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CHAPTER 6

EXPLOSIVES

JR 1 of 1917
JR 3 of 1928
JR 2 of 1974

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EXPLOSIVES

To prohibit the unauthorised use and importation of explosives in Vanuatu and to control the storage and sale of explosives.

1. Interpretation

In this Act, unless the context otherwise requires –

"explosive" means gunpowder, blasting powder, dynamite, nitro glycerine, gun cotton, fulminate of mercury and every other substance not specified, used with a view to produce an effect by explosions, and includes detonators, fuse and every accessory composed of a detonating or inflammable substance used to produce explosions and includes crackers and rockets;

"Minister" means the Minister responsible for home affairs.

2. Use of explosives for fishing prohibited

The use of explosives of any kind for catching or destroying fish in the territorial waters of Vanuatu is prohibited.

3. Use of explosives for signalling prohibited

The use of explosives of any kind with the exception of gunpowder for the purpose of notifying to persons the arrival of a vessel or any other object is also prohibited.

4. Importation of explosives prohibited

The importation of explosives into Vanuatu is prohibited except in accordance with a permit issued by the Minister.

5. Application for import permits

Applications for permission to import explosives shall specify the purpose for which such explosives are required, the names of the persons who are to use them, and the localities where they are to be used. The Minister may in his discretion, grant or refuse such permission.

6. Owners provided with magazines can import

No permission for the importation of explosives shall be given except to owners of authorised magazines.

7. Master to notify Director

The Master of any vessel carrying explosives shall notify the Director of Customs immediately on his arrival at Port Vila.

8. Consignees to notify customs officer to board vessel

(1) Every person notified of the arrival of explosives consigned to his address shall immediately advise the Director of Customs from whom he will receive instructions regarding the date and hour of removal. A customs officer shall proceed on board the vessel and shall satisfy himself that the ship's manifest and the quantity consigned is in order, and the disembarkation, immediate transport without interruption in transit, and entry into the magazine shall be carried on in his presence at all hours.

(2) Transport for the disembarkation and removal of explosive shall be supplied by the consignee.

(3) Any vessel or vehicle employed in disembarking or transport of explosives shall carry a red flag. The transport of any other merchandise with such explosive is forbidden.

9. Construction of private magazines

In the absence of a Government Magazine, private magazines shall be permitted under the following conditions –

(a) the magazines shall be built of non inflammable material, that is to say, cement, coral, brick, or stone;

(b) they shall be partitioned so as to separate distinctly any explosive, accessory or inflammable substance which would constitute a danger by proximity to one another;

(c) the roof shall be made of sheet iron and the framework shall be of metal and a ventilator shall be provided to permit a free circulation of air;

(d) they shall be provided with metal doors, bronze or copper hinges and 2 different bronze or copper locks. One of the keys of the locks shall be in the possession of a customs officer and the other with the owner of the magazine;

(e) no magazine shall be built at a distance of less than 200 metres from any dwelling place;

(f) the construction of any magazine under the provisions of this Act shall be preceded by a commission of enquiry as to the suitability of the site selected;

(g) no magazine shall be used for the storage of explosives until an order has been made by the Minister on a report made by the Director of Public Works;

(h) every magazine at all times shall fly a red flag; a night watchman shall be employed to guard the magazine.

10. Storage and withdrawal

The storage and withdrawal from the magazines, of explosives imported under the provisions of this Act, shall take place in the presence of a customs officer, and the removal of such explosives shall take place in accordance with the provisions of section 8.

11. Explosives not to be stored in shops etc.

The storage of explosives in any shop or bulk store is absolutely forbidden. The supply of explosive to any person shall be made from the magazine which shall be open for this purpose on Tuesday, Thursday and Saturday of each week, from 9 to 10 o'clock.

12. Permit for supply of explosive; Maximum quantities

(1) The supply of explosive to any person shall only be made on production of a special permit issued by the Minister and shall be limited to 6 kilos of dynamite, nitro glycerine etc., 20 kilos of gunpowder or blasting powder, 200 detonators; and in addition, such accessories necessary for the detonation of the quantities specified above, 500 rockets or crackers.

(2) The permit mentioned herein before shall only be issued for the immediate use of the quantity supplied and no explosive shall be stored in any place whatsoever except in accordance with the provisions of section 9.

(3) This restriction regarding quantities shall not apply to possessors of magazines as provided in section 9.

(4) On special occasions such as fete days the storage of rockets and crackers in shops may be authorised for short periods.

13. Board to inspect magazines

(1) A board composed of three members shall be nominated annually by the Minister for the purpose of making a monthly inspection of the explosives stored in the magazine, and upon which a report shall be furnished.

(2) The destruction of explosives whose deterioration constitutes a danger shall be carried out by sinking in deep water outside the limits of Port Vila by the person having deposited the same, and in the presence of the chairman of the board and the Director of Customs.

(3) Every person having knowledge of the deterioration of any explosive deposited by him shall immediately report the fact to the Minister, who shall at once convene the board for the destruction of such explosive.

14. Commissioner of Police to report offences

Breaches of the provisions of this Act shall be reported by the Commissioner of Police and such persons as may be specifically authorised in that behalf by the Minister.

15. Penalties

Any person contravening the provisions of this Act shall be liable on conviction, in the case of a first offence, to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment and in the case of a second or subsequent offence to double such penalties.