

REPRINT

EXPLOSIVES ACT (CAP. 79)

As in force at:1 October 2009

STATUS: CURRENT

For details see Endnotes

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

EXPLOSIVES ACT (CAP. 79)

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EXPLOSIVES ACT (Cap. 79)

As in force at: 1 October 2009

1 Short title

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

2 Interpretation

In this Act the term “**explosives**” means:

- (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
 - (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;
- (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.

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

- (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.
- (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.

4 Issue of licences

- (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.
- (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 Only licensed dealers to import explosives

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

6 User's licence to be produced to dealer

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.

7 Power to direct disposal of explosives where licence cancelled or suspended

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.

8 Offences relating to explosives

- (1) Any person who:
 - (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 5,000 penalty units 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 Regulations

- (1) The Prime Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act.
- (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 5,000 penalty units 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.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 79 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Explosives Act (Cap. 79)

Constituent legislation: 7 of 1964 (Commenced 1 January 1968)
LN 46A of 1978

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 8	amd by Act No. 14 of 2009
s 9	amd by Act No. 14 of 2009