



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 341. 25 Februarie 1981.

No. 341. 25 February 1981.

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

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

No. 5 van 1981: Wysigingswet op Ontploffbare Stowwe, 1981.

No. 5 of 1981: Explosives Amendment Act, 1981.

Act No. 5, 1981

EXPLOSIVES AMENDMENT ACT, 1981

**GENERAL EXPLANATORY NOTE:**

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

**ACT**

To amend the Explosives Act, 1956, so as to assign the administration of the said Act to the Minister of Police; to increase certain penalties; to empower regional courts to impose certain penalties; and to extend the power of the Minister to grant exemption from the provisions of the said Act; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 6 February 1981.)*

**BE IT ENACTED** by the State President and the House of Assembly 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.

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 **[Economic Affairs]**  
Police."

Amendment of section 2 of Act 26 of 1956, as amended by section 1 of Act 20 of 1965 and section 2 of Act 35 of 1975.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:  
"(5) The **[Secretary for Commerce or an officer in his 10 Department]** Commissioner of the South African Police or any member of the South African Police designated by him, may depute other persons to act as inspectors in certain localities and for certain purposes, and in so far as any such person is authorized so to act, he shall have the same 15 powers and be subject to the same duties as are conferred and imposed upon inspectors by this Act and the regulations, but he shall have no jurisdiction to try any persons for breaches of regulations or special rules."

Amendment of section 3 of Act 26 of 1956, as amended by section 1 of Act 21 of 1963.

3. Section 3 of the principal Act is hereby amended by the 20 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 **[five hundred rand]** R1 000 or to imprisonment 25 for a period not exceeding twelve months or to both such fine and such imprisonment, and the explosive in respect of which the contravention has taken place shall be forfeited."

Amendment of section 4 of Act 26 of 1956, as amended by section 2 of

4. Section 4 of the principal Act is hereby amended by the 30 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

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Act 21 of 1963,  
section 1 of  
Act 12 of 1967  
and section 3 of  
Act 35 of 1975.

to a fine not exceeding **[five hundred rand] R1 000** or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, and the explosive in respect of which such contravention has taken place shall be forfeited.”

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

5. 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 **[five hundred rand] R1 000** or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, and the explosive in respect of which the contravention has taken place shall be forfeited.”

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Substitution of  
section 10 of  
Act 26 of 1956,  
as amended by  
section 5 of  
Act 21 of 1963.

6. 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 **[five hundred rand] R1 000** or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.”

Amendment of  
section 22 of  
Act 26 of 1956,  
as substituted by  
section 5 of  
Act 35 of 1975.

7. 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 **[R600] R2 000** or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”

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Substitution of  
section 24 of  
Act 26 of 1956,  
as substituted by  
section 1 of  
Act 101 of 1977.

8. 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 **[two hundred and fifty rand] R1 000** or **[in default of payment] to imprisonment for a period not exceeding [six] 12 months or to both such fine and such imprisonment.**”

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

9. Section 27 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

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“(a) if the explosion is negligently caused and property is endangered, he shall be liable to a fine not exceeding **[one thousand rand] R2 000** or, in default of payment, to imprisonment for a period not exceeding two years, or to such imprisonment without the option of a fine;” and

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(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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“(b) if the explosion is negligently caused and life is endangered he shall be liable to a fine not exceeding [two thousand rand] R3 000 or, in default of payment, to imprisonment for a period not exceeding two years, or to such imprisonment without the option of a fine;”

Substitution of section 29 of Act 26 of 1956, as substituted by section 15 of Act 21 of 1963.

10. The following section is hereby substituted for section 29 of the principal Act:

“Power of regional courts to impose certain penalties. 29. A court of a regional division within the meaning of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), shall, notwithstanding anything to the contrary contained in any law, have power to impose a penalty mentioned in section 27 (1) (c) of (1A).”

Amendment of section 31 of Act 26 of 1956, as amended by section 1 of Act 79 of 1962 and section 12 of Act 46 of 1964.

11. Section 31 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) to the importation, storage, use, manufacture or transport of any explosive by the South African Defence Force or any police force constituted under any law or by the defence force of any country which the Minister, after consultation with the Minister of Defence, by notice in the *Gazette* exempts from the provisions of this Act relating to such importation, storage, use, manufacture or transport: Provided that the Minister may in the same manner cancel or suspend any exemption thus granted;”

Certain list deemed to be approved by Minister of Police.

12. A list approved by the Minister of Economic Affairs under the definition of “authorized explosive” in section 1 of the principal Act and in force immediately before the commencement of this Act, shall be deemed to have been approved by the Minister of Police under the said definition.

Short title and commencement.

13. This Act shall be called the Explosives Amendment Act, 1981, and shall come into operation on a date fixed by the State President by notice in the *Gazette*.