

## EXPLOSIVES

AN ACT TO CONTROL, AND TO ENABLE THE PROHIBITION OF,  
THE MANUFACTURE, IMPORTATION, EXPORTATION,  
POSSESSION, SALE, EXPOSURE FOR SALE, SUPPLY, PURCHASE,  
USE AND TRANSPORT OF ANY EXPLOSIVES, AND TO REPEAL  
THE EXPLOSIVES ORDINANCE.

Ordinance Nos,

21 of 1956

33 of 1969

Law Nos,

36 of 1976

14 of 1978

[17<sup>th</sup> February , 1956 ]

Short title and **1.**  
dates of  
operation.

- (1) This Act may be cited as the Explosives Act.
- (2) The provisions of this Act, other than the provisions specified in subseciton
- (3), shall come into operation on such date (hereinafter referred to as the appointed date") as the Minister may appoint by Order published in the Gazette.\*(\* 1st July, 1957-Gazette No. 11, 125 of 3.6. 1957.) (3) The provisions of this section and of sections 2, 3 (1), 6, 11, 13, 14, 15, 16, 19, 22, 32, 33, and 37 shall come into operation when this Act becomes an Act of Parliament.

### PART I

#### ADMINISTRATION

Controller and Deputy **2.**  
Controllers of Explosives,  
[2,14 of 1978]

- (1) The Secretary to the Ministry shall be the Controller of Explosives for the purposes of this Act.
- (2) Every Assistant Secretary to the Ministry shall be a Deputy Controller of Explosives for the purposes of this Act.

Assistant **3.**  
Controllers of  
Explosives and  
other staff.  
[ 3,14 of 1978]

- (1) There may be appointed such number of persons by name or by office, to be or to act as Assistant Controllers of Explosives, and such number of other officers and servants as may be necessary for the purposes of this Act.
- (2) For the purposes of this Act there shall be inspectors of explosives who shall be police officers not below the rank of Sere ant.

Deputy Controllers, Assistant **5.**  
Controllers inspectors of  
explosives and licensing  
authorities to be subject to  
direction of Controller.

- (1) Every Deputy Controller, every Assistant Controller and every inspector of explosives shall, in the exercise or performance of his

[ 5,14 of 1978]

powers or duties, be subject to the general or special directions of the Controller.

(2) Every licensing authority shall in the exercise or performance of his powers or duties, be subject to the general or special directions of the Controller.

Licensing authorities may delegate their powers and duties. **6.** The powers or duties of any licensing authority may be exercised or performed by any public officer authorized in writing in that behalf by such licensing authority.

## PART II

### RETURNS, LICENCES AND PERMITS

Persons having stocks of explosives on the appointed date to furnish returns. **7.**

(1) Subject to the provisions of subsection (2), every person who, on the appointed date, has in his possession or under his control a stock of any explosive, shall, within a period of fourteen days reckoned from that date, furnish to the licensing authority for the district in which such stock is kept a return specifying-

- (i) the name and address of that person;
- (ii) the nature and quantity of such stock; and
- (iii) the purpose for which and the premises in which such stock is kept.

(2) The provisions of subsection (1) shall not apply to such quantity of safety cartridges or fireworks as does not exceed the prescribed quantity.

Prohibition of importation, exportation, manufacture, sale, exposure for sale or supply of explosives by persons other than licensees or permittees. **8.**

[3,33 of 1969]

(1) No person, other than a licensee or permittee who is authorized by his licence or permit to do so, shall import or export any explosive.

(2) No person, other than a licensee who is authorized by his licence to do so, shall manufacture, sell, expose for sale or supply any explosive.

Licences and permits relating to explosives. **9.**

[4,33 of 1969]

(1) No person shall, except under the authority of a licence, carry on the business of a manufacturer, importer, exporter, or supplier of any explosives, or acquire, possess, transport, sell, expose for sale or use any explosives for the purposes of such business.

(2) Subject to the provisions of section 10, no person shall, except under the authority of a permit, import, export, acquire, possess, transport or use any explosives for any purpose other than that of such business as is referred to in subsection (1).

