



LAWS OF FIJI

CHAPTER 189

EXPLOSIVES

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CHAPTER 189

EXPLOSIVES

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EXPLOSIVES

Ordinances Nos. 13 of 1937, 2 of 1945, 7 of 1965, 37 of 1966.

**AN ACT TO REGULATE THE MANUFACTURE, USE, SALE, STORAGE,
TRANSPORT, IMPORTATION AND EXPORTATION OF EXPLOSIVE
SUBSTANCES**

[1st January 1938.]

Short title

1. This Act may be cited as the Explosives Act.

Harbour master of port

2. All powers and duties conferred and imposed by this Act or by any regulations made thereunder made on the harbour master of a port may, in places where there is no harbour master, be exercised and performed by any officer whom the Minister may from time to time by notification in the Gazette appoint in that behalf.

*Interpretation***3.** In this Act, unless the context otherwise requires—

“carriage” includes any carriage, wagon, cart, truck or other vehicle used for the conveyance of goods or passengers by land in whatsoever manner the same may be propelled or moved;

“explosive”—

(a) means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Fiji;

“import” with its grammatical variations and cognate expressions means to bring or cause to be brought into Fiji;

“licensing officer” means a licensing officer appointed by the Minister by notification in the Gazette; (*Inserted by Ordinance 7 of 1965, s. 2.*)

“manufacture” includes the preparation of any component parts of an explosive, the admixture or other treatment of the same, the breaking up or unmaking of any explosive or making fit for use any damaged explosive, and the process of remaking, altering or repairing any explosive;

“serious injury” means any one or more of the following:—

(a) a fractured skull, pelvis, arm, thigh, spine, forearm or leg;

(b) a dislocated shoulder;

(c) the amputation of an arm, hand, finger, leg, foot or toe;

(d) the loss of sight of an eye;

(e) asphyxia;

(f) any other bodily injury, including haemorrhage or burns if such is likely to endanger life, cause permanent incapacity or to disable the injured person from following his ordinary occupation for a period of five days or more.

(*Inserted by. Ordinance 7 of 1965, s. 2.*)

Extension of definition of explosive to other explosive substances

4. The Minister may from time to time by notification in the Gazette declare that any substance which appears to him to be specially dangerous to life or property by reason either of its explosive properties or of any process in the manufacture thereof rendering it liable to explosion shall be deemed to be an explosive within the meaning of this Act, subject to such exceptions, limitations and restrictions as may be specified in the notification, and this Act shall accordingly extend to that substance in like manner as if it were included in the definition of the term “explosive”.

Regulations

5.—(1) The Minister may make regulations to control or prohibit the construction of magazines and the manufacture, possession, use, sale, storage, transport, importation and exportation of explosives or any specified class of explosives. All licences under this Act except blasters' licences shall be granted and issued by the licensing officer or any other officer appointed by him in writing in that behalf. Blasters' licences may be granted and issued by an inspector of mines.

(2) Without prejudice to the generality of the foregoing powers, regulations under this section may provide for all or any of the following among other matters, that is to say:—

- (a) the fees to be charged for licences and other sums, if any, to be paid for expenses by applicants for licences;
- (b) the manner in which applications for licences shall be made and the matters to be specified in such applications;
- (c) the form in which and the conditions on and subject to which licences shall be granted;
- (d) the period for which licences are to remain in force; and
- (e) the exemption absolutely or subject to conditions of any explosives from the operation of the regulations.

(3) The Minister may by regulation impose penalties on all persons constructing magazines and manufacturing, possessing, using, selling, storing, transport, importing, or exporting explosives in breach of the regulations or otherwise contravening the regulations;

Provided that the maximum penalty which may be imposed by any such regulations shall not exceed—

- (a) in the case of a person so importing, exporting or manufacturing an explosive, a fine of eight hundred dollars or to imprisonment for a term not exceeding two years;
- (b) in case of a person so possessing, storing, using or transport an explosive, a fine of four hundred dollars or to imprisonment for a term not exceeding one year;
- (c) in the case of a person so selling an explosive, a fine of four hundred dollars or to imprisonment for a term not exceeding one year;
- (d) in any other case a fine of one hundred dollars.

(Section amended by 2 of 1945, s. 109, and 5 of 1965, s. 3.)

Liability of principal for offences committed by agent, etc.

6.—(1) Whenever under this Act any person mentioned in a licence issued under the provisions thereof is declared liable to any punishment penalty or forfeiture for any act committed by him, he shall be liable to the same punishment, penalty or forfeiture for every similar act committed by any agent or servant employed by him in or about the licensed premises.

Every agent or servant employed by any person mentioned in a licence shall also be liable to every punishment, penalty or forfeiture prescribed for offences against this Act as fully and effectually as if such agent or servant had been the person mentioned in the licence.

(2) Every person employed in or about any premises licensed under this Act shall be deemed to have been so employed by the person mentioned in the licence unless and until the contrary be proved.

Power to prohibit the manufacture, possession or importation of specially dangerous explosives

7.—(1) Notwithstanding anything in this Act contained the Minister, may from time to time, by notification in the Gazette—

- (a) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is used so as to cause danger or annoyance to the public or which is of so dangerous a character that, in the opinion of the Minister, it is expedient for the public safety to issue the notification; and
- (b) rescind or vary any notification under this section.

(2) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be liable to a fine not exceeding eight hundred dollars or to imprisonment for a term not exceeding two years and, in the case of importation by water, the owner and master of the vessel in which the explosive is imported shall, in the absence of reasonable excuse, each be liable to a fine not exceeding eight hundred dollars or to imprisonment for a term not exceeding two years. (*Amended by 7 of 1965, s. 4.*)

Power to make regulations conferring powers of inspection, search, seizure, detention or removal

8. The Minister may make regulations consistent with this Act authorising any officer, either by name or in virtue of his office—

- (a) to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, stored, used, sold, transported or imported under a licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, stored, used, sold, transported or imported in contravention of this Act or of the regulations made thereunder; (*Amended by 7 of 1965, s. 5.*)
- (b) to search for explosives therein;
- (c) to take samples of any explosive found therein on payment of the value thereof; and
- (d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

Power to make regulations for testing of explosives before importation

9. The Minister may make regulations as to the tests to which various classes or any particular class of explosives may or shall be subjected before permission is granted to land the same in Fiji.

Notice of accidents

10. Whenever there occurs in or about or in connexion with any place in which an explosive is manufactured, possessed, stored or used, or any carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place or licensee of the magazine or the master of the vessel or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police station. (*Amended by 7 of 1965, s. 6.*)

Inquiry into accidents

11.—(1) Any magistrate who is of opinion that an inquiry is necessary into the cause of any accident within his jurisdiction of the description mentioned in section 10 may make such inquiry.

(2) Any magistrate making an inquiry under this section shall, for the purposes of conducting an inquiry, have all the powers, which he would have in holding an inquiry into an offence within his jurisdiction.

Dangerous acts

12. Any person found committing wilfully or negligently any act which tends to cause explosion or fire in or about any factory, magazine, hulk, vessel, storehouse or shop containing explosives shall be liable, in addition to any other penalty to which he may be liable, to a fine not exceeding one hundred dollars.

General penalty

13. Any person who is guilty of any contravention or breach of any of the provisions of this Act or of any regulations made thereunder for which no special penalty has been prescribed shall be liable to a fine not exceeding one hundred dollars. (*Amended by 7 of 1965. s. 7*)

Awards to informers

14. In case of a conviction under any section of this Act or for breach of any regulation thereunder involving a fine, it shall be lawful for the court inflicting such fine to direct, on the application of the police officer in charge of the prosecution, that any part not exceeding one-half thereof, shall be paid to any person who has, or divided in such proportions as the court may order amongst any persons who have given such information to the police as has led to the conviction of the offender or offenders.

Forfeiture of explosives

15. Whenever a person is convicted of an offence punishable under this Act or the regulations made thereunder, the court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance, if any, in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Seizure and sale of vessels

16. Where the owner or master of a vessel is adjudged under this Act to pay a fine for an offence committed with or relating to that vessel, the court may, in addition to any other power which it may have for the purpose of compelling payment of the fine, direct it to be levied by seizure and sale of the vessel and the tackle, apparel and furniture thereof or so much thereof as is necessary.

Abetment and attempt

17. Whoever abets the commission of an offence punishable under this Act or the regulations made thereunder or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be liable to the same penalty as if he had committed the offence.

Power to arrest without warrant persons committing dangerous offences

18. Whoever is found committing any act punishable under this Act or the regulations made thereunder which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port or any carriage or vessel, may be arrested without a warrant by a police officer or by the occupier of, or the agent or servant of, or other person authorised by, the occupier of that place, or by an agent or servant of, or other person authorised by, the harbour master of the port, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a magistrate.

Saving

19. Except in so far as any powers or duties are conferred or imposed upon them or any of them by the provisions of this Act, nothing in this Act shall apply to Her Majesty's Forces or to the Royal Fiji Police Force or Special Constabulary or to any member of Her Majesty's Forces or the Royal Fiji Police Force or Special Constabulary acting in the course of his duties as such or to a licensing officer, inspector of mines or harbour master performing his duties under the provisions of this Act or, to the extent to which their official duties require, to such engineers employed by the Government as may be nominated, in writing, by the Permanent Secretary for Works, to a licensing officer. (*Substituted by 7 of 1965, s. 9.*)

Minister may authorise magazines or hulks

20. It shall be lawful for the Minister to authorize the erection of such magazines or the establishment of such hulks as he may consider necessary for the storage of Government explosives or for the storage or safe custody of explosives belonging to other persons, and to fix a scale of fees to be paid for the use of Government magazines or any portion thereof.

Fees

21. The Minister may, from time to time, make regulations consistent with this Act to determine the fees to be charged under this Act, and may direct by whom and in what manner the same are to be collected and accounted for.

