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Legislation incorporated in this Consolidation	Ordinance	Date in Force
Explosive Substances Law	CAP.54	1959
Explosive Substances (Amendment) Ordinance 1970	8/70	18/05/1970
Explosive Substances (Amendment) Ordinance 1978	3/78	10/07/1978
Explosive Substances (Amendment) Ordinance 1984	9/84	26/07/1984
Explosive Substances (Amendment) Ordinance 2006	8/06	07/08/2006
Explosive Substances (Amendment No.2) Ordinance 2006	27/06	22/12/2006
Explosive Substances (Amendment) Ordinance 2008	6/08	28/03/2008
Explosive Substances (Amendment) Ordinance 2009	34/09	18/12/2009
Explosive Substances (Amendment) Ordinance 2011	8/11	01/07/2011

**EXPLOSIVE SUBSTANCES LAW
CAP. 54**

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EXPLOSIVE SUBSTANCES LAW
CAP. 54

A Law to consolidate and amend the Law relating to the importation and use of explosive substances and other matters connected therewith

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follow:—

PART 1

Preliminary provisions

Short title

1. This Law may be cited as the Explosive Substances Law.

Interpretation

2. In this Law—

“certificate of registration” means a certificate of registration issued under the provisions of the Firearms Law(**a**);

“explosive substance” means gunpowder, intro-glycerine, dynamite, gun-cotton, blasting powder fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect, and includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of any explosive substance as above defined;

“firearms licence” means a firearm licence issued under the provisions of the Firearms Law;

“Inspector of Explosives” means the Inspector of Explosives appointed under section 3 and includes an Assistant Inspector of Explosives appointed under the said section;

“person” includes a Municipal Corporation established under the Municipal Corporation Law(**b**);

“*Ordinances*” mean the *Firearms Ordinance, 1974* and the *Explosive Substances Ordinance*;**(c)**

“*raw material*” means any substance other than an explosive substance which is used as a constituent part in the manufacture of explosive substances;**(d)**

“*firearm*” means a firearm of every description and includes an air-gun, air pistol or any other kind of gun from which any shot, bullet or other missile can be discharged, and any part thereof, and includes any weapon of whatever description, designed or adapted for the

(a) CAP. 57

(b) CAP. 240

(c) Definition inserted by Ordinance 3/1978 – came into force 10 July 1978

(d) Definition plus following 3 inserted by Ordinance 8/2006 – came into force on 07 August 2006

discharge of any noxious liquid, gas or similar thing, but does not include any toy gun or firearm which is preserved for antiquarian interest and not for use;

“ammunition” means any shooting equipment of any nature;

“fireworks” means any explosive substance or mixture of explosives or other substances designed to produce a firework effect with heat, light, noise, gases or smoke or a combination thereof, as products of non explosive, self-maintained chemical reaction.

PART 2

Licensing

Appointment of Inspector of Explosives and assistant Inspector of Explosives

3. The Governor may appoint a fit and proper person to be Inspector of Explosives under this Law and may appoint such number of Assistant Inspectors of Explosives as he may deem fit.

~~Licences in respect of explosive substances(a)~~

~~4.—(1) The Inspector of Explosives may, subject to Regulations made under this Law, in his discretion, grant to any person in respect of any explosive substances specified therein—~~

- ~~(a) a licence to import explosive substances;~~
- ~~(b) a licence to manufacture explosive substances;~~
- ~~(c) a licence to sell explosive substances;~~
- ~~(d) a licence to store explosive substances;~~
- ~~(e) a licence to carry or possess explosive substances.~~

~~(2) Every such licence shall be issued on or after the first day of January in every year and shall expire on the thirty first day of December next following the date of issue.~~

~~(3) The holder of any such licence shall upon the demand of the Inspector of Explosives or any police officer produce for inspection any licence issued to him under this Law and any holder who fails or refuses so to do shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds.~~

- ~~(4) Any person who—~~
 - ~~(a) imports or attempts to import;~~
 - ~~(b) manufactures or attempts to manufacture;~~
 - ~~(c) sells or stores or attempts to sell or store; or~~
 - ~~(d) carries or has in his possession;~~

~~any explosive substance save under licence as in this section provided (the burden of proof of which shall lie on him) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding three hundred pounds ~~ten years or to a fine not exceeding eight hundred pounds~~(b) fifteen years and to a fine not exceeding one thousand five hundred pounds(c) or to both and any explosive substance in respect of which an offence has been committed shall be forfeited:~~

