

## CHAPTER 162

### EXPLOSIVES

1890-11

Part I of this Act came into operation on 11th October, 1890.

Part II of this Act came into operation on 14th February, 1918.

#### **Amended by:**

*1918-1*

*1949-5*

*1967/168*

*1944-26*

*1960-29*

*1984-31*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 162**

### **EXPLOSIVES 1890-11**

#### *Arrangement of Sections*

1. Short title

#### **PART I**

#### **MANUFACTURE AND STORAGE OF EXPLOSIVES**

2. Interpretation
3. Minister empowered to prohibit or restrict the manufacture, etc., of specially dangerous explosives
4. Penalty for violating orders under section 3
5. Explosives to be stored in a magazine
6. Explosives to be stored at owner's risk
7. Minister may order removal of explosives
8. Keeper of magazine to give bond with sureties
9. Landing of explosives in quantities exceeding 50 lbs
10. Conveyance of explosives
11. Quantity of explosives which may be kept by dealer

12. Quantity of explosives which may be kept by householder
13. Penalty for infringement of sections 11 and 12
14. Search warrants
15. Rules and regulations
16. General penalty
17. Fees
18. Commissioner shall afford police aid where required

## PART II

### IMPORTATION AND SALE OF EXPLOSIVES

19. Interpretation
20. Certain explosives prohibited to be imported except under licence
21. Powers of Customs officers
22. Dealer in prohibited explosives to record sales
23. Search warrants
24. Barbados Defence Force

**BARBADOS****EXPLOSIVES**

1890-11

[Note This Chapter comprises a consolidation of the Merchants' Gunpower Act, 1890-11 and the Explosives Act, 1918-1.]

*An Act to consolidate and amend the Acts relating to merchants gunpowder and to regulate the importation and sale of certain explosives.*

[Commencement: 11th October, 1890 Part I]

[Commencement: 14th February, 1918 Part II]

**Short title**

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

**PART I****MANUFACTURE AND STORAGE OF EXPLOSIVES****Interpretation**

2. For the purposes of this Part, the expression

“explosives” includes blasting powder, gun-cotton, dynamite, nitro-glycerine and all other explosive matter whatsoever;

*[1967/168]*

“magazine” includes the public magazine and such building or place as may in any special case be approved of by the Minister for storing explosives in that particular instance;

“public magazine” means such magazine or place on shore, or hulk or vessel at sea, as may from time to time be provided and set apart by the Minister for the storage of explosives.

### **Minister empowered to prohibit or restrict the manufacture, etc., of specially dangerous explosives**

**3.** The Minister may from time to time by order either prohibit absolutely or subject to conditions or restrictions the manufacture, keeping, importation, conveyance and sale, or any of them, of any explosive which is of so dangerous a character that in the judgment of the Minister it is expedient for the public safety to make such order.

### **Penalty for violating orders under section 3**

**4.** Any person violating an order made under section 3 shall on conviction thereof before a magistrate, on the information of any person, be liable to a penalty of \$480 or to imprisonment for 12 months and such explosive shall be forfeited and dealt with in such a manner as the Minister may direct.

### **Explosives to be stored in a magazine**

**5.** All explosives, other than those mentioned in sections 11 and 12, not being the property of the Crown which are imported into Barbados or which are in Barbados shall be stored in a magazine.

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*[1967/168]*

**Explosives to be stored at owner's risk**

6. All explosives shall be stored in a public magazine at the risk of the owner, unless fault or negligence shall be proved against any person employed by the Crown.

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[1967/168]

**Minister may order removal of explosives**

7.(1) It shall be lawful for the Minister to order the immediate removal from any public magazine and the disposal, in any way he may think fit, of any explosives which having been received may subsequently be considered by him to endanger the safety of such magazine.

(2) No compensation shall be paid to the owner for any loss sustained.

**Keeper of magazine to give bond with sureties**

8.(1) The keeper of the public magazine shall enter into such bond as shall be required by the Minister, and the sureties to such bond shall be approved by the Minister.

(2) Where any hulk or vessel is set apart as a public magazine, it shall be under the charge and care of the keeper of the public magazine.

