

LAWS OF GUYANA

EXPLOSIVES ACT

CHAPTER 16:06

Act

10 of 1889

Amended by

12	of	1944
26	of	1954
7	of	1966B
4	of	1972
6	of	1997

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CHAPTER 16:06

EXPLOSIVES ACT

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**CHAPTER 16:06
EXPLOSIVES ACT**

10 of 1889

An Act to regulate the Importation, Storage, Carriage, and Sale of Gunpowder and other Explosive Substances.

[1ST JANUARY, 1890]

Short title.

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

Interpretation.
[26 of 1954]

2. In this Act—

“boat” means every vessel, not being a ship used in navigation in any inland water or any harbour, whether propelled by oars or otherwise;

“carriage” includes any wagon, cart, truck, barrow, dray, vehicles, or other receptacle used or intended to be used for conveying passengers or goods by land;

“explosive” means gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powder, fulminate of mercury or of other metal and every other substance whether similar to those above-mentioned or not, used or manufactured with a view to producing a practical effect by explosion, or a pyrotechnic effect; and includes fuses, detonators and any adaptation or preparation of an explosive as herein defined but does not include safety cartridges;

“magazine” means a magazine duly appointed under this Act;

“permit” means a permit granted under this Act;

“safety cartridges” means cartridges for small arms of which

the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to the other cartridges;

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

“superintendent of police” includes the Commissioner of Police, in this Act referred to as the Commissioner;

“wholesale dealer” and “retail dealer” respectively mean a licensed wholesale dealer and a licensed retail dealer in explosives.

Manufacture of
explosives
prohibited.
[7 of 1966B
4 of 1972
6 of 1997]

3. No one shall without the written permission of the Minister manufacture or cause to be manufactured any gunpowder or other explosives within the limits of Guyana, and anyone who does so shall be liable to a fine of ninety-seven thousand five hundred dollars and to imprisonment for six months.

MAGAZINES

Magazines.
[7 of 1966B]

4. (1) The Minister may from time to time order any place or ship at, in, or near the City of Georgetown, or the town of New Amsterdam, and any other where in Guyana to be a magazine for the storage of explosive.

(2) The order shall, unless the magazine is a floating magazine, define the land forming the site of the magazine; and the land so defined, with every building thereon, for whatever purpose that building is used or intended to be used, shall be deemed to constitute a magazine.

Management of
magazine.
[7 of 1966B]

5. Each magazine shall be under the charge of an officer designated by the Minister for that purpose.

General rules
for magazine.
[6 of 1997]

6. (1) In every magazine the following general rules shall be observed:

- (a) every building in which explosive is kept shall be used only for the keeping of explosive and receptacles for all tools or implements for work connected with the keeping of the explosive;
- (b) the interior of the building and all benches, shelves, and fittings therein, other than machinery, shall be so constructed, or so lined or covered, as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel, or similar substance, in such a manner, as to come into contact with the explosive, and the interior benches, shelves, and fittings shall be kept free from grit and otherwise clean;
- (c) no repairs shall be done to or in any part of the building, except in accordance with the directions of the Minister;
- (d) all tools and implements used in any repairs to or in the building shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material;
- (e) everyone entering the building shall wear clothes without pockets, and shoes (if any) without any iron or

steel therein, and no person shall introduce into the building any lucifer matches or any artificial light (except luminous surfaces incapable of producing ignition), or any substance or article likely to cause explosion or fire, or any grit, iron, or steel;

- (f) no one shall smoke in any part of a magazine;
- (g) any carriage in which explosive is conveyed to or from a magazine shall be constructed without any exposed iron or steel in the interior thereof, and shall contain only the explosive, and shall be closed or otherwise properly covered over; and the explosive shall be so conveyed with all due diligence, and with such precautions, and in such a manner as will sufficiently guard against any accidental ignition; and
- (h) no one under the age of sixteen years shall be employed in or enter any building containing explosives, except in the presence and under the supervision of some competent older person.

(2) The Minister may from time to time by regulations make any modifications in the foregoing general rules appearing to him necessary for adapting them to any floating magazine, and those modifications shall have effect as if they were contained in this section.

(3) Everyone who, by any act or default, commits a breach of any of the foregoing general rules or of any regulation made by the Minister as aforesaid, shall be liable to a fine of nineteen thousand five hundred dollars; and, moreover, where the breach was not committed by the person having the charge of the magazine, that person shall, nevertheless, be liable to a fine of nine thousand seven hundred and fifty dollars in respect of the breach, unless he proves to the satisfaction of the magistrate by whom the case is heard that the breach happened without any negligence or failure in duty on his part.

Special rules
for conduct of
persons
employed at
magazine.
[7 of 1966B
6 of 1997]

7. (1) The officer in charge of any magazine may from time to time, with the sanction of the Minister, make special rules regulating the conduct of the persons employed in or about the magazine, in order to secure the observance therein of the provisions of this Act, and the safety and proper discipline of those persons and the safety of the public.

(2) There may be annexed to any breach of any special rule made in pursuance of this section any penalty not exceeding one thousand nine hundred and fifty dollars as may be deemed just.

STORAGE

Storage of
explosive
imported into
Guyana.

8. (1) Any explosive lawfully imported into Guyana shall be taken to a magazine and there stored.

(2) There shall be payable in respect of the explosive the storage rent fixed by any Tax Act for the time being in force, which shall be paid on or before the last day of every year, or, if any of the explosive is removed or sold during the year, at the time of that removal or sale, and no explosive shall be removed until all rent and other charges due in respect thereof have been paid.

(3) Where a year's rent in respect of any explosive is in arrear and unpaid, the explosive may be sold by the officer having the charge of the magazine in the manner and subject to the conditions he thinks fit.

(4) Out of the purchase money arising from the sale the officer shall, in the first place, pay the charges and expenses of and incident thereto, and, in the next place, all rent due in respect of the explosive up to the time of sale, and the surplus, if any, he shall pay to the owner of the explosive on demand, if demand is made at any time during the day of sale, but if demand is not so made he shall pay the surplus to the Accountant General who shall hold it in trust for the owner, his executors, administrators, or assigns:

Provided that, at the expiration of two years from the time of sale the surplus, if not applied for by some person or persons lawfully entitled thereto, shall be forfeited to the State for the public use, and the rights of all other persons therein or thereto shall be extinguished.

IMPORTATION OR EXPORTATION

Prohibition of importation of explosive.
[7 of 1966B]

9. The importation or exportation of explosive may at any time be prohibited by order of the Minister.

Restriction of right to import.
[12 of 1944
7 of 1966B
6 of 1997]

10. (1) No person except a wholesale dealer or a person authorised in that behalf by the Minister shall import explosive into Guyana.

(2) Everyone who contravenes this section shall be liable to a fine of ninety-seven thousand five hundred dollars.

