

CHAPTER 14:09

EXPLOSIVES

ARRANGEMENT OF SECTIONS

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An Act to provide for the regulation and control of the acquisition, manufacture, sale and use of explosives and for matters incidental thereto and connected therewith

61 of 1966
25 of 1968
8 of 2002

[1ST JUNE, 1968]

1. This Act may be cited as the Explosives Act. Short title
2. In this Act, unless the context otherwise requires— Interpretation

“acquire” includes hire, purchase and accept as an inheritance, gift, loan or on approval;

“Chief Inspector” means Chief Inspector of Explosives appointed under this Act;

“explosive” means—

(a) nitro-glycerine, dynamite, gun-cotton, blasting powder,

gunpowder, and any other substance or mixture capable of being used for the purpose of producing an explosion;

(b) any detonating fuse, igniter cord, safety fuse, fuse igniter, detonator or percussion cap and every adaptation or preparation of any explosive;

(c) any other substance which the Minister may from time to time, by notice published in the *Gazette*, declare to be an explosive;

“Inspector” means the Chief Inspector of Explosives and an Inspector of Explosives appointed under this Act;

“manufacture” includes to make and divide any explosive from or into its component parts by any process, to convert an explosive into an explosive of another kind, and to alter or fit for use any explosive.

Application 3. Nothing in this Act shall apply to—

(a) the import, storage, acquisition or use of any explosive by the armed forces of Malawi, the Police or any other armed force constituted by or under any written law;

Cap. 14:08 (b) any ammunition for which a licence to possess or deal is held under the Firearms Act;

(c) the possession or conveyance of any explosive by an Inspector or any other duly authorized person, for the purposes of this Act or any regulations made thereunder, provided that the quantity is not more than is reasonably necessary for the purpose required, and that it is kept and conveyed with all due precaution;

(d) any explosive or class of explosives which the Minister may, by notice published in the *Gazette*, exempt for such special purpose or purposes and in accordance with such conditions as shall be specified in such notice.

Appointment
and duties of
Inspectors

4.—(1) There may be appointed a Chief Inspector of Explosives and as many public officers to be Inspectors of Explosives as is deemed necessary.

(2) It shall be the duty of the Chief Inspector of Explosives and Inspectors of Explosives to control the purchase, sale, dealing in, storage, use and disposal of explosives so as to minimize the danger of accidental explosion and damage to the public or to persons handling, storing or using explosives.

(3) Every Inspector of Explosives shall, in the exercise of his powers and performance of his duties under this Act, be subject

to any general or special directions of the Chief Inspector of Explosives.

(4) The Chief Inspector of Explosives and every Inspector of Explosives shall in the exercise of every power and duty conferred upon them under any provision of this Act be at all times subject to the general or special directions of the Minister.

5. Except as may otherwise be provided under this Act, no person shall acquire or have in his possession or use any explosive unless he holds a valid licence or permit in respect thereof issued under this Act by the Chief Inspector, or by an Inspector authorized by him in writing in that behalf.

Prohibition on acquisition or possession of explosives without licence or permit

6.—(1) The Chief Inspector or an Inspector authorized by him in writing in that behalf may, in relation to explosives issue—

Type of licence and permit

- (a) a storage licence;
- (b) a dealer's licence;
- (c) a permit to possess;
- (d) a blasting licence,

for such period and subject to such conditions as he may consider appropriate in the circumstances.

(2) A storage licence shall authorize the holder thereof to store explosives in the premises described in the licence.

(3) A dealer's licence shall authorize the holder thereof to purchase, sell and deal in explosives.

(4) A permit to possess shall authorize the holder thereof to purchase and possess explosives.

(5) a blasting licence shall authorize the holder thereof to use explosives for the purpose of blasting operations.

7.—(1) A person who desires to store explosives shall apply in the prescribed manner to the Chief Inspector specifying the premises where it is desired to store explosives and the purpose of such storage.

When storage licence may be issued

(2) A storage licence shall not be issued unless satisfactory evidence is given that—

(a) the applicant genuinely requires to store explosives for the purpose of trade or use and holds or has applied for a dealer's licence or a permit to possess;

(b) the premises where it is proposed to store explosives are suitably constructed for the purpose and are situated at a safe

distance from any place where persons habitually live, work, congregate or pass.

When dealer's licence may be issued

8.—(1) A person who desires to deal in explosives shall apply in the prescribed manner to the Chief Inspector specifying his experience in the handling of explosives and the nature of the trade which he anticipates.

(2) A dealer's licence shall not be issued unless satisfactory evidence is given that—

(a) there is a genuine need for a dealer in explosives in the area in which the applicant intends to operate;

(b) that the applicant is a suitable person to deal in explosives.

When permit to possess may be issued

9.—(1) A person who desires to possess explosives otherwise than as a dealer shall apply in the prescribed manner to the Chief Inspector specifying the purpose for which he desires to possess explosives.

(2) A permit to possess shall not be issued unless satisfactory evidence is given that—

(a) the applicant genuinely requires explosives for a lawful and proper purpose;

(b) that the applicant or a person in his employment is sufficiently expert in the use of explosives.

When blasting licence may be issued

10.—(1) A person who desires to carry out blasting operations shall apply in the prescribed manner to the Chief Inspector specifying the nature of the operations which he proposes to carry out and the training or experience in the use of explosives which he possesses.

(2) A blasting licence shall not be issued to any applicant unless he produces satisfactory evidence that he has adequate experience or training in the use of explosives and is a suitable person to hold a blasting permit.

Exemption of employees

11. A person who is employed by the holder of a licence or permit issued under section 7, 8, or 9 may have in his possession any explosive to which his employer's licence or permit relates for the purpose of carrying out his duties in accordance with the terms and conditions of the licence or permit.

Exemption of carriers

12. A person carrying on the business of a carrier or a servant of a carrier may have in his possession any explosive for the purpose of conveying such explosive to the holder of the licence or permit issued under section 7, 8, or 9.

13. Subject to sections 11 and 12, a person who acquires or has in his possession or under his control or who uses any explosive otherwise than in accordance with the terms and conditions of a licence or permit to do so issued under this Act, shall be liable to a fine of K50,000 and to imprisonment for one year.

Penalty for acquisition or possession of explosives without licence or permit
8 of 2002

14.—(1) In any proceedings under this Act an accused person shall be presumed not to be the holder of any licence or permit unless he proves the contrary.

Burden of proof

(2) The burden of proving that this Act does not apply to any substance capable of producing an explosion shall be on the person making such an allegation.

15.—(1) No person shall manufacture any explosive unless he is the holder of a licence to manufacture granted by the Chief Inspector or otherwise than in accordance with the terms and conditions of such licence:

Manufacture of explosives
8 of 2002

Provided that a licence to manufacture shall not be necessary where the only process of manufacture is the mixing of carbonaceous or metallic diluents with ammonium nitrate, when such mixing is carried out on the site where blasting operations are to take place.

25 of 1968

(2) A person who contravenes any of the provisions of subsection (1) shall be liable to a fine of K200,000 and to imprisonment for five years.

8 of 2002

16.—(1) An Inspector may declare any explosive to be unsafe and may destroy or cause to be destroyed such explosive, or may order the destruction of such explosive by the owner or by the person having custody or control thereof or by the person in occupation of the place where such explosive may be.

Destruction of explosives
8 of 2002

(2) A declaration that an explosive is unsafe may be made whenever an Inspector considers that there is a danger of accident in relation thereto.

(3) No claim whatsoever shall lie against the Government or an Inspector in respect of anything done as a result of an order given under subsection (1).

(4) A person who fails, within a reasonable time, to comply with an order given to him under subsection (1) shall be liable to a fine of K50,000 and to imprisonment for one year.

8 of 2002

17.—(1) Every person having in his possession or under his control any explosive, shall take all reasonable precautions to ensure that such explosive is not lost, stolen, or at any time available to any person not lawfully entitled to possess the same, and if any loss, theft or disappearance of any such explosive occurs shall forthwith report the same to the officer in charge of the nearest police station.

