

No. 21, 1963.]

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**ACT**  
To amend the Explosives Act, 1956.

(Afrikaans text signed by the State President.)  
(Assented to 9th March, 1963.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa as follows:—

Amendment of section 3 of Act 26 of 1956.

1. Section *three* of the Explosives Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (2) for the words "one hundred pounds" of the words "five hundred rand", the deletion in that sub-section of the words "in default of payment" and the substitution in that sub-section for the words "six months" of the words "twelve months or to both such fine and such imprisonment".

Amendment of section 4 of Act 26 of 1956.

2. Section *four* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "one hundred pounds" of the words "five hundred rand", the deletion in that sub-section of the words "in default of payment" and the substitution in that sub-section for the words "six months" of the words "twelve months or to both such fine and such imprisonment".

Amendment of section 6 of Act 26 of 1956.

3. Section *six* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "fifty pounds" of the words "five hundred rand", the deletion in that sub-section of the words "in default of payment" and the substitution in that sub-section for the words "three months" of the words "twelve months or to both such fine and such imprisonment".

Amendment of section 7 of Act 26 of 1956.

4. Section *seven* of the principal Act is hereby amended by the substitution for sub-sections (2) and (3) of the following sub-sections:

"(2) The fees, if any, payable in respect of any such licence and the period for which it shall be valid, shall be prescribed by regulation.

(3) Any regulations made for the purposes of sub-section (2) may differentiate between licences in respect of fire-works and licences in respect of other explosives, and may provide that the licence fee shall vary according to the period for which a licence is issued."

Amendment of section 10 of Act 26 of 1956.

5. Section *ten* of the principal Act is hereby amended by the substitution for the words "fifty pounds" of the words "five hundred rand", by the deletion of the words "in default of payment" and by the substitution for the words "three months" of the words "twelve months or to both such fine and such imprisonment".

Amendment of section 16 of Act 26 of 1956.

6. Section *sixteen* of the principal Act is hereby amended by the substitution for the words "a sum of fifty pounds" of the words "the fee prescribed by regulation".

Amendment of section 17 of Act 26 of 1956.

7. Section *seventeen* of the principal Act is hereby amended by the substitution for all the words following the word "shall" of the words "at such times as may be prescribed by regulation pay to an inspector the fees so prescribed calculated on the value of the explosives manufactured in such factory".

Amendment of section 18 of Act 26 of 1956.

8. Section *eighteen* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "of one pound" of the words "prescribed by regulation".

Amendment of section 20 of Act 26 of 1956.

9. Section *twenty* of the principal Act is hereby amended by the substitution for the words "on due date" of the words "as prescribed by regulation".

Amendment of section 21 of Act 26 of 1956.

10. Section *twenty-one* of the principal Act is hereby amended by the substitution for the words "two hundred and fifty pounds" of the words "six hundred rand" and for the words "twelve months" of the words "two years".

Amendment of section 22 of Act 26 of 1956.

11. Section *twenty-two* of the principal Act is hereby amended—

(a) by the substitution in sub-section (6) for the words "the thirty-first day of December of the year in respect of which it is issued" of the words "a date prescribed by regulation";

- (b) by the substitution for sub-section (8) of the following sub-section:  
 “(8) The fees prescribed by regulation shall be payable for any licence issued under this section.”; and
- (c) by the substitution in sub-section (9) for the words “of one pound” of the words “as prescribed by regulation.”.
- Amendment of section 24 of Act 26 of 1956.      12. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “two hundred and fifty rand” and for the words “three months” of the words “six months”.
- Amendment of section 27 of Act 26 of 1956.      13. Section *twenty-seven* of the principal Act is hereby amended—
- (a) by the substitution in paragraph (a) of sub-section (1) for the words “two hundred and fifty pounds” of the words “one thousand rand” and for the words “twelve months” of the words “two years”;
- (b) by the substitution in paragraph (b) of that sub-section for the words “five hundred pounds” of the words “two thousand rand” and for the words “twelve months” of the words “two years”;
- (c) by the substitution for paragraph (c) of that sub-section of the following paragraph:  
 “(c) if the act or omission causing danger to life or property is wilful, he shall, where death does not result therefrom, be liable to imprisonment without the option of a fine for a period of not less than three years and not more than fifteen years, and the explosives and any apparatus or conveyance used in connection with or involved in the act or omission may be declared to be forfeited;”;
- (d) by the substitution in paragraph (d) of that sub-section for the words “one thousand pounds” of the words “four thousand rand” and for the words “two years” of the words “four years”.
- Amendment of section 28 of Act 26 of 1956.      14. Section *twenty-eight* of the principal Act is hereby amended by the substitution for all the words following the word “conviction” of the words “to the penalties prescribed in paragraph (c) of sub-section (1) of section *twenty-seven*”.
- Substitution of section 29 of Act 26 of 1956.      15. The following section is hereby substituted for section *twenty-nine* of the principal Act:  
 “Powers of magistrates’ courts to impose penalties.      29. Notwithstanding anything to the contrary contained in any law relating to magistrates’ courts—
- (a) any magistrate’s court shall have power to impose any penalty prescribed by this Act, other than a penalty prescribed in sub-section (1) of section *twenty-seven* or section *twenty-eight*;
- (b) a magistrate’s court for a regional division shall have power to impose any penalty prescribed in paragraph (a), (b) or (d) of sub-section (1) of section *twenty-seven*.”.
- Amendment of section 30 of Act 26 of 1956.      16. Section *thirty* of the principal Act is hereby amended—
- (a) by the insertion after paragraph (h) of sub-section (1) of the following paragraphs:  
 “(h)*bis* the fee payable in respect of a licence issued under section *seven*, *sixteen* or *twenty-two* and the period for which any licence issued under section *seven* or *twenty-two* shall be valid;
- (h)*ter* the fees payable under section *seventeen* and the periods in respect of which and the times at which such fees shall be paid;
- (h)*quat* the fees payable in respect of any amendment or transfer of a licence under sub-section (2) of section *eighteen* or sub-section (9) of section *twenty-two*;”;
- (b) by the substitution in sub-section (2) for the words “one hundred and fifty pounds” of the words “six hundred rand” and for the words “twelve months” of the words “two years”.
- Short title and commencement.      17. This Act shall be called the Explosives Amendment Act, 1963, and shall come into operation on the first day of January, 1964.