



ANALYSIS

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PART IV

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1957, No. 19

An Act to consolidate and amend certain enactments of the General Assembly relating to explosives

[11 October 1957]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Explosives Act 1957.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-eight.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Aircraft” has the same meaning as in the Civil Aviation Act 1948:

“Authorised explosive” means any explosive which under section eleven of this Act has been declared to be an authorised explosive for the purposes of this Act:

“Boat” means every description of vessel used in navigation, not being a ship:

“Carry” means carry on a vehicle, vessel, or aircraft; and “carriage” has a corresponding meaning:

“Chief Inspector” means the Chief Inspector of Explosives appointed under this Act:

“Container” means any case, barrel, drum, tank, tin, or other receptacle; and includes every package in or by which explosives may be cased, covered, enclosed, contained, or packed:

“Detonator” means a capsule or case which contains such a quantity of an explosive of the fifth (fulminate) class that the explosion of one capsule or case will communicate itself to other like capsules or cases:

“Explosive” means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and, without limiting the foregoing provisions of this definition, includes—

(a) Gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires, fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition of all descriptions:

(b) Any device, contrivance, or article which utilises an explosive as an integral part of it for the purposes of producing an explosive, ballistic, or pyrotechnic effect:

(c) Any preparation or adaptation of an explosive as hereinbefore defined;—
but does not include an explosive substance or explosive mixture or combination of substances that has been effectively rendered inert by a suitable form of treatment, whether by way of solution, dilution, admixture with other materials, or any other effective method, nor an explosive substance or mixture or combination of substances that has been declared not to be an explosive by the Minister by notice published in the *Gazette*:

“Inspector” means a person appointed an Inspector of Explosives under this Act; and includes the Chief Inspector; and also includes a person for the time being appointed by the Chief Inspector to perform any of the duties of an Inspector of Explosives; and also includes, within the limits of their jurisdiction under those Acts, any Inspector appointed under the Coal Mines Act 1925, the Mining Act 1926, or the Quarries Act 1944:

“Lighter” means any vessel, however propelled, used for the transport of goods between a ship at anchor offshore in any port, harbour, or roadstead and any other vessel or the quays, wharves, or shore of that port, harbour, or roadstead:

“Magazine” means any building, chamber, cave, pit, cellar, hulk, floating vessel, or place in which explosives or partly manufactured explosives are stored; but does not include a room or building in an explosives factory in which small quantities of explosives or partly manufactured explosives are stored for use in processes in the factory:

“Manufacture”, in relation to any explosive, means the process of making the explosive, or the process of adapting the explosive to make any other explosive, or the process of dividing up into component parts or breaking up or unmaking the explosive, or the process of remaking or altering or repairing the explosive, or the process of separating or picking out defective or damaged portions of the explosive:

“Master”, in relation to any ship, means any person (except a pilot) having command or charge of the ship; and, in relation to any boat belonging to a ship, means the master of the ship; and, in relation to any other boat or to any lighter, means the person having command or charge of the boat or lighter:

“Minister” means the Minister of Internal Affairs:

“Occupier”, in relation to any premises or to any part of any premises, means the person in actual occupation thereof; and, in relation to any building or part of a building in which any manufacture or trade is carried on, includes the person carrying on that manufacture or trade in the building or part thereof:

“Pilot in command”, in relation to any aircraft, means the person for the time being in command or in charge of the aircraft:

“Premises” means any land, house, storehouse, shop, factory, cellar, yard, building, or enclosed space:

“Secretary” means the Secretary for Internal Affairs:

“Ship” includes every description of vessel, whether used in navigation or in any way kept or used as a hulk or store ship or for any other purpose, and not propelled exclusively by oars:

“Store”, in relation to explosives, means retain the explosives on any premises; and “storage” has a corresponding meaning:

“Vessel” means a ship or boat of any description.

Cf. 1908, No. 57, s. 2; 1920, No. 44, s. 2

3. "Importation" defined—(1) For the purposes of this Act explosives shall be deemed to be imported into New Zealand if and so soon as in any manner whatever, whether lawfully or unlawfully, they are brought or come into New Zealand from any country outside New Zealand.

(2) Explosives whose destination is beyond New Zealand shall not be deemed to have been so imported, unless they are removed in New Zealand from the ship or aircraft in which they arrived there, but if so removed they shall for the purposes of this Act be deemed to have been imported as soon as they were brought into New Zealand as aforesaid.

(3) For the purposes of this section the term "New Zealand" shall be deemed to include not only all bays, gulfs, rivers, and other waters within the territorial limits of New Zealand, but also the whole of the waters comprised within any port of entry established under the Customs Act 1913.

4. Classification of explosives—(1) For the purposes of this Act and of any regulations under this Act, explosives are hereby divided into the several classes and divisions specified in the Schedule to this Act, and references in this Act or in any regulations under this Act to any specified class of explosive or to any specified division of any class shall be deemed to be references to that class of explosive or to that division according to the classification in that Schedule.

(2) The Governor-General may from time to time, by Order in Council, amend the Schedule to this Act—

(a) By amending the description of any class or division of explosives for the time being specified in that Schedule:

(b) By adding a description of a further class of explosives having such divisions (if any) as are specified in the Order in Council.

PART I

ADMINISTRATION

5. Administration of Act—Subject to the control of the Minister, the Secretary for Internal Affairs shall be charged with the general administration of this Act.

6. Chief Inspector of Explosives—There shall from time to time be appointed under the provisions of the Public Service Act 1912 a Chief Inspector of Explosives, who shall be an employee of the Department of Internal Affairs and,

under the general direction of the Secretary for Internal Affairs, shall be charged with the duty of carrying this Act into effect.

Cf. 1920, No. 44, s. 6 (1)

7. Deputy Chief Inspector of Explosives—There may from time to time be appointed under the provisions of the Public Service Act 1912 a Deputy Chief Inspector of Explosives, who, subject to the control of the Chief Inspector of Explosives, shall have and may exercise all the powers, duties, and functions of the Chief Inspector.

8. Inspectors of Explosives—There may from time to time be appointed under the provisions of the Public Service Act 1912 such number of Inspectors of Explosives as may be deemed necessary.

