

TITLE XII

FIREARMS AND DANGEROUS MATERIALS

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CHAPTER 79

EXPLOSIVES

AN ACT TO PROHIBIT THE MANUFACTURE AND TO REGULATE THE IMPORTATION, POSSESSION, STORAGE, TRANSPORT, SALE AND USE OF EXPLOSIVES AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

7 of 1964
LN 46A of 1978

[1st January 1968.]

1. This Act may be cited as the Explosives Act.

Short title

2. In this Act the term "explosives" means-

Interpretation

(a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those mentioned above or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect, but shall exclude-

(i) commercially manufactured fireworks except where and to the extent otherwise declared under paragraph (b) of this definition;

(ii) ammunition as defined in the Firearms and Ammunition Act; and

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(iii) rockets and flares conforming to the requirements of the Shipping Regulations and carried in compliance therewith, or intended to be disposed for use in compliance with those Regulations;

Sub. Leg
Cap. 163

(b) any substance which the Prime Minister may by notice declare to be an explosive and, without prejudice to the generality of the foregoing, the Prime Minister may declare all fireworks or any type or description of fireworks to be explosives for the purposes of this Act generally or for the purposes of such provisions of this Act or any regulations made thereunder as he shall specify.

LN 46A of 1978

3.-(1) Subject to subsection (2), no person shall have under his control or in his possession, or shall in any manner import, use, keep for sale, sell, supply or otherwise deal in any explosives save under and in accordance with the terms and conditions of a valid licence issued under this Act authorising him so to do.

Licences required for possession, import, use, sale etc. of explosives

(2) The Prime Minister may by notice exempt from the provisions of subsection (1) the control, possession and use of any explosives, in such circumstances, by such persons and for such periods, if any, as he may specify.

LN 46A of 1978

4.-(1) Subject to the provisions of this Act, licences required to be held under the provisions of section 3 may be issued by such public officers as may be appointed from time to time for that purpose by the Prime Minister by notice, and such notice shall specify the type of licence which any such officer is authorised to issue.

Issue of licences
LN 46A of 1978

(2) Any public officer, authorised under the preceding subsection so to do, may, subject to such terms and conditions as he shall specify, issue a licence, hereinafter referred to as a user's licence, authorising the use of explosives or a licence, hereinafter referred to as a dealer's licence, authorising the importation, sale, supply or other dealing in explosives, and in the case of either licence, the possession and control of explosives for the purpose authorised.

(3) Unless sooner cancelled, every user's licence shall be valid for one year from the date of issue and every dealer's licence shall be valid for such period, not exceeding one year from the date of issue, as shall thereon be specified by the issuing officer.

(4) No licence shall be transferred save with the written approval, thereupon endorsed, of a public officer authorised to issue licences of the nature sought to be transferred.

(5) Any licence shall be liable to be cancelled, suspended or restored at any time by direction of the Prime Minister.

5.-(1) No person other than the holder of a valid dealer's licence shall import any

Only licensed dealers to import explosives

explosives into Solomon Islands

LN 46A of 1978

(2) No explosives imported into Solomon Islands shall be released by an officer as defined in section 2 of the Customs and Excise Act for delivery to any person unless such person is the holder of a valid dealer's licence.

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6. No explosives shall be sold, supplied or otherwise disposed of by a dealer to any person who at the time of such sale, supply or disposal is not exempted under subsection (2) of section 3, or does not produce to the dealer a valid user's licence.

User's licence to be produced to dealer

7. Where the Prime Minister has cancelled or suspended any licence under this Act he may order all explosives held under such licence to be seized and disposed of in such manner as he shall direct, and no action shall lie in respect of such order or the execution thereof, and no compensation shall be payable in respect of any loss occasioned by the order or the execution thereof save where the Prime Minister in his sole discretion otherwise directs.

Power to direct disposal of explosives where licence cancelled or suspended
LN 46A of 1978

8.-(1) Any person who-

Offences relating to explosives

(a) makes any explosives; or

(b) being a dealer, sells, supplies or otherwise disposes of explosives in contravention of section 6 of this Act;
or

(c) contravenes or fails to comply with any of the terms and conditions of any licence issued to him under this Act; or

(d) knowingly has in his possession or under his control or imports, uses, keeps for sale, sells, supplies or otherwise deals in any explosives-

(i) in contravention of any of the provisions of this Act; or

(ii) in circumstances which, whether or not he is the holder of a valid licence, give rise to a reasonable suspicion that such explosives are not intended for a lawful object, unless he can show that such control or possession was for a lawful object,

shall be guilty of an offence and shall be liable on conviction to a fine of two hundred

dollars or to imprisonment for six months or to both such fine and such imprisonment.

(2) Any explosives in respect of which an offence is committed under the provisions of this section shall be liable to be forfeited to the Crown by order of the court which records a conviction in respect of any such offence.

9.-(1) The Prime Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act.

Regulations
LN 46A of 1978

(2) Without prejudice to the generality of the power conferred by subsection (1), such regulations may provide for-

(a) the procedure for the issue and transfer of user's and dealer's licences, the fees to be paid therefor and the conditions to which such licences may be made subject;

(b) conditions for the conveyance of explosives by sea, land or air and for the landing of explosives conveyed by sea or air;

(c) conditions for the storage of explosives and for the licensing of magazines for the storage of explosives;

(d) the imposition of a penalty of a fine not exceeding two hundred dollars or of imprisonment for a term not exceeding six months, or of both such fine and such imprisonment, for the breach of any provision contained in any regulations made under the power conferred by this section, and for the forfeiture to the Crown of any explosives in respect of which such breach takes place.

CHAPTER 79

EXPLOSIVES

Subsidiary Legislation

NOTICES OF EXEMPTION

(Section 3 (2))

LN 89/1967
LN 55/1968

The provisions of Section 3(1) of the Act shall not apply to the control, possession

and use of any explosive-

- (a) by public officers acting in the course of their duties;
- (b) being dealt with in pursuance of any agreement entered into by the Government for the removal or disposal of bombs and other explosives abandoned in Solomon Islands during World War II or thereafter in consequence of that war.