Exemption as to prescribed quantity of any class of explosives. [ 5, 33 of 1969] **10.** No permit shall be required for the acquisition, possession, transport and use of such quantity of any class of explosives as does not exceed the quantity prescribed in respect of such class of explosives.

Regulations relating to explosives **11** Regulations may be made under this Act -  
[ 6, 33 of 1969] (a) to classify explosives;  
[6,33 of 1969] (b) to prohibit or regulate the manufacture, importation, exportation, sale, exposure for sale, possession, use, and supply of any explosives;  
[6,33 of 1969] (c) to exempt, subject to such conditions as may be imposed, any school or other educational institution from the requirement of obtaining a permit for the acquisition, possession, transportation or use of any class or classes of explosives.  
(d) to regulate the loading, unloading and transport of any explosives; and  
(e) to regulate the storage of any explosives.

Authority granted by licences and permits. **12.**  
(1) A licence granted for the purpose of carrying on the business of a manufacturer of explosives shall, subject to the conditions set out in the licence and the provisions of this Act and of the regulations made under this Act, authorize the licensee -

(a) to manufacture explosives of the class or classes specified in the licence,  
[7,33 of 1969] (b) to possess, transport, sell, expose for sale or supply the explosives manufactured under the authority of the licence, and  
(c) to acquire, possess, transport and use, for the purpose of such manufacture as aforesaid, any explosives specified in the licence as being required for that purpose.

(2) A licence granted for the purpose of carrying on the business of an importer of explosives shall, subject to the conditions set out in the licence and the provisions of this Act and of the regulations made under this Act, authorize the licensee -

(a) to import explosives of the class or classes specified in the licence, and  
[7,33 of 1969] (b) to possess, transport, sell, expose for sale or supply the explosives imported under the authority of the licence.

[7,33 of 1969] (3) A licence granted for the purpose of carrying on the business of an exporter of explosives shall, subject to the conditions set out in the licence and the provisions of this Act and of the regulations made under this Act, authorize the licensee -

(a) to export explosives of the class or classes

specified in the licence, and

(b) to acquire, possess and transport the explosives to be exported under the authority of the licence.

[7,33 of 1969] (4) A licence granted for the purpose of carrying on the business of a supplier of explosives shall, subject to the conditions set out in the licence and the provisions of this Act and of the regulations made under this Act, authorize the licensee -

(a) to acquire explosives of the class or classes specified in the licence, and

(b) to possess, transport, sell, expose for sale or supply the explosives acquired under the authority of the licence.

[7,33 of 1969] (5) A permit other than the permit granted for the importation or exportation of explosives shall, subject to the conditions set out in the permit and the provisions of this Act and of the regulations made under this Act, authorize the permittee to acquire, possess, transport and use, for the purpose specified in the permit, explosives of the class or classes [§ 7, 33 of 1969] specified.

[7,33 of 1969] (6) A permit granted for the importation of any explosives shall, subject to the conditions set out in the permit and the provisions of this Act and of the regulations made under this Act, authorize the permittee to import explosives of the class or classes specified in the permit and to possess, transport and use the explosives imported under the authority of the permit.

[7, 33 of 1969] (7) A permit granted for the exportation of any explosives shall, subject to the conditions set out in the permit and the provisions of this Act and of the regulations made under this Act, authorize the permittee to export explosives of the class or classes specified in the permit and to acquire, possess and transport the explosives to be exported under the authority of the permit.

Applications for **13**.  
licences and  
permits

(1) Every application for a licence or permit shall -

(a) be made to the licensing authority for the district in which the explosives in respect of which the application is made will be kept,

(b) be substantially in such one of the prescribed forms as may be appropriate to the case,

(c) state the particulars which that form requires to be stated, and

(d) be signed by the applicant.

(2) A licensing authority may direct an applicant for a licence or permit to furnish him with such information as he may indicate in the direction for the purpose of enabling him to dispose of the application; and if the applicant fails to comply with any such direction, the licensing authority may refuse to grant the licence or permit to the applicant.

