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## CHAPTER 319

### THE EXPLOSIVES ACT

*Commencement:* See section 1

**An Act to provide for the establishment of the National Explosives Committee and the designation of the Chief Explosives Inspector; to provide for restrictions on the manufacture, storage, use, dealing, import, export and transportation of explosives; to provide for the designation of explosives inspectors; to provide for safety and precautionary measures in the use and handling of explosives and for related matters.**

#### PART I—PRELIMINARY

##### 1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

##### 2. Application of Act

(1) This Act applies to authorised explosives used for commercial purposes, including explosives for use in the mining sector, the construction industry and the entertainment industry.

(2) For the avoidance of doubt, this Act does not apply to the importation, exportation, storage, manufacture or transportation of explosives used in warfare by a security agency in execution of its mandate conferred by an Act of Parliament.

##### 3. Interpretation

In this Act, unless the context otherwise requires—

“authorised explosive” means an explosive listed in Schedule 2 to this Act as an authorised explosive;

“blaster” means a person registered and certified under section 37 to be in charge of and responsible for the loading and firing of explosives or explosives materials;

- “blasting material” means a material or mixture consisting of fuel or oxidizer that is intended for the purpose of blasting;
- “Committee” means the National Explosives Committee established by section 5;
- “controlling interest” means any person who has the power to directly or indirectly influence the direction of the management of the person, whether through the ownership of shares or securities, voting, partnership or other ownership interests, agreement or otherwise;
- “currency point” has the meaning assigned to it in Schedule 1 to this Act;
- “dealer” means a person licensed under this Act to trade in explosives specified in Schedule 4;
- “explosive” means—
- (a) a substance, or a mixture of substances, in a solid, liquid or gaseous state, which is capable of producing an explosion;
  - (b) a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as the result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;
  - (c) any article or device containing one or more substances contemplated in paragraph (a);
  - (d) any plastic explosive; or
  - (e) any other substance or article declared by the Minister to be an explosive under section 4;
- “explosives factory” means premises licensed to manufacture authorised explosives under section 15;
- “explosives incident” means any of the following events involving an explosive where—
- (a) an explosive is, or appears to have been lost or stolen;
  - (b) an accidental explosion, fire or spillage occurs;
  - (c) an explosion causes the death of, or an injury to, a person;
  - (d) an explosion causes damage to property; and
  - (e) an event occurs, including a misfire, with the potential to cause any of the events mentioned in paragraphs (a), (b), (c) and (d), other than an event that usually happens when handling or using an explosive;

- “explosives magazine” means any building or part of a building or any structure licensed under this Act for the storage of explosives or explosives material;
- “explosives shop” means premises licensed for dealing or trading in authorised explosives under section 21;
- “manufacture” means the making or processing of any explosive and includes the division of any explosive into components by any process, the conversion of any kind of explosive into another kind and the alteration, testing or reworking of any explosive;
- “mental illness” has the meaning assigned to it under the Mental Health Act;
- “Minister” means the Minister responsible for internal affairs;
- “premises” means any land, place, road, harbour, open water, river, building, structure, tent, ship, boat, aircraft, railway truck, cart, van or other vehicle or vessel;
- “recognised institution” means an academic or technical training institution approved by the Minister to offer a course of study or training in the handling of explosives;
- “security agency” includes the Uganda Peoples’ Defence Forces, the Uganda Police Force and a security organisation established under the Security Organisations Act.

#### **4. Declaration of explosives**

(1) The Minister may, by statutory instrument, declare any substance or article to be an explosive for purposes of prohibiting the importation, exportation or any other dealing in such explosives.

(2) The Minister may, by statutory instrument, amend Schedule 2 to this Act and may declare any other explosive to be an authorised explosive.

### **PART II—NATIONAL EXPLOSIVES COMMITTEE AND CHIEF EXPLOSIVES INSPECTOR**

#### **5. Establishment of National Explosives Committee**

(1) There is established the National Explosives Committee which shall be responsible for the implementation of this Act.

**6. Composition of Committee**

- (1) The Committee shall be composed of the following—
  - (a) the Permanent Secretary of the Ministry responsible for internal affairs, who shall be the Chairperson of the Committee;
  - (b) the Chief Explosives Inspector, who shall be the Secretary to the Committee;
  - (c) a representative of the Ministry responsible for works;
  - (d) a representative of the Ministry responsible for minerals;
  - (e) a representative of the Uganda Peoples' Defence Forces;
  - (f) a representative of the Uganda Police Force;
  - (g) a representative of the National Environment Management Authority;
  - (h) a representative of the Internal Security Organisation; and
  - (i) a representative of the External Security Organisation.

(2) The members referred to in subsection 1(c), (d), (e), (f), (g), (h) and (i) shall be appointed by the Minister.

(3) A person shall not be appointed to be a member of the Committee unless he or she is of high moral character and proven integrity with substantial experience in handling explosives or any other relevant experience.

(4) The members of the Committee shall hold office on terms and conditions specified in their instruments of appointment.

**7. Functions of Committee**

- (1) The Committee shall—
  - (a) review applications for licences and permits and recommend the issuance of licences or permits to the applicant;
  - (b) develop and enforce guidelines on the safe manufacture, storage, transportation and use of explosives;
  - (c) provide guidance on the safe handling of explosives;
  - (d) carry out due diligence to determine the suitability of applicants for licences or permits under this Act;
  - (e) carry out inspection and approve sites or premises proposed for the storage and manufacture of explosives;

- (f) carry out inspection and approve designs and construction of explosives factories, magazines, vans and vehicles for the transportation of explosives;
- (g) advise the Minister on regulations necessary for the better implementation of this Act;
- (h) advise revenue, customs, airport, railway and border post authorities on the classification of explosives and the packaging, storage and transportation of explosives; and
- (i) perform any other function as the Minister may assign to the Committee.