Regulations as to importation, exportation, transshipment,

11. (1) Subject to negative resolution of the National Assembly, the Minister may from time to time make regulations as to—

and
conveyance
explosive.
[6 of 1997]

- (a) the having or keeping, and the unloading and conveyance within the waters of Guyana, of explosive; and
- (b) as to the landing of explosive and the subsequent conveyance thereof to a magazine; and
- (c) as to the conveyance of explosive for exportation from a magazine to any wharf or shipping place, and the subsequent conveyance and loading thereof within the waters of Guyana; and
- (d) as to the transshipping of explosive within those waters; and in particular, regulations declaring or regulating all or any of the following matters, that is to say—
 - (i) determining the notice or warning to be given by ships and boats having on board, or conveying, loading, or unloading, explosive;
 - (ii) regulating the navigation and place of mooring of those ships and boats;
 - (iii) regulating in cases where the general rules with respect to packing contained in this Act are applicable, subject to those Rules, the mode of stowing and keeping explosive on board

any of those ships or boats, and of giving notice, by brands, labels or otherwise, of the nature of the packages containing the explosive;

- (iv) regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of explosive and the licensing and dress of the persons having charge thereof;
- (v) prohibiting, or subjecting to conditions and restrictions, the keeping or conveyance of explosive with any other articles or substances, or in passenger ships, boats, or carriages;
- (vi) fixing the places and times at which explosive is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time in one ship, boat, or carriage;
- (vii) regulating the mode of and the precautions to be observed in conveying any explosive, and in the loading or unloading any ship, boat, or carriage conveying explosive, and the time during which explosive may be kept during its conveyance, loading or

-
- unloading;
 - (viii) fixing the times at which lights or fires are to be allowed or not allowed on board the ships or boats before mentioned, or at which a police constable or other officer, if any, is to be on board of them;
 - (ix) providing for the publication and supply of copies of the regulations made under this Act;
 - (x) for enforcing generally the observance of the provisions of this Act; and
 - (xi) generally, for protecting, whether by means similar to those above mentioned or not, persons and property from danger from explosives.

(2) The penalties to be annexed to any breach or attempt to commit any breach of any of the regulations may be all or any of the following penalties, and may be imposed on the persons, and graduated in the manner, deemed just according to the gravity of the offence, and according as it may be a first, or second, or other subsequent offence, that is to say, pecuniary penalties not exceeding nineteen thousand five hundred dollars for each offence and four thousand eight hundred and seventy-five dollars for each day during which the offence continues, and forfeiture of all or any part of the explosive in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of regulation has taken place.

(3) In the event of any breach of a regulation under this section in the case of any ship, boat, carriage, or explosive, whether there has or has not been any conviction for that breach, the Harbour Master or other officer or person named in the regulations, or any person acting under the orders of the Harbour Master, or that officer or person, may cause the ship, boat, carriage or explosive to be removed, at the expense of the owner thereof, to the place, or otherwise dealt with in the manner, conforming to the regulations; and all expenses incurred in the removal may be recovered in the same manner as a penalty under this section.

(4) Everyone who resists the Harbour Master, officer, or person in the removal shall be liable to the same penalties as for obstructing a police constable in the execution of his duty.

Prohibition of possession of exceeding certain specified quantities. [26 of 1954 7 of 1966B 6 of 1997]

12. (1) Except explosive in the course of removal under and according to a permit, there shall not be had in his possession or custody for any purpose whatsoever —

- (a) by a wholesale dealer more than one hundred and fifty pounds of explosive;
- (b) by a retail dealer any explosive other than not more than twenty-five pounds of gun-powder.

(2) This section shall not apply to explosive —

- (a) in any ship or magazine, or in the course of conveyance according to regulations made under this Act from or to any ship, wharf, landing-place, or shipping-place; or
- (b) kept or used for mining or quarrying

purposes under a special permit from a government officer acting under the mining regulations or the State lands regulations for the time being in force; or

- (c) kept in any place situate not less than fifty miles from the sea-coast and stored in a building approved by the Minister.

(3) Everyone who contravenes the provisions of this section, shall, on conviction thereof, be liable to a penalty not exceeding forty- eight thousand seven hundred and fifty dollars.

Regulations as to sale, purchase and possession of explosives. [26 of 1954 4 of 1972 6 of 1997]

13. (1) The Minister may make regulations for regulating or prohibiting the sale, purchase, acquisition and possession of explosives.

(2) There may be annexed for the breach of any of the Regulations made under this section a fine not exceeding ninety-seven thousand five hundred dollars, or imprisonment for a term not exceeding six months, and any explosive in respect of which such breach has taken place shall be forfeited.

SALE

Georgetown and New Amsterdam prohibited areas. [7 of 1966B 6 of 1997]

14. (1) No explosives shall be kept for sale, or shall be stored for any purpose, within the limits of the City of Georgetown or the town of New Amsterdam.

(2) No explosive shall be sold within the City of Georgetown or the Town of New Amsterdam for delivery within the City or town, but every sale of explosive shall be made by order upon the officer in charge of a government magazine, specially appointed by the Minister for the purpose,

for delivery outside the limits of the City or town.

(3) Anyone who contravenes this section shall be liable to a fine of ninety-seven thousand five hundred dollars and to imprisonment for six months.

Restriction of
right to sell.
[6 of 1997]

15. (1) No one other than a wholesale or retail dealer shall sell explosive or offer or expose it for sale.

(2) Everyone who contravenes this section shall be liable to a fine of nineteen thousand five hundred dollars.

Regulation of
sale by
wholesale.
[6 of 1997]

16. (1) Everyone who desires to sell explosive by wholesale shall take out a licence for that purpose.

(2) That licence shall not be issued unless the Commissioner certifies in writing that there is on the premises in respect of which the application for the licence is made a sufficient fire-proof vault or other secure place capable of safely storing one hundred and fifty pounds of explosive, and having the word "explosive" painted or otherwise legibly marked on the door thereof.

(3) Every wholesale dealer shall keep all explosive on his premises, not being explosive in respect of which he holds a retail licence, in that vault or other place.

(4) A wholesale dealer shall not sell explosive in any less quantity than twenty-five pounds.

(5) Everyone who contravenes this section shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Regulation of
sale by retail.
[6 of 1997]

17. (1) Everyone who desires to sell explosive by retail shall take out a licence for that purpose.

(2) That licence shall not be issued unless the

Commissioner certifies in writing that the applicant for it has provided himself with a strong and suitable metal case, lined with wood, capable of containing twenty-five pounds of explosive, furnished with a lock and key and with handles for convenience of removal, and having the word "explosive" painted or otherwise legibly marked thereon.

(3) A retail dealer shall not sell explosive at any one time in any greater quantity than twenty-five pounds.

(4) Every retail dealer shall affix in some conspicuous place on the front part of his licensed premises a board whereon shall be painted or otherwise legibly marked his name, the number of his licence, and the words "Licensed Retailer of Explosives."

(5) Everyone who contravenes this section shall be liable to a fine of nineteen thousand five hundred dollars.

Application.

18. Section 15(2) and (3) and section 16(2) and (4) shall not apply to wholesale and retail licences for Georgetown and New Amsterdam.

General provisions relating to licence.

19. (1) Every licence issued under this Act shall be issued and signed by the Commissioner, and shall be in the form and contain the particulars the Commissioner from time to time thinks fit.

(2) The licence shall terminate on the last day of the financial year in which it is issued.

(3) There shall be payable for the licence the sum (if any) from time to time fixed by the Minister.

Sale of explosive on unlicensed premises.
[6 of 1997]

20. The occupier of any unlicensed premises on which any explosive is sold or offered or exposed for sale, or, if those premises are occupied by more than one person, every occupier thereof, shall be liable to a fine of forty-eight

thousand seven hundred and fifty dollars, unless he proves, to the satisfaction of the magistrate by whom the cause is heard, that he had no notice of the sale or offering or exposing for sale, or that, having notice, he took all reasonable means to prevent the sale or offering or exposing for sale, and, as soon as he reasonably could, gave information thereof to a member of the police force.

