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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2439.

17 December 1993

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17 Desember 1993

It is hereby notified that the Acting State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

— 178 of 1993: Explosives Amendment Act, 1993.

No. 178 van 1993: Wysigingswet op Ontploffbare Stowwe, 1993.

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____** Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Explosives Act, 1956, so as to redefine the expression “Minister”;
and to increase certain penalties; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)
(Assented to 8 December 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 26 of 1956, as amended by section 1 of Act 35 of 1975 and section 1 of Act 5 of 1981

1. Section 1 of the Explosives Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “Minister” of the following definition: 5
“ ‘Minister’ means the Minister of **[Police]** Law and Order;”.

Amendment of section 3 of Act 26 of 1956, as amended by section 1 of Act 21 of 1963 and section 3 of Act 5 of 1981 10

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
“(2) Any person who contravenes the provisions of this section or any condition prescribed thereunder shall be guilty of an offence and liable on conviction to a fine **[not exceeding R1 000]** or to imprisonment for a period not exceeding **[twelve months or to both such fine and such imprisonment]** two years, and the explosive in respect of which the contravention has taken place shall be forfeited.” 15

Amendment of section 4 of Act 26 of 1956, as amended by section 2 of Act 21 of 1963, section 1 of Act 12 of 1967, section 3 of Act 35 of 1975 and section 4 of Act 5 of 1981 20

3. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
“(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine **[not exceeding R1 000]** or to imprisonment for a period not exceeding **[twelve months or to both such fine and such imprisonment]** two years, and the explosive in respect of which such contravention has taken place shall be forfeited.” 25

Amendment of section 6 of Act 26 of 1956, as amended by section 3 of Act 21 of 1963, section 1 of Act 74 of 1972 and section 5 of Act 5 of 1981

4. Section 6 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes the provisions of this section or any condition prescribed thereunder or referred to therein, shall be guilty of an offence and liable on conviction to a fine **[not exceeding R1 000]** or to imprisonment for a period not exceeding **[twelve months or to both such fine and such imprisonment]** two years, and the explosive in respect of which the contravention has taken place shall be forfeited.”.

Substitution of section 10 of Act 26 of 1956, as substituted by section 6 of Act 5 of 1981

5. The following section is hereby substituted for section 10 of the principal Act:

“Penalties

10. Any person who contravenes any provision of section 7, 8 or 9 shall be guilty of an offence and liable on conviction to a fine **[not exceeding R1 000]** or to imprisonment for a period not exceeding **[twelve months or to both such fine and such imprisonment]** two years.”.

Amendment of section 22 of Act 26 of 1956, as substituted by section 5 of Act 35 of 1975 and amended by section 7 of Act 5 of 1981

6. Section 22 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes any condition of a licence issued under this section shall be guilty of an offence and liable on conviction to a fine **[not exceeding R2 000]** or to imprisonment for a period not exceeding **[two]** four years **[or to both such fine and such imprisonment]**.”.

Substitution of section 24 of Act 26 of 1956, as substituted by section 8 of Act 5 of 1981

7. The following section is hereby substituted for section 24 of the principal Act:

“Penalties for obstructing inspector, refusing to answer inquiries, etc.

24. Any person who wilfully obstructs or hinders any inspector in the exercise of the powers or duties conferred or imposed upon him by this Act or the regulations, or disobeys any lawful order of an inspector, or who upon demand fails to answer as far as he may be able any question lawfully put by an inspector, or who gives false information to an inspector, whether in answer to any such question or not, or who falsely holds himself out to be an inspector, shall be guilty of an offence and liable on conviction to a fine **[not exceeding R1 000]** or to imprisonment for a period not exceeding **[12 months or to both such fine and such imprisonment]** two years.”.

Amendment of section 27 of Act 26 of 1956, as amended by section 13 of Act 21 of 1963, section 2 of Act 101 of 1977 and section 9 of Act 5 of 1981

8. Section 27 of the principal Act is hereby amended—
(a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:

- “(a) if the explosion is negligently caused and property is endangered, he shall be liable to a fine **[not exceeding R2 000]** or **[in default of payment]** to imprisonment for a period not exceeding **[two] four** years **[or to such imprisonment without the option of a fine]**; 5
- (b) if the explosion is negligently caused and life is endangered, he shall be liable to a fine **[not exceeding R3 000]** or **[in default of payment]** to imprisonment for a period not exceeding **[two] four** years **[or to such imprisonment without the option of a fine]**”; and 10
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) if the explosion is negligently caused and death results, he shall be liable on conviction to a fine **[not exceeding four thousand rand]** or **[in default of payment]** to imprisonment for a period not exceeding **[four] six** years **[or to such imprisonment without the option of a fine]**.”. 15

Amendment of section 30 of Act 26 of 1956, as amended by section 16 of Act 21 of 1963, section 6 of Act 35 of 1975 and section 46 of Act 97 of 1986

9. Section 30 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 20

“(2) Regulations made under subsection (1) may provide penalties for a contravention thereof or failure to comply therewith not exceeding in any case a fine of **[six hundred rand] R3 000**, or **[in default of payment]** imprisonment for a period of two years, and the regulations may further provide that the explosive, if any, in respect of which the contravention or non-compliance has taken place may be forfeited.”. 25

Short title and commencement

10. This Act shall be called the Explosives Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 30