Controlled by Ministry of Lands and Mineral Resources

CHAPTER 189

EXPLOSIVES

SECTIONS 5, 8 AND 21-EXPLOSIVES REGULATIONS

*Regulations 30 December 1937, 7 February 1940, 2 May 1942, 21 October 1948,
19 November 1949, 22 August 1958, 28 December 1961, 27 September 1965,
23 September 1966, Legal Notices Nos. 112 of 1970, 226 of 1974,
42 of 1977, 100 of 1978, 118 of 1978, 94 of 1982, 73 of 1985*

PART I-PRELIMINARY

Short title

1. These Regulations may be cited as the Explosives Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
 - “bulled hole” means a drill-hole in which a small charge of explosive has been exploded for the purpose of enlarging the bottom;
 - “butt” means a hole remaining after a charge has been exploded in it;
 - “civil engineering works” means any cutting or excavation for a thoroughfare or bridge or dam or for the foundations or site of a building or demolition work or submarine work or any other work of a nature similar to any of the foregoing, and, subject to the provisions of any regulations made under the provisions of the Mining Act, or the Quarries Act, includes any works to which the provisions of either of those Acts apply; (*Cap. 146, Cap. 147.*)
 - “detonator” means a capsule or case which is of such strength and construction and contains a fulminate in such quantity that the explosion of 1 capsule or case will communicate the explosion to other like capsules or cases and includes electric detonators and electric delay action detonators;
 - “firework” includes all firework and signal light compositions as well as manufactured fireworks and signal lights;
 - “foreman” means the person having immediate charge of the civil engineering works;
 - “inspector” means an inspector of mines appointed under the Mining Act; (*Cap. 146.*)
 - “manager” means the person responsible for the control, management and direction of the civil engineering works;
 - “matches” includes all kinds of matches ordinarily so called whether safety or otherwise;
 - “misfire” means a hole in which the explosive has failed to explode;
 - “primer” means an explosive into which a detonator has been inserted;
 - “safety fuse” means a fuse for blasting which burns but does not explode, and which does not contain its own means of ignition, and which is of such strength and construction and contains an explosive in such a quantity

that the burning of such fuse will not communicate laterally with other like fuses;

“shift” means any body of workmen whose time for beginning and ending work is the same or approximately the same;

“shotfirer” means the person in charge of and directly supervising the charging, tamping and blasting operations;

“tamping” means the pressing of an explosive into a confined space;

“tunnel” means any underground or subterranean passageway;

“workings” includes all excavations;

“works” includes all plant, machinery, installations, buildings, dams and reservoirs used in connection with civil engineering works.

(Amended by Regulations 2 May 1942; 27 September 1965; 23 September 1966.)

PART II-CLASSIFICATION OF EXPLOSIVES

Classes of explosives

3.—(1) For the purposes of these Regulations, explosives shall be divided into the following classes: -

Class I.....	gunpowder;
Class II.....	nitrate-mixture and perchlorate-mixture;
Class III.....	nitro-compound;
Class IV.....	chlorate-mixture;
Class V.....	fulminate;
Class VI.....	accessory;
Class VII....	firework;

and, where any explosive falls within the description of more than 1 class, it shall be deemed to belong, unless otherwise specified in this regulation, to the last mentioned of the classes within the description of which it falls.

(2) The gunpowder class comprises explosives consisting of any mechanical mixture of charcoal, sulphur and potassium nitrate and/or sodium chlorate.

(3) The nitrate-mixture and perchlorate-mixture class comprises explosives, other than those of the gunpowder class, consisting of any mechanical mixture containing nitrate and/or perchlorate.

(4) The nitro-compound class comprises explosives containing a nitro-compound or an ester of nitric acid, which class consists of 2 divisions, namely-

Division 1, which comprises explosives containing nitro-glycerine and/or nitro-glycol or an ester of nitric acid; and

Division 2, which comprises explosives containing any other nitro-compound.

(5) The chlorate-mixture class comprises explosives consisting of any mechanical mixture containing a chlorate, which class consists of 2 divisions, namely—

(a) Division 1, which comprises all chlorate mixtures containing any liquid nitro-compound; and

(b) Division 2, which comprises all other chlorate mixtures.

(6) The fulminate class comprises explosives consisting of any chemical compound or mechanical mixture which because of its sensitivity to heat, friction or impact is suitable for use as an initiator in detonators and similar devices or because of its extreme sensitivity or instability is especially dangerous. The fulminate class consists of 2 divisions, namely—

(a) Division 1, which comprises explosives suitable for use in initiators; and

(b)

- (c) Division 2, which comprises explosives which are extremely sensitive or unstable.

(7) The accessory class comprises explosives of any of the foregoing classes when enclosed in any case or contrivance to form blasting accessories such as safety or other fuse, fuse lighters, detonators or detonating fuse, but does not include any blasting cartridges, shaped charges, canisters of explosives or primers which are not initiators. The accessory class consists of 3 divisions, namely—

- (a) Division 1, which comprises safety fuse, fuse lighters, multiple safety fuse igniters, igniter cord and connectors for the same and delay action fuses;
- (b) Division 2, which comprises detonating fuse and connectors for the same; and
- (c) Division 3, which comprises detonators.

(8) The firework class comprises firework and signal light compositions, that is to say, any chemical compound or mechanical mixture of an explosive or inflammable nature, not included in any of the foregoing classes of explosives, which is used for the purpose of making manufactured fireworks and signal lights, that is to say, any explosive of any of the foregoing classes or any firework or signal light composition enclosed in any case or contrivance or otherwise manufactured or specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals. The firework class consists of 2 divisions, namely—

- (a) Division 1, which comprises firework and signal light compositions; and
- (b) Division 2, which comprises manufactured fireworks and signal lights.

(Substituted by Regulations 23 September 1966.)

PART III-MANUFACTURE OF EXPLOSIVES

Manufacture to be in licensed factories

4. The manufacture of any explosive shall not, nor shall any process of such manufacture, be carried on except at a factory for explosives duly licensed in that behalf and, if any person manufactures any explosive at any place ashore or afloat at which he is not allowed by this regulation so to do, he shall be deemed to manufacture explosives at an unauthorised place:

Provided that an inspector may exempt any explosive from the operation of this regulation either generally or in relation to any particular person or persons or class of person.

(Amended by Regulations 2 May 1942; 23 September 1966.)

Penalty

5. Where any explosive is manufactured at any unauthorised place—

- (a) all or any part of such explosive or its ingredients or the various apparatus used in its manufacture which may be found either in or about such place or in the possession or under the control of any person convicted under regulation 4 may be forfeited; and
- (b) the person so manufacturing shall be liable to a fine not exceeding \$800 or to imprisonment for any term not exceeding 2 years.

(Amended by Regulations 27 September 1965.)

Licences for factories

6.—(1) Subject to the approval of the Minister and to any regulations made under the Act, the licensing officer may licence any premises which may appear suited to the purpose for the manufacture of such explosive or explosives as he may deem fit.

(2) An annual fee of \$80 shall be leviable for every licence to manufacture matches, gunpowder or fireworks.

(Amended by Regulations 27 September 1965; 23 September 1966; Legal Notice 112 of 1970; 118 of 1978.)

Books to be kept

7. Every manufacturer of explosives shall, at all times, keep books, which shall be open to the inspection of the licensing officer, an inspector or any police officer, containing an accurate record of all explosives manufactured by him; and any manufacturer of explosives failing to keep such books or to produce them for inspection as aforesaid when required shall be liable to a fine not exceeding \$200.

(Amended by Regulations 27 September 1965.)

PART IV—STORAGE OF EXPLOSIVES

*Division I—Magazines**Storage to be in licensed premises*

8. No explosive shall be stored in any place or premises whether on land or on water not duly licensed in that behalf:

Provided that—

- (a) any person may, without a licence, store in private premises for his private use and not for trade purposes any amount not exceeding 2.5 kg in weight of manufactured fireworks; and
- (b) the provisions of this regulation shall not apply to—
 - (i) any person conveying explosives from 1 place to another in accordance with the provisions of this Act; or
 - (ii) the storage of any explosives in a distributing magazine under the provisions of any regulations for the time being in force under the provisions of the Mining Act, or of the Quarries Act.

(Cap. 146, Cap. 147.)

(Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

Storage of industrial explosives

9.—(1) Save as otherwise expressly provided in these Regulations, explosives shall be stored only in a magazine, being a building constructed solely for that purpose:

Provided that explosives of class VII (firework) may be stored in any secure building, separated from other articles of an inflammable or combustible nature, and duly licensed for that purpose under the provisions of regulation 20. *(Amended by Regulations 23 September 1966.)*

(2) Every magazine shall be located in accordance with the Table of Distances contained in the Second Schedule. Where it is impracticable so to locate the magazine, the inspector may select the most suitable location:

Provided that this paragraph shall not apply to any magazine built prior to 1 January 1938 unless deemed necessary by the inspector.

(3) The construction, lining and ventilation of every magazine shall be approved by an inspector.

(4) The ground surrounding a surface magazine to a distance of not less than 15 m from the nearest point of such magazine shall be kept clear of grass, weeds or other vegetable growth and of any inflammable material. *(Amended by Legal Notice 100 of 1978.)*

(5) No other material shall be stored in a magazine with explosives.

(6) Should an unlawful entry into a magazine be made or attempted, the holder of the licence shall forthwith notify the nearest police station.

(7) Every magazine shall be in the charge of a responsible person not under the age of 21 years and approved for such appointment by an inspector, which person shall have in his possession the keys of such magazine and shall be responsible for the safe custody and distribution of all explosives contained therein.

(Amended by Regulations 23 September 1966.)

(8) Detonators shall not be stored in the same compartment of a magazine as any other explosives capable of being exploded thereby, nor, in any quantity in excess of 200 detonators, in the same magazine as any other such explosives exceeding 45 kg in weight. *(Substituted by Regulations 23 September 1966; amended by Legal Notice 100 of 1978.)*

(9) Storage of no more than 200 detonators may be in a locked receptacle, isolated from inflammable material, and kept readily accessible for removal in case of fire. *(Amended by Regulations 23 September 1966.)*

(10) Storage of more than 200, but not more than 2,000, detonators may be in a weather-proof, locked receptacle, secured against removal and situated at least 15 m from any dwelling-house and at least 3 m from any other building or any roadway. *(Substituted by Regulations 23 September 1966; amended by Legal Notice 100 of 1978.)*

(11) Storage of more than 2,000 detonators shall be in a magazine located in accordance with the Table of Distances for which purpose 1,000 detonators shall be deemed to be the equivalent of 9 kg of explosive.

(Substituted by Regulations 23 September 1966; amended by Legal Notice 100 of 1978.)