Unlawfully
selling
explosive.
[6 of 1997]

21. (1) Everyone who—

- (a) not being a wholesale or retail dealer, sells explosive or offers or exposes it for sale; or
- (b) being a wholesale or retail dealer, sells explosive or offers or exposes it for sale, on any premises other than those mentioned in his licence,

shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

No sale of
explosive to
child.
[7 of 1966B
6 of 1997]

(2) Everyone who sells explosive to any person apparently under the age of twenty-one years, whether for the use of the buyer himself or for the use of any other person, shall be liable to a fine of one thousand nine hundred and fifty dollars.

Packing
explosive for
sale.
[6 of 1997]

22. (1) All explosive exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, canister, or other package, made and closed so as to prevent the explosive from escaping, and in every case the outermost package containing the explosive shall have affixed the word “explosive” in conspicuous characters by means of a brand or securely attached label or other mark.

(2) If any explosive is sold or exposed for sale in contravention of this section the person selling it or exposing it

for sale shall be liable to a fine of four thousand eight hundred and seventy-five dollars, and all or any part of the explosive so sold or exposed for sale shall be forfeited.

REMOVAL OF EXPLOSIVE

Removal
generally.
[6 of 1997]

23. (1) No explosive shall be removed or conveyed except according to this Act.

(2) Everyone who removes or conveys any explosive otherwise than as aforesaid, or who aids or assists in the removal or conveyance, shall be liable to a fine of nineteen thousand five hundred dollars, and any explosive removed or conveyed, or being removed or conveyed, otherwise than as aforesaid shall be forfeited.

Removal of
quantity
exceeding five
pounds.
[7 of 1966B]

24. No quantity of explosive exceeding five pounds shall be removed or conveyed except under and according to a permit or the directions of the Commissioner:

Provided that this section shall not apply to explosive in the course of conveyance according to regulations made under this Act from or to a magazine, or any ship, wharf, landing-place, or shipping-place.

Application
for permit to
remove.
[7 of 1966B]

25. (1) A permit for the removal of any explosive may be granted by a superintendent of police to anyone apparently above the age of twenty-one years, on an application in writing made for that purpose by someone having an interest in the removal.

(2) The application shall state the total quantity of explosive intended to be removed; the places to which, and the persons to whom, it is to be distributed; the quantities to be left at each destination; the hours within which and the route by which the removal is intended to be effected; and the place or places (if any) where the explosive or any part thereof is intended to be deposited until the removal and

distribution are completed.

Particulars of
permit.

26. Subject to this Act, a superintendent of police shall, within twenty-four hours (exclusive of public holidays) after an application for a permit has been delivered to him, grant a permit specifying the total quantity allowed to be removed; the places to which, and the persons to whom, the parcels making up the total quantity are to be distributed; the hours within which and the route by which the removal may be effected; and the place or places (if any) where the explosive or any part thereof may be deposited until the removal and distribution are completed:

Provided that—

- (a) no permit shall authorise the having on the same premises in course of removal, or in the same carriage, more than one thousand pounds of explosive; and
- (b) a superintendent of police may, if on an application for a permit he is satisfied that a permit according to the application cannot consistently with the public safety be granted, postpone or absolutely refuse to grant it, or grant it with any variations from the application, and subject to any conditions he considers proper for the protection of the public.

General rules
as to mode of
removal.
[7 of 1966B
6 of 1997]

27. (1) Where explosive is removed or conveyed from place to place in Guyana, either wholly by land or partly by land and partly by water, the following general rules as to packing and other things shall be observed:

- (a) the explosive, if not exceeding fifty

-
- pounds in quantity, shall be contained in a substantial case, canister, or other package, made and closed so as to prevent the explosive from escaping;
- (b) the explosive, if exceeding fifty pounds in quantity, shall be divided into parcels, each of which shall comprise not more than fifty pounds, and be contained in a substantial case, canister or other package, made and closed so as to prevent the explosive from escaping;
 - (c) the interior of every package shall be kept free from grit and otherwise clean;
 - (d) every package when actually used for the package of explosive shall not be used for any other purpose;
 - (e) there shall not be any iron or steel in the construction of any package, unless the same is effectually covered with tin, zinc, or other material;
 - (f) on the outside of every package there shall be affixed the word "explosive" in conspicuous characters by means of a brand or securely attached label or other mark; and
 - (g) the explosive shall be in the charge and under the custody of some male person above the age of twenty-one years, who shall have the permit

for its removal in his possession and shall produce and show that permit to any person who demands to see it.

(2) In the event of any breach, by any act or default, of any general rule in this section mentioned, the explosive in respect of which the breach is committed shall be forfeited, and the person committing the breach shall be liable to a fine of nineteen thousand five hundred dollars.

(3) The Minister, subject to negative resolution of the National Assembly, may from time to time make rules adding to the general rules contained in this section, and the rules so made shall have the same effect as if they had been enacted in this section.

Removal of explosive partly by land and partly by water.

28. Where explosive is removed or conveyed from place to place in Guyana partly by land and partly by sea coastwise, or on any river or waterway of Guyana, the provisions of this Act applicable to explosive removed or conveyed by land shall apply to that explosive when on land, and the provisions of this Act applicable to explosive in the waters of Guyana shall apply to the explosive when on the sea or on the river or waterway.

SPECIALLY DANGEROUS EXPLOSIVES

Prohibition of manufacture of specially dangerous explosive.
[7 of 1966B
6 of 1997]

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

Contravention of order as to manufacture of explosive.

(2) If any explosive is manufactured in contravention of that order, all or any part of the explosive found either in or about any place, or in the possession or under

the control of any person convicted under this section, may be forfeited, together with all machinery, implements, and utensils used in its manufacture; and the person so manufacturing shall be liable to a fine of ninety-seven thousand five hundred dollars a day for every day during which he so manufactures the explosive.

Contravention of order as to keeping of explosive.

(3) If any explosive is kept in contravention of the order, all or any part of the explosive found either in or about any place may be forfeited, and the occupier of that place, and also the owner of or other person guilty of keeping the explosive, shall each be liable to a fine of one hundred and ninety-five dollars for every pound of explosive so kept.

Contravention of order as to importation or sale of explosive.
[6 of 1997]

30. If any explosive is imported, conveyed, or sold in contravention of any order aforesaid—

- (a) all or any part of the explosive may be forfeited;
- (b) the owner or master of the ship in which it was imported, and the importer or consignee thereof (unless the consignee can show by evidence, to the satisfaction of the magistrate by whom the cause is heard, that it was consigned to him without his knowledge), shall respectively be liable to a fine of three hundred and ninety dollars for every pound of explosive brought in the ship;
- (c) the owner or other person engaged in the conveyance of the explosive shall be liable to a fine of three hundred and ninety dollars for every pound of explosive so conveyed; and

- (d) the person to whom the explosive was delivered and the person who sells it shall each be liable to a fine of three hundred and ninety dollars for every pound of explosive so delivered, or sold, or found in his possession.

