

# EXPLOSIVES AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the Explosives Act 1957.

*Clause 1* relates to the Short Title.

*Clause 2, subclause (1)* inserts a new section 23A in the principal Act making it an offence to sell by retail any firework other than certain specified or approved varieties, except during the week expiring with the 5th day of November in any year. A proviso enables the Chief Inspector of Explosives to consent to retail sales at other times, at his discretion and subject to such terms and conditions as he thinks fit. The term "sale" is defined for the purposes of the new section to include the display of fireworks for sale, but does not include the advertising of fireworks for sale. For the purposes of the new section, inspectors of dangerous goods appointed by local authorities under section 8 of the Dangerous Goods Act 1957 are deemed to be inspectors of explosives.

*Subclause (2)* is a consequential amendment.

*Hon. Mr May*

## EXPLOSIVES AMENDMENT

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### ANALYSIS

Title	1. Short Title 2. Restriction on sale of fireworks
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### A BILL INTITULED

#### An Act to amend the Explosives Act 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**—This Act may be cited as the Explosives Amendment Act 1973, and shall be read together with and deemed part of the Explosives Act 1957\* (hereinafter referred to as the principal Act).

**2. Restriction on sale of fireworks**—(1) The principal Act is hereby amended by inserting, after section 23, the following section:

“23A. (1) No person shall sell by retail any explosive of the third division of the seventh (firework) class except during the week that ends with the 5th day of November in each year.”

\*1957 Reprint, Vol. 4, p. 731  
Amendments: 1958, No. 66; 1962, No. 65

“(2) Notwithstanding anything in subsection (1) of this section, but subject to all other provisions of this Act and of any other Act,—

“(a) Amorges, crack-shots, snaps for bonbon crackers, streamer bombs, and any other firework of a like nature that is approved by the Chief Inspector of Explosives for the purpose, may be sold by retail at any time of the year: 5

“(b) On application being made in writing to the Chief Inspector of Explosives, the Chief Inspector may, if satisfied that any occasion or event so warrants, consent in writing to the sale by retail of any explosive of the third division of the seventh (firework) class, other than any firework specified in or approved pursuant to paragraph (a) of subsection (2) of this section, by any named person or persons, at such specified other times and on such conditions and subject to such terms as he may think fit. The terms may include any condition restricting the means of sale, or the persons or class of persons purchasing, or the purpose for which the explosives may be sold, or the cause of celebration or place or time at which the explosives may be used, or any other matter whatsoever. 10 15 20

“(3) For the purposes of this section, ‘sale’ includes displaying, exposing, or exhibiting for sale; but does not include ‘advertising’; and ‘to sell’ has a corresponding meaning. 25

“(4) Every Inspector of Dangerous Goods appointed under section 8 of the Dangerous Goods Act 1957 shall, for the purposes of this section and for the purposes of undertaking such other duties of an Inspector of Explosives in relation to the sale and storage of fireworks as the Chief Inspector of Explosives may determine, be deemed to be an Inspector of Explosives, and for those purposes but no other may, subject to the control of the Chief Inspector, exercise all the powers of an Inspector of Explosives under this Act.” 30 35

(2) Section 22 of the principal Act is hereby consequentially amended by omitting from subsection (1) the words “section thirty-eight”, and substituting the words “sections 23A and 38”. 40