APPOINTMENT OF LICENSING OFFICERS

(Section 4(1))

[17th August 1967] LN 105/1967

Appointments as Licensing Officers have been issued to the following-

- (a) the Director of Public Works for the purposes of issuing users' licences under regulation 3 of the Explosives Regulations; and
- (b) the Commissioner of Police for the purposes of issuing dealers' licences under regulation 4 of the Explosives Regulations.

THE EXPLOSIVES REGULATIONS

LN 85/1967
LN 30/1987

(Section 9)

[1st January 1968.]

1. These Regulations may be cited as the Explosives Regulations.

Title

PART I

GENERAL

2. In these Regulations unless the context otherwise requires-

Interpretation

"adit" means a magazine consisting of a gallery or tunnel driven into the side of a hill;

"carriage" includes cart, truck, mobile crane and any other vehicle capable of being used for transport of explosives on land;

"harbour master" means a person appointed under section 3 of the Ports Act;

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"licensing officer" means, in relation to a user's licence or a dealer's licence, an officer appointed under section 4(1) of the Act and authorised to issue such a licence; in relation to a magazine licence, an officer appointed under regulation 44 (2) of these Regulations; and in relation to temporary storage of explosives under regulation 74 of these Regulations, an officer appointed to authorise such storage;

"magazine" means a user's explosives magazine or a dealer's explosives magazine licensed under the provisions of these Regulations, and includes a building erected for the storage of detonators which is complementary to a magazine in which explosives other than detonators are stored in the same area;

"officer of customs" means the senior officer of the Customs and Excise Department for the time being appointed to carry out the provisions of the Customs and Excise Act for the collection of customs dues at the place where any explosives are being imported, landed, transshipped, removed, conveyed or stored, and in the absence of such officer shall include any other officer of the Customs and Excise Department.

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PART II

DEALERS' AND USERS' LICENCES

3.-(1) A licensing officer, upon application made to him, may issue a user's licence to any person who satisfies him that he has reasonable grounds for requiring to purchase, use or have explosives in his control or possession for use and who satisfies the licensing officer that he is adequately qualified to use explosives or will at all times employ a person so qualified, and the licensing officer shall specify in such licence the nature and the maximum amount of explosives which may be purchased, possessed or used, the purposes for which such explosives are to be used, the area in which they are to be used, the person to be in charge of the blasting operations, the person to be in charge of the storage of explosives, the maximum number of persons who may assist in blasting operations and in handling in the stores, and such other conditions as, in his discretion, he considers necessary:

Users' Licences

Provided that the conditions set out in a licence may be varied during its currency

by the licensing officer so endorsing it.

(2) For the purpose of satisfying himself of the applicant's or any other person's qualification to use explosives, the licensing officer may require the applicant or other person to produce evidence of a qualification, such as a quarryman's or shot-firer's permit issued by a responsible body, or in the absence of such evidence may require the applicant or other person, by means of such oral or practical tests as he may deem fit, to prove that he is adequately acquainted with the use of explosives and the safety precautions connected therewith.

(3) A user's licence shall be in Form A in the Schedule hereto, and the fee payable upon the issue of such licence shall be ten dollars. Licences shall be made out in triplicate and the original shall be given to the licensee, the duplicate shall be sent to the Provincial Secretary in whose province the explosives are to be used, and the triplicate shall be retained by the licensing officer.

Schedule Form A
LN 30/1987

(4) The quantity and variety of all explosives sold, supplied or otherwise disposed of to the holder of a user's licence by the holder of a dealer's licence shall be endorsed by the dealer upon the user's licence, at the time when such explosives are sold, supplied or otherwise disposed of, in the appropriate space for that purpose on the licence.

4.-(1) A licensing officer, upon application made to him, may issue a dealer's licence to any person who is normally resident in Solomon Islands, or to any corporation which is incorporated in Solomon Islands or registered under the Companies Act, if he is satisfied that it is in the general interest that such licence should be issued and that the licensee has adequate facilities for the storage of such explosives in a magazine licensed under the provisions of these Regulations.

Dealers' Licences
Cap. 175

(2) A dealer's licence shall specify the maximum quantities of any explosives permitted to be imported into Solomon Islands, or to be otherwise acquired or held, by the holder thereof during the period of validity of such licence.

(3) A dealer's licence shall be valid only for the person or corporation named therein for such period not exceeding twelve months, commencing on the date of issue of the licence, as may be specified in the licence.

(4) A dealer's licence shall be in Form B in the Schedule hereto, and the fee payable upon the issue of such licence shall be forty dollars in the case of a licence issued for twelve months or four dollars per month, or part thereof, for a licence issued for a shorter period. Licences shall be made out in triplicate and the original shall be given to the licensee, the duplicate shall be sent to the Provincial Secretary in whose province the dealer resides, and the triplicate shall be retained by the licensing officer.

Schedule Form B

5. Any person to whom a user's licence or a dealer's licence is issued shall produce such licence upon demand made by any Provincial Secretary, police officer, the Commissioner of Labour or any other public officer authorised in writing in that behalf by the Prime Minister.

Licences to be produced on demand

6. No person holding a user's licence shall use any explosives except within the area defined in the licence.

Explosives not to be used outside area licensed

7. The holder of each dealer's licence shall cause to be kept in his licensed magazine, books recording the name, address, licence number and particulars of persons to whom he disposes of explosives and the quantity and variety of explosives disposed of to such persons. Such books shall be in Forms C and D in the Schedule hereto and shall be open during reasonable hours to the inspection of any Provincial Secretary, police officer, or of any other public officer, who is authorised in writing in that behalf by the Prime Minister.