Cf. 1920, No. 44, s. 6 (1)

9. Powers of Chief Inspector and Inspectors—(1) The Chief Inspector or any Inspector may—

- (a) Subject in the case of a dwellinghouse to the provisions of subsection three of this section, at any time enter, inspect, and examine any premises, vehicle, vessel, or aircraft where he has reason to believe or suspect explosives may be found:

Provided that an Inspector shall not enter, inspect, or examine any aircraft under the powers conferred by this paragraph, unless he is accompanied by the pilot in command thereof or the owner or a representative or agent of the owner of the aircraft:

Provided further that, if the person in actual occupation of the premises or in actual charge of the vehicle or vessel or aircraft so requires, the Inspector shall, before entering on the premises or vehicle or vessel or aircraft, produce his warrant of appointment or other evidence that he is an Inspector:

- (b) Make any general or particular inquiries as to the observance of this Act or of any regulations thereunder:
- (c) Take without payment such samples of any substance which he believes or suspects to be an explosive or an ingredient thereof as are necessary for the examination and testing thereof:

- (d) Seize, detain, or remove any explosives, and any container, vehicle, vessel, or aircraft in which the explosives are being kept or carried, if he has reason to believe or suspect that there has been a contravention of this Act or of any regulations under this Act in respect of those explosives. For the purposes of this paragraph he may require the occupier of the place in which the explosives are seized or the owner of the explosives to retain them in that place, or in such other place under the control of the occupier or of the owner of the explosives as will, in the opinion of the Chief Inspector or Inspector of Explosives, least endanger the public safety:

- (e) With the consent of the Minister, and at the cost of the owner or person in possession thereof, destroy or render harmless, or give directions for the destruction or rendering harmless of, any explosive in any case where he believes it necessary in the interests of the public or of the safety of any person so to do:

Provided that in cases of imminent danger or where the owner so authorises him in writing he may so act without that consent:

- (f) Open or cause to be opened any container of explosive and without payment take samples thereof:

- (g) Investigate the circumstances surrounding any accident involving any explosive:

Provided that nothing in this paragraph shall derogate from the provisions of any other Act relating to the investigation of accidents:

- (h) Where—

(i) He has called upon any person to comply with any provision of this Act or any regulation thereunder and the person so called upon has failed to comply; and

(ii) He believes that grave danger to the public or to any person exists,—

call upon any constable to enforce his requirements by summary arrest or otherwise, and that constable or any other constable may arrest that person without warrant and take such steps as may be necessary to enforce compliance with those requirements.

- (2) Every person arrested without warrant under paragraph (h) of subsection one of this section shall be brought before a Magistrate's Court to answer the charge and to be further dealt with according to law.

(3) Unless he has reason to believe that imminent danger to the public or to any person exists, an Inspector shall not enter any dwellinghouse under the powers conferred by paragraph (a) of subsection one of this section except pursuant to a warrant by a Justice issued under subsection four of this section.

(4) Where any Justice of the Peace is satisfied on oath that there is probable cause to suspect that any breach of this Act or of any regulations under this Act has been or is being committed, or that preparation has been made to commit such a breach, within any dwellinghouse, the Justice may, by warrant under his hand, authorise an Inspector named in the warrant together with any constable to enter and search the dwellinghouse, if necessary by force, at such time or times in the day or night as are mentioned in the warrant. Every such warrant shall continue in force until the purpose for which it was granted has been satisfied.

(5) No action shall lie against the Crown or any Inspector in respect of the destruction or rendering harmless of any explosive under the powers conferred by paragraph (e) of subsection one of this section.

Cf. 1920, No. 44, s. 6 (3)

10. Occupiers and others required to facilitate performance of duties by Inspector—Every person in or about any premises or vehicle or vessel inspected under the provisions of this Act, and the pilot in command and the owner and every agent or representative of the owner of any aircraft so inspected, shall:

(a) Facilitate the entry, inspection, and examination by an Inspector:

(b) Answer to the best of his knowledge all inquiries made by the Inspector as to the observance of this Act and of any regulations under this Act, and as to the disposal by sale or otherwise of any explosives:

Provided that no person shall, on an inquiry by an Inspector under this paragraph, be required to answer any question tending to incriminate himself:

(c) Facilitate the taking of samples or the seizure, detention, or removal of any explosive, or of any container, vehicle, vessel, or aircraft, or the destruction or rendering harmless of any explosive:

(d) Comply with any requisition made by an Inspector pursuant to section nine of this Act.

Cf. 1920, No. 44, s. 7

PART II

IMPORTATION AND MANUFACTURE OF EXPLOSIVES

11. Authorised explosives—(1) The Governor-General may from time to time, by Order in Council, declare any specified explosive to be an authorised explosive for the purposes of this Act.

(2) Subject to the provisions of subsection three of this section, no person shall import into New Zealand or manufacture or sell or be in possession of any explosive that is not an authorised explosive.

(3) Notwithstanding anything in subsection two of this section, the Chief Inspector may from time to time grant a permit, subject to such terms and conditions as he thinks fit, for the importation into New Zealand or the manufacture of any specified quantity of any specified unauthorised explosive sufficient for the purpose of testing it with a view to obtaining authority for its future importation or manufacture.

(4) Every person commits an offence against this Act who fails to comply with any condition in any permit granted under subsection three of this section.

(5) Where any person is convicted of an offence under subsection two of this section, the explosives in respect of which the offence was committed and the containers thereof shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs.

Importation of Explosives

12. Importation of explosives—(1) No person shall import any explosive into New Zealand, unless he is the holder of an entry permit issued by an Inspector authorising him to import that explosive:

Provided that the Minister may from time to time, by notice in the *Gazette*, exempt any specified explosive or class of explosives from the requirements of an entry permit.

(2) An entry permit granted under subsection one of this section shall authorise the importation of only the particular consignment of specified explosive or explosives in respect of which it was granted, and, subject to the provisions of subsection three of this section, shall be sufficient authority for the unloading of that consignment or any portion thereof at the place or places specified in the permit or at such other place or places as may be subsequently approved by an Inspector.

(3) All explosives (other than explosives exempted by the Minister under subsection one of this section) imported into New Zealand shall be under the control of the Minister of Customs, and shall remain under his control until an order for their release has been issued by an Inspector of Explosives.

(4) No person shall remove any such explosives from the control of the Minister of Customs without an order for their release signed by an Inspector of Explosives.

13. Permit for importation of fireworks—(1) Subject to the provisions of subsection two of this section, every person applying for an entry permit in respect of manufactured fireworks shall at the time of making the application submit to the Chief Inspector such samples, identified by a number or other identification mark, as the Chief Inspector may require of all the types of manufactured fireworks proposed to be imported.

(2) Where the Chief Inspector has required the submission of samples of manufactured fireworks and those samples are not available at the time of making application for an entry permit in respect thereof, a permit for their importation may be granted, but the fireworks imported under that permit shall be kept in the custody of the Minister of Customs or in some place appointed by the Chief Inspector until samples have been submitted to the Chief Inspector and approved by him.

