



Republic of Namibia  
Annotated Statutes

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## Explosives Act 26 of 1956 (SA)

(SA GG 5676)

came into force in South West Africa on 21 June 1972 when the amendments made by Act 74 of 1972, including the insertion of section 31A, came into force

**APPLICABILITY TO SOUTH WEST AFRICA:** Section 31A, which was inserted by Act 74 of 1972, states "This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel."

**TRANSFER TO SOUTH WEST AFRICA:** The administration of this Act was transferred to South West Africa by the Executive Powers (Commerce) Transfer Proclamation, AG 28 of 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.) None of the amendments to the Act in South Africa after the date of transfer applied to South West Africa because none were made expressly so applicable.

Section 3(1)(c) of the transfer proclamation excluded the references to the Republic in the Act from the operation of section 3(1) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, with the effect that this term continued to refer to South Africa without including South West Africa prior to independence.

### as amended by

**Explosives Amendment Act 79 of 1962 (RSA) (RSA GG 280)**

came into force on date of publication: 29 June 1962

**Explosives Amendment Act 21 of 1963 (RSA) (RSA GG 456)**

came into force on 1 January 1964 (section 17 of Act 21 of 1963)

**Mines and Works and Explosives Amendment**

**Act 46 of 1964 (RSA) (RSA GG 807)**

came into force on date of publication: 29 May 1964

**Explosives Amendment Act 20 of 1965 (RSA) (RSA GG 1066)**

came into force on date of publication: 24 March 1965

**Explosives Amendment Act 12 of 1967 (RSA) (RSA GG 1665)**

came into force on date of publication: 22 February 1967

**Explosives Amendment Act 74 of 1972 (RSA) (RSA GG 3573)**

came into force on date of publication: 21 June 1972

**Explosives Amendment Act 35 of 1975 (RSA) (RSA GG 4698)**

came into force on date of publication: 7 May 1975

**Explosives Amendment Act 101 of 1977 (RSA) (RSA GG 5638)**

came into force on date of publication: 6 July 1977

**Explosives Amendment Act 16 of 1986 (OG 5238)**

came into force on date of publication: 21 July 1986

**Police Act 19 of 1990 (GG 113)**

came into force on date of publication: 3 December 1990

Note that there are two versions of GG 113. The correct one states at the top:

"This Government Gazette substitutes Government Gazette No. 113 of 3 December 1990."

# ACT

**To consolidate the laws relating to the manufacture, storage, sale, transport, importation, exportation and the use of explosives.**

*(English text signed by the Governor-General)  
(Assented to 2nd May, 1956)*

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## ARRANGEMENT OF SECTIONS

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**Schedule: LAWS REPEALED**

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:-

**[Act 20 of 1965 makes the following substitutions throughout the Act:**

- (a) "Republic" for "Union"; and  
(b) "State President" for "Governor-General".]**

**Definitions**

1. In this Act and in any regulations made thereunder, unless the context otherwise indicates -

"authorized explosive" means an explosive included in a list approved by the Minister and published by notice in the *Gazette*;

"blasting material" means any explosive used for the purpose of blasting;

"danger building" means any building or part thereof used as an explosives factory or explosives magazine, or in connection therewith, unless in respect of that building or part thereof a certificate has been granted in accordance with regulation;

"explosives" means -

- (a) gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
- (b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
- (c) any other substance which the State President may from time to time by proclamation in the *Gazette* declare to be an explosive;

**[paragraph (c) amended by Act 20 of 1965]**

"explosives factory" means any site licensed under this Act for the manufacture of explosives, together with every mound, building (including a magazine), and work thereon for whatsoever purpose used;

"explosives magazine" means any building licensed under this Act for the storage of explosives;

"factory licence" means any licence valid under the provisions of section 11 or any licence issued under section 22(1)(a) in respect of a factory for the manufacture of explosives;

**[definition of "factory licence" substituted by Act 35 of 1975]**

"inspector", unless otherwise qualified, means a chief inspector of explosives or an inspector of explosives, or any person deputed to act as an inspector under section *two*;

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“manufacture” means the making and division of any explosive from or into its component part by any process, the conversion of an explosive into an explosive of another kind, and the alteration, fitting for use, or repair of any explosive;

“Minister” means the Minister of Home Affairs;

**[definition of “Minister” substituted by Act 19 of 1990]**

“premises” means any land, road, harbour, river, building, structure, ship, boat, or other vessel, or any part thereof, or any tent, railway truck, cart, van, or other vehicle;

“regulation” means a regulation made or deemed to have been made under this Act;

“unauthorized explosive” means an explosive not included in a list of authorized explosives.

