

EXPLOSIVES

Explosives Act 26 of 1956, as amended in South Africa to April 1978.

Summary: This Act regulates the manufacture, storage, sale, transport, import, export, use and possession of a wide range of explosives.

Applicability to SWA: Section 31A states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Commerce) Transfer Proclamation (AG 28/1978), dated 28 April 1978. (At that time, the Act was administered by the Minister of Economic Affairs. In South Africa, the *Explosives Amendment Act 5 of 1981* substituted the Minister of Police for the Minister of Economic Affairs.)

Section 3(1)(c) of the transfer proclamation excluded the reference to the “Republic” in the Act from the operation of section 3(1) of the General Proclamation.

None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

Amendments: Act 16/1986 amends the Act substantially. The Police Act 19 of 1990 amends the definition of “Minister” in section 1.

Regulations: AG GN 49/1989 amends the regulations to the Act set forth in RSA Government Notice R.1604 of 1972, as amended by RSA Government Notices R.2371 of 1973, R.155 of 1977, R.2153 of 1977, R.2135 of 1979 and R.2292 of 1979. Further amendments are contained in GN 51/2002 (GG 2717). RSA GN R.1603/1972 lists authorised explosives.

Cases: *S v Haimo* 1993 NR 301 (HC).

INTERNATIONAL LAW

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993

signature: 13 January 1993; ratification: 24 November 1995

Comprehensive Nuclear-Test-Ban Treaty, 1996 (not yet in force internationally)

signature: 24 September 1996

ratification: 29 June 2001

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997

signature: 3 December 1997 ratification: 21 September 1998.

See also **ARMS AND AMMUNITION**.