~~Provided that the provisions of paragraph (d) of this subsection shall not apply to any fireworks.~~

- ~~(5) For the purposes of subsection (4)–~~

(a) Section 4 repealed and replaced by Ordinance 8/2006 – came into force on 07 August 2006
(b) Amended by Ordinance 8/1970 – came into force on 18 May 1970
(c) Amended by Ordinance 3/1978 – came into force on 10 July 1978

- ~~(a) “has in his possession” shall include not only having in one’s own possession, but also knowingly having in the actual possession of custody or any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or of any other person; and if there are two or more persons and anyone or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;~~
- ~~(b) when an offence is committed thereunder, each of the following persons shall be deemed to have taken part in committing the offence and be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly, that is to say:-~~
- ~~(i) every person who actually does the act or makes the omission which constitutes the offence;~~
 - ~~(ii) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;~~
 - ~~(iii) every person who procures, aids or abets another person in committing the offence;~~
 - ~~(iv) every person who solicits or incites or endeavours to persuade another person to commit the offence;~~
 - ~~(v) every person who does any act preparatory to the commission of the offence.~~
- ~~(6) The provisions of this section shall not apply to—~~
- ~~(a) ammunition not exceeding two thousand rounds for air guns, air rifles or air pistols store at any one time in any premises by any person for his personal use, who is the holder of a Certificate of Registration in respect of an air gun, air rifle or air pistol;~~
 - ~~(b) ammunition not exceeding fifty rounds for revolvers or pistols stored at any one time in any premises by any person for his personal use, who is the holder of a Certificate of Registration in respect of a revolver or pistol and the holder of a special permit from the Governor to possess such a revolver or pistol granted under the Firearms Law;~~
 - ~~(c) cartridges not exceeding two hundred and fifty rounds (or in lieu of such cartridges two hundred drams of gunpowder and two hundred and fifty percussion caps) or with the special permission in writing of the Inspector of Explosives not exceeding one thousand rounds, stored at any one time in any premises by any person for his personal use, who—~~
 - ~~(i) is the holder of a Certificate of Registration in respect of a firearm and the holder of a Firearms Licence in force at the date of such storage;~~
 - ~~(ii) is the holder of a Firearms Licence, in force at the date of such storage, for a firearm in respect of which a Certificate of Registration has been issued to any other person under the provisions of the Firearms Law.~~

~~(7) Notwithstanding the provisions of this Section if the Legal Adviser has certified in writing under his hand that the offence is one that does not seriously affect security or public order in the Areas a person charged with any offence under this Section may be tried summarily and shall be liable, on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding one thousand pounds or to both such imprisonment and fine. (a)~~

System of licensing

~~4.—(1) The Inspector of Explosive Substances Inspector of Explosives (b) may, subject to the provisions of regulations made under this Ordinance, at his discretion (c) grant to any person, under such terms and conditions as he considers appropriate, in relation to any explosive substances determined therein-~~

(a) Subsection (7) inserted by Ordinance 9/1984 – came into force on 26 July 1984
 (b) Changes in sections 4, 4A & 4B made by Ordinance 6/2008 – came into force on 28 March 2008
 (c) Text deleted by Ordinance 8/2011 – came into force on 01 July 2011

- (a) a licence to import explosive substances into the Areas, which shall be valid for an importation for a particular time period, and for those explosive substances to be stored in a storage for explosive substances for which a licence is valid in accordance with the provisions of paragraph (d) of this subsection;
- (b) a licence to manufacture explosive substances;
- (c) a licence to sell explosive substances;
- (d) a licence to store explosive substances;
- (e) a licence to transport and/or possess and/or use explosive substances in the Areas which may, in the judgement of the ~~Inspector of Explosive Substances~~ Inspector of Explosives be issued for a determined period of use within the calendar year;
- (f) an ~~approval~~ authorisation (a) to export explosive substances from the Areas which shall be valid for an exportation for a specified time period and in the case of multiple exportation of ammunition for a total time period of up to 3 years (b);
- (g) an ~~approval~~ authorisation (c) of transit of explosive substance excluding ammunition and fireworks through the Areas, which shall be valid for transit for a specified time period.
- (h) a certificate of competency which certifies the competency of a person to transfer, possess or handle explosive substances. **(d)**

(1A) If an application is submitted to the Inspector of Explosives for a licence, authorisation or a certificate of competency, the applicant must provide original documents showing evidence of—

- (a) the applicant's identity, qualifications, character and health, and that the applicant does not have a criminal record; and **(e)**
- (b) if the applicant employs a person or uses a person in any capacity to carry out an activity specified in a licence or authorisation, the applicant must provide the original documents referred to in paragraph (a) in relation to the person.