**Power of State President to appoint inspectors**

2. (1) The Minister may, subject to the laws governing the Public Service, appoint a chief inspector of explosives, and such inspectors of explosives, and such other officers, as to him may seem necessary for carrying out the provisions of this Act and the regulations.

**[subsection (1) amended by Act 20 of 1965]**

(2) An inspector shall have jurisdiction to try any person for a breach of any regulation or of any special rule made under section *twenty-six*, unless the death of any person has been caused by such breach.

(3) The law relating to mines, works, and machinery, in so far as that law deals with the trial of offences by inspectors of mines, shall *mutatis mutandis* apply to trials by an inspector under the powers conferred by this section.

(4) An inspector shall not in respect of any offence over which he has jurisdiction under this section, impose a fine of more than five pounds or imprisonment for a period exceeding one month.

**[A fine of five pounds is equivalent to a fine of N\$10.]**

(5) The Commissioner of the South West African Police or any member of the South West African Police designated by him, may depute other persons to act as inspectors in certain localities and for certain purposes, and in so far as any such person is authorized so to act, he shall have the same powers and be subject to the same duties as are conferred and imposed upon inspectors by this Act and the regulations, but he shall have no jurisdiction to try any persons for breaches of regulations or special rules.

**[Subsection (5) is amended by Act 20 of 1965,**

**which provides the following transitional provision in section 1(2):**

“Any appointment made by the Governor-General or State President under sub-section (1) of section *two* of the principal Act **[Act 26 of 1956]**, shall be deemed to have been made by the Minister of Economic Affairs under that sub-section as amended by this Act **[Act 20 of 1965]** and any person deputed by the said Minister under subsection (5) of the said section, shall be deemed to have been deputed by the Secretary for Commerce and Industries under the lastmentioned sub-section as amended by this Act.”

**Subsection (5) is also substituted by Act 35 of 1975 and amended by Act 16 of 1986.]**

**Prohibition of manufacture of unauthorized explosives except in small quantities for chemical experiment**

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3. (1) No person shall manufacture any unauthorized explosive unless it is manufactured not for sale and solely for purposes of chemical experiment or for practical trial as an explosive and in such quantities and under such conditions as may be prescribed in writing by an inspector.

(2) Any person who contravenes the provisions of this section or any condition prescribed thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment, and the explosive in respect of which the contravention has taken place shall be forfeited.

[Subsection (2) is amended by Act 21 of 1963 and by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]

(3) The owner and the occupier of any premises in or on which an unauthorized explosive is manufactured in contravention of this section shall be deemed to be the manufacturer, unless such owner or occupier (as the case may be) proves that he was unaware that any such contravention occurred.

(4) The burden of proving that any manufacture of an unauthorized explosive was solely for purposes of chemical experiment or practical trial and not for sale, shall, in any prosecution under this section, be upon the accused.

**Prohibition of manufacture of authorized explosives except in licensed factories**

4. (1) No person shall manufacture any authorized explosive in any place other than an explosives factory.

(1A) (a) The chief inspector of explosives may grant permission, subject to the conditions prescribed by him in writing, to any person applying therefor in writing, to manufacture, at a place approved by the said chief inspector which is not in an explosives factory, by adding ammonium nitrate to or mixing it with non-explosive component parts, so approved, of an authorized explosive so approved, blasting material which is a so approved authorized explosive, for use at a blasting-place mentioned in the application.

(b) Subsection (1) shall not apply to the manufacture of an authorized explosive in terms of such permission.

[subsection (1A) inserted by Act 12 of 1967 and amended by Act 35 of 1975]

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment and the explosive in respect of which such contravention has taken place shall be forfeited.

[subsection (2) amended by Act 21 of 1963 and by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]

**Prohibition of storage or possession of unauthorized explosives save in accordance with section three**

5. (1) No person shall keep, store or be in possession of any unauthorized explosive unless it has been manufactured as provided by sub-section (1) of section *three* and is kept, stored or possessed in such manner and in such quantities as have been approved in writing by an inspector.