(12) No gunpowder or blasting powder in grain form shall be stored in the same magazine as any explosives capable of being exploded by a detonator.

(Substituted by Regulations 23 September 1966.)

(13) No unprotected light shall be taken into or used in a magazine or taken or used within 8m thereof. *(Amended by Legal Notice 100 of 1978.)*

(14) No unprotected light shall be taken or used within 3 m of any explosives being loaded, unloaded or otherwise handled. *(Amended by Legal Notice 100 of 1978.)*

(15) No person shall smoke while handling explosives or take into or use in a magazine anything which may cause ignition.

(16) Explosives shall be stored tidily and in such a manner that the oldest explosives shall be the most readily accessible and, provided these have not deteriorated, they shall be used first.

(17) Explosives which have deteriorated shall not be used or offered for sale but shall be disposed of by or under the directions of the owner, or person in charge, either independently or as directed by an inspector, but in any event in a safe manner.

(18) No scraps or broken portions of explosives shall be left on the floor of a magazine.

(19) Only implements made of wood, brass or copper shall be used in opening cases of explosives:

Provided that, where cases are screwed down, an iron screwdriver may be used to withdraw the screws, but for no other purpose.

Division 2-Construction of Magazines

Submission of plan, etc., for approval of inspector

10.— (1) Every person desiring to erect a magazine or add to or alter or repair an existing magazine shall submit in duplicate to the inspector the plans, specifications and site plans of such magazine or addition or alteration and shall obtain his approval before work is commenced.

(2) Such plans and specifications shall so far as is practicable be in accordance with the model plans and specifications approved by the inspector.

(3) 1 copy of the submitted plan, specifications, and site plan shall be retained by the inspector and the other copy of the plan, specifications and site plan shall be returned to the applicant after being endorsed by the inspector with his approval and with a statement of the maximum quantity of explosive which may be stored in the said magazine.

(4) Notwithstanding anything to the contrary contained in these Regulations, the inspector may, if he sees fit, dispense with the necessity for the submission of plans, specifications and site plans if a magazine is to be painted or if minor repairs or alterations under \$50 in value are to be carried out.

(5) Before commencing any work on an existing magazine, the contents shall be removed to a safe distance and protected against theft, heat and dampness.

(Inserted by Regulations 27 September 1965.)

Inspection

11.— (1) The inspector may, at any time during the day or while the work is being done, with such assistants as he may think necessary, enter the magazine and inspect the whole or any part of the work.

(2) The owner and builder, and every person engaged in work on a magazine, shall give every reasonable facility to the inspector and his assistants to inspect the work.

(Inserted by Regulations 27 September 1965.)

Classes of magazines

12. Magazines for the storage of explosive shall be classified as follows, namely:-

- (a) A Class I magazine shall be permanent storage magazine for a quantity of explosive exceeding 1,350 kg in weight or detonators exceeding 150,000 in number;
- (b) A Class II magazine shall be a permanent storage magazine for a quantity of explosive exceeding 115 kg and not exceeding 1,350 kg in weight or detonators not exceeding 150,000 in number;
- (c) A Class III magazine shall be a permanent storage magazine for a quantity of explosive not exceeding 115 kg in weight or detonators not exceeding 10,000 in number;
- (d) A Class IV magazine shall be a portable magazine for the temporary storage of a quantity of explosive not exceeding 1,350 kg in weight or detonators not exceeding 2,000 in number. A Class IV magazine shall

not be permitted where the storage requirement is sufficiently permanent to justify the erection of a Class I, II or III magazine.

(Inserted by Regulations 27 September 1965; amended by Legal Notice 100 of 1978.)

Division 3-Class I Magazines

Minimum requirement for Class I magazines

13.—(1) The minimum dimensions of a Class I magazine shall be 2.75 m x 1.8 m inside the lining and the minimum floor-to-ceiling height shall be 2.45 m.

(2) A small ante-room with a minimum width of 1 m shall be provided inside the magazine and shall be separated from the explosive by wooden walls and door.

(3) An aisle 1m wide shall be kept clear of explosive from the door to the rear of the magazine and, where the length of the magazine exceeds 4.5 m, a further similar aisle shall be provided across the centre of the magazine.

(4) The exterior walls shall be of reinforced concrete with a minimum thickness, exclusive of plastering or rendering, of 150 mm.

(5) The roof shall be of reinforced concrete with a minimum thickness of 150 mm adequately sloped for carrying off all water which may fall thereon.

(6) Flooring shall be of boards with a minimum thickness of 30 mm laid on wooden joists adequately supported and at least 300 mm above a concrete underfloor slab with a minimum thickness of 150 mm. There shall be a 25 mm gap between adjacent boards for ventilation. The floor level shall be at least 450 mm above ground level.

(7) Internal walls and ceilings shall be lined with cork or wood at least 25 mm thick separated from the concrete work by at least 25 mm air spaces. The ceiling shall be vented by a 50 mm wide space along each side wall.

(8) The exterior door shall open outwards and shall be made of mild steel plate at least 9.5 mm thick fitting, with minimum clearance, into a 65 mm x 65 mm x 9.5 mm angle iron frame. The inner door shall also open outwards and shall be made of at least 2 thicknesses of 25 mm tongued and grooved boarding, fitting into a wooden frame.

(9) Ventilation shall be provided by steel or galvanized iron pipes fixed below the floor and above the ceiling in sufficient size and numbers to ensure adequate ventilation. The ventilators shall be so placed and constructed that only air may pass through the pipes. Fine wire mesh shall be placed over the outside of the ventilators to prevent insects from entering.

(10) The maximum capacity of the magazine expressed in kilograms of explosive shall be the amount as calculated by the following formula:-

850 times the available floor area in square metres.

“Available floor area” shall be the total area of the floors, less the area of ante-room, walls, and of aisles as provided in paragraph (3). For the purposes of this formula, 10,000 detonators shall be deemed to be the equivalent of 90 kg of explosive of Class III but in no case shall the magazine be so crowded that less than 25 per cent of its interior volume remains as air space.

(11) Cases of explosive shall not be stacked more than 7 high.

(12) When specifically ordered by the licensing officer, a watchman shall be provided either on the basis of a fixed point or visiting at regular periods.

(Inserted by Regulations 27 September 1965; amended by Legal Notice 100 of 1978.)

Division 4 - Class II Magazines
Minimum requirement for Class II magazines

14. The minimum dimensions of a Class II magazine shall be 900 mm x 900 mm x 750 mm inside the lining and all other specifications and conditions shall be the same as hereinbefore provided for Class I magazines, save and except--

- (a) all reinforced concrete shall be of a minimum thickness of 100 mm;
- (b) the maximum capacity of the magazine expressed in kilograms of explosive shall be the amount as calculated by the following formula--
320 times the volume in cubic metres measured inside the wooden lining.

For the purpose of this formula, 10,000 detonators shall be deemed to be the equivalent of 90 kg of explosive of Class III but in no case shall the magazine be so crowded that less than 25 per cent of its interior volume remains as air space:

Provided that—

- (i) when the explosive is not likely to remain in the magazine for a greater period than fourteen days at a time the capacity may be calculated as 400 kg for each cubic metre of interior volume;
- (ii) where it is necessary for a person to enter the magazine for the purpose of loading into or unloading from it, at least one quarter of the floor space shall be left clear as aisles and passageways.

(Inserted by Regulations 27 September 1965; amended by Legal Notice 100 of 1978.)

Division 5-Class III Magazines
Minimum requirements for Class III magazines

15.—(1) The minimum dimensions of a Class III magazine inside the lining shall be as follows:-

- (a) for a quantity of explosive not exceeding 22.5 kg in weight or detonators not exceeding 2,000 in number—600 mm x 600 mm x 450 mm;
- (b) for a quantity of explosive not exceeding 45 kg in weight or detonators not exceeding 4,000 in number—600 mm x 600 mm x 600 mm;
- (c) for a quantity of explosive not exceeding 68 kg in weight or detonators not exceeding 6,000 in number—900 mm x 600 mm x 600 mm;
- (d) for a quantity of explosive not exceeding 115 kg in weight or detonators not exceeding 10,000 in number—900 mm x 750 mm x 650 mm.

In no case shall the magazine be so crowded that less than 25 per cent of the interior volume remains as air space.

(2) Walls, roof and floor shall be of reinforced concrete with a minimum thickness of 100 mm, and shall be lined with cork or wood at least 25 mm thick separated from the concrete work by at least 25 mm air spaces. A sufficient number of 25 mm diameter holes shall be bored through the lining to ensure circulation of air.

(3) The exterior door shall open outwards and shall be made of mild steel plate at least 9.5 mm thick fitting, with minimum clearance, into a 40 mm x 40 mm x 6.5 mm angle iron frame. The inner door shall also open outwards and shall be made of 25 mm tongued and grooved boarding, ledged and braced, fitting into a wooden frame.

(4) Ventilation shall be provided by steel or galvanized iron pipes fixed into the sides and back of the magazine in sufficient size and numbers to ensure adequate ventilation. The ventilators shall be so placed and constructed that only air may pass through the pipes. Fine wire mesh shall be placed over the outside of the ventilators to prevent insects from entering.

(5) All packages shall be kept from the floor of the magazine by means of wooden strips fastened to the floor.

(Inserted by Regulations 27 September 1965; amended by Legal Notice 100 of 1978.)

Class IV Magazines

Minimum requirements for Class IV magazines

I6.—(1) A Class IV magazine shall be made of mild steel plate at least 1.5 mm thick with all seams welded water-tight.

(2) The roof shall be adequately sloped for carrying off all water which may fall thereon.

(3) All interior surfaces of the steel sheathing shall be lined with cork or wood of a thickness of at least 25 mm. The lining shall be spaced 25 mm away from and be fixed to the steel sheathing. A sufficient number of 25 mm diameter holes shall be bored through the lining to ensure the proper circulation of air.

(4) The door shall open outwards and shall be made of mild steel plate at least 3 mm thick fitting, with minimum clearance, into a 40 mm x 40 mm x 6 mm angle iron frame. It shall be lined with 2 layers of 25 mm tongued and grooved boarding with the lining set back from the edges of the steel plate so that the steel plate fits right into the frame.

(5) The door shall be provided with adequate and substantial locking and hinging systems. Two locks shall be used if the height of the door exceeds 900 mm. If a padlock is used, it shall be a close-shackled security type of minimum 4-lever action, neatly fitting a hardened steel staple.

