

Seychelles

Explosives Act

Act 36 of 1965

Legislation as at 30 June 2012

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Explosives Act
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Seychelles

Explosives Act Act 36 of 1965

Commenced on 1 June 1966

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 36 of 1965; SI. 95 of 1975; SI. 104 of 1975; SI. 72 of 1976; Act [23 of 1976](#); Act [31 of 1980](#)]

1. Short title

This Act may be cited as the Explosives Act.

2. Interpretation

In this Act, unless the context otherwise requires,

"**Chief Inspector**" means the Chief Inspector of explosives appointed under [section 3](#);

"**blasting materials**" means explosives used for the purpose of blasting;

"**explosives**" means

- (a) gunpowder, nitro glycerine, dynamite, gelignite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion;
- (b) any fuse, rocket, detonator or cartridge, and every adaptation or preparation of an explosive as herein defined;
- (c) any other substance, which the Minister may, by notice in the *Gazette*, declare to be an explosive,

and includes any apparatus, machine, implement or materials used, or intended to be used, or adapted for causing or aiding in causing any explosion in or with any explosives and also any part of any such apparatus, machine or implement; but does not include arms and ammunition in respect of which a licence to possess or to deal in is regulated by any other law;

"**Government store**" means any place or places appointed by the Chief Inspector by notice in the *Gazette* for the storage of explosives;

"**inspector**" means the Chief Inspector or an inspector of explosives appointed under [section 3](#);

"**manufacture**" means the making and division of any explosive from or into its component parts by any process, the conversion of an explosive into an explosive of another kind and the alteration, fitting for use or repair of, any explosive;

"**prescribed**" means prescribed by regulations made under this Act;

"**regulations**" means regulations made under [section 19](#).

3. Appointment of inspectors

The President may appoint*, by name or by office, a Chief Inspector of explosives and such inspectors of explosives as to him may seem necessary for carrying out the provisions of this Act, and all such appointments shall be notified in the *Gazette*.

4. No explosives to be manufactured, imported, sold, dealt in or disposed of without permit

- (1) No person shall manufacture, import, sell, deal in or otherwise dispose of explosives except under the authority of a written permit issued by the Chief Inspector or of a licence issued in accordance with the regulations and in strict compliance with any conditions or limitations which may be contained in such permit or licence or which may be prescribed.
- (2) Any person who contravenes or fails to comply with the provisions of this section or any conditions or limitations prescribed in any permit or licence issued under this section or by the regulations is guilty of an offence and is liable to a fine of two thousand rupees and to imprisonment for three years and the explosives shall be forfeited.
- (3) The owner and the occupier of any premises in or on which explosives have been manufactured in contravention of this section shall be deemed to be the manufacturer, unless such owner or occupier (as the case may be) satisfies the court before which he is charged that he was unaware that any such contravention was occurring or had occurred.

5. No explosives to be purchased or acquired without permit

- (1) No person shall purchase or acquire explosives except under the authority of, to the extent authorised and in accordance with any conditions or limitations contained in, a written permit issued by an inspector, and no person shall sell or deliver to any person explosives without the production of such permit by the purchaser or the person to whom such explosives are to be delivered.
- (2) Any person who contravenes or fails to comply with the provisions of this section or any conditions or limitations contained in a permit issued under this section is guilty of an offence and is liable to a fine of one thousand rupees and to imprisonment for one year.

6. Restriction on storage of explosives

- (1) No person shall keep or store explosives in or on any premises, except a Government store, unless
 - (a) the explosives are kept for private use, and not for sale or other disposal, and in accordance with the regulations; or
 - (b) the explosives are kept by a person in possession of a licence to deal in explosives issued by the prescribed authority and in accordance with any conditions or limitations attached to that licence or which may be prescribed; or
 - (c) the explosives are kept in such manner and in such quantities as may be approved in a written permit issued by the Chief Inspector.
- (2) Any person who contravenes or fails to comply with the provisions of this section or any conditions or limitations prescribed in any permit or licence issued under this section or by the regulations, is guilty of an offence and is liable to a fine of one thousand rupees and to imprisonment for one year and the explosives shall be forfeited.
- (3) The owner and the occupier of any premises in, at or on which any contravention of this section has occurred, shall be deemed to be the person who kept or stored the explosives, unless such owner or occupier (as the case may be) satisfies the court before which he is charged that he was unaware that any such contravention was occurring or had occurred.