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(2) The provisions of sub-sections (2), (3) and (4) of section *three* shall apply *mutatis mutandis* in the case of any contravention of this section or of any of the conditions prescribed thereunder.

**Prohibition of storage of authorized explosives except in licensed premises**

6. (1) No person shall keep, store or be in possession of, any authorized explosive in or on any premises -

- (a) except in an explosives factory or explosives magazine; or
- (b) unless the explosive be kept for private use, and not for sale or other disposal, and in accordance with regulation; or
- (c) unless the explosive be kept by the State for use in the construction of any railway, road, or other public work, and be stored in a temporary magazine approved by an inspector and under conditions prescribed in writing by an inspector; or
- (d) unless authorized thereto by a permit issued by an inspector and the explosive be kept in quantities not exceeding 500 kilograms in weight, and be stored in an isolated place approved by an inspector and under conditions prescribed in writing by an inspector; or

[paragraph (d) amended by Act 74 of 1972]

- (e) unless the explosive be kept by a person in possession of a licence, as provided in section *seven*, to deal in explosives, and in accordance with any conditions attached to that licence, or prescribed by regulation

[There should be a full stop at the end of paragraph (e).]

(2) Any person who contravenes the provisions of this section or any condition prescribed thereunder or referred to therein, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment, and the explosive in respect of which the contravention has taken place shall be forfeited.

[subsection (2) amended by Act 21 of 1963 and by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]

(3) The owner and the occupier of any premises in, at, or on which any contravention of this section occurs, shall be liable to the penalties prescribed for any such contravention, unless such owner or occupier (as the case may be) proves that he was unaware that any such contravention occurred.

**Licence necessary to deal in explosives**

7. (1) No person, other than the manufacturer, shall sell or deal in any explosive unless he is in possession of a licence granted under the regulations, which shall be in addition to any other licence which may be required in terms of any other law.

[The word "possession" is misspelt in the *Government Gazette* as reproduced above.]

(2) The fees, if any, payable in respect of any such licence and the period for which it shall be valid, shall be prescribed by regulation.

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**[subsection (2) substituted by Act 21 of 1963]**

(3) Any regulations made for the purposes of sub-section (2) may differentiate between licences in respect of fireworks and licences in respect of other explosives, and may provide that the licence fee shall vary according to the period for which a licence is issued.

**[subsection (3) substituted by Act 21 of 1963]**

(4) No person shall supply (whether in pursuance of a sale or otherwise) any explosive, other than fireworks, to any other person, except under a permit issued by or under the authority of an inspector.

(5) No person shall acquire any explosive, other than fireworks, from any other person, except under a permit issued by or under the authority of an inspector.

(6) For the purposes of sub-section (1) any person who in any district where there is no person licensed to sell blasting materials, supplies blasting materials in accordance with regulation to consumers thereof shall, unless he sells to such consumers at a profit, be deemed not to be selling or dealing in explosives.

**No importation or exportation of explosives without permit**

8. No person shall import into or export from the Republic, or cause to be imported thereto or exported therefrom any explosive, unless he has obtained a permit issued under the authority of an inspector.

**[section 8 amended by Act 20 of 1965]****Prohibition of use of blasting materials without permit**

9. (1) No person shall use any blasting material -

- (a) unless he is in possession of a permit issued by or under the authority of an inspector; or
- (b) unless he is, while using such blasting material, under the immediate and constant supervision of a person who is in possession of such a permit.

(2) No person shall permit any other person who is not in possession of such a permit to use any blasting material unless such other person is, while using such blasting material, under the immediate and constant supervision of a person who is in possession of such a permit.

(3) Any permit issued prior to the date of commencement of the Explosives Amendment Act, 1951 (Act No. 32 of 1951), by a person other than an inspector, shall, if in force on the date of commencement of this Act, be deemed to have been issued under the authority of an inspector.

(4) No permit shall be issued under this section unless the issuing authority is satisfied that the applicant may be entrusted with safety with the use of blasting materials and that it is necessary for him to use such materials.