(3) Where samples of fireworks submitted for approval under subsection two of this section are not approved, the fireworks of which they are samples may, at the option of the importer, be either surrendered to the Crown and be disposed of as the Secretary directs or be re-exported from New Zealand by the importer:

Provided that, where the Chief Inspector considers that on account of their dangerous nature it would be unsafe to re-export any such fireworks, he may direct that they be destroyed forthwith.

(4) No action shall lie against the Crown or the Chief Inspector in respect of any refusal by the Chief Inspector to approve any fireworks for importation under this section or in respect of any order under this section that they be destroyed.

14. Entry permits to be produced on demand—Any person to whom an entry permit for the importation of any explosive into New Zealand has been granted under this Act shall,

whenever called upon so to do, produce the permit to any Inspector of Explosives, any officer of Customs, or the master or owner or agent of any ship or the pilot in command or the owner or agent of any aircraft in which the explosive is being carried for importation into New Zealand.

15. Importing explosives without a permit—(1) Every person commits an offence against this Act who—

- (a) Imports or attempts to import any explosive into New Zealand (not being an explosive exempted by the Minister under subsection one of section twelve of this Act) without having obtained an entry permit therefor; or
- (b) Having obtained an entry permit, imports any explosive other than the explosive or explosives in respect of which a permit was granted or in excess of the quantity specified in the permit.

(2) Where any person is convicted of an offence under this section, the explosives in respect of which the offence was committed and the containers thereof shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs.

Cf. 1908, No. 57, s. 17 (2)

Manufacture of Explosives

16. Licence to manufacture explosives—(1) Subject to the provisions of subsection three of this section, no person shall manufacture any explosive, unless he is the holder of a licence in that behalf granted by the Chief Inspector.

(2) The holder of a licence to manufacture any explosive shall not manufacture the explosive at any place other than the factory specified in the licence.

(3) Nothing in this section shall apply to—

- (a) The manufacture of a quantity of explosive not exceeding an amount reasonably necessary for the purpose of chemical experiment undertaken by or under the supervision of a qualified person and not for any other purpose nor for sale;
- (b) The filling of cartridges for small arms where those cartridges are intended solely for the personal use of the person filling the same and not for use by any other person nor for sale.

Cf. 1908, No. 57, ss. 3, 4 (1), 6

17. Applications for licence to manufacture explosives—

(1) Every application for a licence to manufacture any explosive shall be made to the Chief Inspector, and shall be accompanied by plans (drawn to scale and in duplicate) of the proposed factory and the site thereof and a statement of the processes proposed to be carried out.

(2) Before granting a licence to manufacture any explosive, the Chief Inspector may—

- (a) Require the applicant to supply such further information as the Chief Inspector considers necessary to enable him to reach a decision:
- (b) Require the applicant to produce satisfactory evidence that the experience of the applicant or the experience available to him is such that, having regard to the interests of the public safety and of the persons to be employed in the manufacture of the explosive, he is a fit and proper person to hold the licence.

18. Chief Inspector may grant or refuse licence—On any application under section seventeen of this Act the Chief Inspector may—

- (a) Grant the licence in accordance with the application;
or
- (b) Grant the licence subject to such modifications of the proposals as he thinks fit, having regard to the interests of the public safety or the safety of any particular persons or of any buildings adjacent to the proposed factory; or
- (c) Refuse to grant the licence if he thinks the interests of the public safety so require.

19. Conditions of licence—Every licence to manufacture explosives shall contain such terms as the Chief Inspector imposes under the provisions of section eighteen of this Act, and shall also specify such of the following matters as he thinks applicable, namely:

- (a) The boundaries of the land forming the site of the factory, and either the belt of land surrounding the site which is to be kept clear or the distances to be maintained between the factory or any part thereof and other buildings and works:
- (b) The situation, character, and construction of all mounds, buildings, and works on the site of or connected with the factory, and the distances thereof from one another:

- (c) 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 any explosive, and any ingredients of any explosive, and any articles which are liable to spontaneous ignition or which are inflammable or otherwise dangerous, are to be stored:
- (d) The maximum amount of explosives and ingredients thereof, wholly or partially mixed, to be allowed at the same time in any building or machine or in any process of the manufacture or within a specified distance from any building or machine, having regard to the situation and construction of the building or machine and to the distance thereof from any other building or machine or from any works:
- (e) The maximum number of persons to be employed in each building in the factory:
- (f) The names and compositions of explosives to be manufactured:
- (g) Any special terms the Chief Inspector thinks fit to insert therein, by reason of any circumstances connected with 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.

Cf. 1908, No. 57, s. 5

20. Factory not to be altered without consent of Chief Inspector—(1) The holder of any licence to manufacture explosives shall maintain every part of the factory referred to in the licence in accordance with its description in the licence and, except with the prior consent in writing of the Chief Inspector, shall make no material alteration in the factory or its surroundings, whether by enlarging it or changing its site, or by constructing buildings or works, or by altering any mound otherwise than by enlargement.

(2) The Chief Inspector shall consent to the alteration if he is satisfied that the public safety and the safety of persons employed in the factory will not be endangered by the alteration.

(3) Where after the issue of the licence, and without the prior consent in writing of the Chief Inspector, any building or work is constructed or located closer to any other building

or work than is specified in the licence or any place or building is occupied or used otherwise than is specified in the licence, the licence shall forthwith become void.

(4) Any alterations so authorised by the Chief Inspector shall be deemed to form a term of the licence, which shall be deemed to be extended or modified accordingly.

21. Offences—Every person commits an offence against this Act who—

- (a) Manufactures any explosive without first obtaining a licence in that behalf; or
- (b) Being the holder of a licence to manufacture explosives, manufactures explosives other than those specified in the licence; or
- (c) Being the holder of such a licence, carries on in the manufacture of the explosives any process other than the processes specified in the licence; or
- (d) Being the holder of such a licence, carries on in the manufacture of explosives any process in any place other than a place specified in the licence; or
- (e) Being the holder of such a licence, manufactures explosives in any place other than the factory specified in the licence; or
- (f) Being the holder of such a licence, makes any material alteration in the factory specified in the licence without the prior consent in writing of the Chief Inspector; or
- (g) Being the holder of such a licence, fails to comply with any term or condition of the licence.

Cf. 1908, No. 57, ss. 7, 8

PART III

SALE, STORAGE, AND CARRIAGE OF EXPLOSIVES

22. Application of this Part—(1) Nothing in this Part of this Act, except section thirty-eight, shall apply with respect to explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class or to any other explosive or class or division of explosive exempted from the provisions of this Part by the Governor-General, by Order in Council.