(6) No screw heads or nuts shall be exposed to the exterior of the door or magazine.

(7) Ventilation shall be provided by steel or galvanized iron pipes fixed into the sides and back of the magazine in sufficient size and numbers to ensure adequate ventilation. The ventilators shall be so placed and constructed that only air may pass through the pipes. Fine wire mesh shall be placed over the outside of the ventilators to prevent insects from entering.

(8) The maximum capacity of the magazine expressed in kilograms of explosive shall be the amount as calculated by the following formula:

320 times the volume in cubic metres measured inside the wooden lining.

For the purpose of this formula, 2,000 detonators shall be deemed to be the equivalent of 22.5 kg of explosive of Class III but in no case shall the magazine be so crowded that less than 25 per cent of its interior volume remains as air space:

Provided that—

(a) when the explosive is not likely to 'remain in the magazine for a greater period than 14 days at a time, the capacity may be calculated as 400 kg for each cubic metre of interior volume;

(b) where it is necessary for a person to enter, the magazine for the purpose of loading into or unloading from it, at least one-quarter of the floor space shall be left clear as aisles and passageways.

(9) Cases of explosive shall not be stacked more than 7 high.

(10) All packages shall be kept from the floor of the magazine by means of wooden strips fastened to the floor.

(11) The outside of the magazine shall be painted aluminium and the inside of the steel sheathing shall be painted black.

(12) The magazine shall be securely anchored to its site.

(Inserted by Regulations 27 September 1965; amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

General Conditions

General rules

17.—(1) At all times, a copy of the current magazine licence shall be fixed in a conspicuous position inside the magazine.

(2) Every magazine, except a Class IV magazine, shall be securely fenced in with reinforced concrete posts and with either barbed wire or wire mesh and barbed wire combined. The nearest post of such fence shall not be placed closer than 1.8 m from the magazine.

(3) A magazine exceeding 1.8 m in height above ground level shall be provided with a lightning conductor erected at a distance of 300 mm from the magazine. The conductor shall be in the form of brass rods and copper tape, suitably supported, and it shall terminate at a minimum distance of 1.8 m above the highest point of the magazine. The conducting tape shall be at least 25 mm x 3 mm copper tape with all joints being riveted, screwed or scarfed and well soldered.

(4) All nails, screws, bolts and fittings in the interior of a magazine shall be of non-ferrous metal or shall be countersunk below the surface and puttied over.

(5) The outer door of every magazine, except a Class IV magazine, shall be provided with 2 locks (1 lock in the case of a door not exceeding 900 mm in height) of “Yale” or “Chubbs” cylinder deadlock type or other approved type of security lock of minimum 4 lever action, each closing a substantial steel locking bolt. The inner door shall be fitted with 2 such locks (1 lock in the case of a door not exceeding 900 mm in height). The outer face of cylinder locks shall be protected by a steel cover through which only the key may pass. All hinges and locks shall be inaccessible or tamperproof from the outside of the magazine.

(6) The explosive stored in a magazine shall be kept in a securely covered case, canister or other container.

(7) All electrical wiring in any magazine shall be installed in rigid conduit with screwed water-tight joints, or shall be armoured leadcovered cable; all conduit, armour, fittings and fixtures shall be permanently earthed; and all lighting fixtures shall be of an approved dust-tight type.

(8) All switches and fuses for lighting, and all telephone circuits for any magazine, shall be in a fireproof cabinet located outside any compartment in which explosive is stored and all lighting circuits shall be fused at not more than 5 amperes.

(Inserted by Regulations 27 September 1965; amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

Saving for magazines built prior to 1966

18. The provisions of regulations 13 to 17 relating to the structural requirements of a magazine shall not apply to a magazine built prior to 1 April 1966 unless deemed necessary by the licensing officer or inspector. *(Inserted by Regulations 27 September 1965.)*

Offences

19. Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence, and where no special penalty is provided shall be liable to a fine not exceeding \$100.

(Inserted by Regulations 27 September 1965.)

Licences

20.— (1) The licensing officer may (subject to the provisions of paragraph (2)) on application being made to him and after satisfying himself that the premises are suitable and that due precaution for the public safety has been taken, issue a licence in the Form A in the First Schedule for the storage and/or sale of explosives in any magazine, storehouse or shop.

(2) Such licence shall expire on 31 December in the year in which it is issued and shall be for any period in months, and shall specify the maximum amount of each kind of explosive which may be stored at 1 time. *(Amended by Regulations 23 September 1966.)*

(3) Before a licence is issued to any person for the first time, the licensing officer shall refer the application for such licence to the Commissioner of Police who, if he is satisfied that the applicant is a suitable person to hold a s uch a licence, shall record his approval on the application.

(Inserted by Regulations 27 September 1965.)

Excess storage

21. Any holder of a licence storing or causing to be stored in licensed premises any explosives in excess of the amount specified or of a kind not specified in his licence shall be deemed to store explosives contrary to the provisions of these Regulations.

Licence holder to be deemed occupier

22. Every holder of a licence under regulation 20 shall be deemed to be the occupier of the premises named in such licence, and any notice legibly addressed to him in English and delivered at such premises shall be deemed to have been delivered to him.

No transfer of licence

23.— (1) No licence shall be transferable.

(2) If licensed premises change hands, the transferee shall apply to the licensing officer for a new licence, failing the possession of which he shall be deemed to store explosives contrary to the provisions of regulation 8.

Penalty

24. Where any explosive is stored or kept contrary to the provisions of regulation 8, all or any part of the explosive may be forfeited by order of a magistrate, and any person so storing, keeping, causing to be stored or causing to be kept explosives shall be liable to a fine not exceeding \$400 or to imprisonment for any term not exceeding 1 year.

(Amended by Regulations 27 September 1965.)

Storage of manufactured fireworks

25. The storage of manufactured fireworks of Division 2 of Class VII is subject to the following conditions and restrictions:-

- (a) no manufactured fireworks shall be kept or exposed for sale in shop windows or on unenclosed shelves in shops;
- (b) when the original outer package containing any manufactured fireworks is opened to permit of their exposure for display or sale in any shop, such fireworks shall immediately be placed and kept, pending sale, in a suitable spark-proof receptacle exclusively provided for the purpose;
- (c) such receptacle may consist of a japanned or tinned steel trunk or box, a substantial wooden box, a cupboard, a drawer, enclosed shelves or a glass showcase;
- (d) such receptacle shall be kept closed except when any manufactured fireworks are actually being placed therein or withdrawn therefrom and shall be kept clean at all times and no dust shall be allowed to collect in the interior thereof;
- (e) matches, including Bengal matches, shall not be kept or placed in the same receptacle as any manufactured fireworks, and no artificial light shall be placed therein whilst it contains any manufactured fireworks;
- (f) except as provided in paragraph (b), manufactured fireworks shall be retained in the original outer package which shall be sealed effectively and maintained in good order and condition, and kept in a position away from and clear of shop traffic and shall be separated from other articles of an inflammable or combustible nature;
- (g) every person in or about premises where any manufactured fireworks are kept or sold shall take all due precautions for the prevention of accidents by fire or explosion or otherwise and for preventing unauthorised persons from having access to any manufactured fireworks therein, and shall abstain from any act which may tend to cause fire or explosion and is not reasonably necessary.

(Substituted by Regulations 23 September 1966.)

Matches, etc., not to be sold in licensed premises

26. No matches, and no petroleum to which the Petroleum Act or any other Act for the time being in force regarding the importation, possession and transport of petroleum applies, shall be kept for sale in any part of any premises in which more than 9 kg of explosives are kept, and any person so keeping any matches or any such petroleum shall be liable to a fine not exceeding \$10. *(Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)* *(Cap. 190.)*

Temporary licence

27. The licensing officer may, on application made to him, issue a temporary licence in the Form A in the First Schedule for the storage for a short period to be specified of such explosive as may be required for any pyrotechnic display.

Cancellation of licences

28. Any licence granted under the provisions of these Regulations may be revoked or suspended without cause assigned by the licensing officer.

Fees

29.—(1) The following fees shall be payable in respect of licences and permits issued under the provisions of these Regulations:-

	\$	c
(a) for every licence for a magazine or storehouse to be used for the storage of explosives, per annum	50.00	
(b) for every licence to store and deal in explosives (other than manufactured fireworks or signal lights) at any shop, per annum	100.00	
(c) for every licence to store and deal in manufactured fireworks and signal lights at any shop, per annum.	15.00	
(d) for every licence to import, export or remove explosives.	5.00	
(e) for every temporary licence to store explosives granted under the provisions of regulation 27.	5.00	
(f) for every permit to purchase, sell or possess explosives.	5.00	

Provided that no such fees shall be payable in respect of any licence or permit issued to—

- (i) any person carrying on any prospecting, mining or quarrying operations, for the purpose of importing, purchasing, possessing or storing any explosive for use by such person solely in connection with such operations and not for the purpose of sale; or
- (ii) any department of Government; or
- (iii) any person in the employment of the Government where such licence or permit is required by such person for the performance of his duties.

(2) The charges for the storage or safe custody of explosives in Government magazines shall be as follows:-

	\$	c
Receiving charges for each package.	2.00	
Storage charge for each package for each month or part thereof.	2.00	
Special attendance fee.	20.00	

Provided that—

- (1) a receiving charge shall not be payable when a package is removed temporarily from the magazine for the purpose of extracting part of the contents of such package if the package is then immediately returned to the magazine;
- (2) a special attendance fee shall not be payable for attendance during the normal weekly hours of receiving and delivery as arranged by the magazine keeper nor when explosives are being received into the magazine from a vessel which has arrived in Fiji from overseas;
- (3) The maximum amount of privately owned explosives permitted to be stored—
 - (a) in the Savura Creek Magazine, Suva, shall be—
 - (i) explosives, other than detonators, 25,000 lbs;
 - (ii) detonators, 30 cases;
 or such greater amounts as may be approved by the magazine keeper;
 - (b) in other Government magazines, as permitted by the magazine keeper.

(Substituted by Legal Notice 118 of 1978.)

Inspection of books, etc.