Precaution against and reporting loss of explosives

- 8 of 2002 (2) Any person who fails to comply with any of the provisions of subsection (1) shall be liable to a fine of K50,000, and to imprisonment for one year.
- (3) In any prosecution for an offence under this section the onus shall be on the accused to prove that he took all reasonable precautions required to be taken under subsection (1).
- Search of persons, vehicles, vessels and premises
8 of 2002 **18.**—(1) In this section “officer” includes an administrative officer, a police officer of or above the rank of police Inspector and an Inspector duly appointed under this Act.
- (2) An officer may, without warrant, stop, search and detain any vehicle or vessel in or upon which there is reason to suspect that any explosive is being unlawfully conveyed and may also stop, search or cause to be searched, and detain any person who may be reasonably suspected of unlawfully having in his possession or unlawfully conveying in any manner any explosive.
- (3) An officer may, without warrant, enter, with or without permission and using force for the purpose if necessary, any place or premises in which he has reason to suspect that any explosive is being unlawfully stored, kept or manufactured and may search or cause to be searched such place or premises and any person found therein.
- (4) Where, as a result of any search made under this section, any explosive is found and no valid permit or licence is produced by any person in respect thereof the officer effecting the search may seize such explosive and shall thereupon dispose thereof in such manner as the Minister may prescribe.
- 8 of 2002 (5) Any person who wilfully obstructs or resists an officer in the lawful exercise of any power conferred upon such officer by this section shall be liable to a fine of K50,000 and to imprisonment for one year.
- Penalty for obstructing Inspector
8 of 2002 **19.** Any person who wilfully obstructs or hinders an Inspector in the exercise of any of the powers or duties conferred or imposed upon him by this Act, or who disobeys any lawful order of an Inspector, or who, upon demand, fails to answer as well as he is able, any question lawfully put to him by an Inspector, or who gives false information to an Inspector, whether in answer to any such question or not, shall be liable to a fine of K50,000 and to imprisonment for one year.
- Revocation of permits and licences
8 of 2002 **20.**—(1) Any permit or licence granted under this Act may be revoked by the Chief Inspector if the holder thereof fails to comply with any condition attached thereto or is convicted of an offence under this Act or any regulations made thereunder.
- (2) Where a permit or licence is revoked, the Chief Inspector shall by notice in writing require the holder thereof to surrender it, and if the holder fails to surrender it within fourteen days from the date of such notice, he shall be liable to a fine of K10,000:

Provided that where an appeal is brought against the revocation, this section shall not apply to that revocation unless the appeal is abandoned or dismissed and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

21. An appeal against the refusal to grant a permit or licence or the revocation thereof shall lie in the prescribed manner to the Minister, whose decision shall be final and shall not be questioned in any court, but no appeal shall lie against the result of any test or examination which, in terms of any regulations made under this Act, any person may be required to undergo in order to obtain a licence or permit.

Appeal against refusal to grant a permit or licence or revocation thereof

22.—(1) Any person who negligently causes an explosion whereby—

Penalties for endangering safety or causing loss of life
8 of 2002

(a) property is endangered or damage to property is caused by such explosion shall be liable to a fine of K50,000 and to imprisonment for twelve months; and

(b) the life of any person is endangered or injury to any person is caused by such explosion shall be liable to a fine of K500,000 and to imprisonment for five years.

8 of 2002

(2) Any person who by a wilful act or omission causes an explosion whereby life or property is endangered or whereby injury to any person or damage to property results shall be liable to imprisonment for a period of ten years.

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

(4) For the purpose of this section “explosion” includes a fire caused by an explosion.

23.—(1) The Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act, and in particular and without derogation from the generality of the foregoing, may make regulations for all or any of the following purposes—

Power to make regulations
8 of 2002

(a) regulating the storage of explosives;

(b) regulating the sale of and any dealings in explosives;

(c) prohibiting or regulating the possession of explosives;

(d) regulating the use of explosives;

(e) prohibiting or regulating the manufacture of explosives;

(f) regulating the importation, exportation and transportation of explosives load;

8 of 2002

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(g) providing for the examination and inspection of explosives, the places in which they are stored, kept or used and any place at which any accident, of whatsoever nature, may be liable to be caused by an explosive;

(h) requiring the reporting of accidents to persons, or damage to property, caused by an explosive;

(i) prescribing the fees to be paid for any licence or permit issued, or examination or inspection made under or in pursuance of this Act or of any regulations made under this Act;

(j) providing for the issue, suspension and cancellation of blasting licences;

(k) providing for the issue, suspension and cancellation of permits or licences to possess, manufacture, store or deal in explosives;

(l) prescribing the forms, books and records to be used or kept for the purposes of this Act;

(m) providing for the seizure and forfeiture of any explosives in respect of which any offence against this Act or any regulations made thereunder has been committed;

(n) prohibiting the introduction of explosives into any specified area;

(o) providing for the investigation and reporting of accidents;

(p) providing for the destruction of explosives and mode of destruction;

(q) providing for the classification of explosives;

(r) prescribing the time within which an appeal may be brought under section 21 and the procedure to be followed in relation to such an appeal;

(s) the information to be supplied by any person to an Inspector and the reports to be made from time to time; and

8 of 2002

(t) any other matter which requires to be or may be prescribed for the purposes of this Act

(2) Any regulation made under this Act may, notwithstanding the provisions of section 21 of the General Interpretation Act, prescribe a fine of up to K20,000 and imprisonment for up to one year for an offence committed against any provision of such regulation.

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EXPLOSIVES REGULATIONS
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Explosives Regulations

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G.N.

285/1971

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113/1982

107/1985

1. These Regulations may be cited as the Explosives Regulations. Citation
2. In these Regulations, unless the context otherwise requires— Interpretation
 - “capped fuse” means a length of safety fuse to one end of which a detonator has been attached;
 - “detonating fuse” means a cord-like device used in blasting operations containing an explosive which will explode at high velocity when suitably initiated by a detonator, such explosion initiating explosions in other lengths of detonating fuses or other explosives in close proximity;
 - “direct supervision” means that the person being supervised is within normal sight or hearing of the person supervising;
 - “Form” means one of the forms set out in the First Schedule;
 - “magazine” means any building or structure used or intended to be used for the storage of explosives;
 - “manager” means the person responsible for the management of the site at which any blasting operations are carried out;
 - “misfire” means a drill hole or part thereof in which the blasting material, or any portion thereof, charged into the hole has failed to explode;
 - “primer” means a cartridge into which the detonator of a capped fuse, or electric detonator has been inserted;

[Subsidiary]

Explosives Regulations

- Cap 14:08 “Registrar of Firearms” means the Registrar of Firearms appointed under the Firearms Act;
- “safety fuse” means a fuse for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction, and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with other like fuses;
- “shot firer” means a person who is the holder of a valid blasting licence issued by the Chief Inspector, and who has been authorized in writing by his employer to undertake blasting operations;
- “socket” means any portion of a hole which may remain after all the blasting materials charged into the hole have exploded and which is proved by examination not to be a misfire;
- “stemming” means any inert material described in regulation 54 (1) used as a filling in blast holes;
- “tamping” means the consolidation of stemming and explosives in a blast hole.
- Exceptions **3.** Except as may otherwise be provided, the provisions of these Regulations shall not apply to the import, manufacture, sale, purchase, acquisition, possession, storage and use of coloured fires, fireworks or rockets.

PART I

RESPONSIBILITY FOR OBSERVANCE

- Observance of Regulations **4.** Except where herein otherwise expressly provided to the contrary the responsibility for the due observance of these Regulations shall be upon the holder of the appropriate licence or permit issued under the Act or these Regulations, or the person in official charge of the site or premises, or the particular operation where explosives are stored or used or otherwise dealt with, and where the provisions of these Regulations are not duly observed such holder or person shall be guilty of an offence unless he can prove that all reasonable means of enforcing the provisions of such Act and Regulations were taken by him.
- Appointment of competent persons **5.—(1)** The holder or person referred to in regulation 4 may appoint one or more competent persons to assist him in enforcing the provisions of these Regulations and such persons shall without prejudice to the appointor’s own personal responsibilities under these Regulations have the same responsibility under the Regulations as the appointor for such duties as his letter of appointment shall specify, and shall be similarly guilty of an offence in the event of non-observance of the provisions of these Regulations.