(2) Any such exemption by the Governor-General in Council may be an exemption from the whole of this Part or from the provisions of any specified sections.

Sale of Explosives

23. Explosives not to be sold without licence—(1) No person shall sell any explosive or keep any explosive for sale unless he is the holder of a licence to sell that explosive granted by an Inspector.

(2) A licence to sell explosives shall be authority to the holder to store such quantity (if any) of explosives as is specified in the licence, but the holder shall store the explosives in a building or receptacle provided for their storage and approved by an Inspector.

24. Sales of explosives—(1) Every sale of explosives shall, at the time of sale and before delivery, be entered by the licensee or by any person in his employ in a book to be kept for that purpose, together with the date of sale, the quantity and description of explosive sold, and the name, address, and occupation of the purchaser.

(2) No person shall—

(a) Hawk, sell, or expose or offer for sale any explosive in or upon any street, road, public thoroughfare, highway, or public place; or

(b) Exhibit or expose for sale any explosive on any premises.

(3) No person shall sell or deliver any explosive unless the package in which it is contained is labelled, branded, or marked in the manner prescribed by regulations under this Act.

(4) No person shall sell any explosive—

(a) To any person who is apparently under eighteen years of age; or

(b) To any person who is unknown to the seller, unless the sale is made in the presence of some witness who is known to the seller and to whom the purchaser is known, and unless the witness and the purchaser, before delivery of the explosive to the purchaser, sign their names and their respective places of abode to the entry in the book required to be kept under the provisions of this section.

(5) Every holder of a licence to sell explosives shall keep in some place of security the book required to be kept under the provisions of this section, and shall keep every record of the sale of explosives for a period of not less than three years from the date of the making of that record, or the date of the last entry in any book containing more than one such record.

(6) Every book required to be kept under the provisions of this section shall be open to inspection at all times by any constable, who may make such copies of any record therein as he thinks fit.

Cf. 1908, No. 57, s. 16 (1)–(3)

25. Offences as to sale of explosives—(1) Every person who commits a breach of section twenty-three or section twenty-four of this Act and every person on whose behalf any explosive is sold or delivered in breach of either of those sections each commits an offence against this Act.

(2) Every person commits an offence against this Act who obstructs any inspection authorised under section twenty-four of this Act.

Cf. 1908, No. 57, s. 16 (4)

Storage of Explosives

26. Exemptions from requirement of licence to store explosives—(1) Nothing in this Act shall be deemed to make unlawful the storage for private use only, and not for sale, of explosives in the following quantities:

(a) Of gunpowder or any nitro compound adapted and intended exclusively for use in cartridges for small arms, not more than thirty pounds:

(b) Of any explosive not so adapted or intended—

(i) Of gunpowder only, not more than ten pounds:

(ii) Of any explosive other than gunpowder, not more than five pounds together with not more than one hundred detonators:

(iii) Of gunpowder stored together with any other explosive, not more than the equivalent of five pounds of that other explosive (reckoning two pounds of gunpowder as equivalent to one pound of that other explosive) together with not more than one hundred detonators.

(2) Every person who stores any explosive for private use and not for sale in quantities not exceeding the limits prescribed by this section shall store the explosive in a building at a safe distance from a dwellinghouse and, except in the case of any such explosive that is in actual use, shall keep the building containing the explosive securely locked and the explosive secure from danger of accident by fire or explosion.

27. Storage of explosives—Subject to the provisions of sections twenty-six and twenty-eight of this Act, no person shall store any explosive in any place other than—

- (a) The factory in which the explosive is manufactured; or
- (b) A public magazine appointed under this Act; or
- (c) A magazine licensed under this Act for the storage of explosives; or
- (d) A storage place specified in a licence to sell explosives.

Cf. 1908, No. 57, s. 9

28. Restrictions on storage of explosives of the fifth (fulminate) class—(1) No person shall store any explosive of the fifth (fulminate) class, except in premises in respect of which a licence to manufacture explosives is in force under this Act and in a place in those premises specified in the licence.

(2) Where any person is convicted of an offence under this section, the explosives in respect of which the offence was committed and the containers thereof shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs.

29. Storage of explosives in unauthorised place—Where any explosive is stored in contravention of the provisions of section twenty-seven or section twenty-eight of this Act, the occupier of the place in which it is stored and also the owner of the explosive and any person storing the explosive each commits an offence against this Act.

Cf. 1908, No. 57, s. 10

30. Public magazines—The Minister may from time to time appoint any place, building, or cave, or any hulk or other floating vessel he thinks suitable, to be a public magazine for the storage of explosives or any specified class or division of explosive, subject to such terms and conditions as may be prescribed by regulations under this Act.

Cf. 1908, No. 57, s. 14

31. Private magazines—(1) The Chief Inspector may grant licences for the storage of explosives in private magazines, upon such terms and conditions as he thinks necessary in the interests of the public safety and the safety of the persons employed therein.

(2) Every application for a licence to establish a private magazine shall be made to the Chief Inspector, and shall be accompanied by the prescribed fee together with plans (drawn to scale and in duplicate) of the proposed magazine and the site selected for its establishment:

Provided that in the case of an application in respect of a portable magazine the Chief Inspector may waive the requirement of a site plan, but the siting from time to time of the magazine shall be subject to such conditions as the Chief Inspector may impose.

(3) The Chief Inspector may require the applicant to supply such further information as the Chief Inspector considers necessary to enable him to decide whether or not to grant the licence.

(4) The Chief Inspector may—

- (a) Grant the licence in accordance with the application; or
- (b) Grant the licence subject to such modifications of the proposals as he thinks fit; or
- (c) Refuse to grant the licence if in his opinion the interests of the public safety so require.

Cf. 1908, No. 57, ss. 12, 13

32. Private magazine not to be altered without consent of Chief Inspector—(1) The holder of a licence granted under this Act to store explosives shall maintain every part of the magazine in accordance with its description in the licence and, except with the prior consent in writing of the Chief Inspector, shall not make any material alteration in the magazine or its surroundings, whether by enlarging or adding to it or changing its site or, in the case of a magazine on land, by the construction of buildings or works, or by altering any mound otherwise than by enlargement.

(2) The Chief Inspector shall consent to the alteration if he is satisfied that the public safety and the safety of persons employed in the magazine will not be endangered by the alteration.

(3) Where after the issue of the licence, and without the prior consent in writing of the Chief Inspector, any building or work is constructed or located closer to any other building or work than is specified in the licence or any place or building is occupied or used otherwise than is specified in the licence, the licence shall forthwith become void.

(4) Any alteration so authorised by the Chief Inspector shall be deemed to form a term of the licence, which shall be deemed to be extended or modified accordingly.