G.N. 190 of 1974 Commissioner of Police has been appointed as the Chief Inspector of explosives and Officers in Charge of Police Stations have been appointed inspectors of explosives.

7. Prohibition of conveyance of explosives without permit

- (1) No person shall convey explosives or cause them to be conveyed within Seychelles, except under and in accordance with a written permit issued by an inspector:

Provided that no permit shall be required for the conveyance of explosives within any land or property belonging to or occupied by the person conveying or authorising the conveyance of the explosives.

- (2) Any person who contravenes or fails to comply with the provisions of this section or of any permit issued under this section is guilty of an offence and is liable to a fine of two thousand rupees and to imprisonment for three years.

8. Issues of permits to possess explosives

- (1) An inspector may issue a permit to a person to be in possession of explosives to the extent authorised and subject to any conditions or limitations contained in such permit.
- (2) An inspector may in a permit issued under this section authorise the holder thereof to supply to his employees or agents for purposes to be stated in the permit the explosives which the holder is allowed to possess under such permit.

9. Restriction on possession of explosives

- (1) A person may be in possession of explosives only if—
 - (a) he holds a valid licence to deal in explosives issued under paragraph (b) of subsection (1) of [section 6](#); or
 - (b) he holds a valid permit to convey explosives issued under subsection (1) of [section 7](#); or
 - (c) he holds a valid permit to be in possession of explosives issued under subsection (1) of [section 8](#); or
 - (d) he is the employee or agent of a person holding a valid permit to be in possession of explosives to whom authority has been given to supply explosives under subsection (2) of [section 8](#) and has been issued with and uses or holds the explosives in accordance with authority;
 - (e) he is authorised so to be in possession under the provisions of the regulations.
- (2) Any person who is in possession of explosives otherwise than in accordance with the provisions of this section is guilty of an offence and is liable to a fine of three thousand rupees and to imprisonment for five years and the explosives shall be forfeited.

10. Restriction on use of explosives and blasting materials

- (1) No person shall use explosives except for the purposes and at the places specified in any permit or authority issued in respect thereof.
- (2) No person shall use any blasting materials unless he is in possession of a valid blasting certificate issued to him under [section 11](#) or is under the immediate supervision and effective control of the holder of such a certificate.
- (3) No person shall allow or suffer any subordinate to use any blasting materials unless such subordinate is the holder of a valid blasting certificate issued to him under [section 11](#) or is under the immediate supervision and effective control of the holder of such a certificate.
- (4) Any person who contravenes the provisions of this section is guilty of an offence and is liable to a fine of one thousand rupees and to imprisonment for one year.

11. Issue of blasting certificates

- (1) Application for a blasting certificate shall be made to the Public Works Manager.
- (2) No blasting certificate shall be granted or renewed unless the Public Works Manager is satisfied that the applicant is a fit and proper person to be in charge of explosives and competent to conduct blasting operations.
- (3) The Public Works Manager may for good and sufficient cause revoke or suspend a blasting certificate.
- (4) Any person aggrieved by the decision of the Public Works Manager relating to the issue, refusal, revocation or suspension of a blasting certificate may appeal to the Minister whose decision shall be final.

12. Validity and extent of permits and authority

A permit or authority issued under this Act may be issued for one or more transactions, with respect to a particular kind of explosive and a particular amount thereof authority or may be general, and shall be valid for such period as may be named in the permit or authority unless issued for one or more transactions when it shall expire on the completion of the transactions.

13. Precaution against loss of explosives

- (1) Every person having in his possession or under his control any explosives shall take all precautions which, having regard to the purpose for which such explosives are lawfully used, are reasonable to ensure that such explosives are not lost or stolen or are not at any time available to any person not lawfully entitled to possess the same.
- (2) Any person who
 - (a) fails to comply with the provisions of this section; or
 - (b) possessing or having possessed any explosives, refuses or fails, on demand made by a police officer or by an inspector, to give a true account of the location or disposal of such explosives or to produce all relevant permits, licences or other authority issued to him,is guilty of an offence and is liable to a fine of two thousand rupees and to imprisonment for three years.
- (3) In a prosecution for an offence against paragraph (a) of subsection (2), the onus shall lie on the accused to prove that he took all reasonable precautions required to be taken under subsection (1).