Explosives Regulations

[Subsidiary]

(2) Any appointment made under subregulation (1) of this regulation shall be in writing and shall clearly define the duties assigned to the person so appointed. The appointment, to be valid, shall also be accepted by the appointee in writing. A copy of such letter of appointment shall be forwarded forthwith to the Chief Inspector.

PART II

PERMITS AND LICENCES

6.—(1) No person shall import any explosives into Malaŵi save under, and in accordance with the terms of, an import permit issued by the Registrar of Firearms. Such permit shall be in Form A and may contain such conditions as the Registrar thinks fit.

Import permits
Form A

(2) No permit to import any explosives shall be issued to any person, other than the holder of a permit to possess (which shall be in Form B) issued by the Chief Inspector under section 6 of the Act.

Form B

7. An application for an import permit shall contain—

Applications
for import
permits

- (a) the full name and address of the applicant;
- (b) the name, exact description and quantity of explosive to be imported;
- (c) the country from which the explosive is to be imported;
- (d) the name and address of the manufacturer of the explosive;
- (e) the address and storage licence number of the magazine or store in which the explosive is to be stored; and
- (f) the purpose for which the explosive is to be used.

8.—(1) A licence to manufacture explosives shall be issued by the Chief Inspector in Form C, and may be issued subject to such conditions as the Chief Inspector deems necessary or desirable in the interests of safety of life and property:

Licences to
manufacture
Form C

Provided that a licence to manufacture shall not be necessary where the only process of manufacture is the mixing of carbonaceous or metallic diluents with ammonium nitrate, when such mixing is carried out on the site where blasting operations are to take place.

(2) The fee payable for the issue of a licence to manufacture shall be K10, and the licence shall not be transferable.

9.—(1) A dealer's licence issued under section 8 of the Act shall be in Form D, shall take effect on the day on which it is issued, shall expire on the 31st December next following, and shall not be transferable. The fee payable for the issue of a dealers' licence shall be K10.

Dealers'
licences
Form D

G.N.

82/1978
107/1985

[Subsidiary]

Explosives Regulations

(2) The issue of a dealer's licence shall not entitle the holder thereof to store explosives unless he is also the holder of a storage licence issued under regulation 15.

Applications
for dealers'
licences

10. An application for a dealer's licence shall be made in writing to the Chief Inspector, and shall contain—

(a) the full name of the applicant and the name under which dealing in explosives is to be carried on;

(b) the full name(s) of the directors, partners or proprietor(s) of a company, partnership or other business;

(c) the experience in the handling of explosives of the applicant and, where appropriate, of the persons referred to in paragraph (b);

(d) the types of explosives it is desired to deal in, and the nature of the trade anticipated;

(e) the full address at which such dealing is to be carried on; and

(f) such other information as the Chief Inspector may require.

Sale limited to
persons with
permit to
possess
Register of
explosives

11. A holder of a dealer's licence shall not supply explosives to any person who is not in possession of a permit to possess explosives or a dealer's licence issued under section 8 of the Act.

12. A holder of a dealer's licence shall keep a register in the form approved by the Chief Inspector in which he shall record details of all sales and dealings in explosives. Such register shall be kept available for inspection at any time and shall not be destroyed until after the lapse of two years from the date of the last entry in the register. No erasures shall be made in the register and any alteration shall be initialled by the person making it.

Records and
returns

13. Every holder of a dealer's licence shall keep such other records in a manner and form approved by the Chief Inspector and shall make such returns as may be required by the Chief Inspector.

Prohibition
of sale of
defective
explosives

14.—(1) The holder of a dealer's licence shall not sell any explosives which are in any way damaged or defective.

(2) Where any explosives in such licence holder's possession are found to be damp, to exude liquid, or, for any reason whatsoever, are suspected of being defective, the explosives shall not be sold but the circumstances shall be forthwith reported to the Chief Inspector and the explosives shall be disposed of as the Chief Inspector directs.

Storage
licences
Form E
G.N.

15.—(1) No magazine or other place shall be used for the storage of explosives unless such magazine or place has been authorized under a storage licence issued for that purpose by the Chief Inspector. A storage licence shall be in Form E and shall

specify the nature and maximum amount of explosives which may be stored, and may contain such special conditions as the Chief Inspector thinks necessary.

(2) A storage licence issued under this regulation may be cancelled by the Chief Inspector if the licence holder or the magazine master appointed in accordance with regulation 21 is convicted of an offence under the Act or these Regulations.

(3) For the purposes of a storage licence, the magazine or other place provided for storing explosives, and the magazine or other place provided for storing detonators on the same site shall be regarded as one magazine.

(4) The fee payable for the initial issue of a storage licence shall be K20, and the storage licence shall be valid for one year from the date of issue. The renewal fee shall be K10, and storage licences shall not be transferable. G.N. 82/1978

(5) Any person who stores any explosives otherwise than under the authority of or in accordance with the terms and conditions of a storage licence shall be guilty of an offence.

16.—(1) A storage licence issued under regulation 15 may be suspended by an Inspector if the magazine or other place used for the storage of explosives does not conform with these Regulations or if in the opinion of an inspector the storage of explosives in such magazine or other place is likely to be dangerous to life or property. Suspension of storage licence

(2) The licence holder shall be informed in writing of such suspension and of the reason therefor and of the steps to be taken before the suspension will be revoked. The licence holder shall thereupon surrender the licence to the Chief Inspector.

(3) Explosives held under a suspended storage licence shall be disposed of in such manner as the Chief Inspector may direct provided that he shall not direct their destruction unless in his opinion they are so damaged or defective that they are dangerous.

(4) The licence holder shall have the right of appeal to the Minister. Notice of appeal shall be made within 7 days after receiving notice that the licence has been suspended by filing with the Chief Inspector a written statement setting out the grounds upon which the appeal is made.

17.—(1) Where the applicant for a storage licence wishes to store a small quantity of explosives the Chief Inspector may sanction the use of an authorized storage box or authorized storage boxes for such storage in accordance with the conditions set out in Form F, and such other conditions as the Chief Inspector considers desirable. No greater amounts than 500 detonators or 50 kilograms of other explosives shall be stored in any one authorized storage box. Application shall be made to the Chief Authorized storage boxes G.N. 113/1982 Form F

[Subsidiary]

Explosives Regulations

Inspector for the authorization of the use of such storage boxes specifying that the boxes have been constructed in accordance with the requirements of Form F. The Chief Inspector may at any time cancel any authorization given under this regulation.

Form F

G.N. 82/1978 (2) An annual fee of K10 shall be payable on permission being granted for the use of an authorized storage box.

107/1985

(3) Any licence holder who fails to comply with or contravenes any of the conditions attached to an authorization issued to him under this regulation shall be guilty of an offence.

Temporary storage

G.N.

113/1982

18.—(1) Notwithstanding anything contained in the previous regulations of this Part, the holder of a storage licence may, unless the Chief Inspector otherwise directs, for the period of one month only, keep on or in the neighbourhood of his premises, for private use and not for sale or trade, not more than the undermentioned quantities of explosives—

- (a) 100 detonators (all types);
- (b) 5 kilograms of other explosives.

(2) Such detonators and other explosives shall be kept locked in separate wooden boxes in separate places and not less than 25 metres from any inhabited building or public road.

PART III

CONSTRUCTION OF MAGAZINES

Approval to be obtained before construction

19.—(1) Before the construction of any magazine is started approval shall be obtained from the Chief Inspector.