Danger Buildings

33. Danger buildings—(1) Subject to the provisions of any regulations under this Act declaring any specified description of building not to be a danger building, or unless the building or part thereof has been declared in any licence under this Act or by a certificate in writing by an Inspector not to be a danger building, every building or part of a building shall be deemed for the purposes of this Act to be a danger building if there is stored or present therein, or in the course of manufacture is liable to be stored or present therein,—

(a) Any explosive; or

(b) Any partly manufactured explosive (whether or not the explosive in its finished state is exempt from the provisions of this Part of this Act under section twenty-two of this Act), or any ingredient of any explosive which either is by itself possessed of explosive properties or when mixed with any other ingredient or article also present in the building or part thereof is capable of forming an explosive mixture or an explosive compound.

(2) No person shall use any danger building for any purpose other than the storage or manufacture of explosives and the keeping of tools or implements or machinery of types approved by an Inspector for work connected with the storage or manufacture of explosives.

(3) Except as provided in a licence to manufacture explosives, no person shall take into any danger building any charcoal, whether ground or otherwise, or oiled cotton or oiled rags, or oiled waste, or any article or substance liable to spontaneous ignition.

34. Notices on danger buildings—(1) The licensee of premises on which there is a danger building shall cause to be affixed and maintained on the outside of the building, conspicuously displayed, a notice on which are legibly painted the words “DANGER – EXPLOSIVES”, or such equivalent words as may be approved by an Inspector.

(2) The licensee of premises on which there is a danger building shall cause to be affixed and maintained inside the building in such a position as to be easily read a notice setting

out the quantity of explosives or partly manufactured explosives or ingredients of explosives allowed to be in the building, and such particulars as to the number of persons allowed in the building, the operations permitted therein, or the tools permitted to be used therein as may be required by the Chief Inspector.

35. Repairs or alterations to danger buildings—No person shall make or cause to be made any repairs or alterations to or in any room or part of a danger building unless the room or part has been cleared of all explosives and partly manufactured explosives and all wholly or partially mixed ingredients of explosives and has been thoroughly decontaminated in a manner approved by an Inspector.

36. Protective clothing, etc.—(1) Every person employed in a danger building shall while working therein wear such suitable clothing as may be prescribed by regulations under this Act.

(2) Every person entering a danger building, whether employed therein or not, shall wear footwear of a type prescribed by regulations under this Act.

(3) No person shall bring into any danger building any matches or any substance or article likely to cause explosion or fire.

(4) The holder of any licence under this Act to manufacture explosives or to store explosives shall ensure by notification or other adequate means of instruction and by frequent inspection that the provisions of subsections one to three of this section are complied with.

37. Employment of young persons in danger buildings—(1) No person under the age of eighteen years shall be employed in or be permitted to enter a danger building, except in the presence and under the supervision of a person of the age of twenty-one years or upwards:

Provided that, without limiting the provisions of the Factories Act 1946, no person under the age of sixteen years shall be employed in any danger building, except in some process which has been declared by regulations under this Act to be a process which is not of itself dangerous, and except in the presence and under the supervision of a person of the age of twenty-one years or upwards.

(2) Where any person is employed in or permitted to enter a danger building in breach of the provisions of this section, the occupier of the danger building commits an offence against this Act.

Carriage of Explosives

38. Carriage of explosives in aircraft—(1) Except as provided in subsection two of this section, and subject to the provisions of any other enactment requiring or permitting any explosives to be carried in aircraft for the purposes of safety or navigation, no person shall carry any explosive in any aircraft, or consign any explosive for carriage in any aircraft, without the prior consent in writing of the Chief Inspector or without complying with the terms and conditions on which any such consent is granted.

(2) The Governor-General may from time to time, by Order in Council, exempt any specified explosive or any specified class or division of explosive from the provisions of subsection one of this section, subject to such conditions as the Governor-General in Council thinks fit.

(3) Every person who commits a breach of subsection one of this section is liable to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds.

39. Certain explosives not to be carried except with consent of Inspector—(1) No person shall carry or cause to be carried on any vehicle or in any vessel any explosive of the fifth (fulminate) class or any explosive that is not an authorised explosive, unless he is authorised in writing so to do by an Inspector:

Provided that nothing in this subsection shall apply with respect to the carriage in any vessel arriving in New Zealand from any other country of any explosive intended for importation pursuant to an entry permit issued under this Act.

(2) An authority to carry explosives may be given under subsection one of this section only if the Inspector is satisfied that the carriage is necessary having regard to the interests of the public safety or to the circumstances of the case.

40. Licences to carry certain explosives—(1) No person shall carry on any vehicle or in any vessel any explosive (other than an explosive of the first division of the sixth (ammunition) class or of the third division of the seventh (firework) class), unless he is the holder of a licence authorising him in that behalf granted by an Inspector:

Provided that a licence shall not be required under this subsection—

- (a) For the carriage of explosives intended for private use only and not being carried for hire or for the purposes of sale, in quantities not exceeding one hundred pounds, if the explosives are adequately secured to the vehicle or vessel to prevent movement of the load and are protected by wrapping in tarpaulin or other suitable means from the weather and from grit, iron, steel, sparks, or other sources of ignition or explosion; or
- (b) For the carriage by or on behalf of an Inspector of samples of explosives taken by him in the course of his duties.

(2) A licence under this section may authorise the carriage of explosives in vehicles and vessels generally or may authorise the carriage in a specified vehicle or vessel, as the Inspector thinks fit, but no person shall carry any explosive in any vehicle or vessel under the authority of the licence, unless the vehicle or vessel is so fitted as to comply with the provisions of regulations under this Act relating to the carriage of explosives.

(3) Nothing in this section shall apply with respect to the carriage in any vessel arriving in New Zealand from any other country of explosives intended for importation pursuant to an entry permit issued under this Act or for through transit.

41. Carriage of explosives in vehicles or vessels carrying passengers—(1) No person shall carry or cause to be carried any explosive of the fifth (fulminate) class or of the first division of the seventh (firework) class in any vehicle which is carrying or plying for the carriage of passengers for hire or reward.

(2) Subject to the provisions of subsection one of this section, no person shall carry or cause to be carried any explosive in any vehicle which is carrying or plying for the carriage of passengers for hire or reward, unless the quantity carried does not exceed five pounds, and unless the explosive is so secured and protected as to prevent unauthorised access thereto or danger from fire or explosion.

(3) No person shall carry or cause to be carried any explosive on any vessel carrying or plying for the carriage of

passengers for hire or reward, except in compliance with the provisions in that behalf of the Shipping and Seamen Act 1952 and the rules and regulations thereunder.

