

EXPLOSIVES

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

Summary: This Act ([SA GG 5676](#)) regulates the manufacture, storage, sale, transport, import, export, use and possession of a wide range of explosives.

Applicability to SWA: 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 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.

In South Africa, the *Application of Certain Laws in Namibia Abolition Act 56 of 1991* removed the references to SWA from the Act as it applies in South Africa.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Explosives Amendment Act 79 of 1962* ([RSA GG 280](#))
- *Explosives Amendment Act 21 of 1963* ([RSA GG 456](#))
- *Mines and Works and Explosives Amendment Act 46 of 1964* ([RSA GG 807](#))
- *Explosives Amendment Act 20 of 1965* ([RSA GG 1066](#))
- *Explosives Amendment Act 12 of 1967* ([RSA GG 1665](#))
- *Explosives Amendment Act 74 of 1972* ([RSA GG 3573](#))
- *Explosives Amendment Act 35 of 1975* ([RSA GG 4698](#))
- *Explosives Amendment Act 101 of 1977* ([RSA GG 5638](#)).

Act 16/1986 ([OG 5238](#)) amends the Act substantially.

The Police Act 19 of 1990 ([GG 113](#)) amends the definition of “Minister” in section 1.

Note that the original *Gazette* was replaced by another GG 113 with the same date; the correct version states at the top: “*This Government Gazette replaces Government Gazette No. 113 of 3 December 1990.*”

Regulations: Pre-independence regulations have not been comprehensively researched. However, regulations are contained in RSA Government Notice R.1604/1972 (RSA GG 3648), as amended by –

- RSA GN R.2371/1973 (RSA GG 4103)
- RSA GN R.155/1977 (RSA GG 5395)
- RSA GN R.2153/1977 (RSA GG 5779)
- RSA GN R.2135/1979 (RSA GG 6665)
- RSA GN R.2292/1979 (RSA GG 6706)

AG GN 49/1989 ([OG 5761](#))
GN 51/2002 ([GG 2717](#)).

Notices: RSA GN R.1603/1972 lists authorised explosives.

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

Commentary: Legal Assistance Centre, “Use of force by law enforcement officials in Namibia”, 2019, available at www.lac.org.na.

INTERNATIONAL LAW

**Comprehensive Nuclear-Test-Ban Treaty, 1996*

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

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

International Convention for the Suppression of Acts of Nuclear Terrorism, 2005

International Convention for the Suppression of Terrorist Bombings, 1997

See also **ARMS AND AMMUNITION**.

See also *Riotous Assemblies Act 17 of 1956* (power to regulate transport of explosives) (**CRIMINAL LAW AND PROCEDURE**).