Eligibility for **14**.

licences and permits.

[8,33 of 1969]

(1) No licence or permit shall be granted to any person -

(a) who is convicted of any offence under any of the sections of the Penal Code enumerated in the Schedule to this Act, or under the Offensive Weapons Act, No. 18 of 1966, or

(b) who has not attained the age of eighteen years, or

(c) during the period of the suspension of any licence or permit previously granted to him.

(2) A licence or permit granted to any person in contravention of subsection (1) shall be invalid.

(3) A person may be refused a licence or permit -

(a) if a licence or permit previously granted to him has been cancelled or suspended, or

(b) if he has been convicted of an offence under this Act, or of an offence under any other written law which was committed in connexion with the possession or use of any gun or explosive or in the commission of which any gun or explosive was used.

[8,33 of 1969] (c) when (for reasons to be recorded by him in writing) the licensing authority deems it necessary for the security of the public peace to refuse to issue a licence or permit to an applicant, or

[8,33 of 1969] (d) if the licensing authority is satisfied that the possession and use of explosives by an applicant is dangerous to the life or property of any other person or persons.

Fees for licences and permits.

Grant of licences and permits and copies thereof.

[9,33 of 1969]

**15.** No licence or permit shall be granted to any person except upon the payment of such one of the prescribed fees as may be appropriate to the case. The fee shall be paid in the prescribed manner.

**16.**

(1) Subject as herein before provided in this Act, a licensing authority may in his discretion grant or refuse to grant a licence or permit to an applicant therefor.

(2) A licensing authority may grant a licence or permit subject to such conditions as he may deem necessary. Such conditions shall be set out in the licence or permit.

(3) A licensing authority shall, in exercising his discretion under subsection (1), have regard to all the circumstances of the case and particularly the fitness of the applicant to be a licensee or permittee.

(4) The decision of a licensing authority to grant or refuse to grant a licence or permit shall, subject to any decision on an appeal under this Act from the decision of the licensing authority, be final and conclusive and shall not be called in question in any court.

[9, 33 of 1969] (5) The Controller may in such circumstances as he may deem necessary, cause the issue of copies of licences or permits issued

Duration of licences and permits. **17.**

under this Act to the holders thereof on payment of the prescribed fee.

(1) Subject to the provisions of subsection (3), every licence shall, unless it is earlier cancelled, expire on the thirtieth day of June next succeeding the date on which it is expressed to come into force.

(2) Subject to the provisions of subsection (3), every permit shall, unless it is earlier cancelled, be in force for such period as shall be specified therein.

(3) A licence or permit which is suspended for any period shall not be in force during that period.

Renewal of licences. **18.**

[ 10, 33 of 1969]

[ [ 10, 33 of 1969]

(1) The licensing authority who issued a licence may, on application made to him not less than thirty days prior to the date of the expiry of the licence, renew the licence. A licence which is renewed shall, unless it is earlier cancelled, expire on the thirtieth day of June next succeeding the date of expiry of the licence immediately preceding its renewal.

(2) Where any person fails to make the necessary application for the renewal of a licence within the time specified in subsection (1), the licencing authority may in his discretion allow the renewal of such licence on payment, in addition to the fee prescribed for such licence, of a fine equal to the amount of the fee prescribed for such a licence.

(3) The provisions of sections 13 to 16 (both inclusive) shall, mutatis mutandis, apply in the case of a renewal of a licence in like manner as they apply in the case of the grant of a licence.

Communication of refusal to applicant

**19.** Where a licensing authority refuses to grant a licence or permit or to renew a licence, he shall cause notice of the refusal to be given to the applicant for the licence or permit or for the renewal. The notice shall set out the grounds of the refusal.

General conditions applicable to licences and permits.