(1B) If a document referred to in subsection (1A) is not in English, it must be accompanied by a translation in English, the accuracy of which is certified in writing by a translator of recognised competence.

(1C) If the applicant submits a completed application for a licence, authorisation or certificate of competency to the Inspector of Explosives, the Inspector of Explosives may impose conditions on the applicant and specify time limits within which the conditions must be satisfied before a licence, authorisation or certificate of competency is granted.

(1D) Subject to subsection (1E), the Inspector of Explosives may, by a notice published in the Gazette, specify time limits within which the Inspector of Explosives is to—

- (a) grant or reject the application for a licence, authorisation or certificate of competency;
- (b) carry out an inspection of the location which may be used under the terms of the licence or authorisation; or
- (c) examine or interview the person who may handle the explosive substances.

(1E) If the relevant application is not granted within any time limit which is imposed, the licence, authorisation or certificate of competency is not deemed to have been granted.

(1F) A person who is a national of a Member State and who offers services relating to explosive substances in—

(a) Amended by Ordinance 8/2011 – came into force on 01 July 2011
 (b) Text inserted by Ordinance 34/2009 – came into force on 18 December 2009
 (c) Amended by Ordinance 8/11 – came into force on 01 July 2011
 (d) Subsection (h) inserted by Ordinance 8/2011 – came into force on 01 July 2011
 (e) Sections (1A) – (1F) inserted by Ordinance 8/2011 – came into force on 01 July 2011

(a) *the Republic may provide services relating to the handling of explosive substances in the Areas if the person has obtained a licence, authorisation or certificate of competency under the corresponding Republican law; or*

(b) *a Member State other than the Republic may provide services relating to the handling of explosive substances in the Areas if the person obtains a licence, authorisation or certificate of competency under this Ordinance or under the corresponding Republican law.*

(2) *Save for the provisions of paragraph (a), (e), (f) and (g) of subsection (1), any such licence or certificate of competency (a) shall be issued on or after the first of January of the year and shall expire on the thirty first of the December, following the date of issue.*

(3) *Any holder of a licence or authorisation or certificate of competency (b) issued under this section must, upon a request of the ~~Inspector for Explosive Substances~~ Inspector of Explosives or any police officer, produce the said licence or authorisation or certificate of competency (c) for control, and if he omits or refuses to do so, he shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds (£50).*

(4) *Any person who –*

(a) *imports or attempts to import;*

(b) *manufactures or attempts to manufacture;*

(c) *sells or stores, or attempts to sell or store;*

(d) *transports or possesses;*

(e) *exports or attempts to export;*

(f) *transits or attempts to transit;*

(g) *uses or attempts to use,*

any explosive substance without possessing a licence or authorisation (the burden of proof lies on him), shall be guilty of an offence and liable upon conviction to imprisonment not exceeding ten years or to a fine not exceeding one thousand and five hundred pounds or to both such penalties. Any explosive substance in relation to which there are reasonable suspicions that an offence has been committed under the provisions of this subsection may be confiscated by the ~~Inspector of Explosive Substances~~ Inspector of Explosives and be destroyed with the consent of the owner, or confiscated in accordance with the provisions of section 12(1).