**[subsection (4) inserted by Act 20 of 1965]****Penalties**

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10. Any person who contravenes any provision of section 7, 8 or 9 shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

[section 10 amended by Act 21 of 1963 and by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]

**Owners and occupiers of existing factories entitled to a licence**

11. The licence of any factory or magazine which is in force at the commencement of this Act shall continue to be valid, provided that the conditions under which the licence was granted are still applicable.

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12.

[section 12 deleted by Act 35 of 1975]

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13.

[section 13 amended by Act 74 of 1972 and deleted by Act 35 of 1975]

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14.

[section 14 deleted by Act 35 of 1975]

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15.

[section 15 deleted by Act 35 of 1975]

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16.

[section 16 amended by Act 21 of 1963 and deleted by Act 35 of 1975]

**Annual fees in respect of explosives manufactured**

17. The holder of any factory licence shall at such times as may be prescribed by regulation pay to an inspector the fees so prescribed calculated on the value of the explosives manufactured in such factory.

[section 17 amended by Act 21 of 1963]

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18.

[section 18 amended by Act 21 of 1963 and deleted by Act 35 of 1975]



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19.

[section 19 deleted by Act 35 of 1975]

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20.

[section 20 amended by Act 21 of 1963 and  
by Act 20 of 1965, and deleted by Act 35 of 1975]

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21.

[section 21 amended by Act 21 of 1963 and deleted by Act 35 of 1975]

**Licensing of factories for the manufacture of explosives and magazines for the storage thereof**

22. (1) (a) Any person who desires to erect or carry on a factory for the manufacture or a magazine for the storage of explosives, shall make application for a licence therefor to the chief inspector of explosives, who may issue such a licence subject to the observance of the regulations and after consultation with the local authority, if any, and upon such other conditions as he may think fit to attach to the licence, or refuse to issue such a licence if in his opinion the applicant is not a suitable person to hold the licence in question.

(b) An applicant whose application for a licence is refused by the chief inspector of explosives in terms of paragraph (a) may appeal to the Minister.

(2) Any person who contravenes any condition of a licence issued under this section shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and such imprisonment.

[subsection (2) amended by Act 16 of 1986; not all of  
the changes are indicated by amendment markings]

(3) Any licence issued under this section or the conditions thereof may upon application be amended by the chief inspector of explosives, provided he is satisfied that the safety of the public or of any person employed in or at the factory or magazine in question will not be thereby diminished.

(4) Any such licence may be transferred into the name of another, provided four weeks' notice in writing of the desire to transfer is sent to the chief inspector of explosives, who shall not refuse such a transfer, except upon the ground that the proposed transferee is not a suitable person to hold the licence in question.

(5) Whenever the chief inspector of explosives refuses the transfer of a licence in terms of subsection (4), the holder of the licence or the proposed transferee may appeal to the Minister.

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(6) Any licence issued under this section shall expire on a date prescribed by regulation and shall become void if the factory or magazine in question is used for any purpose not provided for in the licence.

(7) (a) The chief inspector of explosives may revoke any licence issued under this section if he is satisfied that the holder thereof is no longer a suitable person to hold the licence in question.

(b) The holder of a licence revoked under paragraph (a), may appeal to the Minister.

(8) The fees prescribed by regulation shall be payable for any licence issued under this section.

(9) A fee as prescribed by regulation shall be payable on every occasion that a licence is amended or transferred under this section.

(10) The chief inspector of explosives may delegate any power or duty conferred or imposed upon him under this section in respect of magazines, to any inspector of explosives or any person deputed to act as an inspector under section 2.

**[Section 22 is amended by Act 21 of 1963 and substituted by Act 35 of 1975, which provides the following transitional provision in section 5(2):**

“Any licence held immediately prior to the commencement of this Act [Act 35 of 1975] in respect of a factory for the manufacture, or a magazine for the storage, of explosives, shall be deemed to be a licence issued by the chief inspector of explosives under section 22 of the principal Act [Act 26 of 1956], as substituted by this Act [Act 35 of 1975].”