Dealer to keep records
Schedule Forms C and D

8. Nothing in these Regulations shall be construed to prevent the holder of a dealer's licence from issuing explosives to any of his bona fide employees who holds a valid user's licence, for use in blasting operations confined to the work controlled by such holder of a dealer's licence, and such issues shall not be limited in quantity by the provisions of regulation 3 of these Regulations but such holder of a dealer's licence shall cause to be kept a book, in Form E in the Schedule hereto, in which shall be recorded the amounts and nature of explosives issued by him on any day to any employee. In this regulation, "employee" shall include a person carrying on blasting under contract to the holder of a dealer's licence.

Provision relating to issue of explosives for use by employees
Schedule Form E

9. Any person who contravenes or fails to comply with any of the provisions of regulations 3(4), 5, 6 and 7 of these Regulations shall be guilty of an offence and liable to a fine of eighty dollars or to imprisonment for two months or to both such fine and such imprisonment.

Penalty

PART III

LOADING AND UNLOADING OF EXPLOSIVES FROM VESSELS

10.-(1) The master of a vessel which is carrying explosives and which arrives from outside Solomon Islands shall give at least one day's clear notice of his time of arrival

Vessels unloading explosives

to the officer of customs, to the harbour master, if such person has been appointed, and to the person responsible for discharging the cargo. The harbour master or, where no such officer has been appointed, the officer of customs, shall direct the master on arrival to proceed to a specified anchorage or alongside, and the master shall move his vessel as the harbour master or such officer may from time to time direct.

(2) The master of a vessel arriving from outside Solomon Islands shall give at least one day's clear notice to the officer of customs, to the harbour master, if such person has been appointed, and to the person responsible for loading or discharging the cargo, of the time or times at which he intends to discharge or load explosives.

(3) No discharge or loading of explosives shall take place unless such explosives have been duly entered for customs purposes, or are conveyed directly and without delay into a magazine in a "customs area" as defined in the Customs and Excise Act:

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Provided that this regulation shall not apply to a ship of war or auxiliary armed vessel belonging to Her Majesty or to the Government of any part of the Commonwealth or any foreign country.

(4) All ships within the waters of Solomon Islands shall, whilst loading or unloading explosives, keep flying flag B of the International Code of Signals.

11. If in the course of loading or unloading, any explosive shall escape from the package in which it is contained, or be spilt aboard ship or in a lighter or ashore, such explosive shall immediately be carefully collected and where practicable repacked or otherwise disposed of into the sea by or under the direction of the officer charged with the supervision of loading or unloading, if escape occurs on board, or by the person in charge of loading or unloading in other cases.

Disposal of spilt
explosives

12. The master of any vessel which is carrying explosives and which is berthed alongside a wharf shall keep his vessel in a state of constant readiness to sail in the event of fire. For the purpose of this regulation a vessel shall not be deemed to be carrying explosives unless the weight of explosives carried exceeds one pound per ton of the vessel's gross registered tonnage.

Vessel to be kept in state
of readiness

13. During the whole of the time when explosives are being loaded or unloaded from any ship, there shall be present an officer of such ship specially charged with the supervision of such operation, who shall immediately before allowing any package containing explosives to be hoisted by any crane, sling or other tackle first cause such crane, sling or other tackle to be tested and proved to be in order, and if he fails to do so, he shall be guilty of an offence and liable to a fine of eighty dollars or imprisonment

Supervision

for two months.

14. While the shipping or unshipping of explosives is being carried out it shall be the duty of the master to see that notices with the words "DANGER EXPLOSIVES" in at least two inch white lettering on a red background are posted on his vessel and all persons engaged in such operations shall take all due precautions for the prevention of accidents by fire, explosion or concussion, for keeping detonators and explosives other than detonators so separated that any detonation of the former will not affect the latter, and for preventing unauthorised persons from having access to the explosives, and shall abstain from any act which tends to cause fire, explosion or concussion, and shall use every reasonable endeavour to prevent any other person from committing any such act, and any such other person who, after being warned, commits any such act shall be guilty of an offence, and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

Precautions against accidents

15.-(1) The shipping or unshipping of explosives shall be carried out only between the hours of 6.00 a.m. and 6.00 p.m.

Hours for unshipping and shipping

(2) A vessel which is carrying explosives shall not remain alongside any wharf between the hours of 6.00 a.m. and 6.00 p.m.:

Provided that the harbour master or other person in charge of the port or wharf may in his discretion exempt in writing any vessel from compliance with this paragraph if the weight of explosives carried by the vessel does not exceed ten pounds per ton of the vessel's gross registered tonnage and the cargo spaces in which such explosives are stored are effectively closed.

16.-(1) Unshipping of each parcel of explosives shall be deemed to have been completed when such parcel shall have been deposited into any boat or other vessel for conveyance to the shore, or on to the shore itself directly from the ship, and shall have been freed from the ship's tackle or landing gangway.

Completion of unshipping and shipping

(2) The shipping of each parcel of explosives shall be deemed to have commenced when such parcel of explosives shall have been delivered alongside the ship and shall have been loaded into the ship's tackle or loading gangway.