30. Every person licensed to store explosives under regulation 20 shall, at all times, keep books, which shall be open to the inspection of the licensing officer, an inspector or any police officer, containing an accurate record of all explosives stored by him; and any such person failing to keep such books or to produce them for inspection as aforesaid when required shall be liable to a fine not exceeding \$50.

(Amended by Regulations 27 September 1965.)

PART V—PACKING AND TRANSPORT

*Division I—Mode of Packing
Packing*

31.— (1) The provisions of this regulation shall be observed with respect to the packing of explosives for conveyance.

(2) Each class of explosives shall be separately packed and each case shall be legibly labelled.

(3) The explosives shall be contained in a double package. The inner package shall be a substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed and will not allow the explosive to escape:

Provided that—

- (a) the maximum quantity of explosive (other than explosives of Division 2 of Class VII) contained in any 1 outer package shall not exceed 22.5 kg in weight and the maximum quantity of explosives of Division 2 of Class VII (Firework) contained in any 1 outer package shall not exceed 45 kg in weight;
- (b) if the explosive is picric acid, the inner package must be of such a nature as effectually to prevent any picric acid from coming into contact with any basic metallic oxide and special precautions must be taken to prevent this by heavily lacquering all metal surfaces, with which the explosive is likely to be in contact;
- (c) in the case of any explosive of Division I of Class III (nitro-compound) or of Class IV (chlorate-mixture), either the inner or outer package or both shall be completely water-proof;
- (d) in the case of any explosive of Class V (fulminate) which is of such character that it cannot be packed mixed with water or that danger would be likely to arise from such mode of packing, it shall be packed in such manner as may be specially directed by the licensing officer;
- (e) in the case of any other explosive of Class V (fulminate)—
 - (i) it shall be packed in bags or coverings of calico, canvas or other material permeable to water, each such bag or other covering containing not more than 12 kg in weight of such explosive and so made and closed as to prevent any such explosive from escaping;

- (ii) not more than 2 of such packages shall be packed in a case (hereinafter referred to as “the inner case”) containing sufficient water to ensure that all such explosive contained therein is kept constantly wet;
 - (iii) each inner case shall be packed in an outer case containing sufficient water to constantly surround the inner case; and
 - (iv) both the inner case and the outer case shall be of such strength, construction and character that they will not be broken or accidentally opened, or become defective or insecure whilst being conveyed or moved, and will not allow any fulminate or water to escape;
- (f) no package, when actually used for the packing of any 1 type of fulminate, shall be used for the packing of any other type of fulminate or for any other purpose;
- (g) in the case of any explosive of Division 3 of Class VI (accessory), the maximum quantity of such explosive packed in any 1 inner package shall not exceed 1 kg in weight;
- (h) in the case of any explosive of Division I of Class VII (firework), the maximum quantity of such explosive packed in any 1 inner package shall not exceed 500 g in weight.

(Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

General conditions to be observed

32. Whatever be the amount of the explosive, and to whatever class or division of a class it belongs, the following conditions shall be observed:--

- (a) the interior of every package, whether single or double, shall be kept free from grit and otherwise clean;
- (b) every package, whether single or double, when actually used for the packing of the explosive, shall not be used for the packing of any other explosive of the same or any other class or for any other purpose, except with the consent of, and under conditions approved by, the licensing officer;
- (c) there shall not be any iron or steel in the construction of any such single package or inner or outer package unless the same is effectually covered with tin, zinc, or other suitable material;
- (d) on the outermost package, there shall be affixed, in conspicuous characters, by means of a brand or securely attached label or mark, the word “EXPLOSIVE” followed by the name of the explosive or other description of the contents and the name and address of the owners or senders;
- (e) the amount of the explosive in any single package or, if there is a double package, in any 1 outer package, shall not exceed the amount specified in the foregoing regulations except with the consent of, and under conditions to be approved by, the licensing officer.

(Amended by Regulations 23 September 1966.)

Penalty

33. Whoever commits a breach of any of the foregoing regulations relating to the packing of explosives for conveyance shall be liable to a fine not exceeding \$100.

*Division 2-Mode of Conveyance
Explosives to be properly packed*

34. No explosive shall be conveyed from place to place unless-packed in the manner provided for in the foregoing regulations.

Different classes of explosives to be separate

35. There shall not be conveyed in any carriage or vessel which is being used for the conveyance of an explosive, any explosive of a different class and division of whatsoever nature which contains its own means of ignition, unless it is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

Precautions against fire

36.— (1) Whilst the explosive is being loaded on, or unloaded out of, any carriage or vessel, no fire or artificial light, nor any article which is liable to cause or communicate fire or explosion (such as charcoal, lucifer matches, articles for striking a light, petroleum to which the Petroleum Act or any other Act for the time being in force regarding the importation, possession and transport of petroleum applies, or any spirit, or oil, or substance that gives forth an inflammable vapour at a temperature below 38°C), shall be, or shall be allowed to be, brought had or used dangerously near to such carriage or vessel and no smoking shall be allowed in, on or dangerously near to the same: *(Cap.190.)*

Provided that, when the use of a light for the purposes of such loading or unloading is unavoidable, a lamp of such construction, position or character as not to cause any danger from fire or explosion may be used. *(Amended by Legal Notice 100 of 1978.)*

(2) No person, while landing any explosive (except an explosive of Division 1 of Class VI, or an explosive of Class VII if packed in accordance with the packing regulations), shall wear boots or shoes with iron or steel nails, heels or tips.

Handling of packages

37. In the loading or unloading of any explosive, the sacks and packages containing the same shall be passed from hand to hand and not rolled upon the ground; they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

Carriage for conveyance

38.—(1) The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal, or in the hold of a vessel having a close deck so closed as effectually to protect the explosive against accident by fire from without.

(2) If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin or other suitable material, so as to protect it effectually against communication of fire.

Iron or steel to be covered

39. There shall not be any iron or steel in the interior of the portion of the carriage or vessel with which the case containing the explosive is in contact, unless the same is effectually covered with leather, wood, cloth or other suitable material.

Further precautions against fire and water

40. In the stowing of the explosive, due precaution shall be taken by means of a partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or vessel which is liable to cause fire or explosion; and, if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

Amount of explosive

41.—(1) The amount of explosives conveyed in any 1 carriage or vessel at any 1 time shall not exceed 4,500 kg.

(2) Paragraph (1) shall not apply—

- (a) where the carriage be so enclosed on all sides with wood or metal, or the vessel has a closed deck so closed as effectually to protect the explosives against accident by fire from without, in which case the amount of explosives conveyed shall not exceed 6 tonnes in any carriage or 20 tonnes in any vessel; or
- (b) in the case of lighters used for the purpose of unloading or loading on to any vessel carrying explosives at a port, if the distance from such vessel to the shore does not exceed 3 kilometres, provided that all due precautions are taken for prevention of accidents to the satisfaction of the harbour master or other appointed person; or
- (c) in the case of a vessel which is towed inside a reef, but not in any river or inland waterway, and which carries neither passengers nor crew except a helmsman, in which case the amount of explosives conveyed shall not exceed 100 tonnes.

(3) Paragraphs (1) and (2) do not apply to the conveyance of explosives by a carriage where—

- (a) the explosives are enclosed in a container the design and construction of which are approved in writing by an Inspector;
- (b) the design and construction of the carriage are so approved; and
- (c) the route take by the carriage is so approved,

in which case the amount of explosives conveyed shall not exceed 17 tonnes.

(Substituted by Regulations 7 February 1940; amended by Regulations 22 August 1958; Legal Notice 100 of 1978; para. (3) inserted by Legal Notice 94 of 1982.)

Rules for conveyance in carriages or vessels plying for hire

42.—(1) No explosives, other than explosives of Division 2 of Class VII (firework) not exceeding 2.5 kg in weight, shall be conveyed in a carriage whilst carrying or plying for public passengers. *(Amended by Legal Notice 100 of 1978.)*

Passengers not to be conveyed with explosives

(2) No explosive shall be conveyed in a vessel whilst carrying or plying for public passengers, unless the quantity is less than 2.5 kg and notice has been given before hand to the person in charge of such vessel:

Provided that—

- (a) there shall not be conveyed in any such vessel any explosive of Class V (fulminate), or any explosive of Division 3 of Class VI (accessory), or of Division 1 of Class III (nitro-compound), except—

- (i) dynamite, which may be carried in the form of cartridges up to the limit of 2.5 kg, provided that no detonators are carried in the same compartment;

- (ii) detonators to the number of 200, provided that the amount of explosives of Class V (fulminate) in the detonators shall in no case exceed in aggregate 100 g (a certificate to this effect being given by the agent of the company or firm or by the person by whom the detonators are tendered for transport), and that no dynamite is carried in the same compartment;
- (b) where there is no available communication with any port or place except by a vessel carrying passengers, it shall be lawful to ship explosives on such vessel on condition that such vessel shall be provided with a special compartment or magazine for the protection of the explosive and subject to such special conditions and restrictions as the harbour master or other authorised officer may deem fit.

(Amended by Regulations 23 September 1966; Legal Notice 110 of 1978.)

Special provisions with respect to explosives of Classes V, VI and VII

43. With respect to the conveyance by carriage or vessel of explosives of Class V (fulminate), or of Division 3 of Class VI (accessory), or of Division 1 of Class VII (firework), or of larger quantities than 2.5 kg of any other explosive, the following regulations shall be observed:-

- (a) the person in charge of the carriage or vessel shall not drive or conduct the same in a dangerous or reckless manner, and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion, and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance; and a person who is intoxicated shall not have charge of any carriage or vessel conveying explosive, and shall not be permitted to be in, or on, or attending the same;
- (b) a person shall not forward to any warehouseman or carrier a consignment of explosive unless he has given notice to such warehouseman or carrier beforehand stating the name and quantity of the explosive proposed to be conveyed and the name and address of the proposed consignee, and has had an intimation that the warehouseman or carrier is prepared to receive the consignment; and a warehouseman or carrier shall not make such an intimation, nor receive such consignment, unless he is prepared to receive it, and forthwith to despatch the same, or to deposit it in a magazine or at a place at which a person is licensed to possess the same;
- (c) the carriage or vessel conveying the explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of the explosive conveyed exceeds 45 kg, stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place where such stopping would be attended with special public danger.

(Amended by Legal Notice 100 of 1978.)

Penalty

44. Whoever commits a breach of any of the foregoing regulations relating to the mode of conveyance of explosives shall be liable to a fine not exceeding \$40.