**20.** Every licence or permit shall be subject to the following conditions -

(a) all explosives which by virtue of the licence or permit are in the possession or under the control of the licensee or permittee shall be loaded, unloaded, transported and kept in accordance with regulations made under this Act;

(b) no such explosive shall be used or appropriated otherwise than is authorized by the licence or permit;

(c) the licensee or permittee shall, in respect of such explosives, maintain in such form as may be approved by the licensing authority by whom the licence or permit was granted such records as that authority may require; and

(d) the licensee or permittee shall furnish to such licensing authority returns or other information which such licensing authority may require in respect of such explosives.

Suspension or  
cancellation of  
licences and  
permits.

[11, 33 of 1969]

**21.**

(1)

(a) Where a licensee or permittee is convicted by a court of an offence under any of the sections of the Penal Code enumerated in the Schedule to this Act, or under the Offensive Weapons Act, No. 18 of 1966, the court shall cause notice of such conviction to be given to the licensing authority who granted a licence or permit to such licensee or permittee, and such licensing authority shall, upon receipt of such notice, by written order cancel that licence or permit. Such order shall specify the grounds of cancellation of such licence or permit.

(b) Where a licensee or permittee is convicted by a court of an offence under this Act, or of any offence under any other written law which was committed in connection with the possession or use of any gun or explosive or in the commission of which any gun or explosive was used, the court shall cause notice of such conviction to be given to the licensing authority who granted a licence or permit to such licensee or permittee, and such licensing authority may, upon receipt of such notice, by written order suspended that licence or permit for a period specified in the order or cancel that licence or permit. Such order shall specify the grounds of suspension or cancellation of such licence or permit.

(2) Where a licensing authority makes order suspending or cancelling a licence or permit under subsection (1), he shall cause notice of the order to be given to the licensee or permittee.

(3) An order under subsection (1) suspending or cancelling a licence or permit shall, subject to any decision on an appeal under this Act from that order, be final and conclusive and shall not be called in question in any court.

(4) An order under subsection (1) suspending or cancelling a licence or permit shall not take effect during the time allowed for the making of an appeal under this Act from such order and, if such an appeal is made, during the pendency of the appeal, but no act authorized by the licence or permit to be done shall be done during the time allowed for the making of such appeal or during the pendency of such appeal. Where no such appeal is made within the time allowed there for, such order shall take effect on the expiry of that time, and where such an appeal is made and disallowed, such order shall take effect on the day immediately following the date on which the appeal is disallowed.

## Appeals<sup>22</sup>.

(1) An applicant for a licence or permit or for the renewal of a licence who is aggrieved by the decision of a licensing authority refusing to grant the licence or permit or to renew the licence, and a licensee or permittee who is aggrieved by the order of a licensing authority suspending or cancelling his licence or permit, may appeal in writing from that decision or order to the Controller within a period of fourteen days reckoned from the date of the service of notice of that decision or order on him.

(2) The Controller shall, in considering an appeal under subsection (1), have regard to all the circumstances of the case and particularly the fitness of the appellant to be, or to continue to be, a licensee or permittee.

(3) The decision of the Controller on any appeal preferred under the preceding provisions of this section shall be final and conclusive and shall not be called in question in any court.

Continuance of business of a deceased licensee.

**23.** Where a licensee dies-

(a) his legal representative, or, if there is no such representative, the person having the control and management of the deceased's business in explosives shall forthwith notify in writing such death and the date of such death to the Controller and to the licensing authority who granted a licence to such licensee, and

(b) such representative or, if there is no such representative, the person having the control and management of such business may, notwithstanding that he is not authorized to do so by a licence, carry on such business for a period not exceeding one month commencing on the date of such death, and it shall not be an offence under this Act to carry on such business for that period without a licence.

Directions as to disposal of explosives where a licence or permit ceases to be in force.

**24.** Where, while any explosives are possessed by a licensee or permittee under the authority of his licence or permit, such licence or permit ceases to be in force, he or, if he is dead, his legal representative or, if there is no such representative, the person having the control and management of the deceased's business in explosives shall comply with such directions relating to the disposal of those explosives as may be issued by the licensing authority who granted such licence or permit.

### PART III

#### POWERS OF THE CONTROLLER, AND OFFENCES AND PENALTIES[§ 6,14 of 1978]

Powers of inspection and search.