42. Explosives not to be carried by night—Except with the prior consent in writing of an Inspector given subject to such conditions as he thinks fit, no person shall carry any explosive by land at any time during the period commencing at sunset and ending at sunrise.

Packing and Marking of Explosives

43. Packing and marking of explosives—No person shall deliver any explosives to any person for carriage or storage or shall carry or store any explosives, unless the explosives are packed and labelled, branded, or marked in the manner prescribed by regulations under this Act. The omission of any brand, mark, label, word, or character so required shall be deemed a breach of this section.

Handling of Explosives

44. Handling explosives—(1) Every person engaged in loading, unloading, shipping, transshipping, or discharging explosives on to or from any vehicle or vessel shall observe the rules for handling explosives prescribed by regulations under this Act.

(2) Every person engaged in the loading, unloading, or carriage of explosives shall take such other precautions as are necessary for the prevention of accident by fire or explosion and to prevent access by unauthorised persons to the explosives or into the vicinity of the explosives.

45. Loading or unloading explosives in public places—No person shall load or unload any explosive on to or from any vehicle or vessel in or upon any street, road, public thoroughfare, or highway, except—

- (a) In the course of loading or unloading the explosive at premises in respect of which a licence under this Act is in force for the sale or storage of explosives where there is no other means of access to the premises; or
- (b) For immediate use in connection with blasting operations in the vicinity; or
- (c) In an emergency involving the vehicle or vessel.

PART IV**GENERAL PROVISIONS**

46. Inspector may require defects to be remedied or dangerous practices to cease—(1) Where, upon any inspection by an Inspector of any factory or magazine or premises in respect of which a licence is in force under this Act for the manufacture or storage or sale of explosives or of any vehicle or vessel or aircraft used for the carriage or storage of explosives, or in any other case involving the manufacture, storage, sale, carriage, or use of explosives, the Inspector considers that any matter or thing or practice connected with that manufacture, storage, sale, carriage, or use is defective or unnecessarily dangerous so as in his opinion to endanger the public safety or the safety of any person or to endanger any property, he may require the holder of the licence or his agent or the person carrying out that practice to remedy that defect or cease that practice within such time as the Inspector specifies in writing:

Provided that, where in the opinion of the Inspector any defect or practice is of such a nature as to be of immediate danger, he may require the person responsible to remedy the defect or cease the practice forthwith.

(2) Every person commits an offence against this Act who, when required by an Inspector forthwith to remedy any such defect or to cease any such practice, fails to comply with that requirement.

(3) Every person commits an offence and is liable to a fine not exceeding twenty pounds for every day on which the failure has continued who, when required by an Inspector to remedy any defect or to cease any such practice within a time specified in writing by the Inspector, fails to comply with that requirement within the time so specified:

Provided that, if the Court is satisfied that the defendant has taken steps within the time so specified to comply with the requirement but has been prevented by reasonable cause from completing within that time the work necessary for that compliance, the Court may adjourn the proceedings, and if the work is completed within a reasonable time to be determined by the Court, the Court shall dismiss the charge.

47. Vessels carrying or loading explosives—(1) The master of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load explosives shall hoist on

the ship a red flag or the flag B of the International Code by day and a red light by night.

(2) The master of any vessel in any port, harbour, roadstead, or anchorage, or the pilot for the time being in charge thereof, shall not allow that vessel to approach within two hundred yards of any other vessel that is carrying or loading explosives, except—

- (a) With the permission of an Inspector or of the Harbour-master; or
- (b) For the purpose of loading or unloading that other vessel; or
- (c) For the purpose of rendering assistance to that other vessel in an emergency.

(3) The master of any vessel carrying explosives in any port, harbour, roadstead, or anchorage, or the pilot for the time being in charge thereof, shall not allow that vessel to approach within two hundred yards of any other vessel, except—

- (a) With the permission of an Inspector or of the Harbour-master; or
- (b) For the purpose of loading or unloading that other vessel; or
- (c) For the purpose of rendering assistance to that other vessel in an emergency.

(4) Nothing in this section shall apply with respect to any vessel which—

- (a) Is carrying not more than fifty-five pounds of explosives; or
- (b) Is carrying no explosives other than explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class.

48. Abandonment or disposal of explosives—(1) Every person commits an offence against this Act who—

- (a) Abandons any explosive (whether in a public place or not); or
- (b) Leaves any explosive unattended in a public place; or
- (c) Leaves any explosive in any place (not being a public place) other than in a building that is kept securely locked; or
- (d) Buries any explosive; or
- (e) Not being the holder of a licence under this Act to manufacture or sell explosives, disposes of any explosive (otherwise than by using the same) except in a manner approved by an Inspector; or

- (f) Being the occupier of any premises in which any explosive is stored, delivers the possession of those premises to any other person without notifying that person of the presence of the explosive therein.

- (2) For the purposes of this section—

“Explosive” does not include any explosive of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class:

“Public place” includes a road, street, footpath, footway, court, alley, or thoroughfare of a public nature or open to or used by the public as of right, a public reserve, any foreshore, and any other place of public recreation or resort.

49. Damaged, defective, or unsafe explosives—(1) Where any explosive is found to be damaged or for any reason to be unfit or dangerous for use, the owner, or, if the explosive is not in the custody of the owner, the person for the time being having the custody of the explosive shall forthwith give notice thereof to an Inspector.

(2) Upon receiving that notice the Inspector shall take such steps as he thinks necessary for the destruction or safe disposal of the explosive, and shall give notice thereof to the Chief Inspector specifying the quantity and type of explosive and the method of destruction or disposal.

50. Firework displays—No person shall discharge any firework of the second division of the seventh (firework) class for the purpose of a firework display, except pursuant to a permit granted to the organiser of that display by an Inspector and subject to such terms and conditions in the permit as the Inspector imposes, having regard to the interests of the public safety and of the safety of any person.

51. Accidents—(1) Where any accident involving any explosive occurs in, about, or in connection with any vehicle, vessel, or aircraft, or any factory or magazine or premises in respect of which a licence to manufacture, store, or sell explosives has been granted under this Act, the driver or person in charge of the vehicle or, as the case may be, the owner and the master of the vessel or the owner and the pilot in command of the aircraft or the owner and the user of the explosive shall forthwith give to the Chief Inspector notice in writing of the accident, giving details of any loss of life, personal injury, or damage to property occasioned thereby.

(2) For the purpose of investigating any accident involving any explosive, an Inspector may make inquiries from any person who he has reason to believe is in possession of information that may lead to discovery of the cause of the accident.

(3) No person shall, on an inquiry by an Inspector under this section, be required to answer any question tending to incriminate himself.

