.

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

8. (1) Save as expressly provided in subsection (2) all explosives shall be stored in a Government explosives store or in a building or place approved by the Comptroller of Customs. Storage of explosives.

(2) The provisions of subsection (1) shall not apply to the storage of explosives—

(a) for private use where the quantity so stored does not exceed five pounds;

(b) kept for sale where the quantity so stored does not exceed twenty-five pounds and such explosives are kept and stored in accordance with the terms of the licence granted under the provisions of this Act; or

(c) in any place approved by the Comptroller of Customs which is not less than half a mile from any city, town, village or settlement in Antigua and Barbuda.

(3) In this section the expression "explosives" means gunpowder, nitro-glycerine, carbon bisulphide, dynamite, gun-cotton, blasting powder and such other substances as the Cabinet may by order prescribe.

(4) If any explosives are kept or stored in contravention of the provisions of this section the owner of such explosives shall be guilty of an offence against this Act.

9. (1) The Comptroller of Customs may grant a licence to any person to deal in or sell explosives in accordance with the prescribed regulations. Licence to deal in or sell or purchase explosives.

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

(3) Any person—

(a) dealing in or selling or purchasing explosives who shall not be licensed in accordance with the provisions of subsection (1) or (2) respectively, or

(b) being the holder of a licence granted under the provisions of subsection (1) or (2) deals in or sells or purchases explosives otherwise than in accordance with the terms of such licence shall be guilty of an offence against this Act.

Power of entry.

10. It shall be lawful for the Comptroller of Customs 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 made thereunder are being complied with.

Search.

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

(2) A sample of any explosive or 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.

Power to make regulations.

12. It shall be lawful for the Cabinet to make and, when made, vary and revoke regulations for the management, safety and control of Government explosives stores and generally for carrying out the provisions of this Act, and to attach to any breach of any such regulation a penalty not exceeding five thousand dollars:

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

Schedules.

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- 13.** Any person found guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding five thousand dollars. **Penalty**
- 14.** All explosives kept or stored in contravention of the provisions of this Act or of any regulations made thereunder shall be forfeited to the Crown. **Forfeiture of explosives.**
- 15.** If any person to whom a licence may be granted under the provisions of this Act or any regulations made thereunder shall be convicted of any offence against this Act, such licence shall upon conviction become void. **Forfeiture of licence.**

FIRST SCHEDULE

S. 12

REGULATIONS FOR THE USE AND MANAGEMENT OF GOVERNMENT
EXPLOSIVES STORES AND TO FIX CHARGES IN RESPECT OF EXPLOSIVES
STORED THEREIN

- 1.** Government explosives stores shall be under the control and management of the Comptroller of Customs. **Control and management.**
- 2.** All explosives shall be stored under the supervision of a Customs officer. **Storage of explosives.**
- 3.** No damaged package shall be stored in a Government explosive store. If any package in a Government explosives store is found to be damaged the owner thereof shall be notified and he shall deal immediately with such package in accordance with the instructions of the Comptroller of Customs and if the owner fails to comply with such instructions he shall be guilty of an offence. **Damaged packages.**
- 4.** (1) Any person desiring to take any explosive from a Government explosives store shall give not less than two hours notice to the Comptroller of Customs. **Deliveries**

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Explosives

(2) All deliveries from a Government explosives store shall be made under supervision of a Customs officer. Deliveries will be made only at the following times.

Monday	}	between 8 a.m. and 12 noon and between 1 p.m. and 4 p.m.
Tuesday		
Wednesday		
Friday	}	between 8 a.m. and 12 noon
Thursday		
Saturday		

Deliveries will not be made on Public Holidays.

Notice and barriers.

5. The Comptroller of Customs may by appropriate notice erected on or near a Government explosives store prohibit any person not having *bonajide* 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 Comptroller of Customs may erect such barrier or barriers near thereto or around a Government explosives store as he shall think fit.

Precautions against fire.

6. (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 person any matches or implements for producing flame or fire or any materials for smoking.

(3) Any person contravening sub-paragraphs (1) and (2) of this regulation shall be guilty of an offence.

Charges.

7. The rent for any explosives stored in a Government explosives store shall be as follows:

For every five cubic feet of space occupied by an explosive, inclusive of the containers and packing thereof, the sum of sixteen 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.

Copy of regulations to be displayed.

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

SECOND SCHEDULE

S. 12.

REGULATIONS FOR GRANTING LICENCES TO DEAL IN AND SELL
EXPLOSIVES.

1. (1) A licence to deal in and sell explosives may be **Form of licence.**
granted by the Comptroller of Customs at his discretion and shall
be in the following form:

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 endorsed hereon, in and from his premises known as
..... and situated
.....

SPECIAL TERMS.

.....
.....

This licence expires on the day of
19.....

.....
Comptroller of Customs.

Date

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

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

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To be filled in by vendor of explosive or his agent.

Date of purchase.	Nature and quantity of explosive.	Name of vendor.	Signature of vendor or his agent.

This licence expires on the day of
19.....

Date

.....
Comptroller of Customs.

Fee.

2. The fee for any licence granted under sub-paragraph (1) of paragraph 1 of these regulations shall be twenty-four cents per quarter or any part thereof, and the fee for a licence under sub-paragraph (2) of paragraph 1 shall be twelve cents for each licence and shall be paid in stamps to be affixed to the licence.

Appeal.

3. Any person aggrieved by the grant of or refusal of a licence under these regulations by the Comptroller of Customs may appeal to the Cabinet and the decision of the Cabinet thereon shall be final.