17. The master of any vessel shall be responsible for ensuring compliance with the provisions of regulations 10, 12, 14 and 15, and shall be guilty of an offence if any breach thereof occurs and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

Liability of master of vessel

PART IV

CONVEYANCE OF EXPLOSIVES BETWEEN SHIP AND SHORE

- 18.** Every boat or other vessel conveying explosives between ship and shore or shore and ship shall keep hoisted in the bows a red flag to denote that explosives are on board. No cargo or goods other than such explosives, nor any passenger or person other than the crew, shall be taken on board such boat or vessel.
- Boat to hoist flag and to carry no passengers
- 19.** If the explosives being conveyed between ship and warehouse or other place of temporary storage on shore are not effectively protected from accident from without by being in the hold of a boat or other vessel having a deck securely closed, then the explosives shall be completely covered with tarpaulin, or other suitable material, so as to protect them as effectively as possible against accident, weather or water.
- Covering of explosives
- 20.** No person shall smoke in any boat or vessel in which explosives are being conveyed from shore to ship or ship to shore.
- Smoking prohibited
- 21.** Matches or other appliances for producing fire shall not be carried on board any boat or vessel conveying explosives between ship and shore or shore and ship.
- Carrying matches prohibited
- 22.** Every boat or other vessel engaged in conveying explosives between ship and shore and shore and ship shall be navigated with due diligence and without unnecessary delay to the place of loading or unloading.
- Care in navigation of vessel carrying explosives
- 23.** While the conveyance of explosives between ship and shore and shore and ship is going on, all persons engaged in such conveyance shall observe all due precautions for the prevention of accidents by fire, explosion or concussion, for keeping detonators and explosives other than detonators so separated that any detonation of the former will not affect the latter, and for preventing unauthorised persons having access to explosives so being conveyed, and shall abstain from any act whatever which tends to cause fire, explosion, or concussion and is not reasonably necessary for the purpose of conveying such explosives, and for preventing any other person from committing any such act; and any other person who, after being warned, commits any such act, shall be guilty of an offence and shall be liable to a fine of one hundred dollars or imprisonment for six months or to both such fine and such imprisonment.
- Precautions against accidents
- 24.** Every person in charge of a boat or other vessel, and any other person who contravenes or fails to comply with any of the provisions of this Part of these
- Penalty

Regulations shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

PART V

LOADING AND LANDING EXPLOSIVES

25.-(1) Any wharf or other place used for the loading or unloading of explosives shall be kept clear of other cargo and obstruction while explosives are being unloaded or loaded. Such wharf or area shall be shut off by substantial barriers and no person or persons other than those actually engaged in the loading or unloading of the explosives shall enter the area except with the authority of a police officer of or above the rank of sergeant. No truck, lorry or other means of conveyance shall be allowed within the area except those actually engaged in the removal of the explosives from the wharf or area.

Landing of explosives

(2) The person responsible for discharging or loading the explosives shall cause notices with the words "DANGER EXPLOSIVES" in at least two inch white lettering on a red background to be posted around the area from which the explosives are being loaded or unloaded.

26. Explosives arriving in Solomon Islands from a port outside Solomon Islands shall only be unloaded at a port or sufferance wharf within the meaning of section 2 of the Customs and Excise Act.

Port to be appointed for
landing explosives
Cap. 121

27.-(1) No smoking shall be allowed within 100 feet of the place where explosives are being loaded or landed, and no person engaged in such loading or landing shall carry matches or any other appliance for producing ignition.

Smoking and carrying of
matches prohibited

(2) It is the duty of the master of the vessel loading or discharging explosives to ensure that no smoking shall be permitted on board his vessel within one hundred feet of any hatch or hold from which explosives are being loaded or discharged and no person employed aboard the vessel and engaged in such loading or unloading of the vessel shall carry matches or any other appliance for producing ignition.

28. Where explosives are to be loaded or landed by any shore-based crane, sling, or other tackle, such apparatus shall first be tested by the owners of such crane, sling, or other tackle and by the person in charge of the loading or landing, and proved to be in order.

Shore tackle, etc., to be
tested

29. Any person who contravenes or fails to comply with any of the provisions of this Part of these Regulations shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

Penalty

PART VI

CONVEYANCE OF EXPLOSIVES AFTER LANDING

30.-(1) It shall be the duty of the importer of any explosives to ensure that he or his agent shall be present at the place where explosives are being unloaded and, unless the warehouseman or authority administering the port or harbour master otherwise directs, all explosives when first imported shall immediately after being put on shore be conveyed to an explosives magazine licensed for that purpose under these Regulations.

Explosives to be conveyed to magazines

(2) Where explosives are conveyed by sea from any place within Solomon Islands to any other place within Solomon Islands, it shall be the duty of the owner to ensure that he or his agent is present at the place where the explosives are being unloaded and unless the warehouseman, harbour master or other person in charge of the place of landing otherwise directs, all explosives shall immediately after being put on shore, be conveyed to an explosives magazine licensed for that purpose under these Regulations.

31. If the explosives are not effectively protected from accident by fire from without or from moisture by being conveyed in the interior of a carriage which is enclosed on all sides with wood or metal, they shall be completely covered with tarpaulin or other suitable material so as effectively to protect the explosives against fire and moisture.

External protection against fire and moisture

32. Where explosives are conveyed in any motor vehicle, such explosives shall only be so conveyed between the hours of 6.00 a.m. and 6.00 p.m.:

Regulation of hours for conveying explosives by motor vehicle

Provided that if in a case of emergency explosives are conveyed in contravention of the provisions of this regulation the circumstances shall be reported to the Commissioner of Police at the first opportunity.

33. Every vehicle when conveying explosives shall carry a red flag at the front and the rear, so affixed as to be clearly visible.

Red flag to be carried by vehicles conveying explosives

- 34.** No vehicle while conveying explosives shall exceed a speed of twenty miles per hour. Speed limit for vehicles conveying explosives
- 35.** All iron and steel portions of a vehicle which are liable to come in contact with the containers in which the explosives are carried, shall be covered with wood, leather, cloth or other suitable material. Exposed iron and steel to be covered
- 36.**-(1) When explosives are being conveyed by vehicle, the vehicle shall be in the charge of a person conversant in the proper handling of explosives who shall be responsible for the loading and unloading of the vehicle for safety in transit and for the due observance of these Regulations. Responsible person to be in charge
- (2) In addition to the person in charge, every vehicle conveying explosives shall be manned at all times by at least one other person.
- 37.** A person whilst conveying explosives, or whilst on, in or attending to any carriage containing explosives, or whilst acting as watchman over any explosives, shall not carry matches or other appliance for producing fire, nor shall he smoke. Smoking prohibited
- 38.** While the explosives are being conveyed all persons engaged in such conveyance shall observe all due precautions for the prevention of accidents by fire, explosion, or concussion, and for preventing unauthorised persons from having access to the explosives so being conveyed, and shall abstain from any act whatever which tends to cause fire, explosion, or concussion, and is not reasonably necessary for the purpose of the conveyance of such explosives or of any article carried therewith, and for preventing any other person from committing any such act; and any such other person who, after being warned, commits any such act shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment. Precautions against accidents
- 39.** Detonators shall not be conveyed in the same carriage as any other explosives. Carriage of detonators
- 40.** When cases of explosives are conveyed by carriage, such cases shall be kept flat and secured against friction. Cases of explosives to be secured against friction
- 41.**-(1) The conveyance of explosives shall proceed with due diligence and without Progress and halts in