(2) Written application shall be made for such approval and it shall be accompanied by—

- (a) a statement of the types of explosives and the maximum quantity of each required to be stored;
- (b) detailed drawings and specifications of the magazine and mounds;
- (c) a site-plan of the magazine showing—
 - (i) its location in sufficient detail to enable it to be found easily; and

Second schedule

(ii) the minimum distances from the magazine of each of the classes of structures and places described in the Second Schedule to these Regulations.

Construction of magazine G. N.

113/1982

20. Except when exempted by the Chief Inspector in writing in any particular case every magazine shall conform with the following—

(a) if constructed after the date of coming into force of these Regulations it shall be separated from the structures specified in the Second Schedule by distances not less than those set out in that Schedule and the manager shall forthwith report to the Chief Inspector in writing the erection of any structure by reason of which the magazine does not comply with such Schedule whether or not such structure is within his control;

(b) its walls and roof shall be constructed of either concrete or of brick or masonry laid in good quality cement mortar all not less than 150 millimetres thick and finished with an impervious cement plaster or other approved finish on the inside;

(c) no ferrous metal shall be exposed internally;

(d) the floor shall be surfaced with smooth impervious material and shall be at least 150 millimetres above the level of the ground outside the magazine;

(e) its ceiling, if provided, shall be constructed of insulating and fire resisting material;

(f) it shall have no windows;

(g) it shall be provided with ventilators which in the opinion of the Chief Inspector are capable of adequately ventilating the interior of the magazine including any space between the ceiling and the roof;

(h) the ventilators shall be constructed in such a manner that no substance can be introduced into the magazine from the outside of the magazine;

(i) every door shall—

(i) open outwards;

(ii) be hung in a substantial steel frame securely set in the concrete of the building;

(iii) be recessed not less than 50 millimetres from the outer side of the wall;

(iv) be faced on the outside with steel not less than 3 millimetres thick adequately stiffened to prevent forcible bending;

(v) be faced on the inside with timber or similar material;

(vi) close on the inside against a stop not less than 25 millimetres wide as measured parallel with the door;

(vii) be fitted with one lock on a door with a side of 1.2 metres or less and with two locks on a door with a side of over 1.2 metres, such locks being heavy duty concealed and protected deadlocks with not less than five levers, and no two locks shall have the same key;

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- (viii) be fitted with concealed butt hinges;
- (ix) be fitted on the hinged side with internal dog bolts or lugs at a distance of not more than 300 millimetres between each and engaging the frame when shut;
- (x) have the words “Explosives Magazine” conspicuously marked on it;
- (j) shelves shall be made of timber so constructed as not to interfere with the vertical circulation of air and so that containers of explosives can not touch the wall of the magazine;
- (k) it shall be provided with a lightning conductor of a type approved by the Chief Inspector;
- (l) (i) all electrical wiring shall be installed in a rigid conduit with screwed waterproof joints and such conduit shall be permanently earthed;
 - (ii) the switches and fuses for the lighting circuits shall be installed in a fire-proof cabinet on the outside of the building; such fuses for lighting shall not exceed 10 ampere capacity;
 - (iii) no power line either above or below ground other than for carrying light to a magazine shall be permitted within a distance of 30 metres from the magazine;
- (m) it shall be surrounded by an earth mound which shall be—
 - (i) at least as high as the eaves of the tallest building;
 - (ii) not less than 1 metre wide on the top;
 - (iii) at the natural slope of the earth on all sides;
 - (iv) not less than 1 metre away at the toe of the slope from any building;
 - (v) made with such an entrance gap that no building inside it shall be visible to a person standing at ground level outside it; and
- (n) it shall be adequately drained in the area enclosed by the earth mound.

PART IV

MANAGEMENT OF MAGAZINE

Magazine
masters

21.—(1) The holder of a storage licence shall appoint in writing a trustworthy person as magazine master, who shall be in sole charge of each magazine and be responsible for compliance with these Regulations. The appointment, to be valid, shall also be accepted by the appointee in writing. A copy of such letter of appointment with the appointee’s acceptance in writing thereon shall be forwarded forthwith to the Chief Inspector.

(2) In the event of failure to appoint such a magazine master, the licence holder shall be deemed to be the magazine master.

(3) Where the requirements of this Part are not complied with or are contravened in respect of a magazine or the storage of explosives, the licence holder and the magazine master concerned shall, unless otherwise provided, be guilty of an offence.

22. In every magazine shall be kept—

(a) tools necessary for opening cases of explosives, which shall be of wood, copper or brass only; and

(b) a soft brush or broom with no metal fittings, for cleaning out the magazine.

Articles which shall be kept in a magazine

23.—(1) A magazine shall not be used for the storage of any goods or articles not mentioned in the licence, except that the tools and equipment necessary to comply with regulation 22 may be kept in the magazine.

Articles which may not be kept in a magazine

(2) A larger quantity of explosives than that stipulated on the licence shall not be stored in a magazine.

(3) Detonators shall not be stored with detonating fuses or with any other explosives except safety fuses, igniter cords and fuse igniters.

24. In, or near to every magazine, in a place where they can be conveniently seen or read, the following shall be kept posted up—

Forms to be kept in or near a magazine

(a) a copy of the abstract of these Regulations in the form approved by the Minister;

(b) the storage licence issued in respect of the magazine; and

(c) a copy of the letter of appointment of the magazine master.

25. The floor of a magazine shall at all times be kept scrupulously clean and dry, and free from grit or dirt likely to give rise to sparks. Loose explosives or broken portions of cartridges shall not be left lying on the floor of any magazine or in close proximity to any storage box.

Floors to be kept clean

26.—(1) Efficient means of extinguishing fire shall be maintained near every magazine.

Protection from fires

(2) Every magazine shall be effectively protected from fires, and to this end, grass surrounding a magazine shall be kept as short as practicable, and this area shall be kept free of combustible material such as timber, bush, dry grass, newspapers, boxes, cartons and the like.

(3) Boxes, cartons and bags which have contained explosives shall not be used for any purpose, but shall be destroyed, by burning if possible, as soon as possible after being emptied of their explosives contents.

[Subsidiary]

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Restrictions
on persons
entering
magazine

27.—(1) A magazine shall be kept locked at all times save only when necessary to place explosives in or remove explosives from the magazine or to perform any other necessary operation.

(2) No person shall take a naked light into any magazine and no person shall smoke or carry or have about him any fire, matches, or any substance or article likely to cause fire or explosion while in or near any part of a magazine or authorized storage box.

(3) No person entering a magazine shall wear boots or shoes containing any exposed metal.

(4) Any person who contravene or fails to comply with the provisions of this regulation shall be guilty of an offence and in the event of such contravention or failure the licence holder and the magazine master shall also be guilty of an offence.

Stacking
explosives

28.—(1) The explosives shall, as far as practicable, be kept in a magazine in the original packing as received from the supplier.

(2) The cases, cartons or containers shall not be stacked more than two metres high, and shall be stored in such manner as to admit of inspection and extraction of the explosives in rotation.

(3) Wooden gratings, or gratings of approved non-ferrous material, shall be placed between the floor and the bottom layer of explosives cases, to permit of adequate ventilation of the bottom cases.

(4) Any explosives, for the storage of which provision is not made in these Regulations, shall be stored only in such place and manner as may be prescribed in writing by the Chief Inspector.

Care in
handling
explosives

29. Care shall be taken to prevent concussion in the storage of explosives in any magazine or storage box.

Loitering near
magazine

30. No unauthorized person shall loiter or be permitted to loiter in the vicinity of a magazine, and the holder of a storage licence or any employee of such licence holder may order any such person to leave the vicinity of the magazine, and any such person who fails to comply with any such order shall be guilty of an offence.

Illegal entry
into magazine

31. Whenever a magazine has been broken into or been interfered with in any way the matter shall be reported immediately to the nearest police station and to the Chief Inspector.

Closing down
magazine

32. Whenever the holder of a storage licence ceases to use explosives, the licence holder shall immediately notify the Chief Inspector of this fact, and shall render a return of all explosives, if any, in the magazine. Such explosives shall be disposed of in a manner approved by the Chief Inspector.

