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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 928.

7 May 1975.

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

No. 35 of 1975: Explosives Amendment Act, 1975.

No. 928.

7 Mei 1975

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

No. 35 van 1975: Wysigingswet op Ontploffbare Stowwe, 1975.

ACT

To amend the Explosives Act, 1956, so as to empower the Secretary for Commerce to designate an officer in his Department to exercise the powers conferred on him in terms of section 2 (5); to empower the chief inspector of explosives to prescribe conditions in respect of permissions granted by him under section 4 (1A); and to alter the requirements regarding the use of explosives manufactured under such permissions; to repeal sections 12 to 16 inclusive, and sections 18 to 21 inclusive; to provide for the licensing by the chief inspector of explosives of factories for the manufacture, and magazines for the storage, of explosives; to make further provision regarding the making of regulations; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 30 April 1975.)*

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 1 of
Act 26 of 1956.

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 "factory licence" of the following definition:
- "'factory licence' means any licence valid under the provisions of section 11 or any licence issued under section 22 (1) (a) in respect of a factory for the manufacture of explosives;"

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

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 Department 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 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 4 of
Act 26 of 1956,
as amended by
section 2 of
Act 21 of 1963 and
section 1 of Act 12
of 1967.

3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1A) of the following paragraph:
- "(a) The chief inspector of explosives may grant permission, subject to the conditions prescribed by him in writing, to any person applying therefor in writing, to manu-

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facture, at a place approved by the said chief inspector which is not in an explosives factory, by adding ammonium nitrate to or mixing it with non-explosive component parts, so approved, of an authorized explosive so approved, blasting material which is a so approved authorized explosive, for use at a blasting-place mentioned in the application.”.

Repeal of sections 12, 13, 14, 15, 16, 18, 19, 20 and 21 of Act 26 of 1956.

4. Sections 12 to 16 inclusive, and sections 18 to 21 inclusive of the principal Act are hereby repealed.

Substitution of section 22 of Act 26 of 1956, as amended by section 11 of Act 21 of 1963.

5. (1) The following section is hereby substituted for section 22 of the principal Act:

“Licensing of factories for the manufacture of explosives and magazines for the storage thereof.

22. (1) (a) Any person who desires to erect or carry on a factory for the manufacture or a magazine for the storage of explosives, shall make application for a licence therefor to the chief inspector of explosives, who may issue such a licence subject to the observance of the regulations and after consultation with the local authority, if any, and upon such other conditions as he may think fit to attach to the licence, or refuse to issue such a licence if in his opinion the applicant is not a suitable person to hold the licence in question.

(b) An applicant whose application for a licence is refused by the chief inspector of explosives in terms of paragraph (a) may appeal to the Minister.

(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 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(3) Any licence issued under this section or the conditions thereof may upon application be amended by the chief inspector of explosives; provided he is satisfied that the safety of the public or of any person employed in or at the factory or magazine in question will not be thereby diminished.

(4) Any such licence may be transferred to the name of another, provided four weeks' notice in writing of the desire to transfer is sent to the chief inspector of explosives, who shall not refuse such a transfer, except upon the ground that the proposed transferee is not a suitable person to hold the licence in question.

(5) Whenever the chief inspector of explosives refuses the transfer of a licence in terms of subsection (4), the holder of the licence or the proposed transferee may appeal to the Minister.

(6) Any licence issued under this section shall expire on a date prescribed by regulation and shall become void if the factory or magazine in question is used for any purpose not provided for in the licence.

(7) (a) The chief inspector of explosives may revoke any licence issued under this section if he is satisfied that the holder thereof is no longer a suitable person to hold the licence in question.

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(b) The holder of a licence revoked under paragraph (a), may appeal to the Minister.

(8) The fees prescribed by regulation shall be payable for any licence issued under this section.

(9) A fee as prescribed by regulation shall be payable on every occasion that a licence is amended or transferred under this section.

(10) The chief inspector of explosives may delegate any power or duty conferred or imposed upon him under this section in respect of magazines, to any inspector of explosives or any person deputed to act as an inspector under section 2."

(2) Any licence held immediately prior to the commencement of this Act in respect of a factory for the manufacture, or a magazine for the storage, of explosives, shall be deemed to be a licence issued by the chief inspector of explosives under section 22 of the principal Act, as substituted by this Act.

Amendment of section 30 of Act 26 of 1956, as amended by section 16 of Act 21 of 1963.

6. Section 30 of the principal Act is hereby amended—

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

"(h)*bis* the fees payable in respect of a licence issued under section 7 or 22, and the period for which any such licence shall be valid;";

(b) by the substitution for paragraph (h)*quat* of the said subsection of the following paragraph:

"(h)*quat* the fees payable in respect of any amendment or transfer of a licence issued under section 22;";

(c) by the substitution for subsection (4) of the following subsection:

"(4) Different regulations may be made in respect of different provinces, districts, or areas in the Republic, or in respect of different categories of licences."; and

(d) by the addition of the following subsection:

"(5) Any regulation regarding the payment of fees, shall be made in consultation with the Minister of Finance."

Short title.

7. This Act shall be called the Explosives Amendment Act, 1975.