**Powers of inspectors to enter and inspect factories and other premises where explosives are stored or suspected of being stored**

23. (1) Any inspector may -

(a) enter any explosives factory or explosives magazine at any hour of the day or night for the purpose of inspecting the same and of making inquiries relative to the compliance with the provisions of this Act and the regulations, or relative to the means used therein for preserving the safety of the public or of any person employed therein;

(b) enter at any hour of the day or night upon any premises in which explosives are kept, or in which there is good reason to suspect that explosives are being manufactured or stored or kept or conveyed in contravention of the provisions of this Act or the regulations, and inspect any such premises and make all such inquiries thereon as he may think fit;

(c) require the occupier or other person for the time being in charge of any explosives factory, explosives magazine, or other premises in this section mentioned, to furnish for purposes of analysis or test, samples of explosives or ingredients of explosives or any substance found therein or suspected of being an explosive or an ingredient of an explosive.

(2) No power conferred by this section shall be so exercised as unnecessarily to hinder the work carried on in any such factory, magazine, or premises aforesaid.

**Penalties for obstructing inspector, refusing to answer inquiries, giving false information or falsely holding out to be an inspector**

**Explosives Act 26 of 1956 (SA)****[heading of section 24 amended by Act 16 of 1986]**

24. Any person who wilfully obstructs or hinders any inspector in the exercise of the powers or duties conferred or imposed upon him by this Act or the regulations, or disobeys any lawful order of an inspector, or who upon demand fails to answer as far as he may be able any question lawfully put by an inspector, or who gives false information to an inspector, whether in answer to any such question or not, or who falsely holds himself out to be an inspector, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

**[section 24 amended by Act 21 of 1963, substituted by Act 101 of 1977 and amended by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]**

**Power of inspector to order discontinuance of dangerous methods subject to appeal in accordance with regulation**

25. If upon any inspection an inspector discovers that any method of work, packing, or storage is being used which is in conflict with the provisions of this Act or of any regulation, or which, in his opinion, is calculated to endanger the safety of the public or of any person employed in the premises inspected, he may require the immediate discontinuance of that method: Provided that any person who is dissatisfied with a decision that a method is calculated to endanger safety, may within fourteen days thereof, lodge an appeal as provided by regulation.

**Duty of occupier of a factory to make special rules**

26. (1) Every occupier of a factory shall, subject to the approval of the chief inspector of explosives, make special rules for regulating the persons employed in that factory with a view to securing the observance therein of the provisions of this Act and the regulations, the safety and proper discipline of all such persons, and the safety of the public.

(2) The occupier of any magazine or of any premises where explosives are dealt in, shall, if it seems to an inspector to be necessary, make such special rules as are described in subsection (1); and, in respect of penalties, any special rules made under this section shall be deemed to be regulations under this Act.

(3) The occupier of any such factory, magazine, or premises shall take all reasonable steps for ensuring or enforcing the observance of any such special rules.

**Penalties for endangering safety or causing loss of life**

27. (1) Any person causing an explosion whereby life or property is endangered shall be guilty of an offence and liable on conviction to the following penalties, according as the explosion was negligently or wilfully caused; that is to say -

- (a) if the explosion is negligently caused and property is endangered, he shall be liable to a fine not exceeding R2 000 or, in default of payment, to imprisonment for a period not exceeding 2 years, or to such imprisonment without the option of a fine;

**[paragraph (a) amended by Act 21 of 1963 and by Act 16 of 1986; not all of the changes made by Act 16 of 1986 are indicated by amendment markings]**

- (b) if the explosion is negligently caused and life is endangered, he shall be liable to a fine not exceeding R3 000 or, in default of payment, to imprisonment for a period not exceeding 3 years, or to such imprisonment without the option of a fine;

**[paragraph (b) amended by Act 21 of 1963 and by Act 16 of 1986]**

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- (c) if the act or omission causing danger to life or property is wilful, he shall, where death does not result therefrom, be liable to imprisonment without the option of a fine for a period of not less than three years and not more than fifteen years, and the explosives and any apparatus or conveyance used in connection with or involved in the act or omission may be declared to be forfeited;

[paragraph (c) substituted by Act 21 of 1963]

- (d) if the explosion is negligently caused and death results, he shall be liable on conviction to a fine not exceeding four thousand rand or, in default of payment, to imprisonment for a period not exceeding four years, or to such imprisonment without the option of a fine.

[Paragraph (d) is amended by Act 21 of 1963. The word "period" is misspelt in the *Government Gazette*, as reproduced above.]