[1960-29]

**Landing of explosives in quantities exceeding 50 lbs**

9. It shall not be lawful to land explosives in larger quantities at one time than 50 pounds in weight, unless there are in attendance for its transport vehicles approved by the keeper of the public magazine for the transportation of gunpowder.

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[1960-29]

**Conveyance of explosives**

**10.(1)** Every package of explosives shall, whilst it is being conveyed to its destination, be conveyed either in a vehicle approved by the keeper of the public magazine for the carriage of explosives and displaying a red flag of not less than eighteen square inches fixed in a conspicuous position or, if not conveyed in such vehicle, be carried by a person carrying in a conspicuous manner a red flag of not less than eighteen square inches.

(2) The owner of any vehicle in which explosives are conveyed otherwise than in accordance with subsection (1), every person conveying or carrying explosives otherwise than in accordance with subsection (1) and every person assisting any person so conveying or carrying explosives shall be guilty of an offence and liable on conviction by a court of summary jurisdiction to a fine of twenty-five dollars.

*[1960-29]*

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*[1960-29]*

**Quantity of explosives which may be kept by dealer**

**11.** It shall be lawful for every dealer in explosives to keep in any shop, store or warehouse for sale any quantity of explosives not exceeding fifty pounds in weight. Not exceeding twenty-five pounds of such explosives to be blasting powder, may be kept in one keg and not exceeding twenty-five pounds (the remainder thereof), which may be either blasting or sporting powder or both, may be kept in tin canisters, each canister to contain not more than one pound in weight of gunpowder.



**Quantity of explosives which may be kept by householder**

**12.** It shall be lawful for any householder to keep explosives in any building belonging to him, subject to the following conditions—

- (a) where such building is in Bridgetown, or within half a mile of the limits thereof, or within Speightstown, he shall not keep therein more than two pounds in weight at any one time; and
- (b) where such building is not within the above-mentioned limits, he shall not keep therein more than twenty-five pounds of blasting powder and five pounds of any other explosive.

**Penalty for infringement of sections 11 and 12**

**13.** Any person who infringes section 11 or 12 shall for every such offence be liable to a penalty of one hundred and twenty dollars.

**Search warrants**

**14.(1)** On information on oath being given, before the magistrate of the district in which the offence may be committed, by any police officer or other person that such police officer or other person has good cause to suspect that a larger quantity of explosives than is allowed by this Part is kept in any place, it shall be lawful for such magistrate to grant a search warrant to search for such explosives.

(2) The search warrant shall be executed under the direction of a corporal, sergeant or other superior officer of police, between the hours of seven o'clock in the morning and five in the afternoon, and all explosives which are discovered to be so illegally kept shall be forfeited and sold under the order of any such magistrate, and the proceeds thereof paid into the Consolidated Fund.

**Rules and regulations**

**15.(1)** The Minister shall, when and as often as is necessary, make rules and regulations for—

- (a) determining the times and manner in which explosives shall be placed in or removed from a magazine;
- (b) determining the duties to be performed by the keeper of the public magazine;
- (c) prescribing the precautions to be observed in placing explosives in or storing them in or removing them from a magazine or when in transit thereto or therefrom;
- (d) fixing the amount and time and mode of payment of fees to be paid for the storage of explosives in a public magazine;
- (e) determining the nature and extent of the information to be furnished to the Minister by any person making, manufacturing or keeping in, or importing into this Island, any explosives.

(2) All such rules and regulations shall, on being published three times in the *Official Gazette*, be as valid and effectual as if inserted in this Act.

**General penalty**

**16.(1)** Any person violating any of the provisions of this Part or any rule or regulation thereunder, for the violation of which no penalty is expressly provided, shall on conviction thereof be liable for every such offence to a penalty of forty-eight dollars.

(2) All penalties incurred under any rule or regulation or under this Part, shall be recoverable in a summary manner before any magistrate on the prosecution of the keeper of the public magazine or any officer of the Police.

**Fees**

**17.** All fees collected under this Act shall be paid into the Consolidated Fund and all expenses required to be undertaken for the due carrying out of this Part shall be paid from moneys voted for the purpose by Parliament.

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[1967/168]

**Commissioner shall afford police aid where required**

**18.** The Commissioner of Police shall, on application in writing from the keeper of the public magazine, place at the keeper's disposal the services of one or more police officers for the purpose of keeping order during the landing, delivery, issue or shipment of explosives and of enforcing the due observance of this Part and of all rules and regulations made under it.