PART VI-IMPORTATION AND EXPORTATION

Explosives not to be imported, exported or removed except under licence

45. An explosive shall not be imported, exported or removed from place to place except under and in accordance with a licence in that behalf in the Form C in the First Schedule issued by a licensing officer:

Provided that no such licence shall be required in respect of any explosive of Division 1 of Class VI or of Division 2 of Class VII in quantities not exceeding 9 kg in weight. (Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

Penalty

46. Whoever imports or exports an explosive in contravention of regulation 45 shall be liable to a fine not exceeding \$400, and whoever removes an explosive in contravention of the said regulation shall be liable to a fine not exceeding \$200.

Certificate of quality

47. In the case of explosives of Class III and Class IV and such explosives of Division 2 and 3 of Class VI, as contain explosives of Class III or Class IV, the licence prescribed by regulation 45 shall not be issued unless the licensing officer is satisfied that the explosives in respect of which the licence is applied for are covered by a sufficient certificate

- (a) by any person duly authorised by the Minister, showing that the explosives have been tested and found fit for importation into Fiji; or
- (b) in the case of explosives imported from any other country or territory of the Commonwealth, by any person duly appointed as an official inspector of explosives under the laws of such country or territory:

Provided that the Minister may, at his discretion, by writing under his hand, grant exemption either generally or in particular cases from the provisions of this regulation. (Amended by Regulations 23 September 1966; Legal Notice 112 of 1970.)

Application for licence

48. Application for the licence prescribed by regulation 45 shall be made to the licensing officer in the Form B in the First Schedule.

Vessels loaded with explosives

49. Every vessel having on board explosives as part of the cargo, or more than 22.5 kg of explosives not being part of the cargo, shall be held to be loaded with explosives:

Provided always that this regulation shall not apply to explosives of Division 1 of Class VI and Class VII.

(Amended by Legal Notice 100 of 1978.)

Vessels to remain outside port limits

50.— (1) No vessel loaded with, or in course of being loaded with, or discharging, explosives, shall, without the permission in writing of the harbour master, come or remain within the limits of a port as defined by law.

(2) This regulation shall not apply in the following cases:-

- (a) where all the explosives carried by any vessel are carried in a properly constructed magazine duly certified as such by an officer of the Royal Fiji Military Forces; or

- (b) where a vessel carrying explosives has a certificate from the Director of Marine that all the explosives on board such vessel have been properly stored, and the master of such vessel further certifies in writing that no other dangerous cargo is carried by the vessel.

(Amended by Legal Notice 42 of 1977.)

Vessels to hoist signal

51. Every vessel having on board explosives as described in regulation 49 shall hoist the gunpowder signal at the fore and remain outside the limits of the port.

Penalty

52. The master of any vessel who infringes the provisions of either or both of regulations 50 and 51, or who, after notice received from the harbour master to remove his vessel outside the limits of such port, continues to keep such vessel loaded with explosives within such limits, shall be liable to a fine not exceeding \$200.

Declaration by master-Penalty for refusing to make or making fake declaration

53. Directly a vessel loaded with explosives (other than explosives of Division 1 of Class VI or Division 2 of Class VII) is boarded by the harbour master or any duly appointed boarding officer, the master of such vessel shall sign a declaration in the Form D in the First Schedule, and any master refusing to make such declaration or knowingly making a false declaration under this regulation shall be liable to a fine not exceeding \$20.

(Amended by Regulations 23 September 1946.)

Boarding and inspection

54. The officer receiving such declaration shall, if the explosives or any part thereof are to be landed at the port, forthwith despatch it to the licensing officer who may, should he deem it necessary, board the vessel concerned and satisfy himself by inspection and search that the declaration is in accordance with the facts, and that the explosives are properly packed and labelled in accordance with the provisions of Part V and the master of the vessel shall afford all reasonable facilities for such inspection.

Penalty

55. Any master infringing the provisions of regulation 54 shall be liable to a fine not exceeding \$20.

Issue of licence

56. When the inspection, if any, is over and the requirements of regulation 47 have been complied with, the licensing officer may issue a licence under regulation 45 in respect of such of the explosives as he thinks fit.

Penalty for not obtaining licence

57. Any master of a vessel, consignee or other person who lands or attempts to land at any place in Fiji, or removes or attempts to remove from any one place in Fiji to any other, or exports or attempts to export any explosives in respect of which a licence is required by these Regulations, without a licence from the licensing officer in the Form C in the First Schedule, or refuses to produce such licence when called upon to do so by the licensing officer, an inspector or any police officer shall be liable to a fine not exceeding \$200.

(Amended by Regulations 27 September 1965.)

Time for acting under licence

58. It shall be lawful for a consignee, or any English-speaking agent appointed by him, possessing a licence from the licensing officer, to land, remove or ship any explosives therein detailed between sunrise and sunset, after giving at least 6 hours' notice of his intention to do so to the licensing officer and to convey them to such place as is in such permit named:

Provided that the Regulations regarding conveyance of explosives set forth in Part V are strictly complied with.

Power of search

59. It shall be lawful for the licensing officer, an inspector or any police officer, with or without warrant, to board any vessel within the limits of a port suspected to have explosives on board in contravention of the provisions of the Act or of these Regulations, and to search for the same.

(Amended by Regulations 27 September 1965.)

Books to be kept

60. Every person who shall import, export or remove from place to place any explosive under such licence as is provided for by regulation 45 shall at all times keep books, which shall be open to the inspection of the licensing officer, an inspector or any police officer, containing an accurate record of all explosives so imported, exported or removed by him; and any such person failing to keep such books or to produce them for inspection as aforesaid when required shall be liable to a fine not exceeding \$100.

(Amended by Regulations 27 September 1965.)

PART VII-SALE, POSSESSION AND PURCHASE

Restrictions on purchase, sale and possession

61. No person shall purchase, and no person, unless he be duly authorised under regulation 20, shall sell or have in his possession any explosive except under a permit in that behalf in Form E in the First Schedule:

Provided that no such permit shall be required in respect of any explosive of Division 2 of Class VII (firework) not exceeding 2.5 kg.

(Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.)

Permit to purchase

62. No person shall sell any explosive other than explosives of Division 1 of Class VII (firework) not exceeding 2.5 kg in weight to any person except on production to him by the purchaser of a permit to purchase the same in the Form E in the First Schedule and indelibly endorsing on such permit the quantity of explosives sold to the holder thereof on that occasion.

(Amended by Regulations 22 August 1961; 23 September 1966; Legal Notice 100 of 1978.)

Penalty

63. Any person who has in his possession any explosives contrary to the provisions of regulation 61 or sells any explosive contrary to the provisions of regulation 61 or 62 shall be liable to a fine not exceeding \$400 or to imprisonment for any term not exceeding 1 year.

(Amended by Regulations 27 September 1965.)

Rules as to permits

- 64.** Every permit issued in pursuance of this Part shall show—
- (a) the name and address of the person to whom the permit is granted;
 - (b) the quantity and nature of the explosive permitted to be sold, purchased, or possessed, as the case may be.

Period of permits

65. Permits for the sale or purchase of explosives shall remain in force for 3 months from the date of issue and no longer.

(Amended by Regulations 21 October 1948.)

PART VIII-GENERAL

Forfeiture of licence

66. Every licence granted under these Regulations shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

Search

67. Any licensing officer, inspector, harbour master, or police officer may, at any time—

- (a) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, stored, used, sold, transported or imported under a licence granted under the Act or these Regulations, or in which he has reason to believe that an explosive has been or is being manufactured, stored, used, sold, transported or imported in contravention of the Act or of any regulations made thereunder;
- (b) search for explosives therein;
- (c) take samples of any explosive found therein on tender of payment of the value thereof; and
- (d) seize, detain, remove and if necessary destroy any explosive found therein.

(Amended by Regulations 2 May 1942; 27 September 1965.)

Death or bankruptcy of licensee

68.— (1) If a person licensed to import an explosive dies or becomes bankrupt or mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make an application to the authority granting the licence for a new licence in his own use during the currency of the unexpired portion of the original licence.

(2) Such new licence shall be granted on payment of 25 cents.

Loss of licence

69. When a licence granted in accordance with these Regulations is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of 10 cents.

Production of licence

70. Any person holding a licence, or acting under a licence granted in accordance with these Regulations, shall be bound to produce the same when called upon to do so by the licensing officer, an inspector or any police officer.

(Amended by Regulations 27 September 1965.)

Exemption of matches

71. Matches of all sorts are exempted from the operation of these Regulations with the exception of Part III, relating to the manufacture of explosives and comprising regulations 4, 5 and 6 which shall apply to the manufacture of matches.

PART IX--CIVIL ENGINEERING WORKS

Application

72. This Part applies to the possession, storage, use and transportation of explosives in connection with civil engineering works.

Use of explosives in civil engineering works

73.—(1) No person, other than the holder of a Mine Manager's Certificate or a Quarryman's Certificate issued in accordance with the provisions of the Mining Act, or the Quarries Act, shall act as a shotfirer or use an industrial explosive in civil engineering works or for any other purpose unless he holds a blaster's licence issued by the inspector or works under the supervision of the holder of a blaster's licence, Mine Manager's Certificate or Quarryman's Certificate. (Cap. 146, Cap. 147.)

(2) A blaster's licence shall be in accordance with Form F in the First Schedule and shall be valid for 2 years from the date of issue and may be renewed for further periods of 2 years upon application to the inspector.

Blaster's licences

74.—(1) Every application for a blaster's licence shall be accompanied by a fee of \$5 and every application for a renewal shall be accompanied by a fee of \$2.
(Amended by Legal Notice 226 of 1974; 118 of 1978.)

(2) The inspector may issue a blaster's licence or renewal thereof to any person who satisfies him that he has a competent theoretical and practical knowledge of the use of explosives for civil engineering works or for other purposes.

(3) The inspector may cancel a blaster's licence if, in his opinion, the conduct of the holder has been such as to indicate beyond reasonable doubt that he is not a proper person to hold such a licence.

(4) Cancellation of any licence shall be sufficiently notified to the person concerned by written notice to his last known address and by publication in the Gazette.

Storage of explosives

75. Save as otherwise expressly provided in these Regulations, an explosive shall not be stored in or about any civil engineering works except in a magazine.