MISCELLANEOUS PROVISIONS

Search warrant.
[7 of 1966B
6 of 1997]

31. (1) Any officer of customs, district commissioner, or member of the police force who has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a ship, boat, or carriage), or that any explosive is there in contravention of any order of the Minister, or that the terms and conditions of the order are not duly observed there, may apply to a magistrate or justice of the peace for a warrant, (which warrant the magistrate or justice shall grant, upon reasonable ground being assigned upon oath), to search that place and every part thereof, and on obtaining the warrant, and on producing it, if demanded, the officer may enter at any time, and (if need be) by force, and as well as Sundays as on other days, the place and every part thereof, and examine it and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an ingredient of an explosive found therein.

Penalty for
obstructing
search.

(2) Everyone who, by himself or by any other person, fails to admit into any place occupied by him, or under his control, any officer demanding to enter in pursuance of this section, or in any way obstructs the officer in the execution of his duty under this section, shall be liable to a fine of ninety-seven thousand five hundred dollars, and shall also be liable to forfeit all explosives and ingredients thereof at the time of the offence in his possession or under his control at that place.

Seizure and
detention of
explosive liable
to forfeiture.
[6 of 1997]

32. Any officer aforesaid who has reasonable cause to believe that any explosive, or ingredient of an explosive, or substance found by him, is liable to be forfeited under this Act, may seize and detain it until the magistrate of the district has determined whether it is or is not so liable to be forfeited, and with respect thereto, the following provisions shall have effect:

- (a) the officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a ship, boat, or carriage), to detain it there or in any place under the control of the occupier, or may remove it in the manner and to the place which will, in his opinion, least endanger the public safety and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he either is, or is authorised by an order from, the Comptroller of Customs, a district commissioner, a justice of the peace, or a superintendent of police, cause it to be destroyed or otherwise rendered harmless; but before the Commissioner General of the Revenue Authority destroys it or rendering it harmless, he shall take and keep a sample thereof, and shall if required give a portion of the sample to the person owning the explosive or having it under his control at the time of the seizure; and any occupier who, by himself or by any other person, fails to keep the article seized when he is required in pursuance of this section to detain it, and any occupier or other person who, except with the authority of the officer seizing it, or of the Commissioner General of the Revenue Authority, a district

commissioner, or a superintendent of police, or, in case of emergency, for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with it while so detained, shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars, and shall also be liable to forfeit all explosives and ingredients thereof which are, at the time of the offence, in his possession or under his control at that place;

- (b) the proceedings before the magistrate for determining whether the article seized is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure;
- (c) the receptacles containing the article seized may be seized, detained, and removed in like manner as the contents thereof;
- (d) the officer seizing the article may use, for the purposes of the removal and detention thereof, any ship, boat, or carriage in which it was seized, and any tug, tender, engine, tackle, beasts, and accoutrements, belonging to or drawing, or provided for drawing that ship, boat, or carriage, and shall pay to the owner a reasonable compensation for the use, to be determined in case of dispute by the magistrate of the district, and to be recovered in like manner as any penalty under this Act;
- (e) the article seized shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accidents, but the person seizing, removing, detaining, keeping, or conveying

it shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages for keeping or conveying it, provided that he uses all due precautions aforesaid; and

- (f) the officer seizing or dealing with the article in pursuance of this section shall not be liable to damages or otherwise in respect of the seizure or dealing or any act incidental to or consequential thereon, unless it is proved that he made the seizure without reasonable cause or that he caused damage to the article seized by some wilful neglect or default.

Entry for inspection of means of conveyance of explosive.
[7 of 1966B]

33. (1) The Comptroller of Customs, a district commissioner, any superintendent of police, and any officer designated by the Minister for the purposes of this Act, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and on as well Sundays as other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship or boat he has reasonable cause to suppose an explosive to be for the purpose or in course of conveyance, but so as not unnecessarily to obstruct the work or business of the carrier, person, occupier, or importer.

(2) The officer, if he finds any offence being committed against this Act, on or in the wharf, carriage, ship, or boat, or on any public wharf, may seize and detain or remove the carriage, ship, or boat, or the explosive, in the manner and with the precautions appearing to him to be necessary to prevent any danger to the public, and may seize

and detain the explosive as if it were liable to forfeiture.

(3) The officer, and any officer of customs, district commissioner, or member of the police force, who has reasonable cause to believe that any offence against this Act is being committed in respect of any carriage, or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine, that carriage or boat, and by detention or removal thereof or otherwise, take precautions reasonably necessary for preventing the danger, in like manner as if the explosive were liable to forfeiture.

Penalty for obstructing officer.

(4) Every officer aforesaid shall, for the purposes of this section, have the same powers and be in the same position as if he were authorized by a search warrant granted under this Act, and every person who fails to admit or obstructs him shall be liable to the same penalty as a person who fails to admit or obstructs an officer so authorised as aforesaid.

Payment for sample of explosive taken.

34. Where any officer in pursuance of this Act takes samples of any explosive, ingredients, or substance, he shall pay for or tender payment for it to the amount he considers to be the market value thereof, and the occupier of the place in which or the owner of the bulk from which, the sample was taken may recover any excess of the real value over the amount so paid or tendered from the officer taking the sample, as a debt in the petty debt court within the jurisdiction whereof the sample was taken.

Apprehension without warrant.

35. Everyone found committing any act for which he is liable to a penalty under this Act and which tends to cause explosion or fire in or about any store, harbour, or wharf, or in or about any cane, cocoa, or coffee plantation or any building thereon, or in or about any carriage, ship, or boat,

may be apprehended, without warrant, by any police constable or other constable, or by the occupier or the agent or servant of or other person authorised by the occupier, of that store, plantation, or building, or by any officer of customs or district commissioner, or by the Harbour Master or any person authorised by the Harbour Master, and removed from the place where he was arrested, and conveyed as soon as conveniently may be before a magistrate to be dealt with according to law.

Unconditional
imprisonment
in certain cases.

36. Where any person is guilty of an offence which—

- (a) under this Act is, but for this section, punishable by a pecuniary penalty only; and
- (b) in the opinion of the magistrate by whom the case is heard, was reasonably calculated to endanger the life of, or to cause serious personal injury to, any person, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, that person shall be liable, if the magistrate is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment for six months.

Protection in
certain cases of
carrier and of
owner and
master of ship.

37. Where a carrier, or the owner or master of a ship or boat, is prevented from complying with this Act, or with any rule or regulation made hereunder, by the wilful act, neglect, or default of the consignor or consignee of the explosive or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, the consignor, consignee, or other person who is

guilty of the wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, owner, or master is liable for a breach of this Act or of the rule or regulation, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Exemption of certain explosives.

38. Nothing in this Act shall apply to any explosive the property of the State, and held for the purposes of the Guyana Defence Force, or held for the public service.

Protection of person acting under the Act. c. 5:07

39. Every person acting under this Act, shall be entitled to the protection afforded by the Justices Protection Act.

Procedure and appeal. [26 of 1954]

40. All offences under this Act may be dealt with under the Summary Jurisdiction Acts and any necessary proceedings may be taken by the Harbour Master, or by any officer of Customs, district commissioner, or member of the police force.

SUBSIDIARY LEGISLATION

STORAGE MAGAZINE (EXPLOSIVES) ORDER

made under section 4

Citation. 1. This Order may be cited as the Storage Magazines (Explosives) Order.