(4) Subject to the provisions of subsection three of this section, every person commits an offence and is liable to a fine not exceeding twenty pounds, who on any such inquiry by an Inspector refuses to answer any question put to him by the Inspector or withholds any information in his possession relating to the circumstances surrounding the accident.

(5) Nothing in this section shall derogate from the provisions of any other Act relating to the investigation of accidents.

52. General provisions as to licences—(1) Except as provided in section twenty-three of this Act, a licence granted under this Act shall be available only for the purpose for which it was granted, and shall not be available for any other purpose for which a licence is required under this Act.

(2) Every licence granted under this Act shall be subject to the provisions of this Act and to all regulations under this Act for the time being in force.

(3) Every licence granted under this Act shall be available only to the person to whom it is granted and shall not be transferable to any other person without the consent of the Chief Inspector:

Provided that, where the holder of any such licence dies, or becomes bankrupt, or assigns his estate for the benefit of his creditors, or becomes a mentally defective person within the meaning of the Mental Health Act 1911 or a protected person under the Aged and Infirm Persons Protection Act 1912, or his property becomes administered by any other person by reason of any other disability, the person carrying on the business of the licensee shall, so long as he otherwise complies with the provisions of this Act and the regulations thereunder, be deemed for the purposes of this Act to be the holder of the licence for such reasonable time as may be necessary to allow him to apply for and obtain a licence in his own name.

(4) The holder of any licence granted under this Act shall produce his licence for inspection whenever required so to do by an Inspector.

53. Renewal of licences—(1) Subject to the provisions of section fifty-four of this Act, every licence granted under this Act shall expire with the thirtieth day of June in each year, but may be renewed from year to year on application by the holder delivered at the office of the Chief Inspector not later than the sixteenth day of June in that year, or within such further time as may be allowed by the Chief Inspector in any particular case.

(2) Where application for the renewal of a licence is duly made under this section, the licence shall, where the application is not disposed of before the date of expiry of the licence, continue in force until the application is disposed of.

(3) An Inspector shall have the same powers to grant a renewal of a licence (whether unconditionally or subject to conditions) or to refuse to grant a renewal as are conferred on him by this Act in respect of an application for a new licence:

Provided that the Inspector shall grant the renewal if he is satisfied that there has been no change in the circumstances since the granting of the licence or of the last renewal thereof, as the case may be.

54. Suspension and cancellation of licences—(1) Where proceedings for an offence against this Act or any regulations under this Act are taken against the holder of any licence granted under this Act, or where the licensee has failed to comply with any lawful requirement of an Inspector, the Chief Inspector, if he thinks fit, may suspend the licence until the information in respect of the offence has been disposed of or, as the case may be, until the requirement has been complied with.

(2) Where the holder of any licence granted under this Act is convicted of an offence against this Act or any regulations under this Act, the Chief Inspector, if he thinks fit, may cancel the licence.

55. Appeals—(1) Where the applicant for a licence or the licensee is aggrieved by any decision of the Chief Inspector or of any Inspector of Explosives relating to the granting, amendment, renewal, suspension, or cancellation of the

licence, he may, within fourteen days after receiving notice in writing of that decision from the Chief Inspector or the Inspector of Explosives, as the case may be, appeal against the decision to a Magistrate's Court.

(2) On the hearing of the appeal the Court, whose decision shall be final, may confirm or reverse the decision appealed against or may make such other order as the case may require.

(3) All appeals to a Magistrate's Court under the provisions of this section shall be made by way of originating application in accordance with the rules of that Court.

56. Offences—Every person commits an offence against this Act who—

- (a) Fails to comply with any lawful requirement of an Inspector; or
- (b) In any manner obstructs an Inspector in the execution of his duties under this Act; or
- (c) Does any act in contravention of or fails to comply with any provision of this Act.

57. General penalty—Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine not exceeding one hundred pounds, and where the offence is a continuing one, to a further fine not exceeding fifty pounds for every day on which the offence has continued.

Cf. 1908, No. 57, ss. 8 (b), 10 (b), 11 (b), 16 (4); 1920, No. 44, s. 7 (2)

58. Offences to be tried summarily—Every offence against this Act or against any regulations under this Act shall be punishable on summary conviction before a Magistrate.

Cf. 1908, No. 57, s. 17 (1)

59. Evidence—In any proceedings under this Act or under any regulations under this Act the production of any document purporting to be signed by an Inspector shall be *prima facie* evidence of the document without proof of the signature of the person appearing to have signed the document.

Cf. 1920, No. 44, s. 19

60. Forfeitures—Subject to the provisions of sections eleven, fifteen, and twenty-eight of this Act, where any person is convicted of an offence against this Act or any regulations under this Act, the Court may direct that all or any part of any explosives in respect of which the offence was committed and the containers of those explosives shall be forfeited to the Crown, and thereupon the explosives or part thereof and those containers shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs.

Cf. 1908, No. 57, ss. 8 (a), 10 (a), 11 (a), 17 (2)

61. Disposal of explosives seized—(1) Any explosives and the containers thereof seized by an Inspector under this Act may be retained by the Secretary pending the trial of any person for the offence in respect of which the explosives were seized, or may at the discretion of the Secretary be returned to the person from whom they were seized.

(2) If no such person can be traced within six months of the seizure, the explosives and the containers thereof shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs.

(3) Where proceedings are taken against any person in respect of the offence, any explosives so retained by the Secretary shall, when the proceedings are completed, be returned to the person from whom they were seized, unless, where the Court enters a conviction, the explosives are forfeited to the Crown under section eleven or section fifteen or section twenty-eight of this Act or are directed to be forfeited to the Crown under section sixty of this Act:

Provided that nothing in this subsection shall require the Secretary to return to any person any explosives of the fifth (fulminate) class except for storage in accordance with the provisions of section twenty-eight of this Act.

62. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power to make regulations conferred by this section, regulations may be made under this section—

(a) Regulating the importation of explosives into New Zealand:

- (b) Regulating the manufacture, storage, sale, carriage, and handling of explosives:
- (c) Prescribing rules for the storage, sale, carriage, and handling of explosives that are exempt from the provisions of Part III of this Act:
- (d) Providing for the destruction or other disposal of unauthorised or defective or unserviceable explosives and prescribing fees to be charged therefor:
- (e) Providing for the inspection and testing of explosives and prescribing fees to be charged therefor:
- (f) Regulating the construction of, and prescribing what fittings or appliances or tools shall be kept or used in, any factory, magazine, premises, vehicle, or vessel occupied or used under any licence granted under this Act:
- (g) Prescribing rules to be observed in the interests of safety by persons employed in any such factory, magazine, or premises or employed in the carriage of explosives:
- (h) Providing for the inspection of premises, vessels, or vehicles in respect of which licences are granted under this Act or in which any explosive is manufactured, stored, or carried:
- (i) Regulating the control and management of public magazines, and declaring the terms and conditions on which explosives may be stored therein:
- (j) Prescribing fees or rents to be charged for the storage of explosives in any public magazine:
- (k) Prescribing the manner of applying for any permit or licence under this Act and any amendment or renewal thereof, and the fees to be paid for the issue or renewal thereof:
- (l) Prescribing the form of book to be kept for entering particulars of sales of explosives, and for the inspection of that book and the entries therein:
- (m) Prescribing the mode of packing explosives and the mode of marking packages of explosives:
- (n) Regulating the use of explosives and providing for the issue of certificates of competency in the use of explosives and the fees payable in respect of those certificates:

- (o) Prescribing fines for offences against the regulations, not exceeding one hundred pounds, and further fines for continuing offences against the regulations, not exceeding fifty pounds for each day during which the offences have continued:
- (p) Generally for such other purposes as he deems expedient in the interests of the public safety.

(3) All regulations made under this Act shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1908, No. 57, s. 15; 1949, No. 51, s. 14

63. Repeals and savings—(1) The following enactments are hereby repealed, namely:

- (a) Part I of the Explosive and Dangerous Goods Act 1908:
- (b) Subsections one and two of section six of the Explosive and Dangerous Goods Amendment Act 1920:
- (c) Section fourteen of the Statutes Amendment Act 1949.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(3) All licences granted under any regulations made under any enactment repealed by this Act and in force at the commencement of this Act shall continue in force as if they had been granted under this Act.

Section 4

SCHEDULE

CLASSIFICATION OF EXPLOSIVES

CLASS 1: GUNPOWDER

THE term "gunpowder" means exclusively gunpowder ordinarily so called, consisting of a mixture of charcoal and sulphur with potassium nitrate or sodium nitrate or both; and includes blasting powder.

CLASS 2: NITRATE MIXTURE

The term "nitrate mixture" means any preparation (other than gunpowder) formed by the mechanical mixture of a nitrate or perchlorate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur is or is not added to the preparation and whether the preparation is or is not mechanically mixed with any other non-explosive substance.

CLASS 3: NITRO-COMPOUND

The term "nitro-compound" means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether the compound is mechanically mixed with other substances or not.

This class is in two divisions, namely:

Division 1: Any explosive consisting wholly or partly of one or more liquid nitro-compounds.

Division 2: Any other nitro-compound.

CLASS 4: CHLORATE MIXTURE

The term "chlorate mixture" means any explosive containing a chlorate.

This class is in two divisions, namely:

Division 1: Any chlorate preparation which consists in part of a liquid nitro-compound.

Division 2: Any other chlorate mixture.

CLASS 5: FULMINATE

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which from its great susceptibility to detonation is suitable for employment in percussion caps or any other appliances for developing detonation, or which from its extreme sensibility to explosion, and from its great instability (that is, its readiness to undergo decomposition from very slight exciting causes) is especially dangerous.

This class is in two divisions, namely:

Division 1: Such compounds as the fulminates of silver and mercury, and preparations of those substances; and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of phosphorous compounds with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or a sulphide, with or without carbonaceous matter.

SCHEDULE—*continued*

Division 2: Such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

CLASS 6: AMMUNITION

The term “ammunition” means any explosive of any of the foregoing classes enclosed in any case or contrivance so as to form a cartridge, charge, fuse, firing tube, percussion cap, detonator, fog signal, shell, torpedo, war rocket, or other like contrivance other than a firework, or any explosive so otherwise adapted or prepared as to form any contrivance other than a firework.

The term “percussion cap” means a capsule or case of metal containing not more than 0.5 grain of an explosive of the fifth (fulminate) class, the explosive being covered or protected by a coating of tin foil or other approved material and the case or capsule not containing an anvil:

Provided that where the proportion of fulminate of mercury in the composition does not exceed 25 per cent, the aforesaid limit may be increased to 0.6 of a grain:

Provided also that the whole shall be of such strength that the ignition of one such cap will not ignite other like caps.

The term “railway fog signal” means a railway fog signal enclosed in a case or contrivance of such strength and construction and containing an explosive in such quantity that the explosion of one railway fog signal will not communicate to other like railway fog signals.

The term “safety cartridges” means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent an explosion in one cartridge being communicated to other cartridges.

The term “safety fuse” means a fuse for blasting which—

- (a) Burns and does not explode;
- (b) Burns under all conditions of practical use at an approved even average rate;
- (c) Does not contain its own means of ignition; and
- (d) Is of such strength and construction and contains an explosive in such quantity that the burning of the fuse will not communicate laterally to other like fuses.

The term “containing its own means of ignition”, as applied to ammunition, means having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire it by friction or percussion.

This class is in three divisions, namely:

Division 1: This division consists of percussion caps, railway fog signals, safety cartridges, safety fuses, and other devices of a similar nature not capable of explosion *en masse*.

Division 2: Any ammunition which does not contain its own means of ignition and is not included in division 1.

Division 3: Any ammunition which contains its own means of ignition and is not included in division 1.

SCHEDULE—*continued*

CLASS 7: FIREWORK

The term “firework” comprises firework composition and manufactured fireworks.

The term “firework composition” means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks and is not included in any of the foregoing classes; and includes any star and any coloured fire composition not included in division 2 or division 3 of this class.

The term “manufactured firework” means any explosive of any of the foregoing classes or firework composition enclosed in a case or contrivance or otherwise manufactured so as to form a squib, cracker, rocket (other than a war rocket), maroon, lance, wheel, chinese fire, roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals; and includes coloured fire compositions when those compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding one pound, enclosed in a substantially constructed hermetically closed metal case.

This class is in three divisions, namely:

Division 1: Firework composition.

Division 2: Manufactured fireworks which either—

- (a) Contain each more than 600 grains of firework composition or explosive of any other class; or
- (b) Are liable to explode *en masse*; or
- (c) Have not been approved by the Chief Inspector as suitable for unrestricted retail sale to the public.

Division 3: Manufactured fireworks which—

- (a) Contain not more than 600 grains of firework composition or explosive of any other class enclosed in a case of paper or other suitable material of such strength, construction, and character that the ignition or explosion of one such firework will not cause the explosion *en masse* of other like fireworks kept or conveyed therewith; and
 - (b) Are approved by the Chief Inspector in accordance with regulations under this Act as being suitable for unrestricted retail sale.
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