33. The holder of a storage licence, shall—

Duties of
licence
holder

(a) ensure that at all times the magazine, including the mound, drainage system and lightning protection system is kept in good condition;

(b) provide the tools and equipment necessary to enable the magazine master to comply with these Regulations;

(c) provide two sets of keys for all magazine doors, one set for use by the magazine master and the other set to be kept in a secure place so as to be immediately available at any time for emergency use or for inspection of the magazine;

(d) ensure that whenever it is necessary to carry out major repairs on any magazine, the explosives shall be removed to a safe distance therefrom until the repairs are completed;

(e) cause all explosives which are liable to deterioration to be inspected not less than once in each month by a person having experience in the handling of explosives;

(f) ensure that any explosives found to be damp, to exude liquid or which, for any reason whatsoever, are suspected of being defective are not removed from the magazine and shall report the circumstances forthwith to the Chief Inspector and shall dispose of the explosives as the Chief Inspector directs; and

(g) whenever the appointed magazine master is necessarily away from his place of work for any reason whatsoever, ensure that another competent person is appointed in accordance with regulation 21 to act as magazine master.

PART V

AMMONIUM NITRATE

34.—(1) Notwithstanding anything to the contrary elsewhere in these Regulations this Part shall apply in relation to ammonium nitrate.

Application
and
definition

(2) For the purposes of regulations 36, 37, 38 and 39, “ammonium nitrate” means ammonium nitrate containing less than 10 per cent inert admixed material as a diluent and for this purpose other ammonium salts or other nitrates shall be deemed not to be inert materials.

35.—(1) No licence or permit under this Act or these Regulations shall be necessary nor shall this Part apply in respect of ammonium nitrate where such ammonium nitrate is to be used exclusively—

No permit
or licence
required
for certain
purposes

(a) as a fertilizer; or

(b) for analytical purposes in a *bona fide* laboratory; or

(c) by pharmacists for dispensing under a doctor’s prescription; or

[Subsidiary]

Explosives Regulations

(d) by *bona fide* manufacturers for further processing, or where the ammonium nitrate does not conform with the definition referred to in regulation 34 (2).

Records to be kept

36.—(1) Every person who supplies ammonium nitrate to another person for any purpose shall keep a record as follows—

- (a) the name and address of the person supplied;
- (b) the quantity supplied;
- (c) the purpose for which the ammonium nitrate is to be used;
- (d) the address where the ammonium nitrate is to be used or stored; and
- (e) the number and date of any licence or permit under the Act or these Regulations held by the person supplied.

(2) It shall be the duty of all persons obtaining ammonium nitrate to provide the supplier in writing with the information required to comply with subregulation (1).

Construction of stores for ammonium nitrate
G.N.

113/1982

37.—(1) Ammonium nitrate shall be kept in a store exclusively reserved for the purpose, which shall comply with the following—

- (a) the store shall at all times be kept clean, dry and well ventilated;
- (b) no timber or similar material shall be used in its construction;
- (c) the floor shall be surfaced with smooth, impervious material and shall be at least 150 millimetres above the level of the ground outside the magazine;
- (d) the walls shall be constructed of brick, masonry or concrete finished with an impervious cement plaster or similar finish on the inside and shall be pierced at not less than two places at floor-level to allow the escape of water used for dissolving loose ammonium nitrate;
- (e) the roof shall be constructed of impervious materials;
- (f) where a ceiling is provided it shall be constructed of heat insulating and fire resisting material, with adequate roof ventilation above it; and
- (g) doors and door frames shall be made of metal.

(2) Notwithstanding the provisions of subregulation (1) of this regulation ammonium nitrate explosive not exceeding five kilograms in weight which has been manufactured in the manner described in the proviso to regulation 8 (1) and which is contained in securely fastened water-tight bags made of a polyvinyl plastic or similar material may be stored in a magazine containing explosives other than detonators.

38. Except when exempted by the Chief Inspector in writing in a particular case ammonium nitrate shall be stored as follows—

Method of
storage
G.N.

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(a) it shall be contained in water-tight bags made of a polyvinyl plastic or similar material;

(b) no stack of bags shall contain more than nine thousand kilograms of ammonium nitrate or be higher than two metres;

(c) stacks shall rest on sheets of polyvinyl plastic or similar material;

(d) there shall be a space of not less than 300 millimetres between any bag and the wall of the store; and

(e) there shall be a space of not less than one metre between stacks.

39.—(1) Sacks containing ammonium nitrate damaged in any way shall immediately be placed in a clean slipover bag and for this purpose an adequate supply of such slipover bags shall be kept on hand.

Storage
precautions

(2) No loose ammonium nitrate shall be kept or left lying around in the store, spillages shall be swept up immediately and put to waste by dissolving in a large excess of water and washing away.

(3) No smoking, open lights or flames shall be allowed in any store containing ammonium nitrate.

PART VI

BLASTING LICENCES

40.—(1) All shot firers shall be appointed in writing by the manager, who shall appoint only such persons as hold valid blasting licences issued under regulation 42.

Appointment
of shot firers

(2) All appointments made under subregulation (1) shall—

(a) quote the name of the person appointed and the number of his blasting licence;

(b) be accepted in writing by the person appointed; and

(c) be notified to the Chief Inspector by a copy of the document of appointment, accepted in writing by the person appointed.

(3) When a person ceases to be employed as a shot firer his employer shall notify the Chief Inspector of the fact in writing and shall state the date on which such employment ceased.

41.—(1) An application for a blasting licence shall be made in Form G and sent, together with two recent passport size head and shoulders photographs of the applicant, to the Chief Inspector who may examine the applicant on all matters relevant to the application.

Applications
for blasting
licences
Form G

(2) Any such applicant who is required to submit to an examination relevant to his application for a blasting licence shall—

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(a) produce satisfactory evidence of previous experience in the use of blasting materials and knowledge of the applicable regulations and of blasting practice; and

G.N.
107/1985 (b) pay an examination fee of K3, which shall not in any event be returnable to him.

Issue of
blasting
licences Form
H
G.N.
82/1978
107/1985

42.—(1) If the Chief Inspector is satisfied that the applicant has the necessary knowledge and experience to use blasting materials correctly and safely, he may issue to the applicant a blasting licence which shall—

(a) be in Form H set out in the First Schedule;
(b) be valid for a period of three years from the date of issue or renewal;
(c) be subject to payment of a fee of K5 upon issue and upon each renewal.

(2) A blasting licence shall not be valid unless and until it is signed by the licensee.

Suspension
of blasting
licence

43. If at any time the holder of a blasting licence shall in the opinion of the Chief Inspector be guilty of an act of negligence or a contravention of the Act or of these Regulations or has a disability rendering him unfit to conduct blasting operations, the Chief Inspector may immediately cancel such licence. In the event of cancellation, such holder of a blasting licence shall have the right of appeal to the Minister. Notice of appeal shall be made within 7 days after receiving notice that his licence has been cancelled by filing with the Chief Inspector a written statement setting out the grounds upon which the appeal is made.

Custody
of blasting
licence

44. Whilst engaged upon any work for which a blasting licence is required under these Regulations, the licence holder shall ensure that his licence is kept available for inspection at the site.

Blasting
licence not
transferable

45. It shall be an offence for any person to transfer or accept transference of any blasting licence.

PART VII

HANDLING EXPLOSIVES

Safe transport
and handling
of explosives
G.N.
113/1982

46.—(1) No explosives shall be moved from any magazine except under the direct supervision of a blasting licence holder:

Provided that explosives may be moved from a magazine for sale by the holder of a dealer's licence without the personal supervision of a blasting licence holder.

(2) No person shall smoke or have a naked light within 16 metres of any place where explosives are being kept, conveyed, handled or used.

(3) No person shall convey or cause or permit to be conveyed any explosives, other than safety fuses and fuse igniters, unless the explosives are contained in unopened cases or in receptacles of a

design and construction approved for the purpose by the Chief Inspector.