Declaration of magazines. 2. The places described in the Schedule are hereby declared to be magazines for the storage of explosives.

SCHEDULE

O. in C.
8/10/1936 1. That parcel of land enclosing an area of 1184 acres commencing at an iron paal 45 feet northwards from the centre of Carifesta Avenue near the City of Georgetown, at a point 1,291 feet eastwards of its junction with Camp Road and its boundaries extending thence as shown on a plan signed by C. de Freitas, Government Surveyor, dated 11th August, 1936, deposited in the office of the Commissioner of Lands and Mines.

O. in C.
34/1941 2. Two parcels of land, situate at Kwakwani, on the right bank of the Upper Berbice River, and included in the area held by the Berbice Company Limited under Mining Lease No. 364, one being 500 feet in length by 500 feet in width, situate approximately 4,000 feet north-west of a point on the south-east boundary line of the concession, distant 6,500 feet from an iron monument near to its junction with the Kwakwani Creek, and the other being 1,000 feet in length by 1,000 feet in width, situate approximately 3,000 feet north-west of a point on the south-east boundary line, distant 11,000 feet from the iron monument referred to.

O. in C.
45/1941 3. That area on the north side of Carifesta Avenue, Georgetown, measuring 80 feet in length by 65 feet average

width, enclosed by a wooden fence and distant 1,291 feet eastward of the junction of Carifesta Avenue and Camp Road.

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11. Amount of explosives in ships.
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15. Painting of hulks or floating magazine.
16. Packing of classes of explosives.
17. Packing of explosives other than fulminate.
18. Packing of nitro-compound.
19. Inner package of nitro-compound.
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21. Packing of other fulminate.
22. Use of packing used for fulminate.
23. Label on outer case of fulminate.
24. Packing of detonators.
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REGULATION

27. Conditions for packing.
28. Conveyance of explosives.
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30. Loading and unloading of explosives.
31. No fire while loading or unloading explosives.
32. Manner of loading or unloading explosives.
33. Conveyance of explosives on carriage.
34. Stowing of explosive.
35. (1) Conveyance of explosives while carrying passengers.
(2) Conveyance of dynamite in boat.
36. Conveyance of dynamite in carriage.
37. Forwarding consignment of explosives to warehouseman.
38. Person in charge of carriage conveying explosive.
39. Sending explosives by rail.
40. Explosives not to be sent where railway will not receive them.
41. Time of receiving consignments of explosives at forwarding station.
42. Removing of explosives by consignee.
43. Refusal of packets suspected to contain explosives.
44. Conveyance of explosives in passenger train.
45. Not more than two carriages of explosives to be loaded.
46. Matches not to be in carriage with explosives.
47. Certificate to be attached by consignor.
48. Stowing of packages containing dynamite.
49. Packing of five layers of packages.
50. Detonators not to be carried in train with dynamite.
51. Examination of wagons.
52. Loading and unloading of wagons.
53. Wagons to be shunted when goods train is marshalled.
54. Wagons with explosives at end of goods train.
55. Use of brakes in the transport of explosives.
56. Locking of wagons.

REGULATION

- 57. Time of transshipping explosives.
- 58. Breach of regulations.
- 59. Persons answerable for breach.

Reg.
31/10/1905
2/10/1907
21/1947
12/1948

EXPLOSIVES REGULATIONS

made under section 11

Citation.

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

Interpretation.

2. For the purposes of these Regulations expression—

"chlorate-mixture" means any explosive containing a chlorate;
"detonator" means a capsule or case which is of such strength and construction and contains a fulminate in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases;

"explosive" means and includes nitro-compounds, chlorate—mixtures, fulminates, and detonators;

"fulminate" means any chemical compound or mechanical mixture which from its great susceptibility to detonation is suitable to employment in percussion caps, or any other appliances for developing detonation or which from its extreme sensibility to explosion and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes) is especially dangerous;

"inner package" means a substantial case, bag, canister, or other receptacle, made and closed so as to prevent

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Explosives Regulations

any explosive from escaping;

"nitro-compound" means any chemical compound possessed of explosive properties or capable of combining with metals to form an explosive compound which is produced by the chemical action of nitric acid (whether alone or mixed with sulphuric) acid or of a nitrate mixed with sulphuric acid upon any carbonaceous substance whether such compound is mechanically mixed with other substances or not;

"outer package" means a box, barrel, case, or cylinder of wood, metal, or other solid material, of such strength, construction, and character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape.

IMPORTATION AND TRANSHIPMENT OF EXPLOSIVES

Master to give notice of explosives.

3. The master of every ship arriving in Guyana with explosives on board shall give notice to the Harbour Master, when he visits such ship, of the fact that such explosives are on board.

Loading or discharging of explosives.

4. Every ship loading or discharging explosives shall moor abreast of Fort William Frederick, but not nearer than 75 fathoms from low water mark on the east bank of the river, and no vessel arriving at the Port of Georgetown with explosives shall proceed up the river until such explosives have been discharged off Fort William Frederick.

Consignment to Guybau. [Ref. 21/1947 12/1948]

5. (1) Anything to the contrary contained in paragraph (1) of this regulation notwithstanding, any ship entering the Harbour of Georgetown with explosives consigned to the Guyana Bauxite Company, Limited, at Linden, Demerara River, may proceed up the Demerara River

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as far as Linden without discharging the said explosives at Georgetown.

(2) No ship carrying explosives shall go alongside any wharf or stelling, other than the wharf owned by the Guyana Bauxite Company, Limited, at Linden, Demerara River.

Ships carrying explosives.

6. Every ship lying off Fort William Frederick and having explosives on board, shall carry at her mast-head, by day, a red flag not less than 72 inches square, and by night, a red light.

No fires while loading or discharging explosives.

7. No fire or light of any description shall be permitted on board any ship or boat loading or discharging explosives except in the case of steamers which may use their engine fires.

No matches while loading or discharging explosives.

8. No person shall carry lucifer or other matches whilst employed in the landing, shipment, loading, discharging or stowage of explosives. No person shall smoke or be in possession of a naked light whilst so employed.

Punts carrying explosives.

9. Every boat, punt or other vessel employed for the landing, transport or shipment of explosives shall, whilst so employed, carry a red flag not less than eighteen inches square, hoisted on a pole not less than six feet in height above the gunwale.

Ships not to discharge explosives between sunset and sunrise.

10. No ship shall load or discharge explosives between sunset and sunrise, and no boat, punt or other vessel shall be employed for the landing, transport or shipment of explosives between sunset and sunrise.

Amount of explosives in ships.

11. The amount of the explosives conveyed in any one ship, boat or carriage at any one time from or to a magazine, shall not exceed 2,000 lbs., unless the carriage be enclosed on all sides with wood or metal, or the ship or boat have a close

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deck, so closed as effectually to protect the explosive against accident by fire from without, in which case the amount of the explosives conveyed shall not exceed the following:

- In any one carriage on a railway10 tons
- In any one other carriage2 “
- In any one ship or boat20 “

Application of
regs. 7; 8; 10; 11.
[Reg. 21/1947
12/1948]

12. Regulations 7, 8, 10 and 11 shall, *mutatis mutandis*, apply—

- (a) to any ship carrying explosives up the Demerara River; and
- (b) to any boat, punt or other vessel used to discharge explosives from any ship in the Demerara River.