unnecessary delay from the place from which they are being moved to their destination. transit

(2) Villages and other inhabited places shall be avoided as far as possible.

(3) Should it be necessary to halt at any time, this shall be done at a distance of at least 250 yards from the nearest inhabited building, and watch shall be kept over the vehicle.

(4) During a thunderstorm, the vehicle shall be halted at least 250 yards from the nearest inhabited building.

42.-(1) No quantity of explosives exceeding 50 lbs. shall be conveyed through any inhabited area of land outside the area of any port established under the Ports Act, except with the approval of the senior police officer in the province and subject to such conditions as he may specify. Conditions
Cap. 161

(2) If a vehicle is used for conveyance it shall have pneumatic rubber tyres and the axle or axles shall be secured to the vehicle by springs or other shock absorbing device.

43. If any person contravenes or fails to comply with any of the provisions of this Part of these Regulations, he shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment. Penalty

PART VII

STORAGE

44.-(1) Subject to regulation 74 of these Regulations, no explosives shall be kept for sale or stored except in a magazine licensed for that purpose under the provisions of these Regulations, and nothing other than explosives and, in the case of a magazine licensed under the provisions of regulation 47 of these Regulations, detonators, shall be stored in a magazine so licensed. Magazines to be licensed

(2) Subject to the provisions of these Regulations, licences for magazines for the storage of explosives (hereinafter referred to as magazine licences) may be issued by such public officers as may be appointed from time to time for that purpose by the Prime Minister in his discretion by notice.

45. Not more than 112 lbs. of explosives other than detonators, nor 200 detonators Limitation on quantity of

shall be stored in a user's magazine, and not more than 2,240 lbs. of explosives other than detonators nor 5,000 detonators shall be stored or kept for sale in a dealer's magazine, except, in either case, upon the written authority of the licensing officer.

explosives to be stored

46. Every magazine licence issued under these Regulations shall specify the maximum amount of explosives which may be stored in the magazine, and may require that such explosives shall be stored in such containers and in such manner as to permit any person, authorised under regulation 67 of these Regulations, to inspect the magazine to see each individual package, and may contain such other special conditions as the licensing officer may think fit, and no explosives shall be stored to a greater amount or in a manner other than that specified, permitted or required by the licence.

Conditions of issue of licence

47. Where the total amount of explosives to be stored in a magazine does not exceed 112 lbs. of explosives other than detonators, nor 200 detonators, the licensing officer may issue to the holder of a valid user's licence, upon submission of such plans and information as he may require and upon payment of a fee of one dollar, a magazine licence in Form F in the Schedule hereto for a period not exceeding twelve months authorising the storage of such quantity of detonators and explosives as may be stated therein in the magazine or adit magazine described in the magazine licence.

Issue of user's magazine licence
Schedule Form F

48. In any magazine licensed under regulation 47 of these Regulations, explosives other than detonators and detonators may be kept in the magazine provided that they are separated by a substantial partition, which shall be constructed of 9" x 18" x 6" concrete hollow block and bonded into the outside walls of the magazine or otherwise constructed in such manner as the licensing officer may in writing authorise.

Storage of explosives and detonators in user's magazine

49. Where the total amount of explosives to be stored or kept for sale in a magazine exceeds 112 lbs. of explosives other than detonators and 200 detonators, the licensing officer may issue to the holder of a valid dealer's licence upon submission of such plans and information as he may require and upon payment of a fee of two dollars a magazine licence in Form G in the Schedule hereto for a period not exceeding twelve months authorising the storage of such quantity of detonators and explosives as may be stated therein in the magazine described in the licence.

Issue of dealer's magazine licence
Schedule Form G

50. In a dealer's magazine licensed under regulation 49 of these Regulations, explosives other than detonators and detonators shall be stored in separate buildings which shall be not less than 10 yards apart, or such greater distances as the licensing officer may in writing require.

Separation of detonators and explosives in dealer's magazines

51.-(1) A magazine licence issued under regulations 47 or 49 of these Regulations may be revoked by the licensing officer on conviction of the holder thereof for contravention of any of the provisions of the Act or of these Regulations, or for any contravention of any condition of the magazine licence.

Revocation of licence

(2) The licensing officer may at any time issue a new magazine licence varying the requirements and conditions contained in the magazine licence previously issued under regulations 47 or 49 of these Regulations and thereupon the last mentioned magazine licence shall become void and of no effect, and where the previous licence is current, the new licence shall be issued gratis, to the date on which the voided licence would have expired.

52. Magazine licences issued under regulations 47 and 49 of these Regulations shall be in triplicate and the original shall be given to the licensee, the duplicate shall be forwarded to the Provincial Secretary in whose province the magazine is situated, and the triplicate shall be retained by the licensing officer.

Magazine licences to be in triplicate

53. No magazine shall be authorised to be built within 100 yards of any building or furnace, steam boiler, copra drier, or forge or of anything liable to cause ignition, nor within 50 yards of any road to which the public has access, nor within 10 yards of any overhead power or transmission cable.