Location of storage of explosives

76.— (1) No explosive shall be stored in any place where the accidental explosion thereof would cut off the escape of persons from the workings.

(2) No explosive shall be placed in such a position that it may be struck by falling material or by material thrown out of the workings.

Explosives near working places

77. No explosive shall be left unattended in nor shall it be placed dangerously near any workings, passageways or road in use.

Prohibition against unauthorised use of explosives

78. The manager, foreman or other person in charge of explosives, shall not use or retain and shall take all proper precautions to prevent any other person from

using or retaining any explosive for any purpose other than in connection with the operations for which it was provided.

Prohibition against removal of explosives

79.—(1) No person shall remove any explosive from the place where it is stored without the permission of the manager, foreman or other person having charge of such explosive.

(2) In the event of the completion or closure of any civil engineering works, the explosive stored thereat shall be removed, or shall be disposed of as directed by the inspector.

Explosives to be carried only in secure container

80.—(1) When an explosive is taken from a magazine for use, it shall be conveyed directly to the place of use in a securely covered case, canister, or other suitable container of a type and pattern approved by the inspector.

(2) Separate containers shall be used for conveying capped fuses, electric detonators, primers and other explosives.

(3) No workman or party of workmen shall have in use at any 1 time more than 1 such container each for capped fuses, electric detonators, primers and other explosives:

Provided that, where a face is being charged with more explosive than can be conveniently carried in 1 set of containers, additional containers may be used; but no explosive shall be removed from the second or succeeding container until the previous one has been emptied.

Transfer of explosives from storage places

81.—(1) Where an explosive is transported in the workings by means of a carriage, the speed of the carriage shall not at any time exceed 4 miles per hour, and definite arrangements for the right-of-way of such carriage shall be made before it is moved.

(2) The locomotive shall be coupled to the forward end of any train which is carrying an explosive, unless some person walks in advance of the train to guard it. The car or cars carrying the explosive shall be separated from the locomotive by an empty car, or a spacer of equivalent length and no explosive shall be carried on the locomotive.

(3) Where a trolley locomotive is used for hauling a train carrying an explosive the car or cars carrying the explosive shall be protected from contact with the trolley wire and other electric hazards.

(4) An explosive in transit shall not be left unattended.

Surplus explosives to be returned to magazine

82. An explosive not required for immediate use at the workings shall be returned to a magazine.

Explosive packages to be marked

83. No explosive shall be used unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer and the strength of the explosive.

Age limit

84. No person under the age of 18 years shall handle, charge or explode an explosive or be permitted to do so.

Detonators and capped fuse

85.— (1) Except for an electric detonator or where otherwise approved by the inspector, a detonator shall not be issued for use unless attached to a fuse.

(2) Capped fuse shall be prepared by the shotfirer or a person authorised by the manager or foreman and in a suitable place approved by the inspector.

(3) All fuse shall be cut to the required length with a sharp instrument and the detonator shall be crimped on the fuse by a crimped approved by the inspector.

Safety fuse

86.— (1) No safety fuse whose rate of burning is less than 85 or more than 110 seconds per metre shall be used for blasting.

(2) The manager or foreman shall ascertain the rate of burning of the various types of fuse in use and shall make known such rates to the shotfirer.

(3) Not less than 1.8 m of fuse from each cask, case or package brought to any civil engineering works shall be tested by burning before any of the contents of such cask, case or package is used.

(4) The minimum length of safety fuse that may be used shall be 1.2 m for secondary blasting and 1.8 m for primary blasting.

(Amended by Legal Notice 100 of 1978.)

Place for making up primers

87. No primer shall be made up in any place where an inflammable substance is stored but shall be made up as near to its point of use as is practicable in the interests of safety and only in sufficient numbers for immediate use.

Precautions when charging

88.—(1) When the shotfirer is about to charge holes with an explosive and before any explosive is brought to the place, he shall ensure that all persons retire from the scene of the blast except those workmen required for charging operations.

(2) No tool, bar, rod or pricker made of iron or steel shall be used when charging an explosive.

(3) Tamping sticks shall be of wood or other material approved by the inspector.

(4) An explosive may be pressed into the hole prepared for it, but must not be rammed or forced into such hole.

(5) A cartridge of explosive shall not be dropped into a hole of greater depth than 3.5 m but shall be lowered therein by a method approved by the inspector.

(Amended by Legal Notice 100 of 1978.)

Wrappings to be left on explosives

89. No person shall remove the wrapper from an explosive which is to be used in charging a hole except in the preparation of a primer or as otherwise approved by the inspector.

Charges to be fired when charged

90. No more holes shall be charged with explosive than are intended to be exploded in 1 blast, and if any, charge is not lit or exploded it shall be treated as a misfire.

Charging and firing during thunderstorms

91.—(1) No hole on the surface, or in a shaft, well or winze being sunk from the surface, shall be charged with explosive or connected for electric blasting if there is a thunderstorm in the vicinity.

(2) If, after a hole has already been loaded or partly loaded or partly connected up for electric blasting and before it has been exploded, a thunderstorm should begin in or approach the vicinity, an empty box shall be turned over the hole containing the explosive, the detonator leads shall be short-circuited and the explosive about to be used for charging shall be removed to a safe place until the storm has passed from the vicinity.

Warning to be given before firing

92.— (1) The shotfirer shall, before blasting, cause all entrances or approaches to the scene of the blast to be effectively guarded, so as to prevent inadvertent approach by persons while blasting is going on.

(2) Posting of signs only shall not be deemed adequate protection to warn of blasting operations.

(3) The shotfirer shall, before blasting, give or cause to be given due warning in every direction by shouting “FIRE” and shall satisfy himself that all persons have left the scene of the blast except those required to assist him in blasting and guarding.

Ignition of fuse

93.— (1) When lighting more than 1 fuse, only an igniter approved by the inspector shall be used:

Provided that, in special circumstances and if requested in writing, the inspector may grant exemption in writing from the requirements of this paragraph upon such conditions and for such periods as he may decide.

(2) The maximum number of fuses that may be lit by 1 person for any 1 blast, shall not exceed 6 unless multiple fuse igniters are used, in which case up to a maximum of 6 multiple fuse igniters may be lit by 1 person.

(3) When more than 3 fuses are being lit for 1 blast, the shotfirer shall be kept under observation by another man; when both men cannot retire together from the scene of the blast without impeding one another, the second man shall retire to a safe position immediately before the fuses are lit, but shall not leave the vicinity until he knows that the shotfirer has reached a place of refuge. For the purpose of this paragraph, the lighting of a multiple fuse igniter shall be regarded as lighting a single fuse.

(4) In lighting fuses, care shall be taken that no portion of the burning igniter falls into a charged hole, or upon a fuse.

Shots to be counted

94.— (1) When 2 or more charges of explosive are being fired at 1 time the number of explosions shall be counted and if there is any doubt as to the number thereof a misfire shall be deemed to exist. This paragraph shall not apply to electric blasting or to any other system of blasting where the interval between successive explosions is too short to allow for the counting of the number thereof.

(2) Where 2 or more parties working near one another are intending to blast, they shall arrange the order of blasting in such a way amongst themselves as to avoid confusion in counting the explosions in each place.

Ventilation after blasting

95.— (1) Before returning to the scene of the blast, every workman shall assure

himself that sufficient air has been introduced into the workings to drive out or dilute to a safe degree the gases produced in the blast.

(2) No explosive shall be used where there is insufficient ventilation to carry off all fumes.

Interval before return to misfire

96.— (1) In the case of a misfire when using safety fuse, no person shall leave or be permitted to leave his place of refuge to return to the scene of the blast until an interval of 30 minutes has elapsed since the shotfirer reached his place of refuge after lighting the fuse or fuses.

(2) No person shall approach a misfire which has been attempted to be exploded by electricity until the blasting cable has been disconnected and short-circuited and an interval of 10 minutes has elapsed since the last attempt to explode the charge

Misfire

97.— (1) The shotfirer shall be responsible for informing the manager or foreman of any misfire.

(2) The charge of explosive in a misfire shall not be drawn, but the stemming shall be carefully removed to a depth distant not more than 300 mm nor less than 150 mm from the outer end of the charge, and a charge sufficient to explode the original charge shall be inserted and shall then be exploded:

Provided that the stemming of a charge of gunpowder that has failed to explode may be withdrawn with a copper pricker and the charge reprimed and exploded. (*Amended by Legal Notice 100 of 1978.*)

(3) Another charge may be exploded in a fresh hole which shall be drilled not less than 600 mm away at any point from the misfire. (*Amended by Legal Notice 100 of 1978.*)

(4) Should the misfire not be dislodged by the second explosion, the manager or the foreman shall take such action as he may deem desirable.

Examination for misfire or cut off hole

98. No workings shall be abandoned, or work therein discontinued, until the material broken by the last blast has been cleared from the face and the whole face examined for explosives in misfires or cut-off holes.

Examination for remains of explosives

99.— (1) In the event of a butt being found, then until it can be clearly seen by the shotfirer that no explosive remains in such butt, no work whether of barring (except the barring absolutely necessary for a safe approach to such butt) or drilling or picking or otherwise shall be done in such place.

(2) The butt shall be carefully cleaned out, water being freely applied therein, before being finally proved to be free of explosives.

(3) If necessary, a further charge shall be exploded in the butt in order to expose it completely.

(4) This regulation shall apply to old butts wherever found.

Face to be cleaned before boring

100. No drilling shall be carried out in any face until all butts have been washed and cleaned and the face examined for misfires:

Provided that holes may be drilled in a face at which any broken rock is left in position if all precautions are taken to ensure that the holes are not drilled within 600 mm of any concealed butt or misfire.

(*Amended by Regulations 23 September 1966; Legal Notice 100 of 1978.*)

Boring in butts forbidden

101. No holes shall be drilled in a butt nor within 100 mm centre to centre of any point along the length of a butt.

(Amended by Legal Notice 100 of 1978.)

Bulled holes

102. A bulled hole, or any other hole which has been blasted shall not be recharged with explosive until an interval of 2 hours has elapsed since the explosion of the previous charge and then only if a copper bar which has been left in the hole for 5 minutes is cool enough to be held in the hand.