KEEPING EXPLOSIVES

Keeping
explosives in
premises
licensed for the
purpose.

13. No explosive shall be kept in any place or premises whether on land or on water not duly licensed as a magazine for the storage of explosives, or the premises of a person not duly licensed to sell explosives by wholesale or retail, under the Act:

Provided always that—

- (a) it shall be lawful for any person to keep without a licence in private premises for his private use and not for trade purposes any amount not exceeding five pounds avoirdupois in weight of any explosive;
- (b) this regulation shall not apply to the case of any person conveying explosives from

place to place in accordance with these Regulations.

Keeping of nitro-compound in magazine.

14. (1) No nitro-compound, which shall have been more than six months in Guyana, shall be kept in any magazine unless the said compound has been examined by the Government Analyst who may, after such examination, either allow the said compound to be kept for such further period as he shall think fit or order the same to be either immediately used or to be destroyed in such manner and in such place as he shall specify.

(2) Any expenses incurred in connection with the examination hereinbefore provided for shall be borne by the person in whose name the nitro-compound is stored.

Painting of hulks or floating magazine.

15. (1) Every hulk or floating magazine shall be painted externally Painting of vermilion, and shall have the words "Explosives" legibly printed on both sides in large letters of white paint at least two feet in height, and magazine, such hulk or magazine shall be moored fore and aft in the position laid down by the resolution appointing it.

(2) Every magazine other than hulks or floating magazines shall have the words "Explosives" legibly printed on each side in large letters of white paint at least two feet in height.

PACKING OF EXPLOSIVES

Rules with respect to the Packing of Explosives for Removal

Packing or classes of explosives.

16. Each class of explosive mentioned in regulation 3 shall be separately packed and each case shall be legibly labelled.

Packing of explosives other than

17. (1) An explosive, not being a fulminate, shall if not exceeding Packing of 5 lbs. in quantity, be contained in a

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fulminate. substantial case, bag, canister, or other receptacle made and closed so as to prevent the explosive fulminate, from escaping.

(2) In every other case the explosive shall be contained in a double package.

Packing of
nitro-
compound.

18. If the explosive is a nitro-compound, the quantity of the of explosive in any one outer package shall not exceed 50 lbs. If the explosive is picric, the inner package must be of such a nature as to effectually prevent any picric acid from coming into contact with any basic metallic oxide.

Inner package
of nitro-
compound.

19. If the explosive is a nitro compound or a chlorate-mixture the inner package shall be without any metal in its construction, and the inner or outer package, or both, shall be thoroughly waterproof. No one of the inner packages shall contain more than 10 lbs., and the aggregate quantity of the explosive in any one outer package shall not exceed 50 lbs.

Packing of
fulminate not
mixed with
water.

20. If the explosive is a fulminate, and is of such character that it cannot be packed mixed with water, or that danger would arise from such mode of packing, it shall be packed in such manner as shall be specially directed by the Minister.

Packing of
other
fulminate.

21. Any other fulminate shall be packed as follows: In bags or coverings of calico, canvas, or other material permeable to water, and containing each not more than 25 lbs. of fulminate, and so made and closed as to prevent any explosive from escaping. Such bags or coverings shall be packed in a case containing sufficient water to ensure the explosive being kept constantly wet, and such case (hereinafter called the inner case) shall be packed in an outer case containing sufficient water constantly to surround the inner case; and the inner case and the outer case shall each be of such strength, construction and character that it will not be broken or accidentally opened, or become defective or

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insecure whilst being conveyed, and will not allow any fulminate or water to escape; and the amount of the explosive in any one outer case shall not exceed 200 lbs.

Use of packing used for fulminate.

22. Every package when actually used for the packing of one fulminate shall not be used for the packing of any other fulminate or for any other purpose.

Label on packing used for fulminate.

23. On the outer case there shall be affixed in conspicuous characters by means of a brand or securely attached label or other mark the word "Explosive" with the name of the explosive followed by the word "Fulminate", and the name and address of the sender.

Packing of detonators.

24. (1) If the explosive consists of detonators and does not exceed 1,000 in any one consignment it shall be packed when the quantity does not exceed 5 lbs. in amount, in a single outer package; otherwise in a double package, the inner and outer packages being as defined in regulation 3:

Provided that the detonators and the spaces between the same, and between the sides of the inner package and the said detonators, shall all be filled, as far as practicable, with fine sawdust or other similar material; a layer of felt or other soft yielding material shall be placed between both ends of all the detonators and the interior of the package in which the same are placed, in such a manner, and so secured, that both ends of the detonators will rest upon the said material; every inner package, if of metal, to be lined throughout with paper or other soft material.

(2) If the explosive exceeds 1,000 detonators in any one consignment the detonators shall be packed in inner packages, with sawdust and soft material as above described. Such inner packages shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping therefrom, and such case shall be placed inside an outer package in such manner and so

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secured as to leave a clear space of not less than three inches between the case and every part of the interior of the said outer package notwithstanding that such clear space may, if preferred, be filled with sawdust, straw, or other similar material, or may contain a light framework or battens of wood to keep the case aforesaid in position in the outer package.

(3) Where the number of detonators exceeds 5,000, such outer package shall be provided with handles or other contrivance by means of which it can be safely and conveniently carried:

Provided that in the case of electric detonators where the number in any outer package exceeds 3,000, such outer package shall be provided with handles or other contrivance by means of which it can be safely and conveniently carried.

Number of
detonators in
outer package.

25. The number of detonators contained in any one outer package shall not exceed 10,000 in number, and if the detonators are electric shall not exceed 5,000 in number. The number of detonators or of electric detonators contained in any one inner package shall not exceed 100 in number.

Additional
packing.

26. Nothing in these Regulations shall be deemed to prohibit the use of an additional packing whether inner or outer provided that such additional packing shall be in either case in accordance with the requirements of these regulations.

Conditions
for packing.

27. Whatever be the amount of the explosive and of whatever kind 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 explosive of any other kind or for any other purpose.
- (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 "Explosive", followed by the name of the explosive or other description of the contents and the name and the 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 one outer package, shall not exceed the amount specified in the foregoing rules.
- (f) Explosives made up into cartridges or charges for mines, blasting or other like purposes, shall be packed in such manner and in such quantity as is required for the same explosive when not so made up:

Provided that where a double package is required, the enclosing case of such cartridges or charges, may, if it satisfy the conditions required for an inner package, be held to be such inner package.

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MODE OF CONVEYANCE

Rules with respect to the Conveyance of Explosive

Conveyance of explosives. **28.** No explosive shall be conveyed from place to place unless of packed in the manner provided for in the foregoing regulations.

Conveyance of different explosives. **29.** 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 kind 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.

Loading and unloading of explosives. **30.** Except in the case of small consignments carried by railway, which may be unloaded at any time, explosives shall be loaded or unloaded only between sunrise and sunset. For the purposes of this regulation no consignment of more than half a wagon-load booked to one station shall be deemed to be a small consignment.