Distance of magazine from means of ignition

54.-(1) Subject to any relaxation of the provisions of this paragraph authorised in writing by the licensing officer-

Construction of magazine

(a) magazines licensed under the provisions of these Regulations shall be substantial buildings adequately secured against unlawful entry, and may be constructed of stone, concrete, brick, timber, corrugated iron or any combination thereof;

(b) every magazine shall be completely lined with wood;

(c) there shall be no exposed iron in any magazine;

(d) all doors of magazines shall be sheathed with iron on the outside and shall open outwards;

(e) and to the provisions of regulation 48 of these Regulations, partitions and shelves shall be of timber with all nails and screws countersunk and holes filled;

(f) if built in the open every magazine shall have a sun roof above its roof, and separated therefrom with at least twelve inches of air space.

(2) All dealer's magazines shall be surrounded by a mound or bank of loose earth or coral or similar inert material to the height of the eaves or to seven feet whichever shall be the lesser, except in the case of an adit magazine which shall have an earth bank in front of the entrance carried to a height equal to the height of the adit:

Provided that in isolated places, or where the contour of the ground renders it, in the opinion of the licensing officer, unnecessary, he may in writing dispense with mounds or banks, wholly or in part.

(3) All magazines other than adits shall be provided with an efficient lightning conductor.

(4) All magazines shall be provided with adequate drainage.

55.-(1) No explosives shall be stored within twelve inches of any wall of the magazine.

Storage of explosives
inside magazines

(2) The bottom row of cases or containers of explosives shall be not less than six inches above the floor of the magazine, and the top row shall be not more than five feet above the floor of the magazine.

(3) The horizontal distance between any two rows of cases or containers of explosives shall be not less than two feet six inches.

(4) Cases or containers of explosives shall be stored in regular layers so that a regular turnover is assured and the cases may be easily inspected.

56. The floor of a magazine shall be of concrete and wooden duck boards easily removable which shall be laid on top of the concrete floor between each row of cases or containers of explosives. All metal screws or nails used in the construction of the duck boards shall be countersunk and the holes filled:

Construction of magazine
floor

Provided that duck boards need not be provided, if with the approval of the licensing officer, the floor of a user's magazine is made of timber, close-boarded and supported on adequate joists or bearers, and not in contact with the ground, and with all nails or screws countersunk and holes filled.

- 57.** No smoking nor the ignition of a fire shall be allowed within 100 feet of any explosives magazine. Fires and smoking prohibited
- 58.** No material such as charcoal, cotton rags, or waste shall be admitted into any explosives magazine except for immediate use and removal immediately thereafter. Magazine to be kept free from charcoal, rags and waste
- 59.** No person shall enter any magazine with boots or shoes having iron or steel nails, nor shall he carry or have about him any fire, matches, or any substance or article likely to cause explosion or fire, nor any steel, iron or grit, or any naked light or lantern. Footgear and lights
- 60.** No electric power cable shall be connected to or conducted into any magazine, nor shall any power cable pass above ground within ten yards of any magazine. No electric power to be connected to a magazine
- 61.** No cultivation, shrubs, grass or woods shall be permitted within a distance of 100 feet from any magazine which shall be marked by a red notice board not less than one foot square on which the words "DANGER EXPLOSIVES" in two inch high white letters shall be displayed. Ground to be kept clear of shrubs and woods
- 62.** In every magazine there shall be provided one or more apertures the number, size, and protection of which shall be decided by the licensing officer, and such apertures shall be provided for ventilation purposes at such places in the structure as may be decided by the licensing officer. Ventilation of magazine
- 63.**-(1) In cases where it is necessary to open a package containing explosives, it shall be removed to a distance not less than 100 feet from the magazine before being opened. Opening of packages
- (2) No tools made of iron or steel shall be taken into or used in any magazine when it contains any explosive.
- 64.** Care shall be taken to prevent concussion in the storage of explosives in any magazine, and no materials other than explosives shall be allowed in any such magazine. Avoidance of concussion

65. Whenever it is necessary to repair any explosives magazine, the explosives shall be removed to a distance not less than 100 feet therefrom until the repairs are completed.

Repairs to magazines

66. Every magazine licensed under regulation 49 of these Regulations shall be surrounded by a fence of barbed wire to a height of eight feet, the strands of which shall be horizontally secured at intervals of six inches to suitable uprights, and a gate shall be provided in the fence, which shall be secured with a strong lock; such fence shall be at no point nearer than ten feet to the earth bank round such magazine, and in the case of an adit magazine, the fence shall be at no point nearer than ten feet to the top of the adit, the sides of the magazine or the earth bank in front of the entrance.

Perimeter for dealer's magazines

67. All magazines shall be opened without let or hindrance to inspection by any Provincial Secretary, police officer, the licensing officer, or any officer authorised in writing by the Prime Minister to inspect explosives magazines.

Inspection of magazines

68. It shall be lawful for a Provincial Secretary, a police officer, the licensing officer, or any other officer authorised in writing by the Prime Minister to inspect magazines, to order the destruction of any explosives found in any magazine which in his opinion have become unfit or unsafe for use, and the same shall be forthwith destroyed and no compensation shall be paid therefor.

Destruction of unfit explosives

69. Detailed site plans, building plans and specifications shall be submitted to and the approval of the licensing officer obtained before the construction of any building, road or working is commenced within a less distance from a magazine than the nearest building, road or working shown on the approved site plan of such magazine.

Approval required for construction of buildings, etc., near magazines

70.-(1) Except as hereinafter provided the keys of a user's magazine shall be kept in the custody of the licence holder and he shall supervise the storage and issue of explosives at all times.

Security of keys of magazines

(2) An applicant for a magazine licence for a dealer's magazine may nominate up to two responsible persons as key-holders, one of whom shall be present at all times when explosives are taken into or issued from the magazine; and the names of such persons shall be entered in the space provided on the dealer's magazine licence, otherwise the key-holder shall be the dealer in whose name the licence is issued.