(5) *For the purpose of subsection (4) “possess” shall mean -*

(a) *personally possesses;*

(b) *knowingly having in the possession of some other person;*

(c) *knowingly having at any place (which belongs to him or to any other person) for his use or benefit, or the use or benefit of any other person;*

(d) *in the case of two or more persons, and where one or more than one of them, in the knowledge and consent of all the others has or have anything in his or their possession, it shall be considered to be in the possession of each and by all of them;*

(6) *Where an offence is committed in accordance with subsection (4), each one of the following persons shall be guilty of the offence, and may be charged and tried with having committed the offence and be punished accordingly, that is to say:*

(a) *any person who actually does or omits to do any act which constitutes the offence;*

(b) *any person who does or omits to do any act for the purposes of enabling or aiding another person to commit the offence;*

(a) Text inserted by Ordinance 8/2011 – came into force on 01 July 2011

(b) Text inserted by Ordinance 8/2011 – came into force on 01 July 2011

(c) Text inserted by Ordinance 8/2011 – came into force on 01 July 2011

- (c) *any person who procures, aids or abets any other person to commit the offence;*
 - (d) *any person who solicits, incites or endeavours to persuade any other person to commit the offence;*
 - (e) *any person who does any act preparatory to the commission of the offence.*
- (7) *The provisions of this section shall not apply to –*
- (a) *ammunition not exceeding two thousand rounds for air-guns, air-rifles or air pistols stored at any time in any premises by any person for his personal use, and who is a holder of a registration certificate in relation to an air-gun, air-rifle or air pistol.*
 - (b) *ammunition not exceeding fifty rounds for revolvers or pistols stored at any time in any premises by any person for his personal use, who is a holder of a registration certificate for a revolver or pistol and is a holder of a special licence to possess such revolver or pistol, granted under the Firearms Ordinance(a);*
 - (c) *cartridges not exceeding one thousand rounds (or instead of such cartridges one thousand grams of gun powder and one thousand primers) or upon a special authorisation in writing of the ~~Inspector for Explosive Substances~~ Inspector of Explosives not exceeding three thousand rounds, stored at any time in any premises by any person for his personal use, who—*
 - (i) *is a holder of a registration certificate and registration licence in relation to a firearm and a holder of a firearm licence which is valid on the date of storage;*
 - (ii) *is a holder of a firearms licence which is valid on the date of storage for a firearm in relation to which a registration certificate and possession licence has been issued for the benefit of any other person under the provisions of the Firearms Ordinance.*
- (8) *The provisions of paragraph (c), (d) and (e) of subsection (1) shall not apply in the case of retailers or final users of cartridge tools in manufacturing -*
- (a) *where they obtain them from a holder of a sales licence in accordance with the provisions of subsection (1); and*
 - (b) *where they obtain them in quantities not exceeding ten thousand pieces.*
- (9) *Notwithstanding the provisions of this Section if the Legal Adviser has certified in writing under his hand that the offence is one that does not seriously affect security or public order in the Areas a person charged with any offence under this Section may be tried summarily and shall be liable, on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.*
- (10) *The powers conferred on the Inspector of Explosives by this section are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b). (c)*
- (11) *In this section, “corresponding Republican law” means the Explosive Substances Law of the Republic(d), and includes and law amending or substituting that law.(e)*

(a) Ordinance 10/1974 as amended
 (b) Ordinance 17/2007
 (c) Subsection (10) inserted by Ordinance 6/2008 – came into force on 28 March 2008
 (d) CAP. 54 , Republic of Cyprus
 (e) Subsection (11) inserted by Ordinance 8/2011 – came into force on 01 July 2011

Raw materials in the manufacture of explosives(a)

4A.—(1) Save for the provisions of subsection (2) and (3), raw materials intended to be used or which are used in the manufacture of explosive substances shall be subject to the provisions of this Ordinance and the regulations made under section 13.

(2) (a) ~~The Inspector of Explosive Substances~~ Inspector of Explosives may establish a list of raw material specifying those raw materials for which it is not required to grant a licence, within the meaning of subsection (1);

(b) ~~the above list shall be published by means of a notification of the Inspector of Explosive Substances, Inspector of Explosives~~ in the official gazette of the Areas.

(3) The provisions of subsection (1) shall not apply –

(a) to holders of a licence to manufacture hunting cartridges, in relation to raw materials for the production of hunting and competition cartridges excluding—

(i) pellets of bullets;

(ii) hunting and competition shot pellets;

(iii) air gun shot pellets.

(b) Save for the provisions of section 7, in the case of holders of a licence to manufacture hunting and competition cartridges, or the holders of a licence to manufacture hunting shot pellets and competition cartridges, in relation to hunting lead shot pellets and competition cartridges the size of which does not exceed 4,75mm.

(4) Any person who disposes of, sells, or uses raw materials for which a licence has been issued in accordance with the provisions of subsection (1) for a purpose other than the manufacture of explosive substances shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand pounds.