(4) When removing explosives from a magazine, detonators and fuses shall not be carried in the same container as other explosives.

(5) Any explosive not used or destroyed shall be returned to the magazine on completion of the blasting, except those explosives covered by regulation 56 (3).

47.—(1) No person shall bury, submerge or otherwise hide or abandon any blasting material or store or leave blasting materials unattended in such a manner and for such a period that it will be possible for other persons to have access thereto. Secretion of explosives

(2) No person shall take away or attempt to take away from a working any explosives without the written permission of the manager.

48. The holder of a blasting licence may be assisted in the preparation of primers and the conducting of blasting operations by reliable persons who are not holders of blasting licences but are acting under his direct supervision provided always that he shall take all reasonable measures to prevent any accident occurring to such persons. Persons allowed to assist shot firer

49.—(1) No person shall fasten detonators to fuses except by means of crimping pliers of a pattern approved by the Chief Inspector. Primers and charges

(2) No person shall make up primers or charges in a magazine and all primers and charges shall be made up in a safe place.

(3) Primers shall be made only as required for immediate use and in their making the detonator shall not be pressed into the explosive without first having made a hole of sufficient diameter and depth in the cartridge with a sharpened wooden stick or pricker of non-ferrous material. The detonator shall be securely fastened to the cartridge in such manner that it cannot pull out from the cartridge. No ferrous materials shall be used in such fastenings.

50.—(1) Immediately a hole has been drilled to the desired depth it shall be closed by means of a suitable plug and no such plug shall again be removed except temporarily for the purpose of inspection until the hole is required to be charged. Drill holes
G.N.
113/1982

(2) No person shall drill or cause or permit to be drilled a hole nearer than 150 millimetres to any socket or in such a direction as to approach nearer than 150 millimetres to any socket, nor shall any person deepen or cause or permit to be deepened any hole which has been left unplugged, and any person contravening the provisions of this regulation shall be guilty of an offence.

[Subsidiary]

Explosives Regulations

(3) No person shall deepen any hole which has contained explosives, or extract or attempt to extract explosives from a hole which has once been charged.

Thunderstorms

51. On the approach of or during a thunderstorm, the shot firer shall suspend all blasting operations and no person shall remain or be caused or permitted to remain within an area where he may be injured by the accidental detonation of explosives.

Persons allowed to assist shot firer during charging

52. During the operation of charging blast holes the shot firer shall have at least one and not more than two reliable persons to help him, acting under his direct supervision.

Tamping rods

53. Tamping rods shall be of non-ferrous material and shall be cut off square at the ends. The rods shall be an easy fit in the holes to be charged and shall be kept clean and free from grit. No undue force shall be used during tamping operations and cartridges shall not be subjected to blows.

Stemming

54.—(1) All holes charged with explosives shall be stemmed. Only clay, fine sand, sifted earth or water shall be used as stemming.

(2) Stemming shall not be allowed to come between blasting cartridges charged into a blast hole except when a detonating fuse is used to initiate the charge.

(3) No person shall remove the stemming from a hole than has been charged except as provided in regulation 63 (b).

Preparation of charges

G.N.

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55. A shot firer shall prepare only such charges at one time as he intends exploding at the next blast and he shall not commence to prepare the charges until all persons not needed to assist him in this work have been removed to a safe place at least 16 metres away. The charges shall be exploded as soon as possible after being completed.

Use of blasting cartridges

56.—(1) All drill holes shall be sufficiently large to admit freely the insertion of the blasting cartridges.

(2) The wrapping shall not be removed from blasting cartridges, except when necessary for destruction purposes, and unwrapped cartridges shall not be inserted into drill holes.

(3) No person shall use for charging a hole any explosives that have been blown out or otherwise extracted from a hole. Any person finding any explosives blown out or otherwise extracted from a hole or loose explosives of any description lying about, shall collect or deliver the same to a shot firer for safe storage prior to destruction.

PART VIII
FIRING AND MISFIRES

57.—(1) At workings where more than one shot firer is employed, the manager shall appoint one of the shot firers to act as foreman over the other shot firers. Shot firers and foremen shot firers

(2) The foreman shot firer shall, whenever practicable, personally supervise the lighting or firing of all explosives charges and be responsible for compliance with regulation 60 (a), (d) and (e).

(3) Where, in connexion with any blasting operation, the provisions of this Part are not complied with or are contravened the shot firer, or foreman shot firer responsible for the particular blasting operation shall be guilty of an offence.

58.—(1) Before firing a charge the shot firer shall—

(a) take every precaution to prevent possible injury to persons or damage to property; Precautions before firing

(b) station a competent person carrying a red flag at each avenue of approach at a point well beyond the probable range of flying material projected by the blast, to stop persons from approaching;

(c) personally examine the danger zone to make certain that all persons have retired therefrom to a place beyond the probable range of flying debris from the blast, or to a safe shelter; and

(d) give audible warning at least one minute and not more than three minutes before the blast is fired.

(2) The shot firer shall not fire a charge whilst any person is within the probable danger zone from the blast.

(3) Every person within the danger zone shall retire to a place beyond the probable range of flying debris from the blast or to a safe shelter immediately upon hearing the warning referred to in subregulation (1) (d).

(4) Any person who, after the commencement of the warning signals referred to in subregulation (1) (d), enters or, on request being made to him by the competent person referred to in subregulation (1) (b), or any official or person engaged in the blasting, refuses to leave the blasting area shall be guilty of an offence.

59. When electric detonators are used the shot firer shall use only the following equipment of a pattern approved by the Chief Inspector which shall be provided and kept in good working order— Electrical firing apparatus

(a) an efficient electric exploder fitted with a detachable handle or key or other locking arrangement designed to prevent unauthorized use;

(b) an efficient galvanometer or other apparatus for testing the continuity and resistance of circuits; and

(c) a firing cable which is of sufficient length to provide for the firing of charges from a safe distance, and the shot firer shall also ensure that the cable cannot come into contact with any other cable or electrical apparatus.

Precautions
in electrical
firing

60. When using electric detonators the shot firer shall—

(a) when any hole has been charged, keep on his person the operating handle or key of the shotfiring apparatus;

(b) not connect the firing cable to detonator wires of any charge or charges until he has completed all firing preparations other than those referred to in paragraphs (c) and (d);

(c) except when a photo-electric type of tester is used, not apply any electrical test to the firing circuit otherwise than through the firing cable and from a place of safety;

(d) not connect the firing cable to the terminals of the shot—exploder or other firing apparatus until immediately before firing or attempting to fire; and

(e) immediately after firing or attempting to fire disconnect both leads of the firing cable from the shot exploder or other firing apparatus and there and then remove the operating handle or key of the shot-exploder or secure the locking arrangement of the shotfiring apparatus and remove the key, as the case may be.

Precautions
after firing

61. After firing the shot firer shall—

(a) except in the case of firing by electricity or with detonating fuse count, in conjunction with at least one other person, the number of shots exploding, and unless both he and such other person are certain that all the shots have been exploded shall not enter or allow any person to enter the places in which the shots have been fired until the expiration of thirty minutes from the time of lighting the fuses;

(b) not approach a charge fired by an electric current which has misfired until after an interval of ten minutes, provided that the conducting wires have first been disconnected;

(c) not enter, or permit or instruct any person to enter a place where charges have been fired until the fumes caused by the explosion have been dispelled;

(d) personally examine the working place for misfires and dangerous ground and until he has done so and has taken all reasonable steps to make the place safe, shall not allow any person except those necessary to assist him in making safe, to enter or approach such place;

(e) examine every visible drill hole for unexploded explosives, using a copper scraper or wooden stick; and after such examination shall plug such holes with wooden plugs painted red; such

plugs shall not again be removed except by himself and temporarily for the purpose of inspection, until he has charged the drill holes in the immediate vicinity; and

(f) deal immediately with misfires as described in regulation 63.