71.-(1) Every holder of a magazine licence issued under regulations 47 or 49 of these Regulations shall report forthwith the loss of the keys of a magazine to the

Loss of keys

nearest Police Station and to the licensing officer and, until the keys are found or anew lock fitted, a watchman shall be provided by day and by night.

(2) Every holder of a magazine licence issued under regulations 47 or 49 of these Regulations shall report forthwith the loss of any explosives or detonators as soon as such loss is discovered to the nearest Police Station and to the licensing officer.

72. Any loss or deficiency of explosives in a magazine, and any breaking into a magazine whether or not there is any loss or deficiency of explosives shall forthwith be reported to the licensing officer and to the police.

Loss or breaking into to be reported

73. A copy of these Regulations and the original of the valid magazine licence shall be posted or hung in or at the magazine where they can be most conveniently read.

Posting of Regulations in magazine

74.-(1) A licensing officer may authorise in writing temporary storage by any person of such quantity of explosives not exceeding 200 lbs. in connection with any construction, mining, blasting or other project or purpose, for such period not exceeding six months and subject to the terms and conditions of this regulation and to such other terms and conditions as the licensing officer may in writing specify.

Temporary storage of explosives

(2) Regulations 48, 57, 58, 59, 60, 63, 64, 65, 67, 68, 71 and 72 of these Regulations shall apply, *mutatis mutandis*, to the temporary storage of explosives authorised under the immediately preceding paragraph.

(3) In addition to any other requirements of these Regulations the following rules shall apply to the temporary storage of explosives authorised under paragraph (1) of this regulation:-

(a) explosives shall be securely stored under lock and key in a place where they are protected from moisture and not exposed to extremes of temperature;

(b) the place of storage shall be at a reasonable distance from inhabited buildings or places of public resort and shall be reasonably secure against theft;

(c) no explosives shall be buried for safe custody.

(4) A licensing officer may at any time by notice cancel any authorisation under paragraph (1) of this regulation, and the person who was so authorised and every other person responsible for the explosives being temporarily stored shall forthwith take all reasonable steps possible to comply with the other provisions of these Regulations

and the Act.

(5) In the event of any breach of this regulation or of any of the terms and conditions specified by a licensing officer under this regulation, the person authorised under paragraph (1) of this regulation and every other person responsible for the explosives shall be guilty of an offence and liable to the penalty prescribed in regulation 75 of these Regulations.

75. Any person who contravenes or fails to comply with any of the provisions of this Part of these Regulations shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

Penalty

PART VIII

USE OF EXPLOSIVES

76.-(1) No blasting operation shall be carried out unless reasonable precautions are first taken to advise all persons resident in the neighbourhood.

Notice of blasting

(2) No blasting operation shall be carried out in an inhabited area unless, in addition to the requirements of paragraph (1) of this regulation, twenty-four hours' notice is first given to the senior police officer in the area and to the Provincial Secretary or other senior administrative officer in the area.

77. The user shall place red flags, not less than 3' x 2' in size on all roads tracks and footpaths leading to the blasting area at a safe distance from the site of blasting having regard to the amount and nature of explosives being used.

Red flags to be exhibited

78. The user shall also place notice boards by the red flags required by regulation 77 of these Regulations with the wording in block capitals, "DANGER BLASTING", and such boards shall not be less than 3' x 2' in size, painted white with red lettering, such lettering to be not less than 4" in height and of appropriate width.

Notice to be exhibited

79. The flags and notice boards required by regulations 77 and 78 of these Regulations shall only be placed for so long as may be reasonably necessary to prevent injury to any person, and shall be removed at all times when their presence may otherwise prevent the safe passage of any person who wishes to proceed along any road, track or footpath.

Removal of flags and notices

- 80.** No person shall pass such flags and notice boards without the express permission of the person in charge of blasting operations. Passing beyond flags and notices prohibited
- 81.** On any work where explosives are used the person in charge of or carrying on such work shall be responsible that only a competent person superintends blasting operations and that such person has satisfied the licensing officer that he is adequately qualified to use explosives under regulation 3 of these Regulations. Qualified person to be in charge
- 82.** Any licensing officer or Provincial Secretary may prohibit or restrict the use of explosives in places where, owing to the close proximity of buildings, blasting may appear to endanger life or property. Proximity of buildings
- 83.** Whether stored in the vicinity of the place of use or brought only in such quantities as are required for the day's work, or for immediate use, blasting cartridges and detonators shall be kept in separate locked receptacles not less than six feet apart, and charges shall not be prepared until required for use. Quantities
- 84.** During the process of blasting or preparing the charges for blasting, there shall be no smoking, fires nor uncovered lights in the vicinity. No smoking, etc.
- 85.** Only sand, water or soft clay may be used for the purposes of tamping and wooden tamping rods only shall be used. Tamping
- 86.** Before firing or igniting a charge, in addition to the foregoing provisions of this Part of these Regulations, every precaution shall be taken to prevent any person from approaching or remaining within dangerous distance and to prevent possible injury to person or property from projecting debris. Additional precautions before firing charges
- 87.** Where two or more charges are fired at the same time, using safety fuse, at least two persons shall count the shots and should any doubt arise as to the number of charges which have exploded, a delay of at least 30 minutes shall ensue before the scene of operation is revisited; and in no case shall the place of operation be left under such circumstances until it shall have been examined and found to be safe. Shots to be counted

88.-(1) Where charges are fired electrically-

Electrical firing

(a) the place of operation shall not be entered until the circuit is broken;

(b) the handle or key of the exploder shall be kept in the possession of the shot-firer; and

(c) the electric wiring circuit shall not be connected until all the requirements of this Part relating to firing of a charge have been complied with.

(2) No charges shall be placed or fired electrically in the vicinity of overhead electric wires, nor shall electric wires be placed in the vicinity of any charges.