Responsibility in charging and firing explosives

103.— (1) The shotfirer and the men charging and exploding an explosive shall be jointly and severally responsible for ensuring that the position of a charged hole or misfire is made known to the men relieving them on the next shift. A charged hole or misfire shall not be left unattended if there is no relieving shift following, but shall be exploded by the shotfirer before leaving the working place.

(2) The 'person in charge of the relieving shift shall thoroughly examine the face or cause it to be thoroughly examined by the men in his party in order to locate any misfires before commencing work at the face.

(3) Subject to the provisions of regulation 96, no charged hole or misfire shall be left unattended, except at a change of shift in which case the provisions of paragraph (1) shall be complied with.

Breaking through between workings

104.— (1) No connection between workings shall be made until a thorough examination of both workings has shown that blasting can be carried out safely.

(2) The point of connection shall be guarded as an entrance when blasting within 5 m of breaking through.

(Amended by Legal Notice 100 of 1978.)

Precautions against stray currents in electric shotfiring

105. When a blasting cable is used in the vicinity of power or lighting cables, precautions shall be taken to protect the blasting cable from contact with the power or lighting cables and leakage of electric current therefrom.

Use of power of lighting cables in electric shortfiring

106.—(1) Electricity from power or lighting cables shall not be used for blasting, unless a special blasting switch is provided.

(2) The blasting switch shall be properly constructed and so protected as to prevent the leakage of electric current into the blasting cable.

(3) The blasting switch and any other switch necessary for compliance with this regulation shall each be placed in a fixed locked box, each box being so constructed that it cannot be shut unless the switch is in the safety position.

(4) There shall be on the workings only 1 key for each box and the key shall be kept in the custody of the shotfirer and in no circumstances shall the key pass from his personal custody while he is on duty.

(5) The blasting switch shall not be connected to the source of power or to the blasting cable until all persons have retired to a place of refuge and then only immediately before blasting and it shall be disconnected immediately afterwards and the box locked.

(6) The blasting cable used at 1 working place shall not be used for blasting in another place until all proper precautions have been taken to ensure that such cable has no electrical connection with any cable at the first working place.

Blasting cable to be disconnected after blasting

107. When blasting is done by electricity, the shotfirer shall not approach or allow another person to approach the scene of the blast until he has disconnected and short-circuited the blasting cable from the exploder or has satisfied himself that the blasting switch is in the safety position, the blasting cable disconnected and short-circuited and the blasting box locked.

Use of electric exploder

108.—(1) When an exploder is used, the exploder and cable shall be suitable for the condition under which the blasting is carried out.

(2) The exploder shall be in charge of the shotfirer and shall be fitted with a handle or key, which handle or key shall be detached when the exploder is on the workings and is not required for blasting and in no circumstances shall the key pass from the personal custody of the shotfirer while he is on duty.

(3) The exploder shall not be connected to the blasting cable until all other steps preparatory to exploding the charge have been completed and all persons have retired to a place of refuge.

(4) Immediately after blasting, the cable shall be disconnected from the exploder and short-circuited.

(5) No person shall approach a charge which has been attempted to be exploded by electricity and has failed to explode, until the blasting cable has been disconnected and short-circuited.

(6) The exploder shall be tested at least annually by means of a rheostat.

(7) Immediately prior to blasting or making up a primer, as the case may be, the blasting cable and electric detonator shall be tested separately by a galvanometer or some other method approved by the inspector.

(8) When a detonator is being tested, it shall be suitably covered to protect the person conducting the test.

Short-circuiting of blasting cables

109.— (1) The blasting cable leading to the face shall be short-circuited while the leads of the detonators are being connected to each other and to the cable.

(2) This short-circuit shall not be removed until the men have retreated from the face, and it shall be so located that a premature explosion would be harmless to the men opening the short-circuit.

Pulling out detonator lead

110. Under no circumstances shall the leads be pulled out of an electric detonator.

Batteries

111. A primary or secondary battery shall not be used for blasting.

Accidents involving the use of an explosive

112. Whenever there occurs, in connection with civil engineering works, an accident involving the use of an explosive, the manager or foreman shall forthwith give notice thereof to the officer in charge of the nearest police station and to the inspector.

Examination of scene of accident

113. The place in which an accident, attended by fatal or serious injury to any person, or by serious damage to the property of any person, has occurred shall not be interfered with, except with a view to saving life or preventing further injury, without the prior permission of the inspector.

Responsibility of manager and foreman to take care in using explosives

114. Without prejudice to the specific provisions of this Part, it is the general responsibility of the manager, foreman and shotfirer to ensure that an explosive is not handled or used or treated in a careless manner or in a manner likely to lead to a premature or unexpected explosion or to cause injury to persons or property.

Offences

115.— (1) Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding \$200.

(2) In the event of any such contravention or non-compliance as aforesaid by any person whomsoever being proved, the manager or, in the case of civil engineering works where there is no manager, the foreman, shall also be deemed guilty of an offence and shall be liable to such fine as aforesaid, unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing the said Regulations, to prevent such contravention or non-compliance.

Power to waive or suspend regulations in certain cases

116. If in the opinion of an inspector, the observance of a regulation contained in this Part is not reasonably practicable in connection with any civil engineering works, he may, by notice in writing to the manager of those works, waive or suspend the application of that regulation to the works or to a part of the works specified in the notice for such period, in such manner and subject to such conditions as he considers appropriate in the circumstances.

(Inserted by Legal Notice 73 of 1985.)

FIRST SCHEDULE

FORMS

FORM A
(Regulation 20)

LICENCE TO { STORE
STORE AND DEAL IN } EXPLOSIVES

is hereby licensed to { store
store and deal in } explosives

not exceeding the amount specified below at his premises in *[specify address in full]*

Nature of explosive	Amount	Remarks

This licence expires on the

Dated at this day of , 19 .

Licensing Officer

FORM B

*(Regulation 48)*APPLICATION FOR LICENCE TO IMPORT, EXPORT OR REMOVE
EXPLOSIVES

Licence is requested for the { landing
shipping } of the undermentioned
removal } explosives:-

Nature of explosive	Amount	From	To	Purpose for Which required

Dated at _____ this _____ day of _____ 19 ____ .

Signature of Applicant

FORM C

(Regulation 45)

LICENCE TO IMPORT, EXPORT OR REMOVE EXPLOSIVES

Licence is hereby given for the { landing
shipping } of the undermentioned
removal } explosives:-

Nature of explosive	Amount	From	To

This licence expires _____ days after the date hereof.

Dated at _____ this _____ day of _____, 19____.

Licensing Officer

Note:—At least 6 hours' notice to be given to the licensing officer before landing or removal takes place.

FORM D

(Regulation 53)

(Amended by Legal Notice 100 of 1978.)

DECLARATION TO BE SIGNED BY ALL MASTERS OF VESSEL ARRIVING AT A PORT WITH EXPLOSIVES AS PART OF THEIR CARGO, OR MORE THAN 22.5 kg NOT BEING PART OF THEIR CARGO

I, _____ Master of the vessel _____ arrived at the port of _____ do hereby declare that the following is a true and accurate statement of the explosives on board as required by the Explosives Act:—

Description	Total		To be carried past the port		To be landed at the port	
	No of packages	Weight	No of packages	Weight	No of packages	Weight

Dated at _____ this _____ day of _____, 19____.

Master of the Vessel

FORM E
(Regulation 61)
(Amended by Regulations 21 October 1948.)

PERMIT TO { SELL
POSSESS EXPLOSIVES
PURCHASE }

[Specify name in full] of [specify address in full] is hereby permitted

to { sell
possess } [within 3 months from this date]
purchase } [at his premises at

explosives of the kind and amount specified below:—

Description of explosives	Amount	Remarks

Dated at this day of , 19 .

Licensing officer

* When possession is permitted the words “within 3 months from this date” are to be deleted. When sale or purchase is permitted the words “at his premises at ” are to be deleted.

FORM F
(Regulation 73)
(Inserted by Regulations 27 September 1965.)

No.....

BLASTER’S LICENCE

This is to certify that
of..... has duly satisfied me that he is entitled to a Blaster’s Licence
for the purpose of

(nature of work)

and this licence is hereby granted to him accordingly. This licence expires on the date
shown below.

Issued at Suva this day of 19

<i>Grantee</i>		<i>Inspector of Mine</i>
Date of expiry	Date renewed	Signature of Inspector of Mines

SECOND SCHEDULE

(Regulation 9)

(Amended by Regulations 27 September 1965; Legal Notice 100 of 1978.)

TABLE OF DISTANCES

Allowable amount of explosives in magazines or other storage building	(a) Any other storage belonging to same occupier or by mutual consent of respective occupiers; highway; canal; pier; open place of resort; mineral or private railway	(b) Any other magazine other than as provided in (a) furnace, boiler, kiln, engine or machine, workshop, shop.	(c) Dwelling house with occupier's consent in writing	(d) Dwelling house without occupier's consent; church; school; other building where person are accustomed to assemble
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Distance (in metres) to be kept clear from

Kg	M	M	m	m
22.5	3	8	15	31
45	8	12	18	37
114	14	23	31	61
228	46	46	46	92
454	46	69	69	137
908	46	92	92	183
1362	47	92	101	220
1816	48	93	110	256
2270	48	95	119	293
2724	49	96	128	334
3178	49	97	133	371
3632	49	99	142	407

4086	49	100	151	444
4540	50	101	160	480
5448	51	102	174	540
6356	52	104	188	599
7264	53	106	201	659
8172	54	108	215	718
9080	55	110	229	778
11350	57	114	263	938
13620	59	119	297	1098
15890	62	124	332	1245
18160	64	128	366	1395
20430	67	132	400	1544
22700	69	137	435	1692
24970	71	142	469	1841
27240	73	146	503	1990
29510	76	151	538	2139
31780	78	155	572	2287
34050	80	160	606	2447
36320	83	165	641	2607
38590	85	169	675	2756
40860	87	174	709	2905
43130	89	178	743	3081
45400	91	183	777	3202

Where an additional protection either by natural features of the ground or by good and substantial mounds or barricades of earth of adequate height is provided the distances as set out in the Table may be reduced to one half:

Provided that when a natural hill so intervenes as to afford a degree of protection which in the opinion of an inspector justifies a further reduction of the distance may be reduced to one quarter.

Controlled by Ministry of Lands, Energy and Mineral Resources