(5) The power conferred on the Inspector of Explosives by subsection (2)(a) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.(b)

4B.—(1) ~~The Inspector of Explosive Substances~~ Inspector of Explosives may establish a list of fireworks classifying fireworks into categories depending on the power, use and/or other characteristics or parameters.

(2) ~~The Inspector of Explosive Substances~~ Inspector of Explosives may determine in the list of fireworks, those fireworks-

(a) for which no licence is required in accordance with the provisions of section 4;

(b) which are excluded from the provisions of the regulations made under this Ordinance.

(3) The list provided for in subsection (1) shall be published by means of a notification of the Inspector for Explosive Substances, in the official gazette.

(4) The powers conferred on the Inspector of Explosives by subsections (1) and (2) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.(c)

(a) Sections 4A & 4B inserted by Ordinance 8/2006 – came into force on 07 August 2006

(b) Subsection (5) inserted by Ordinance 6/2008 – came into force on 28 March 2008

(c) Subsection (4) inserted by Ordinance 6/2008 – came into force on 28 March 2008

PART 3

Special provisions relating to ammunition and shot

Books to be kept by dealers in cartridges and other ammunition

5.—(1) Every holder of a licence to sell explosive substances who deals in cartridges or any other description of ammunition (in this section called the “dealer”) shall keep on his premises a book to be called the Ammunition Stock Book, and a book to be called the Ammunition Sales Register, in such form as may be respectively prescribed wherein he shall record his stock and sales of ammunition, as the case may be.

(2) It shall be lawful for the Inspector of Explosives or any police officer of any rank not lower than that of sergeant at any time when the premises of a dealer are open for business, to enter such premises and inspect the Ammunition Stock Book and the Ammunition Sales Register and to take a copy of any entries therein, and any dealer who refuses to allow such inspection to be made or copy to be taken, or who obstructs the Inspector of Explosives or police officer while making such inspection or taking such copy shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

(3) Any dealer—

- (a) who acts in contravention of subsection (1), or
- (b) whose stock of cartridges or of any other description of ammunition does not correspond to the stock as shown in the Ammunition Stock Book after deduction therefrom of sales recorded in the Ammunition Sales Register,

shall, in the absence of a reasonable explanation, be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

(4) *The power conferred on the Inspector of Explosives by subsection (2) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.*(a)

Restrictions on sale and purchase of cartridges or other ammunition

6.—(1) No person shall sell and no person shall purchase any cartridges or any other description of ammunition save in accordance with the following provisions:-

- (a) the purchaser shall be the holder of a Certificate of Registration in respect of a firearm and, save where such firearm is a revolver, pistol, air-gun, air-rifle or air-pistol, the holder also of a Firearm Licence in force at the date of the sale or purchase;
- (b) in the case of the sale or purchase of ammunition for a revolver or pistol, the purchaser shall be the holder of a Certificate of Registration for a revolver or pistol and the holder also of a special permit from the Governor to possess such revolver or pistol granted under the Firearms Law;
- (c) the purchaser shall at the time of the sale produce to the vendor his Certificate of Registration and such Firearms Licence or Special Permit as he may be required to hold in accordance with the provisions of paragraph (a) or (b) of this subsection, as the case may be:

Provided that where the purchaser is the holder of a Firearms Licence for a firearm in respect of which a Certificate of Registration has been issued to any other person under the provisions of the Firearms Law the purchaser shall produce to the vendor such Firearms Licence and also the Certificate of Registration in virtue of which such Firearms Licence was issued.

(a) Subsection (4) inserted by Ordinance 6/2008 – came into force on 28 March 2008

(2) Any cartridges or other description of ammunition sold or purchased shall be of a type suitable for use for the firearm described in the Certificate of Registration produced by the purchaser to the vendor at the time of sale under the provisions of paragraph (c) of subsection (1).

(3) Any person who sells or purchases any cartridge or other description of ammunition in contravention of the provisions of this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

(4) Nothing in this section contained shall apply to the sale of cartridges or other description of ammunition to, or the purchase of cartridges or other description of ammunition by, the holder of a licence granted for the purposes of section 5.