62. Where there is not a good reason to believe that all the charges have fired—

Suspected
misfires

(a) if the firing was effected electrically the circuit shall be tested again and an attempt made to refire the charge before it is approached by any person, and if the attempt fails, the leads shall be disconnected from the exploder and ten minutes shall be allowed to elapse before the charge is approached;

(b) if the firing was effected by safety fuse, the charge shall not be approached by any person until not less than thirty minutes has elapsed since the lighting of the fuse.

63. In the case of a misfire the shot firer shall be responsible for taking the following action—

Misfires
G.N.

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(a) no explosives, detonator, detonator wire or fuse shall be withdrawn from the hole;

(b) if the bore-hole is stemmed and undamaged the stemming only shall be washed out by means of water under pressure or by compressed air and water applied through a blowpipe of a pattern approved by the Chief Inspector and a new primer inserted and the hole re-stemmed and blasted or, where water under adequate pressure is not available the stemming only may be carefully scraped out by means of an instrument made of wood or copper and a new primer inserted and the hole re-stemmed and blasted: or

(c) a new hole shall be drilled paralleled to, at least 150 millimetres deeper than and not nearer than one metre to the misfired hole and such new hole shall be charged and fired and the explosives liberated from the misfired hole:

Provided that if the direction of the bore-hole can not be accurately ascertained, a surface charge may be used.

64. The shot firer shall give audible signal after the blasting operation is completed and the period of danger is past. Such signal shall be distinctive and easily distinguished from the warning signal made under regulation 58 (1) (d).

All clear
signal

PART IX

SPECIAL UNDERGROUND REGULATIONS

65. The regulations in this Part shall prevail in any case of conflict between them and any other regulation in these Regulations, to prevail in respect of any underground working.

This Part to
prevail

[Subsidiary]

Explosives Regulations

- Definition **66.** “Underground working” includes shafts and pits.
- Foreman **67.** The manager shall appoint for each underground working which is not connected underground to another underground working a foreman to be in charge of each shift and such foreman shall as well as manager be responsible for compliance with those Regulations.
- Return after blasting
G.N.
113/1982 **68.** No person shall enter an underground working in which blasting has taken place until—
(a) a water-blast of a type approved by the Chief Inspector and situated not more than 16 metres from the place blasted has been in operation for not less than thirty minutes; and
(b) there is no perceptible dust, smoke or fumes in the underground working.
- Safety of working place **69.** Before work is started underground in any place which it is reasonable to consider might have been affected by a blast the foreman shall water down the face and shall examine and make safe such place, and no person other than those needed to help him in this work shall enter or be permitted to enter such place until it has been so examined and found to be safe or has been made safe.
- Examination before drilling
G.N.
113/1982 **70.** Before drilling is started in a shaft or pit the foreman shall thoroughly wash over with water under a pressure of not less than two kilograms per square centimetre all the ground within two metres of any hole to be drilled, or, if the ground to be examined is under water, blow over such ground with compressed air so as to expose the presence of all misfires and sockets.
- Explosives storage **71.** No explosives shall be underground unless stored in a magazine authorized by a storage licence issued under regulation 15 (1):

Provided that not more than the explosives required for one shift may, if they are under the immediate control of a shot firer, be conveyed and held during that shift in the manner laid down in regulation 46 (3).
- Smoking and lights
G.N.
113/1982 **72.** There shall be no smoking or naked light nearer than 16 metres from any explosives underground except that any naked light necessary for igniting fuses may be at the face immediately before igniting them.
- Restrictions on transport and charging
G.N.
113/1982 **73.** No explosives shall be brought into an underground working place until drilling operations there have been completed and no charging of holes shall be started until all persons in excess of the number permitted by regulation 52 have been moved out of the shaft or pit, or in the case of other places, are at least 46 metres from the face.

Explosives Regulations

[Subsidiary]

74. While explosives are at the face no electrical cable except a cable for electrical firing shall be nearer than 46 metres from the face. Electric cables
G.N.
113/1982
75. Any cable used for electrical firing shall be on the opposite side of an underground working from all other electrical cables. Position of firing cable
76. Before charging holes they shall be cleaned out either by washing with water or by scraping. They shall not be blown out by compressed air. Cleaning holes
77. The water-blast required by regulation 68 shall be tested shortly before firing and no firing shall take place unless the water-blast is in order. Testing water-blast
78. The water-blast referred to in regulation 77 shall be put into operation immediately before firing and shall be in operation for not less than thirty minutes after firing. Operating water-blast

PART X

DANGEROUS PRACTICES AND ACCIDENTS

79.—(1) An Inspector may by notification in writing draw the attention of the licence or permit holder or the person responsible to any practice in connexion with explosives which appear to be of a dangerous or defective character and he may issue such orders with regard to the cessation or modification of such practice as he thinks fit, and the licence or permit holder or person responsible shall comply therewith. Dangerous practices

(2) It shall be competent for the licence or permit holder or person responsible, on receiving such orders, to submit his objections in writing to the Minister within a period of 7 days from the receipt of such orders. The Minister may confirm the orders, give such other decision as in his opinion ought to have been given, or withdraw the orders.

80. During the manufacture, conveyance, handling, storing, guarding or using of explosives, all persons so engaged shall take all due precautions for the prevention of accidents by fire, explosion or concussion and for preventing unauthorized or incompetent or unfit persons from having access to explosives, and shall abstain from any act which tends to cause fire, explosion or concussion and is not reasonably necessary in connexion with such operations and shall use every reasonable endeavour to prevent any other person from committing such act, and any other person who, after being warned, commits any such act shall be guilty of an offence. Precautions to prevent accidents

81.—(1) Whenever an accident occurs—

(a) at an explosives factory resulting in injury to persons or damage to property;

Reporting accidents

(b) at an explosives magazine;

(c) in any tunnel, quarry, mine or excavation in which explosives are being used, and resulting in injury to persons or damage to property;

(d) by fire or explosion in or about any premises occupied by the holder of a dealer's licence;

(e) as a result of the use of explosives; or

(f) in connexion with the ignition or detonation of explosives, in any other circumstances,

the person in official charge of the factory or magazine, or at the tunnel, quarry, mine or excavation, the licence holder or the person using the explosives, as the case may be, shall forthwith inform the Chief Inspector by telephone or telegram and shall also forward to the Chief Inspector in writing full particulars regarding such accident.

(2) Whether injury to persons or damage to property is caused or not every accident or occurrence in connexion with the accidental ignition or detonation of explosives or their ingredients shall be reported forthwith to the Chief Inspector by the person in official charge of the place where the accident occurred, the licence holder or the person using the explosives.

(3) Whenever an accident occurs in connexion with the accidental ignition or detonation of explosives or their ingredients, or as a result of the use of explosives and in connexion with every other accident reportable under these Regulations, causing death or grievous bodily harm to any person, the place where the accident occurred shall not be disturbed or altered before the arrival or without the consent of an Inspector, unless such interference is unavoidable to prevent further accidents, to remove dead and injured persons, or to rescue persons from danger:

Provided that work may be resumed if an Inspector has not visited the scene within 72 hours after the accident.

(4) Where injury results in the death of the person injured after the official report has been forwarded, the person using the explosives or the licence holder, or the person in official charge of the place where the accident occurred shall forthwith give notice thereof to the Chief Inspector.

PART XI PENALTIES

82. Any person offending against any of the provisions of these Regulations for which a penalty is not provided in the Act shall be liable to a fine of K200 and to imprisonment for three months.

FIRST SCHEDULE
MALAWI GOVERNMENT
EXPLOSIVES REGULATIONS, 1972
FORM A. REGULATION 6 (1)
PERMIT TO IMPORT EXPLOSIVES

FORM EXP/A

G.N.

107/1985

(Not Transferable)

Permit No.

Permission is hereby granted to—

Name (*in full*)

Address

.....

To import the following explosives into the Republic of Malawi—

Exact description of Explosives	Quantity
.....
.....
.....
.....
.....
.....
.....