(1A) Any person who with intent to put in fear or cause inconvenience to, any other person, or to compel or to induce, such other person, to do or to abstain from doing any act, -

- (a) threatens to place at, on or in any premises any explosive, or to cause an explosion whereby life or property is or may be endangered;
- (b) falsely alleges, knowing it to be false, that any other person intends so to place an explosive, or so to cause an explosion; or
- (c) communicates false information, knowing it to be false, that an explosive has so been placed, or that an explosion has taken place or is allegedly about to take place,

shall be guilty of an offence and liable on conviction to imprisonment, without the option of a fine, for a period of not less than 3 years and not more than 15 years.

[subsection (1A) inserted by Act 101 of 1977 and substituted by Act 16 of 1986]

(2) Nothing in this section contained shall be construed as exempting any person from being charged and punished under the common law or any other statute in respect of any such act or omission as is described in this section.

- (3) For the purposes of this section

“explosion” includes a fire caused by an explosive;

“explosive” includes any grenade, bomb or similar device that can cause an explosion, or an explosive contemplated in section 28(2).

[subsection (3) amended by Act 16 of 1986]

### **Penalties for possession of explosives under certain circumstances**

**28.** (1) Any person who is found to have in his possession or under his control any explosive under such circumstances as to give rise to a reasonable suspicion that he intended to use such explosive for the purpose of injuring any person or damaging any property, shall, unless he satisfies the court that he had no such intention as aforesaid, be guilty of an offence and liable on conviction to the penalties prescribed in paragraph (c) of sub-section (1) of section *twenty-seven*.

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- (2) For the purposes of subsection (1) “explosive” includes -
- (a) a petrol bomb;
  - (b) any container, apparatus, instrument or article which -
    - (i) contains any inflammable substance and can be used, or can be adapted so that it can be used to cause an explosion or a fire; or
    - (ii) was made, or can be adapted, to cause, in combination with or by means of any inflammable substance, an explosion or a fire.

[section 28 amended by Act 21 of 1963 and by Act 16 of 1986]

**Power of regional courts to impose certain penalties**

29. A court of a regional division within the meaning of the Magistrates' Courts Act, 1944 (Act 32 of 1944), shall, notwithstanding anything to the contrary contained in any law, have power to impose a penalty mentioned in section 27(1)(c) or (1A).

[section 29 substituted by Act 21 of 1963 and by Act 16 of 1986]

**Regulations**

30. (1) The State President may make regulations as to -
- (a) the construction of explosives factories, explosives magazines, and other danger buildings;
  - (b) the conditions under which the manufacture of explosives may be carried on;
  - (c) the storage of explosives, whether in explosives magazines or elsewhere;
  - (d) the use of explosives;
  - (e) the grant, cancellation and suspension of any permit mentioned in this Act, the period for which any such permit may be issued and the fees which shall be payable in respect of the issue of any such permit;
  - (f) the packing, transport, importation and exportation of explosives, and the making of special rules governing the packing and transport at individual places, and the landing and handling of explosives in ports and harbours;
  - (g) the prohibition of the transport of explosives or the use for the transportation thereof of any means of transport except under authority of a permit issued by an officer authorized by such regulations, the grant, cancellation and suspension of any such permit, the period for which any such permit may be issued and the fees which shall be payable in respect of the issue of any such permit;
  - (h) the issue of licences to dealers in explosives, the conditions of any such licence, the restrictions which may be placed upon the sale or disposal of explosives to particular classes of persons, and the quantity of any explosive which may be purchased by any person or company under permit from the officer authorized by such regulation;

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(h)*bis* the fees payable in respect of a licence issued under section 7 or 22, and the period for which any such licence shall be valid;

**[paragraph (h)*bis* inserted by Act 21 of 1963 and substituted by Act 35 of 1975]**

(h)*ter* the fees payable under section *seventeen* and the periods in respect of which and the times at which such fees shall be paid;

**[paragraph (h)*ter* inserted by Act 21 of 1963]**

(h)*quat* the fees payable in respect of any amendment or transfer of a licence issued under section 22;