Licence to manufacture lead shot

7.—(1) The Inspector of Explosives may in his discretion and subject to such terms and conditions as to him may seem fit, grant to any person a licence to manufacture lead shot, other than slug shot, ball shot, or lead shot of a size larger than ~~the size known as S.S.G. four point seven-five millimetres (4.75mm)~~ (a)

(2) Every such licence shall be issued on or after the first day of January in every year and shall expire on the thirty-first day of December next following the date of issue.

(3) Any person who manufactures lead shot save under a licence under subsection (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

(4) *The power conferred on the Inspector of Explosives by subsection (1) is a qualified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.*(b)

Possession of slug shot, etc. prohibited

8. Any person who manufactures or who has in his possession, custody or control any slug shot, ball shot, or lead shot of a size larger than the size ~~known as S.S.G. four point seven-five millimetres (4.75mm)~~(c) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both.

PART 4

General

Bye-laws by Municipal Corporations

9. If at any time it shall appear to the Governor that there are bye-laws for the time being in force made by a Council under the Municipal Corporations Law for the storage or sale of explosive substances which are considered by the Governor to be suitable and adequate for the purpose, the Governor may by notification in the Gazette direct that such bye-laws shall be in force within the town or village comprised within the municipal limits of the Municipal Corporation by which such bye-laws were made, and that any Regulations made under this Law and specified in such notification shall not apply to such town or village.

(a) Amended by Ordinance 8/2006 – came into force on 07 August 2006

(b) Subsection (4) inserted by Ordinance 8/2006 – came into force on 07 August 2006

(c) Amended by Ordinance 8/2006 – came into force on 07 August 2006

Power of Governor in Council to apply this Law to other dangerous substances

10. Where it is made to appear to the Governor in Council that any substance not being an explosive substance is specially dangerous to life or property by reason of its explosive properties he may by Order declare that the provisions of this Law and any Regulations made thereunder shall, subject to such exceptions and limitations as may be specified in the Order, apply to such substance in like manner as if such substance were an explosive substance within the meaning of this Law.

Appeal to the Governor in Council

11. Any person aggrieved by the refusal to grant a licence or the cancellation of a licence or the terms or conditions imposed by the Inspector of Explosives in any licence may, within ten days from the date of such refusal or cancellation or from the date of the grant of the licence against which the appeal is made, appeal to the Governor in Council whose decision thereon shall be final and conclusive.

Search and seizure

12.—(1) ~~The Inspector of Explosives~~ (a) *Inspector of Explosives* or any police officer of any rank not lower than that of sergeant may at any time without warrant enter any premises or place wherein or whereon he has reasonable ground to suspect that an explosive substance is being stored, kept, sold or exposed for sale in contravention of this Law or any Regulations made thereunder and may seize and remove any such explosive substance together with the vessel containing the same.

(2) Any person who resists search or obstructs the Inspector of Explosives or any police officer acting under the provisions of subsection (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds or to both.

(3) ~~The Inspector of Explosive Substances~~ *Inspector of Explosives* may destroy any explosive substances removed in accordance with subsection (1) where a period of 24 hours has elapsed since the removal of the explosive substances and—

(a) *the owner has not, within that period, sought their return; or*

(b) *the owner give his consent to the destruction.*(b)

(4) *If the owner, within the time period specified in subsection (3) seeks the return of the explosive substances removed in accordance with subsection (1), the* ~~Inspector of Explosive Substances~~ *Inspector of Explosives* shall follow the procedure contained in section 12A.

(5) *For the purposes of this section—*

“owner” means a person who is the holder of a licence issued in accordance with section 4 in respect of the explosive substances that have been removed.

(6) *The powers conferred on the Inspector of Explosives by this section are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.*(c)

Confiscation and destruction of explosive substances(d)

12A.—(1) ~~The Inspector of Explosive Substances~~ *Inspector of Explosives* or any police officer of a rank not lower than that of sergeant may, by means of summons, request the Judge's Court to order the confiscation of any explosive substance which has been removed in accordance with the provisions of the Ordinance or any regulations made under it.

(a) Changes in Sections 12 & 12A inserted by Ordinance 8/2006 – came into force on 07 August 2006

(b) Subsections (3),(4) and (5) inserted by Ordinance 27/2006 – came into force on 22 December 2006

(c) Subsection (6) inserted by Ordinance 8/2006 – came into force on 07 August 2006

(d) Section 12A inserted by Ordinance 27/2006 – came into force on 22 December 2006

(2) Upon an application made under this section the Judge's Court may order the confiscation of any explosive substance only where it is satisfied that –

- (a) the substance does not conform to any relevant requirement contained in the Ordinance or any Regulations made under it; and
- (b) ~~the Inspector of Explosive Substances~~ Inspector of Explosives cannot safely store the item removed.