Subject to the following special conditions—

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

Country from which explosives are to be imported
Name and address of manufacturer of explosives

.....
.....

Purpose for which explosives are to be used—

Address of licensed magazine in which the explosives are to be stored

.....
.....

Permit to Possess No.	Official Stamp
*Dealer's Licence No.
*Delete if not applicable	Registrar of Firearms

[Subsidiary]

Explosives Regulations

MALAWI GOVERNMENT
EXPLOSIVES REGULATIONS

FORM EXP/B

FORM B. REGULATION 6 (2)
PERMIT TO POSSESS EXPLOSIVES

(Not Transferable)

Permit No.

Permission is hereby granted to—

Name

Address

To acquire the following quantities of explosives—

Description of Explosives	Quantity
.....
.....
.....
.....

Subject to the following special conditions

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

Address and Storage Licence Number of the magazine in which the above explosives are to be stored

.....
.....

Purpose for which explosives are to be used

.....

Application received	Date and Stamp
Approved	
Forwarded to Registrar of Firearms	
.....	
.....	

Chief Inspector of Explosives

MALAWI GOVERNMENT FORM EXP/C
EXPLOSIVES REGULATIONS, 1972
FORM C. REGULATION 8 (1)
LICENCE TO MANUFACTURE EXPLOSIVES

(Not Transferable)

Licence is hereby granted to—

Name

Address

To manufacture the following kinds of explosives—

.....

.....

.....

At

Subject to any conditions hereunder set forth or attached hereto

Licence Number

Issued at Date

.....
Chief Inspector of Explosives

CONDITIONS

.....

.....

.....

.....

.....

.....

.....

FEE PAID: K10

MALAWI GOVERNMENT FORM EXP/D
EXPLOSIVES REGULATIONS, 1972
FORM D. REGULATION 9 (1)
DEALER'S LICENCE

(Not Transferable)

Licence No.

Licence is hereby granted to—

Name of Firm

[Subsidiary]

Explosives Regulations

Address

To purchase, sell and deal in the following types of explosives—

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

Address at which explosives will be stored

.....
.....

Magazine or Storage Licence Number

Issued at Date

Dealer's Licence Issued at Date

.....
Chief Inspector of Explosives

CONDITIONS

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

MALAWI GOVERNMENT FORM EXP/E
EXPLOSIVES REGULATIONS, 1972
FORM D. REGULATION 15 (1)
STORAGE LICENCE
(Not Transferable)

Licence No.

Licence is hereby granted to—

Name

Address

.....

To use a bulding situate at

.....
approved by the Chief Inspector of Explosives for use as a magazine
and for the storage of explosives not exceeding the following quantities,
subject to any conditions hereunder set forth or attached hereto—

Type of Explosives	Quantity
.....
.....
.....
.....
.....
.....
.....
.....

Licence Issued at Date

.....
Chief Inspector of Explosives

CONDITIONS

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

FEE PAID : K20

MALAWI GOVERNMENT FORM EXP/F
EXPLOSIVES REGULATIONS, 1972
FORM D. REGULATION 17 (1)
AUTHORIZED STORAGE BOXES

Storage Licence No.....

Authorization for box storage for conveyance and storage of
explosives is hereby granted to—

Name

Address

.....
who has applied by letter dated certifying that he
has constructed such boxes in accordance with the following requirements—

BOXES

- (1) Boxes shall be of antproof and waterproof material.
- (2) Boxes shall be rigidly constructed.
- (3) Hasps, staples and hinges shall be affixed in such manner that the
screws or bolts used cannot be unscrewed whilst the lid is shut.
- (4) Boxes shall be fitted with handles for conveyance.
- (5) Lids shall be clearly marked "EXPLOSIVES."

[Subsidiary]

Explosives Regulations

STORAGE

shall be in accordance with the following conditions—

G.N.

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- (1) Amount not more than:
 - * 50 kilograms of explosives.
 - * 500 detonators.
 - (2) Explosives shall be kept from shifting about by means of suitable packing. No other material, implements or tools shall be placed in such boxes.
 - (3) Boxes shall be kept off the ground when used for storage.
 - (4) The box containing explosives shall be stored as far as possible the box containing detonators.
 - (5) This authorization permit shall be affixed inside the lid of the box.
- Period for which authorization is valid
Date

*Delete line not required

.....
Chief Inspector of Explosives

FEE PAID: K10

MALAWI GOVERNMENT FORM EXP/G
EXPLOSIVES REGULATIONS, 1972
FORM G. REGULATION 41
APPLICATION FOR A BLASTING LICENCE

PART I TO BE COMPLETED BY APPLICANT

Applicants Full Name

Address

.....

I hereby apply for a blasting licence and am prepared to present myself for examination, as being thoroughly acquainted with blasting operations and with the Government regulations applying thereto. I enclose two recent passport head and shoulders photographs of myself.

Signature Date

(Give details in the space below of any previous experience in blasting and the number and country of issue of any blasting certificates held by you).

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

PART II TO BE COMPLETED BY THE HOLDER OF A PERMIT TO POSSESS
EXPLOSIVES

I, the holder of a permit to possess explosives, and employer of the above applicant do hereby declare—

- * (a) That I have been shown the blasting certificates described above.
- * (b) That to the best of my knowledge and belief the applicant is a person competent to carry out blasting operations.
- * (c) That he has sufficient knowledge of the Regulations and experience of blasting operations to present himself for examination for a blasting licence.
- * (d) That he is a responsible person.

.....
Signature of holder of permit to possess

Date

* Delete passages not applicable.

FOR OFFICIAL USE

Application received

Photographs received

Called for interview

Result of interview

Numbers of Certificates Dated

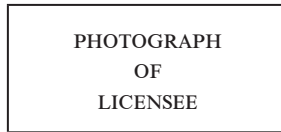
.....

MALAWI GOVERNMENT
 EXPLOSIVES REGULATIONS
 FORM H. REGULATION 42 (1)
 BLASTING LICENCE

FORM EXP/H G.N.
107/1985

Licence No

This is to certify that
 is licensed to conduct blasting operations for
 the purpose of
 for a period of three years from the date of
 issue or from the date of each renewal



.....
Signature of Licensee

Issued at this day of
19

FEE PAID K

.....
Chief Inspector of Explosives

Official Stamp

[Subsidiary]

Explosives Regulations

RENEWALS

Renewed for a further period of three years from—

1. to
 Renewal fee paid K Signed:.....
Chief Inspector of Explosives
 Official stamp
2. to
 Renewal fee paid K Signed:.....
Chief Inspector of Explosives
 Official stamp
3. to
 Renewal fee paid K Signed:.....
Chief Inspector of Explosives
 Official stamp

SECOND SCHEDULE

REGULATION 19 (2) (c)

Table showing the minimum distances in feet by which magazines must be separated from other structures and places according to the class into which such structures and places fall, as set out hereunder—

- A. Other magazines, overhead power lines.
- B. Public railways, roads and aerodromes. Structures owned by the holder of the storage licence for the magazine. Areas where the public is accustomed to assemble. Private roads which are the principal means of access to buildings in which meetings of ten or more persons habitually occur, hospitals or factories. Electrical sub-stations.
- C. Structures not owned by the holder of the Storage Licence for the magazine and areas in which petroleum as defined in the Petroleum Act is likely to be stored in excess of nine thousand litres.

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 113/1982

	<i>Quantity of Explosives in kg</i>	<i>Distances in metres</i>		
		A	B	C
Up to	225	15	30	55
	450	20	45	90
	900	25	70	140
	2,250	30	120	240
	4,500	40	175	345
	9,000	50	230	450
	18,000	60	290	575

Provided that the Chief Inspector may in any particular instance place a structure or place in any class which he considers fitting and that for quantities of explosives in excess of 18,000 kg he shall lay down the minimum distances for the above classes:

Provided further that for weights of explosives between 225 kg and 18,000 kg not stated in the above table the distances shall be obtained by interpolation.