(3) All electric wiring circuits shall be disconnected in the event of an electric storm within the radius of five miles of the blasting area.

89. Explosive charges may not be extracted from a hole when once charged, nor may any of the tamping be removed, but the hole must be fired.

Removal of charges and tamping

90.-(1) In the event of a misfire, the tamping and charge shall be flooded with water and the hole marked in a distinguishing manner, and another hole shall be drilled at a distance of not less than twelve inches and not greater than eighteen inches from the original hole and fired in the ordinary manner, and if necessary this operation should be repeated until the original charge has been exploded.

Misfires

(2) No work shall be undertaken in the vicinity of an unexploded hole except under the directions of the person in charge of blasting operations.

91. Any boring in the neighbourhood of an old borehole shall be in such a direction that there is no possibility of coming into contact with the old hole.

Proximate boring

92. Before commencing to bore new holes the surface to be operated upon shall be cleared of loose stones and debris.

Debris to be cleared

93. The use of explosives, on or in the immediate vicinity of any public thoroughfare is prohibited, except with the permission of the Provincial Secretary in charge of the province or a police officer of or above the rank of sergeant, and with all due precautions for the public safety.

Blasting near thoroughfares restricted

94. Any person who shall lose, abandon or throw away any explosives shall be guilty of an offence and liable to the penalty prescribed in regulation 97 of these Regulations:

Offence to lose, abandon or throw away explosives

Provided that nothing in this regulation shall apply to the destruction of explosives.

95. Where blasting operations take place at sea, a ship under the control of the user shall be in the immediate area and shall fly a red flag of no less than 6' x 3' from the top of the foremast. The ship shall also carry a loud hailer, capable of giving an audible warning to a distance of 100 yards.

Blasting at sea

96. Where a user wishes to blast at sea he shall notify the Chief Marine Officer or the Provincial Secretary in charge of the province of the proposed latitude and longitude, giving at least 48 hours' notice of such blasting, and the Chief Marine Officer or the Provincial Secretary as the case may be, shall give such publicity to the blasting as he deems necessary.

Chief Marine Officer or Provincial Secretary to be notified

97. Any person who contravenes or fails to comply with any of the provisions of this Part of these Regulations shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for a term of six months or to both such fine and such imprisonment.

Penalty

98. These regulations shall apply to and in relation to persons in the public service of the Crown, except to the extent that such persons have been exempted expressly or by necessary implication by or under the provisions of the Act or these Regulations.

Application to the Crown

SCHEDULE

FORM A

Obverse

SOLOMON ISLANDS

EXPLOSIVES REGULATIONS

(Regulation 3)

User's Licence

Serial No.

Permission is hereby given to:-

..... (residing at)

to purchase or otherwise acquire explosives for use, or have explosives in his control or possession for use, for the following purposes-

and subject to the following conditions

Such purchase or acquisition not to exceed
of explosives and..... detonators for any half
year.
This licence is valid until.....*and is not transferable.

Dated at this day of 19 .

Fee of \$(amount) paid on
G.T.R. No issued on

Licensing Officer

*The period of validity shall not exceed twelve months.

Reverse

EXPLOSIVES PURCHASED OR OTHERWISE ACQUIRED

<i>Dealer's Licence Number</i>	<i>Dealer's Name</i>	<i>Quantity</i>	<i>Type of Explosives</i>	<i>Date</i>
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FORM B

SOLOMON ISLANDS

EXPLOSIVES REGULATIONS

(Regulation 4.)

Dealer's Licence

Permission is hereby granted to:-

(Name)

(Address)

to import, keep for sale, supply or otherwise deal in explosives, such explosives, not to exceed
..... lbs. of explosives and
detonators at any time during the validity of this licence. This licence is valid for *months from the date
hereof and is not transferable.

Dated at this day of 19 .

Fee of \$ (amount) paid on

G.T.R. No. issued on

Licensing Officer

*Note:-The period of validity of this licence shall not in any case exceed twelve months from the date of
issue.

FORM F

SOLOMON ISLANDS

EXPLOSIVES REGULATIONS

(Regulation 47)

Licence for a User's Explosive Magazine

Serial No.

Permission is hereby granted to:-

(Name)

(Address)
who is the holder of a valid User's Licence Number
issued at on to STORE a quantity of
explosives not exceeding (in words)..... lbs.
explosives and (in words).....detonators
in a magazine, the details of which are as follows:-

(a) *Site and Location*

(b) *Brief details of Construction and Premises*

2. *Special Conditions to be observed*

3. This licence is valid until.....*
and is transferable.

Fee of \$ (amount) paid on
G.T.R. No. issued on

Dated at this day of, 19 .

Licensing Officer

*The period of validity shall not exceed twelve months.

FORM G

SOLOMON ISLANDS

EXPLOSIVES REGULATIONS

(Regulation 49)

Licence for a Dealer's Explosive Magazine

Permission is hereby granted to:

(Name)

(Address)

who is the holder of a valid Dealer's Licence Number
issued at on to STORE a quantity of
explosives not exceeding (in words)
pounds of explosives and (in words)
detonators in a magazine the details of which are as follows:-

(a) *Site and Location*

(b) *Brief details of Construction and Premises*

2. *Special Conditions to be observed*

3. *Keyholders*

The keyholders nominated by a holder of the licence are:-

(a) (Name)

(residing at)

(b) (Name)

(residing at)

4. This licence is valid until and is not transferable.

Fee of \$ (amount) paid on

G.T.R. No issued on

Dated at this day of, 19 ..

Licensing Officer

*The period of validity shall not exceed twelve months.

THE EXPLOSIVES REGULATIONS
APPOINTMENT OF LICENSING OFFICER

(Regulation 44(2).)

(17th August 1967)

The Commissioner of Police has been appointed for the purposes of issuing users' magazine licences under regulation 47 and dealer's magazine licences under regulation 49 of the Regulations.