

## New Zealand.



### ANALYSIS.

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1882, No. 61.

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| <b>Title.</b>          | <p>AN ACT to amend the Law with respect to the Manufacturing, Keeping, and Storing of Gunpowder and other Explosive Substances. <span style="float: right;">[15th September, 1882.]</span></p>   |
| <b>Short Title.</b>    | <p>BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—</p>  |
| <b>Interpretation.</b> | <p>1. The Short Title of this Act is “The Explosives Act, 1882.”</p> <p>2. This Act shall apply to gunpowder and other explosives as defined by this section; and, if not inconsistent with the context,—</p> <p>“Commissioner” means the Commissioner of Trade and Customs for the time being appointed under “The Customs Laws Consolidation Act, 1882”:</p> <p>“Explosives” means—</p> <p>(1.) 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 above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and</p> <p>(2.) Includes fog-signals, fireworks, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all</p> |

descriptions, and every adaptation or preparation of an explosive as above defined :

“This Act” includes regulations made under this Act.

AS TO GUNPOWDER.

**3.** No factory for making gunpowder in any manner, and no magazine for keeping or storing gunpowder, shall be established or maintained except on the site and in the manner specified in a license for the same granted under this Act. Factories and magazines to be established and maintained under Act.

**4.** Licenses to make gunpowder may be granted by the Commissioner upon such terms and conditions as he thinks fit. Licenses to make gunpowder may be issued.

The Commissioner may require any applicant for such license to submit a plan (drawn to scale) of the proposed factory, and the site thereof, and such plan shall be deemed to form part of, and to be in this Act included in, the expression “the license.” Plan of factory to be submitted.

**5.** Such license shall contain the terms which the Commissioner thinks fit to insert therein, and shall specify such of the following matters as he thinks applicable, namely,— Conditions of license.

(a.) The boundaries of the land forming the site of the factory, and the belt of land surrounding the site which is to be kept clear, and the buildings and works, trees, shrubs, or other growing or dead timber, from which it is to be kept clear, or the distances to be maintained between the factory, or any part thereof, and other buildings and works, or between such buildings and works and such trees, shrubs, or growing or dead timber ;

(b.) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture and each description of work connected with the factory is to be carried on, and the places in the factory at which gunpowder, and any ingredients of gunpowder, and any articles liable to spontaneous ignition, or inflammable, or otherwise dangerous, are to be kept ;

(c.) The maximum number of persons to be employed in each building in the factory ; and

(d.) Any special terms which the Commissioner may think fit to insert therein, by reason of any circumstances arising from the locality, the situation, or construction of any buildings or works, or the nature of any process, or otherwise, having regard to the safety of the public.

**6.** The manufacture of gunpowder shall not, nor shall any process of such manufacture, be carried on except at a factory for gunpowder, licensed for the same under this Act. Gunpowder to be manufactured only at a licensed factory.

But nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment, and not for practical use or for sale.

**7.** If any person manufactures gunpowder, or carries on any process of such manufacture, or keeps or stores the same at any place at which he is not allowed so to do by this Act or a license issued thereunder, he shall be deemed to manufacture or keep or store gunpowder at an unauthorized place. Manufacture, &c., at an unauthorized place.

Penalty for manufacturing gunpowder at an unauthorized place.

- 8.** Where gunpowder is manufactured at an unauthorized place—
- (1.) All or any part of the gunpowder, or the ingredients of gunpowder, which may be found either in or about such place, or in the possession or under the control of any person convicted under this section, may be forfeited; and
  - (2.) The person so manufacturing shall be liable to a penalty not exceeding fifty pounds a day for every day during which he so manufactures.

Where gunpowder may be kept or stored.

**9.** Gunpowder shall not be kept at any place except as follows, that is to say,—

- (1.) In the factory licensed for the same under this Act in which it is manufactured; or
- (2.) In a magazine or store for gunpowder, licensed under this Act for keeping gunpowder; or
- (3.) In accordance with a license or other sufficient authority issued under the provisions of “The Arms Act, 1880:”

Provided that this section shall not apply to the keeping of any gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act and any other Act with respect to the conveyance of gunpowder.

Forfeiture of gunpowder kept in an unauthorized place, and penalty for so doing.