**[paragraph (h)*quat* inserted by Act 21 of 1963 and substituted by Act 35 of 1975]**

- (i) the inquiry into the circumstances of explosions (including outbreaks of fire caused or suspected to have been caused by explosives) endangering or causing injury to persons or property or death, and for the giving of notice of all such explosions;
- (j) the prevention of trespass in or upon an explosives factory, or in or upon any magazine or other place where explosives are kept;
- (k) the tests to which explosives, or the raw materials from which explosives are manufactured, are liable to be submitted;
- (l) the manner in which appeals under section *twenty-five* shall be notified and conducted, and the manner in which inspectors shall try any person for a contravention of or failure to comply with the regulations, or breaches of special rules made under section *twenty-two* or *twenty-six*;
- (m) the statistics which manufacturers and dealers may be called upon to supply;

and generally for the protection of life and property and for the better carrying out of the objects and purposes of this Act.

**[subsection (1) amended by Act 20 of 1965]**

(2) Regulations made under sub-section (1) may provide penalties for a contravention thereof or failure to comply therewith not exceeding in any case a fine of six hundred rand, or, in default of payment, imprisonment for a period of two years, and the regulations may further provide that the explosive, if any, in respect of which the contravention or non-compliance has taken place may be forfeited.

**[subsection (2) amended by Act 21 of 1963]**

(3) Such regulations may prescribe daily penalties for a continuing contravention or non-compliance or increased penalties for a second or subsequent contravention or non-compliance.

(4) Different regulations may be made in respect of different provinces, districts, or areas in the Republic, or in respect of different categories of licences.

**[subsection (4) amended by Act 20 of 1965 and substituted by Act 35 of 1975]**

(5) Any regulation regarding the payment of fees, shall be made in consultation with the Minister of Finance.

**Explosives Act 26 of 1956 (SA)**

[subsection (5) inserted by Act 35 of 1975]

**Application of this Act**

31. Nothing in this Act contained shall apply -

- (a) to the importation, storage, use., manufacture or transport of any explosive by the South African Defence Force or any police force constituted under any law or by the defence force of any country which the Cabinet, after consultation with the Minister of Defence, by notice in the *Official Gazette* exempts from the provisions of this Act relating to such importation, storage, use, manufacture or transport: Provided that the Cabinet may in the same manner cancel or suspend any exemption thus granted;

[paragraph (a) substituted by Act 79 of 1962 and amended by Act 16 of 1986]

- (b) to any ammunition, if a licence to possess it or to deal therein is regulated by any other law;
- (c) to the transfer, transport, use, storage and distribution of explosives in so far as these activities are governed by any regulation made under paragraph (f) of sub-section (1) of section *twelve* of the Mines and Works Act, 1956 (Act No. 27 of 1956);

[Paragraph (c) is substituted by Act 46 of 1964. The Mines and Works Act 27 of 1956 was not applicable to South West Africa; the Mines, Works and Minerals Ordinance 20 of 1968 applied to South West Africa, but was repealed by Minerals (Prospecting and Mining) Act 33 of 1992.]

- (d) to the possession or conveyance of any explosive taken as a sample for the purpose of this Act by an inspector or other duly authorized person, provided the quantity is not more than is reasonably necessary for the performance of his duty and every such sample is kept and conveyed with all due precaution.

**Application of Act to South-West Africa**

31A. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

[section 31A inserted by Act 74 of 1972]

**Repeal of laws**

32. (1) Subject to the provision of sub-section (2), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Any proclamation, regulation, notice, approval, authority, licence, permit, certificate or document issued, made, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, given, granted or taken under the corresponding provision of this Act.

[Additional repeals are made by section 4 of Act 74 of 1972, which applied Act 26 of 1956 to South West Africa:

“The Explosives Ordinance, 1962 (Ordinance No. 31 of 1962), and Government Notice No. 52 of 1968, of the territory of South-West Africa, are hereby repealed.”]

**Short title**

33. This Act shall be called the Explosives Act, 1956.

**Explosives Act 26 of 1956 (SA)**

**Schedule**

LAWS REPEALED

| Number and Year of Law. | Title or Subject of Law.        | Extent of Repeal |
|-------------------------|---------------------------------|------------------|
| Act No. 8 of 1911.      | Explosives Act, 1911.           | The whole.       |
| Act No. 32 of 1951.     | Explosives Amendment Act, 1951. | The whole.       |
| Act No. 28 of 1954.     | Explosives Amendment Act, 1954. | The whole.       |