[12, 33 of 1969]

[ [ 7,14 of 1978]

**25.** The Controller may -

(a) enter and inspect any place, or stop, enter and inspect any vehicle or vessel in which -

(i) any explosive is manufactured, possessed, used,



supplied, sold, exposed for sale, transported, imported or exported under a licence or permit, or

(ii) he has reason to believe that any explosive has been or is manufactured, possessed, used, supplied, sold, exposed for sale, transported, imported or exported in contravention of this Act or of any regulations made under this Act, or

(iii) he has reason to believe that any explosive in a deteriorated condition is possessed;

(b) search for explosives in such place, vehicle or vessel;

(c) take samples of any explosive found in any such place, vehicle or vessel on payment of the value thereof;

[ 12, 33 of 1969] (d) where he has reason to believe that any explosive found in any such place, vehicle or vessel is in a deteriorated condition -

(i) cause such explosive to be removed from such place, vehicle or vessel without payment therefor; and

(ii) give directions as to the use or disposal of such explosive; and

(e) examine any records maintained under this Act and take copies of such records.

Power to **26.**  
seize  
articles.

(1) The Controller may, if he has reason to believe that any offence under this Act has been or is committed, seize and detain any article in connexion with which the offence is [1978] believed to have been or to be committed or which is believed to have been or to be used in or in connexion with the commission of the offence.

[ 7,14 1978] (2) Where the Controller seizes any article under subsection Law of (1), he shall produce that article as soon as possible before the Magistrate's Court within whose jurisdiction that article is seized, and upon the production of that article, the court -

(a) shall make such order as it may deem fit relating to the custody of that article pending its disposal under subsection (5); and

[ 13:33 of 1969] (b) either of its own motion or at the request of such Controller or of the person from whose possession that article was seized, may, if that article is or is suspected to be an explosive, cause a sample of that article to be sent to the Government Analyst for an analysis thereof and a certificate specifying the results of the analysis.

[ 13, 33 of 1969] (3) Where in any prosecution of a person for an offence under this Act, a certificate of the Government Analyst is produced in court to the effect that he is satisfied that an article in respect of which the offence is alleged to have been committed is an explosive as defined in this Act, the court shall presume, until the contrary is proved, that the article in respect of which the offence is alleged to have been committed is an explosive as defined in this Act.

[ 13, 33 of 1969] (4) Where in any prosecution of a person for an offence under this

Act, a certificate of the Government Analyst is produced in court to the effect that he is satisfied that an article in respect of which the offence is alleged to have been committed is not an authorized explosive as defined in the regulations made under this Act, the court shall presume, until the contrary is proved, that the article in respect of which the offence is alleged to have been committed is not an authorized explosive as defined in the regulations made under this Act.

(5) Where any article is seized under subsection (1) from the possession of any person, then -

[ 13, 33 of  
1969]

(a) if no prosecution for the alleged offence is instituted within a period of three months reckoned from the date of the seizure, that article shall be returned to that person forthwith upon the expiration of that period, and

(b) if such prosecution is instituted within that period, that article shall be returned to that person forthwith after the final determination of the prosecution unless it is forfeited to the State under section 28.

Powers of the Controller. [ 8,14 of 1978] **26A.** The powers of the Controller under this Act may be exercised by a Deputy Controller, Assistant Controller, inspector of explosives, or by any licensing authority within his district.

Offences and penalties. **27.**

(1) Any person who -

(a) acts in contravention of or fails to comply with any provision of this Act or any regulation made thereunder.

[ 14,33 of  
1969]

(b) acts in contravention of or fails to comply with any condition of a licence or permit.

(c) fails to comply with any direction given by any officer in the exercise of this powers under this Act, or

(d) resists or obstructs any officer in the exercise of his powers or the performance of his duties under this Act,

[§ 14, 33 of 1969] shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person who-

(a) acts in contravention of or fails to comply with any provision of this Act or any regulation made thereunder, or

[§ 14, 33 of 1969] (b) acts in contravention of or fails to comply with any condition of a licence or permit, shall, in addition to any other penalty which may be imposed under subsection (1), be liable to a fine of one hundred rupees for each day on which the contravention or failure

is continued after conviction thereof.