14. Penalty for hiding, etc., explosives

Any person who buries, submerges or otherwise hides explosives, or abandons explosives, or leaves explosives unattended in such manner and for such period that it is possible for other persons to have access thereto, is guilty of an offence and is liable to a fine of two thousand rupees and to imprisonment for three years.

15. Causing explosion likely to endanger life or property

Any person who wilfully and unlawfully causes by any explosives an explosion of a nature likely to endanger life or to cause serious injury to property, whether any injury to person or property has been actually caused or not, is guilty of an offence and is liable to imprisonment for life.

16. Attempt to cause explosion, etc., likely to endanger life, etc.

Any person who wilfully and unlawfully—

- (a) does any act with intent to cause by any explosives, or conspires to cause by any explosives, an explosion of a nature likely to endanger life or to cause serious injury to property; or
- (b) makes or has in his possession or under his control any explosives with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property,

is, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, guilty of an offence and is liable to imprisonment for fourteen years, and the explosives shall be forfeited.

17. Making, ect., explosives under suspicious circumstances

Any person who makes or knowingly has in his possession or under his control any explosives, in such circumstances as to give rise to a reasonable suspicion that he is not making them or does not have them in his possession or under his control for a lawful object, is, unless he can show that he made them or had them in his possession or under his control for a lawful object, guilty of an offence and is liable to imprisonment for fourteen years, and the explosives shall be forfeited.

18. Powers of police officers and inspectors

- (1) Any police officer or any inspector may, for the purposes of ascertaining whether the provisions of this Act are being complied with,
 - (a) enter any premises or place where explosives are manufactured, stored, kept or used, at any hour of the day and night;
 - (b) take samples of explosives or any substance resembling explosives in the possession of any person;
 - (c) require the occupier or owner of any store or place where explosives are kept or the person in charge or in possession of any explosives to give such information as he may reasonably require;
 - (d) stop, detain and search any vehicle which he has reasonable grounds to believe is being used for the conveyance of explosives.
- (2) Any police officer or any inspector who has reasonable cause to believe that any explosives found by him are liable to forfeiture under this Act may seize such explosives.
- (3) Any person who assaults, resists or wilfully obstructs any police officer or inspector in the due execution of his duty under this section or who fails to supply any information asked for by any police officer or inspector under the provisions or paragraph (c) of subsection (1) is guilty of an offence and is liable to imprisonment for five years.

19. Regulations

- (1) The Minister may make regulations generally for carrying out the objects and provisions of this Act and in particular without prejudice to the generality of the foregoing power, such regulations may provide for
 - (a) The fees payable for licences or permits or renewals or duplicates or amendments thereof;
 - (b) the returns or information which persons manufacturing, importing, dealing in or using explosives may be called upon to supply;

- (c) the forms to be used for applications, certificates, licences, permits, returns or other documents;
 - (d) the procedure to be followed and the information to be given in the case of any application under this Act;
 - (e) the classification of different kinds of explosives;
 - (f) the manufacture of explosives;
 - (g) the construction and licensing of stores and the specifications to which they are to be built;
 - (h) the report of and inquiry into accidents;
 - (i) the import, handling, packing, transport, purchase, sale, possession, use, storage and destruction of explosives;
 - (j) the conditions to be observed by persons engaged in basting operations;
 - (k) anything which may be necessary or expedient in the interest of public safety, the protection of life and property; and
 - (l) anything which may be or is required to be prescribed under this Act.
- (2) Such regulations may create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and may prescribe the maximum penalties for such offences such maximum not to exceed a fine of one thousand rupees and a period of two years' imprisonment and further may provide that explosives, if any, in relation to which the offence is committed, may or shall be forfeited.

20. Saving

Nothing in this Act shall apply to—

- (a) the manufacture, importation, storage, possession, use or conveyance of explosives by—
 - (i) the Defence Force;
 - (ii) the Government of Seychelles and any department thereof;
 - (iii) the Seychelles Police Force;
 - (iv) such other person or authority as may be prescribed;
- (b) the purchase, acquisition, possession, use or conveyance of fireworks (including bangers).