(3) Where the Judge's Court makes an order for the confiscation of any explosive substance it may also give directions as to its destruction.

Power to make regulations

13.—(1) The Governor in Council may, subject to the provisions of this Law, make Regulations for all or any of the following purposes-

- (a) prescribing the powers and duties of the Inspector of Explosives;
- (b) regulating the importation, *exportation and transit*(a) of explosive substances;
- (c) regulating the licensing and management of places for storing or keeping explosive substances and determining the construction and materials of any place in which any explosive substances may be stored or kept;
- (d) providing for the examination or inspection of any place licensed for the storage of explosive substances;
- (e) empowering the Inspector of Explosives to order such works or repairs to any store to be executed as in his opinion may be necessary to ensure the safe storage therein of explosive substances;
- (f) regulating the transport and storage of explosive substances;
- (g) regulating the sale of explosive substances;
- (h) prohibiting the introduction of explosive substances into any specified area;
- (i) regulating the manufacture of explosive substances;
- (j) regulating the use of explosive substances;
- (k) prescribing the fees to be paid for any licence issued or examination or inspection made under this Law or any Regulations made thereunder;
- (l) providing for the destruction with or without payment or compensation of explosive substance which have become unfit for use;
- (m) providing for the notification of accidents in connection with the storing or keeping of explosive substances;
- (n) ~~providing for the examination of, and the issue of certificates of competency to, persons employed in the handling of explosive substances;~~(b)
 - (n) *for the purposes of issuing a licence or authorisation, providing for the examination of a person by the Inspector of Explosives in order to ascertain that person's competence to transfer, possess or handle explosive substances;*
- (o) prescribing the form of any books and the forms of any applications, licences or certificate required, made or issued under the provisions of this Law or any Regulations made under this Law;
- (p) generally, for the better carrying out of the purposes of this Law;
- (q) ~~the revocation, or amendment of licences or authorisations or certificates of competency~~(c) *issued under this Law;*(d)

(a) Text inserted by Ordinance 8/2006 – came into force on 07 August 2006

(b) Subparagraph (n) repealed and replaced by Ordinance 8/2011 – came into force on 01 July 2011

(c) Text inserted by Ordinance 8/2011 – came into force on 01 July 2011

(d) Subparagraphs (q) and (u) inserted by Ordinance 8/2006 –came into force on 07 August 2006

- (u) *the adoption of other provisions in relation to explosive substances, laws or regulation which directly or indirectly affect the grant of licences under the provisions of this Law.*

(2) Such Regulations may impose penalties for the breach thereof not exceeding twelve months imprisonment or a fine not exceeding fifty pounds or to both and may provide for the cancellation of any licence granted by the Inspector of Explosives.

Saving

14.—(1) All Orders in Council, Orders, Regulations, Rules and Bye-laws made by the Governor in Council or the Governor under the Explosives and Petroleum Laws, 1882 and 1927, in respect of explosive substances and subsisting at the date of commencement of this Law shall be deemed to have been made under this Law, and shall remain in force until replaced, amended or revoked by Regulations made under this Law.

(2) All bye-laws made by a Municipal Authority for the storage or sale of any explosive substance by virtue of the Explosive and Petroleum Laws, 1882 and 1924, or the Municipal Corporations Laws, and substituting at the date of the commencement of this Law, shall, in so far as they are not inconsistent with the provisions of this Law or any Regulations made thereunder, remain in force until replaced, amended or revoked.

Exemption(a)

~~15. Nothing in this Law shall apply to ammunition imported for the use of, or used or to be used by Her Majesty's Forces, or the Police Force.~~

Application to the Crown

15.—(1) This Ordinance does not bind the Crown or a person employed by or in the service of the Crown while discharging duties except insofar as its provisions expressly impose duties or confer powers on the Inspector of Explosives, the Legal Adviser, any police officer or the Administrator.

(2) For the purposes of this section, "the Crown" means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

(a) Section 15 repealed and replaced by Ordinance 6/2008 – came into force on 28 March 2008