## PART II

## IMPORTATION AND SALE OF EXPLOSIVES

[1918-1]

**Interpretation**

**19.** For the purposes of this Part, the expression—

“boat” means every vessel other than a ship which is used in navigation in any creek or harbour, whether propelled by oars or otherwise;

“licence” means an importation licence issued by the Minister under subsection (2) of section 20;

“prohibited explosives” means any explosives prohibited to be imported under section 20 except under a licence;

“ship” includes every description of vessel used in sea navigation, whether propelled by oars or otherwise.

**Certain explosives prohibited to be imported except under licence**

**20.(1)** No explosives, other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any explosives exempted from the operation of this Part by order of the Minister shall be imported into this Island except under licence.

(2) The Minister may grant a licence of such duration as he may think fit, to import any prohibited explosives and may annex to such licence any prohibitions and restrictions with respect to the composition and quality of the explosives and the unloading, landing, delivery and conveyance thereof and such further provisions and restrictions as he may think fit for the protection of the public from danger.

(3) A licence shall be available only for the person named therein.

(4) The owner, master or other person having control or charge of any ship having on board any such explosives shall not permit the same to be unloaded and delivered to any person who does not hold a licence; and any transshipment shall, for the purpose of this section, be deemed to be delivery.

(5) On any breach of the provisions of this section with respect to importation, the owner, master or other person having charge or control of the ship and the person to whom the explosives are delivered, and on any breach of the provisions of a licence, the licensee, shall respectively be liable on summary conviction to a fine of four hundred and eighty dollars and to pay forty-eight cents for every pound of such explosives, and all and every part of the explosives with respect to which such breach is committed or which is in any ship or boat in connection with which such breach is committed shall be forfeited.

**Powers of Customs officers**

**21.** The officers of Customs shall have the same power with respect to any such explosives and the ship containing the same as they have for the time being with respect to any article of which the importation is prohibited or on the importation of which restrictions are for the time being by law imposed and to

the ship containing the same and the provisions of the law for the time being in force relating to Customs or to any such article or ship shall apply accordingly.

**Dealer in prohibited explosives to record sales**

**22.(1)** Any trader dealing in prohibited explosives who sells or disposes in any manner of any prohibited explosives shall before delivery make or cause to be made an entry in a book to be kept for that purpose specifying—

- (a) the description and quantity of the explosives sold or disposed of;
- (b) the name and address of the person to whom the sale or other disposition of the explosives is made;
- (c) the purpose for which the explosive is stated by such person to be required; and
- (d) the date of the transaction,

and shall within 7 days send a copy of such entry to the Commissioner of Police.

(2) Such book shall be produced for inspection on the request of any sergeant or officer of higher rank in the Police Force.

(3) Any person, not being a dealer, who transfers prohibited explosives whether by sale, gift or any other method of disposition, to any other person shall within 7 days notify such fact, with the name and address of the transferee and the purpose for which the transferee stated that the explosives were required, to a police sergeant of the district.

(4) Every person who obtains a prohibited explosive in any of the ways mentioned in this section shall state his name and address and the purpose for which the explosive is required to the person from whom he obtains the same.

(5) Any person committing a breach of any of the provisions of this section or who knowingly makes or causes to be made any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement shall be liable on summary conviction to a fine of \$480, one-half of

which shall be paid to the informant, or to be imprisoned for 6 months and, on a second or subsequent conviction, to be imprisoned for 12 months.

### **Search warrants**

**23.(1)** On information on oath being given before any magistrate by a member of the Police Force of a rank not below that of corporal that he has good cause to suspect that any prohibited explosives are being kept on any premises within the district of such magistrate and that the same have been obtained in any manner not permitted by this Part or without the requirements of this Part having been complied with, the magistrate may grant a search warrant to search for and seize such explosives.

(2) The warrant shall be executed under the direction of a member of the Police Force of a rank not below that of corporal between the hours of 7 o'clock in the morning and 5 o'clock in the afternoon.

### **Barbados Defence Force**

**24.** This Act does not apply to the Barbados Defence Force.

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*[1984-31]*