Forfeiture of articles. **28.** The Magistrate may, on the conviction of any person of any offence under this Act, make order that any article in connexion with which the offence was committed or which was used in or in connexion with the commission of the offence, shall be forfeited to the State.

Offences to be cognizable. **29.** Notwithstanding anything in the First Schedule to the Code of Criminal Procedure Act, every offence under this Act shall be a cognizable offence within the meaning of that Act.

Explosives which are held by or on behalf of the State. **30.**

(1) This act shall not apply to explosives which are held by, or on behalf of, the State.

(2) The Minister may, by Order published in the Gazette, make provision as to the loading, unloading, transport and storage of the explosives referred to in subsection (1).

(3) Any person who contravenes or fails to comply with any provision of any Order made under subsection (2) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

#### PART IV

#### GENERAL

Controller, Deputy Controllers, Assistant Controllers and licensing authorities deemed to be police officers.

[9,14 of 1978]

Manner of giving notice. **32.**

**31.** The Controller, every Deputy Controller, every Assistant Controller and every licensing authority shall each be deemed to be a police officer within the meaning of the Code of Criminal Procedure Act, for the purpose of exercising , in relation to any offence under this Act, any power conferred upon a police officer by that Act.

(1) A notice to any person under this Act shall be given by letter despatched to him by registered post.

(2) A notice given to any person by letter as provided in subsection (1) shall be deemed to have been served on him at the time at which the letter would have been delivered in the ordinary course of post.

Regulations. **33.**

(1) The Minister may make regulations for the purpose of carrying out the provisions and giving effect to the principles of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all matters stated or required by this Act to be prescribed or in respect of which regulations are authorized or required to be made.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as

convenient after its publication in the Gazette, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder. Every regulation so approved shall be as valid and effectual as though it were herein enacted.

Application  
Ordinance to  
explosives.

**34** for the purpose of the application of the Customs Ordinance in relation to explosives-

(a) any explosives the importation of which is prohibited by this Act or by regulation made under this Act shall be deemed to be goods the importation of which is prohibited by enactment, and

(b) any explosives the importation of which is restricted by this Act or by regulations made under this Act shall be deemed to be goods the importation of which is restricted by enactment.

This Act to be and not in to **35**. The provisions of this Act shall be in addition to and not derogation Factories Ordinance. in of the derogation of provisions of the Factories Ordinance.

Repeal of Explosives Ordinance.**36**. The Explosives Ordinance is hereby repealed.

Interpretation.**37**. In this Act unless the context otherwise requires-

" article" includes any explosive, document, vehicle, or vessel;

" Assistant Controller " means an Assistant Controller of Explosives ;

" Controller " means the Controller of Explosives ;

[§ 10, of 14 of 1978] Law "Deputy Controller" means a Deputy Controller Explosives. " district" means an administrative district; " explosives" means gunpowder, intro glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, or any other substance or mixture used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect, and includes-

(a) fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of every description, and every adaptation or preparation of any explosive as herein before defined; and

(b) any substance which, by reason of its explosive [§ 15,33 of properties, or any substance which, for the 1969] reason that it develops explosive properties when in contact with any other substance, is declared by the Minister to be an explosive by Order published in the Gazette;

"Government Analyst" includes the Additional Government [§ 2,36 of Analyst, Deputy Government Analyst and an 1976] Assistant Government Analyst;

" gun" has the same meaning as in the Firearms Ordinance;

"licence" means a licence granted under this Act; " licensing authority", in relation to any district, means the (\* See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)Government Agent, any Additional Government Agent, any Assistant Government Agent or any Additional Assistant Government Agent, for that district; " permit" means a permit granted under this Act;

" prescribed " means prescribed by regulation made under this Act; and

" safety cartridges " means cartridges for small-arms the case of which can be extracted from the small-arms after firing and which are so closed as to prevent any explosion in one

cartridge being communicated to the other.