

EXPLOSIVES ACT
(Cap. 24:02)

EXPLOSIVES (AMENDMENT) REGULATIONS, 1979

(Published on 27th April, 1979)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulations 79 and 90 of Cap. 24:02 Sub. Leg.

IN EXERCISE of the powers conferred on the President by section 4 of the Explosives Act, the following Regulations are hereby made —

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| Citation | 1. These Regulations may be cited as the Explosives (Amendment) Regulations, 1979. |
| Amendment of regulations 79 and 90 of Cap. 24:02 Sub. Leg. | <p>2. The Explosives Regulations are hereby amended as follows —</p> <p>(a) by the substitution for regulation 79 of the following new regulation —</p> <p>“Endorsement of blasting licence for operations underground or in fiery mine</p> <p>79. (1) Subject to the provisions of subregulation (2), no person shall conduct or be allowed to conduct any blasting operations —</p> <p>(a) underground, or be in charge of a section or portion of a mine underground, unless he is the holder of a blasting licence issued under these Regulations and such licence has been endorsed by an Inspector permitting the holder to conduct blasting operations underground; or</p> <p>(b) in any fiery mine, or be in charge of a section or portion thereof, unless he is the holder of a blasting licence issued in accordance with these Regulations and such licence has been endorsed by an Inspector permitting the holder to conduct blasting operations in any fiery mine.</p> <p>(2) Subject to the exemption provided in subregulation (3), an Inspector shall not issue and endorse a blasting licence under subregulation (1) unless he is satisfied that the applicant has had 150 approved shifts underground with at least 75 shifts at the working face, and has attended such approved course of instruction relating to the handling, use and storage of explosives as may be directed by the Chief Inspector of Explosives.</p> <p>(3) The holder of a mining engineer's degree or diploma recognized by the Chief Inspector of Explosives may be exempted from one-half of the experience required under subregulation (2),”;</p> |

(b) by the substitution for regulation 90 (2) to (6) of the following new subregulations –

“ (2) If in the opinion of the Inspector the holder of a blasting licence is guilty of an act of negligence in relation to storage, use or conveyance of explosives or of a contravention of the Act or these Regulations or has a disability rendering him unfit to conduct blasting operations, the Inspector –

(a) may issue a verbal or written warning to the holder of the licence, or suspend the licence, and such warning or suspension may be endorsed on the blasting licence; or

(b) shall, in a case where criminal proceedings are instituted or are to be instituted against the holder of the licence, suspend the licence pending the determination of the proceedings and such suspension may be endorsed on the licence.

(3) The period of suspension of a blasting licence shall –

(a) in the case of a licence suspended under subregulation (2) (a), not exceed three months from the date of suspension; and

(b) in the case of suspension of a licence under subregulation (2) (b), not exceed three months from the date of determination or withdrawal of the proceedings against the holder of such licence.

(4) Any person aggrieved by an endorsement on or a suspension of his licence, as the case may be, may appeal to the Chief Inspector of Explosives whose decision thereon shall be final.

(5) Where a court convicts a person referred to in subregulation (2) (b) the court shall cause a notice of such conviction to be sent to the Chief Inspector of Explosives.

(6) Notwithstanding the provisions of subregulation (2), the Inspector may, if in his opinion the holder of a blasting licence has contravened any of the provisions of the Act or of these Regulations, recommend to the Chief Inspector of Explosives to revoke the licence of such person.

(7) Where the Chief Inspector of Explosives is notified under subregulation (5) or a recommendation under subregulation (6) is made to him he may, if he is satisfied that such holder has been guilty of negligence in relation to storage, use or conveyance of explosives or suffers from a disability rendering him unfit to conduct blasting operations, revoke such blasting licence.

(8) Any person aggrieved by the revocation of his blasting licence may appeal to the Minister whose decision thereon shall be final.

(9) Where a blasting licence is suspended or revoked the Chief Inspector of Explosives shall by notice in writing require the holder thereof to surrender it and if the holder fails to surrender it within fourteen days from the date of the notice he shall be guilty of an offence:

Provided that, where an appeal is brought against the suspension or revocation, this subregulation shall not apply to that suspension or revocation unless the appeal is abandoned or dismissed and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(10) In this regulation "blasting licence" includes a restricted blasting licence."

MADE this 18th day of April, 1979.

P.L. STEENKAMP,
*Permanent Secretary,
Office of the President.*

L2/7/12 I