No fire while loading or unloading explosives. **31.** 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 heading liable to cause or communicate fire or explosion, volatile petroleum or any spirit or oil or substance that gives forth an inflammable vapour at a temperature below 85 degrees Fahrenheit, when tested in the Abel-Pensky apparatus, shall be or shall be allowed to be brought, had or used dangerously near to such carriage, ship or boat, and no smoking shall be allowed in, on or dangerously near to the same:

Provided that when the light for the purposes of such loading or unloading is absolutely necessary a lamp of such construction, position or character as not to cause any danger from fire or explosion may be used; and no person, while

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landing any explosive shall wear boots or shoes with iron or steel nails, heels or tips.

Manner of loading or unloading explosives.

32. In the loading or unloading of any explosive, the casks 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.

Conveyance of explosives on carriage.

33. 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 ship or boat having a close deck so closed as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin or other suitable material, so as to effectually protect it against communication of fire.

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

Stowing of explosives.

34. 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.

Conveyance of explosives while carrying passengers.
[Reg. 2/9/1907
47/1945]

35. (1) No explosive shall be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity is less than 5 lbs. and notice has been given beforehand to the person in charge of such carriage or boat:

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Provided that—

- (a) there shall not be conveyed in any such carriage or boat any fulminate, detonators or nitro-compound except—
 - (i) dynamite, which may be carried in the form of cart ridges up to the limit of 5 lbs. On condition that no detonators are carried in the same compartment;
 - (ii) detonators which may be carried to the number of 200 on condition that in no case the amount of fulminate in the package or packages containing the detonators exceeds in the aggregate 5 ozs. (a certificate to this effect being given by the company.
- (b) no dynamite is carried in the same compartment;
- (c) this regulation shall apply only to boats not having a close deck, so closed as effectually to protect explosives against accident by fire from without, and shall not apply to ships or other vessels.

Conveyance of dynamite in boat.

(2) Dynamite may be conveyed in a boat having a close deck, as specified in the last preceding paragraph, whilst carrying or plying for public passengers, provided that

the quantity of such dynamite is not more than three hundred pounds, and that it is conveyed in a wooden box or case constructed to the satisfaction of the Chief Works and Hydraulics Officer, and provided that no detonators are conveyed in the same box or case. Not more than five hundred detonators may be carried in such boat as aforesaid, provided that such detonators are conveyed in a box or case constructed to the satisfaction of the Chief Works and Hydraulics Officer and that they are conveyed in a different part of the boat to a box or case containing dynamite.

Conveyance of dynamite in carriage.

36. With respect to the conveyance by carriage or vessel of any explosive in larger quantities than 5 lbs., the following regulations shall be observed:

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.

Forwarding consignment of explosives to warehouseman.

37. No person shall forward to any warehouseman or carrier a consignment of explosives 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 dispatch the same, or to deposit it in a magazine or at a place at which a person is licensed to

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possess the same.

Person in charge of carriage conveying explosives.

38. 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 exceed 100 lbs., stop or delay for a longer time than may be reasonably necessary, or stop unnecessarily at any place.

Sending explosives by rail.

39. No person shall send for carriage upon any railway or passenger steamship any consignment of an explosive, unless he has given to the officer in charge of the railway station or to the master, owner, or agent of such steamship previous notice in writing, which, at the option of the railway company or owner of the steamship may extend to forty-eight hours, of his intention to send such consignment, and stating the true name, description and quantity, and mode of packing of the explosive proposed to be conveyed, and his own name and address, also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorised officer of the railway company or owner of the steamship that such consignment will be received.

Explosives not to be sent where railway will not receive them.

40. No explosives which a railway company or the owner of a steamship shall by any notice or regulation for the time being in force, notify that they will not receive shall be brought, sent or will not forwarded to or upon any such railway or steamship.

Time of receiving consignments of explosives at forwarding station.

41. Consignments of explosives shall be sent to the forwarding station and shall be received by the servants of the company only at such times between sunrise and sunset as the company may appoint; and every package containing any explosive proposed to be conveyed on any railway shall, immediately on arrival at the station, be unloaded and placed in a safe place under the special direction of the officer in

charge of the station. Consignments of explosives to be carried in a passenger steamer shall be placed on board such steamer not less than half-an-hour earlier than the advertised time of departure.

Removing of packets suspected to contain explosives.

42. An explosive shall be removed by the consignee from the receiving station during the twelve hours of daylight after arrival; if this condition is not strictly complied with the railway company may return the consignment to the consignor at his risk and expense and such packages shall, in the meantime, be kept as far away from the station buildings as possible in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material, and, if necessary, shall be protected by a police guard.

Refusal of packets suspected to contain explosives.

43. Any railway company, the master of any ship, and the person in charge of any boat or carriage may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these Regulations. And in case any package, which they suspect, shall be upon any railway or ship, boat or carriage, they may open, or require to be opened, such package, to ascertain the fact that the risk and expense of the consignor and may return the explosives contained in the packages to the consignor at his risk and expense, keeping the packages, pending such return, in the manner prescribed in the last preceding regulation.

Conveyance of explosives in passenger train.

44. Subject to the exception provided for in paragraph (c), no explosive shall be conveyed by passenger train, except of the kinds and in the manner hereinafter specified in this regulation—

- (a) Dynamite which may be carried in the form of cartridges up to the limit of 5 lbs, on condition that no detonators are carried in the same compartment;

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- (b) Detonators which may be carried to the number of 200, on condition that—
- (i) in no case the amount of fulminate of mercury in the package or packages containing the detonators exceeds in the aggregate 5 ozs. (a certificate to this effect being given by the company, firm or person tendering the detonators for transport, or by its or his agent);
 - (ii) no dynamite is carried in the same compartment;
- (c) Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that—
- (i) no more than one vehicle containing explosives is forwarded at any one time by a mixed train
 - (ii) the precautions prescribed for conveyance by goods trains are observed; and
 - (iii) directly a wagon containing explosives arrives at a section on which goods trains are running, it is detached from the mixed trains.

Not more than two carriages of explosives to be loaded.

45. Not more than two carriages containing explosives shall be loaded or unloaded at any railway station or be conveyed by any one goods train at any one time; and the quantity of explosive to be contained in any one carriage shall not exceed two-thirds of the normal load.

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Matches not to be in carriage with explosives.

46. There shall not be conveyed in the same carriage with any explosive any lucifer or other matches, fuses, pipelights, acids, naphtha, paraffin, petroleum, or any other volatile spirit or substance liable to give off an inflammable vapour or liable to spontaneous ignition, or to cause or to communicate fire or explosion.

Certificate to be attached by consignor.

47. The consignor shall attach to the consignment note a certificate, in the case of dynamite and any nitro-glycerine compounds, that there are no signs of exudation of nitro-glycerine or of liquefaction. The consignor shall also certify that the explosive has been packed in accordance with these Regulations. The above-mentioned certificate shall contain sufficient information to admit of all packages being easily recognized.

This certificate shall be valid for two months after date. But any railway company which accepts dynamite or other nitro-compounds for transport may demand a fresh certificate under the hand of the Government Analyst.

Stowing of packages containing dynamite.

48. Packages containing dynamite or other nitro-compound shall be stowed in one layer only and secured so as to prevent movement during transit, and the gross load in any one wagon shall not exceed dynamite, five tons:

Provided that if the packages of dynamite are in rectangular form and are properly secured so as to prevent movement during transit, they may be stored in any number of layers not exceeding five, and the gross load in any one wagon shall not exceed five tons.

Packing of five layers of packages.