**10.** Where any gunpowder is kept or stored in an unauthorized place—

- (1.) All or any part of the gunpowder found in such place may be forfeited; and
- (2.) The occupier of such place, and also the owner of, or other person guilty of keeping, or storing the gunpowder, shall each be liable to a penalty not exceeding five shillings for every pound of gunpowder so kept.

Penalty for breach of Act or regulations.

**11.** In the event of any breach, by any act or default, in any factory or magazine, of this Act or any regulations made thereunder,—

- (a.) All or any part of the gunpowder, or ingredients thereof, in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and
- (b.) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition, in the case of a second offence, ten pounds for every day during which such breach continues.

Application of Act to existing factories.

**12.** Any factory now in existence, and used for the making of gunpowder, may be licensed under this Act; and, notwithstanding anything hereinbefore contained no provision of this Act shall extend to any such factory until the expiration of one month from the commencement of this Act, after which date all the provisions of this Act shall apply and extend to all such factories.

Licenses may be issued for storing gunpowder in magazines.

**13.** Licenses may be in like manner issued for keeping and using magazines for the storage of gunpowder made under any such license as aforesaid, and all the provisions hereinbefore contained shall extend and apply to licenses for the purpose authorized by this section.

Commissioner may appoint public magazines.

**14.** The Commissioner may from time to time appoint any place, building, or hulk which he thinks suitable to be used as a magazine for the storage and keeping of gunpowder, whether manufactured or imported.

And all such magazines and storehouses shall not be subject to the preceding provisions of this Act, but shall be subject to regulations made in the manner hereinafter prescribed.

All magazines or storehouses now used for the purposes aforesaid, and used by or under the control of the Government of the colony, shall be deemed to have been appointed under this Act, and may be brought under any such regulations as aforesaid.

Public magazines in use to be deemed to be under this Act.

#### AS TO OTHER EXPLOSIVE SUBSTANCES.

**15.** Subject to the provisions hereafter contained, all the preceding sections of this Act shall apply to every other description of explosive in like manner as if the same were herein re-enacted with the substitution of that description of explosive for gunpowder.

Application of Act to explosives generally.

#### GENERAL PROVISIONS.

**16.** The Commissioner may refuse to grant any license under this Act if he shall think the public safety so requires, or he may permit the issue thereof subject to such conditions, limitations, or modifications as he thinks fit.

Commissioner may refuse to issue a license in any case.

**17.** The Governor in Council may from time to time make, alter, vary, and revoke regulations as to all or any of the following matters:—

Governor in Council may make regulations.

- (1.) For the issue, transfer, and determination of licenses issued under this Act;
- (2.) Regulating the mode of manufacture of explosives, and the use of factories, magazines, stores, and buildings occupied or used under any license;
- (3.) Prescribing what fittings or appliances shall be kept or used in any such factory, magazine, store, or building;
- (4.) Prescribing rules for the conduct of workmen and others employed therein, and for securing the due safety of the public;
- (5.) For the inspection and examination of all buildings and places licensed under this Act, or where any explosive is stored or manufactured;
- (6.) Regulating the control and management of public magazines and the terms and conditions on which gunpowder or other explosives may be stored or kept therein by any person or persons;
- (7.) Prescribing the fees or rents to be charged for the keeping or storage of gunpowder or other explosives in any such magazine, and the persons by whom the same shall be payable;
- (8.) Prescribing penalties for breach of any such regulations not exceeding fifty pounds for any one offence.

**18.** All such regulations shall be gazetted, and upon publication in the *Gazette* shall have the force of law. And a copy of all such regulations shall be laid before both Houses of the General Assembly, within fourteen days after the publication thereof if the General Assembly be then sitting; and if not then sitting, then within fourteen days after the commencement of the session next following such publication.

Regulations to be gazetted.

Recovery of penalties.

**19.** All penalties prescribed by this Act, or any regulations made thereunder, shall be recoverable in a summary way before two or more Justices of the Peace.

Disposal of forfeitures.

All forfeitures under this Act shall be dealt with and disposed of as goods forfeited under the laws relating to the Customs may be dealt with and disposed of.

Act not to repeal, &c., other Acts in force.

**20.** Nothing in this Act shall be deemed to repeal or affect any provision in any other Act now in force relating to the making, carrying, using, storing, or keeping of any explosive within the meaning of this Act.