49. Five layers of packages in rectangular form and of uniform size (provided they are double packages and are so secured as to prevent movement during transit) may be packed one above another. Otherwise, not more than three layers of packages containing explosives shall be packed one above another. The loading and unloading of explosives

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when once begun shall be diligently proceeded with until the same is completed.

Detonators not to be carried in train with dynamite.

50. Except under regulation 44 (b), no detonators shall be carried in the same train with dynamite or other nitro-compound, or with chlorate-mixtures.

Examination of wagons.

51. Wagons used for the carriage of explosives shall be examined to see that they are spark-proof and have been cleaned out before they are loaded. Hair, cloth, hides, or other suitable materials shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt.

Loading and unloading of wagons.

52. Wagons containing explosives shall be loaded and unloaded on sidings distant as far as possible from the station buildings.

Wagons to be shunted when goods train is marshalled.

53. When the goods train is being marshalled, wagons loaded with explosives may be shunted by a locomotive, if they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substance or other nitro-compounds or chlorate mixture. The speed of these movements shall be restricted to five miles an hour; they shall be superintended by a duly authorised officer, who shall be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

Wagons with explosives at end of goods train.

54. Wagons containing explosives shall be placed at the end of the goods train away from the locomotive and shall be close coupled to one another as well as to the adjoining wagons, and preceded and followed by three wagons not loaded with explosives or other traffic of an inflammable nature.

Use of brakes in the transport of explosives.

55. If the wagons employed in the transport of explosives are provided with brakes, the brakes thereon shall

on no account be worked while the wagons are running with the train, nor shall brakes, other than iron brakes on vehicles immediately adjoining such wagons, be worked while such wagons are so running.

Locking of wagons.

56. Wagons shall in every case be locked when loaded with explosives.

Time of transshipping explosives.

57. All operations connected with the transshipment of explosives shall take place between sunrise and sunset.

Breach of regulations.

58. Whoever commits or is concerned in the commission of a breach of any of the foregoing regulations shall be liable to a fine of three hundred dollars.

Persons answerable for breach.

59. When any breach of these Regulations is committed, all persons in any way assisting or concerned in the commission of such breach, and the master or any other person having the control of any ship or boat on board of which such breach has been committed, shall be severally answerable for such breach.

Reg. 17/1954

EXPLOSIVES (SALE, PURCHASE AND POSSESSION) REGULATIONS

made under section 13

Citation.

1. These Regulations may be cited as the Explosives (Sale, Purchase and Possession) Regulations and shall come into operation on 1st December, 1954.

Issue of permits for acquisition of explosives.

2. The officer in charge of a police division may issue permits for the purchase, acquisition or possession of explosives by any person within such division and shall in such permit specify the nature, the amount of the explosives

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in respect of which it is issued, the purposes for which the same may be used, and the place where it is to be used. Such permit shall be in the Form 1 in the Schedule.

Permits in triplicate.

3. Permits under regulation 2 shall be made in triplicate; one copy shall be retained by the officer who issues it, and two copies shall be delivered to the person to whom it is issued.

Selling of explosives requires written authority.

4. (1) No person shall sell, give, or otherwise deal in or permit any explosive to be taken from his possession unless he shall have previously obtained authority in writing from the police officer in charge of the police division wherein he resides to do so;

(2) Such authority may be issued for one or more such transactions and with respect to a particular kind of explosive, and a particular amount thereof, or may be general and for a period to be therein specified. Such authority shall be in the Form 2 in the Schedule.

Permit to be produced at sale.

5. No person shall sell, give or otherwise permit another person to take from his possession any explosive unless such other person produces a permit in duplicate issued to him under regulation 2, or otherwise than in accordance with the terms of such permit.

Permit in Form 1.

6. If the permit has been issued in the Form 1 in the Schedule, the person disposing of explosives shall endorse on the two copies the amount and nature of explosives disposed of thereunder, and his name and address; he shall retain one copy and forward the same to the police officer who issued it.

Permits required for purchase of explosives.

7. No person shall purchase, acquire, or possess any explosive without having previously obtained a permit to do so under regulation 2, or otherwise than in accordance with the terms of such permit; and no person shall possess

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explosive in respect of which a permit has been issued in the Form 1 of the Schedule except during the period for which such permit is valid:

Provided that explosives purchased or acquired under a permit in the Form 1 in the Schedule may be possessed by the person to whom such permit was issued for such period after the expiration of such permit as the police officer who issued it may in writing permit.

Explosives to be used for particular purposes.

8. No person shall use any explosive except for the purposes and at the places specified in the permit issued in respect thereof.

Books in respect of permit to be kept.

9. (1) A person who has obtained an authority under regulation 4 shall cause to be kept books showing the name, address and occupation of the persons to whom he disposes of explosive, and the quantity and variety of explosive disposed of to such persons.

(2) Such books shall be opened during reasonable hours to the inspection of the Commissioner of Police and other officers of police not below the rank of Inspector.

(3) A copy of the entries made during the previous month in such book shall be sent at the commencement of each month to the Commissioner of Police.

Thefts of explosives.

10. All thefts and losses of explosives shall forthwith be reported by the owner thereof to the Police.

Issuing explosives to workmen.

11. Nothing in these Regulations shall be construed to prevent a permit holder from issuing explosives to his workmen, for the use of blasting operations confined to the work controlled by such permit holder; but such permit holder shall enter each day in a book, which he shall keep for that purpose, the amounts and nature of explosives issued by

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him on such day to such workmen, and such book shall be open to such inspection as in regulation 9 mentioned.

Punishment.

12 (1) Any person who contravenes regulation 6, 9 or 10 shall be liable on summary conviction to a fine of one hundred and fifty dollars or to imprisonment for three months.

(2) Any person who contravenes any of the provisions of regulations 4, 5, 7 and 8 shall be liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

Reg. 2

SCHEDULE

FORM 1

Permission is hereby granted to..... residing at.....

*to purchase, acquire and possess explosives as hereunder set out, namely:

- (1) Nature of explosives
- (2) Amount of explosives to be possessed at any one time not to exceed
- (3) *Total amount which may be purchased, acquired, or possessed under this permit
- (4) The explosives herein mentioned may be used for the following purposes:
at (insert name of place).

This permit is valid for **

from the

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Explosives (Sale, Purchase and Possession) Regulations
Fireworks Order

Dated at this day of 20 .

Officer in charge of
Police Division.

*Strike out words not needed.

** Not to exceed one year.

Reg. 4.

FORM 2

Authority is hereby granted to..... residing
at.....

*to sell, give, and dispose of explosives as hereunder set out:

* (1) Kind of explosives to be sold, given or disposed of

* (2) Amount of explosives to be sold, given or disposed of

* (3) Period for which this authority is available.

This authority is not transferable.

Dated at this day of 20 .

Officer in charge of
Police Division.

*Strike out words not needed.

O. 46/1957

FIREWORKS ORDER

made under section 29(1)

Citation.

1. This order may be cited as the Fireworks Order.

Prohibition of
manufacture,
etc.

2. Subject to paragraph 3, the manufacture, keeping,
importation, conveyance and sale of fireworks is hereby
prohibited.

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Fireworks Order

Importation for
entertainment.

3. The Minister may authorise the importation of any particular consignment of fireworks if, on application made to him in respect of that consignment, he is satisfied that it is intended to use the same solely for purposes of public entertainment and that its use for such purposes will not endanger public safety.