(2) The Committee may, in discharging its functions, co-opt a person to advise the Committee on any matter relating to explosives.

(3) A person co-opted under subsection (2) shall not be a member of the Committee.

## **8. Removal of member of Committee**

(1) A member of the Committee may resign his or her office in writing under his or her hand addressed to the Minister and the resignation shall take effect after thirty days from the date of receipt of the letter of resignation by the Minister.

(2) A member of the Committee may be removed from office by the Minister, on the recommendation of the Committee, if he or she—

- (a) is suffering from a mental illness which renders him or her incapable of performing the duties of his or her office;
- (b) fails, omits or neglects to carry out his or her responsibilities as a member of the Committee;
- (c) is declared bankrupt;
- (d) is convicted of an offence punishable by more than three months imprisonment or is convicted of an offence involving fraud or dishonesty;
- (e) ceases to be an employee of the entity that he or she represents; or
- (f) fails to attend, without lawful excuse, three consecutive meetings of the Committee or is absent from four Committee meetings for a consecutive period of six months.



**9. Meetings of Committee**

The meetings of the Committee shall be conducted in the manner prescribed in Schedule 3 to this Act.

**10. Designation of Chief Explosives Inspector**

(1) The Minister shall designate a serving officer within a security agency as the Chief Explosives Inspector.

(2) A person designated as the Chief Explosives Inspector shall have expertise and knowledge of handling explosives.

**11. Functions of Chief Explosives Inspector**

(1) The Chief Explosives Inspector shall perform the following functions—issue permits for the import, transport, export and dealing in

- (a) explosives;
- maintain an explosives licence and permit database;
- (b) monitor and oversee safety in the use and handling of explosives;
- (c) register, certify and issue to a blaster, a certificate of registration
- (d) and blasting permits;
- (e) maintain a register of blasters of explosives;
- (f) inspect any premises used for the manufacture or storage of explosives; and
- (g) perform any other function as the Minister may assign to him or her from time to time.

(2) The Chief Explosives Inspector may delegate any of his or her functions and powers to an explosives inspector.

**12. Powers of Chief Explosives Inspector**

- (1) The Chief Explosives Inspector shall have the power to—
  - (a) enter, inspect, investigate and examine any factory, magazine, or store of any explosives, at any time during day or night to ensure that the terms and conditions of a licence are being complied with;

- (b) make inquiries as to the observance of this Act and all matters relating to the safety of the public or of persons employed in a factory, magazine or store;
- (c) require a licensed or permitted person to provide samples of an explosive or an ingredient of an explosive which the inspector believes to be an explosive, or such ingredients or substances for investigations;
- (d) search any premises used for the storage, manufacture or transportation of explosives and seize any unauthorised explosives or any authorised explosives endangering the safety and security of the public; and
- (e) exercise any other power as may be prescribed by the Minister.

(2) Where the Chief Explosives Inspector exercises any of the powers under subsection (1), the Chief Explosives Inspector shall, within five days, file a report to the Committee.

(3) The Minister may, by regulations, prescribe the procedure for the exercise of the powers of the Chief Explosives Inspector referred to in subsection (1).

### **13. Vacation of office by Chief Explosives Inspector**

(1) The Chief Explosives Inspector may resign his or her office in writing under his or her hand addressed to the Minister and the resignation shall take effect from the date of receipt of the letter of resignation by the Minister.

(2) The Chief Explosives Inspector may be removed from office by the Minister if he or she—

- (a) is suffering from a mental illness which renders him or her incapable of performing the duties of his or her office;
- (b) is declared bankrupt;
- (c) is convicted of an offence involving fraud or dishonesty; or
- (d) is convicted of an offence punishable by more than three months' imprisonment.

**14. Designation of explosives inspectors**

(1) The Minister shall, on the recommendation of the Committee, designate a serving officer within a Ministry, department or agency of Government to serve as an explosives inspector.

(2) A serving officer designated under subsection (1) shall have knowledge and expertise in handling explosives.

(3) An explosives inspector designated under subsection (1) shall perform the functions and exercise the powers delegated to him or her by the Chief Explosives Inspector.

PART III—LICENSING OF MANUFACTURE, STORAGE AND  
DEALING IN AUTHORISED EXPLOSIVES

*Manufacture of authorised explosives*

**15. Establishment of explosives factory**

(1) A person shall not establish or operate an explosives factory or manufacturing plant unless the person is licensed by the Minister, on the recommendation of the Committee, to establish or operate an explosives factory or manufacturing plant.

(2) A person shall not be licensed to establish or operate an explosives factory or manufacturing plant unless the explosives factory or manufacturing plant is owned by a Government entity or partly owned by a Government entity, with the Government entity having majority shares and controlling interest.

(3) A person who establishes an explosives factory or manufacturing plant without a licence commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for life.

(4) Subsection (2) shall not apply to an explosives factory or a manufacturing plant in existence before the coming into force of this Act, operating under a joint venture with a Government entity, until the joint venture agreement lapses.

**16. Application for licence to establish explosives factory**

(1) Subject to section 15, a person who wishes to establish an explosive factory or manufacturing plant shall apply in writing to the Minister.

- (2) The application under subsection (1) shall be accompanied by—
  - (a) a certified copy of the certificate of incorporation, in the case of a company;
  - (b) the diagrams or plans of the proposed factory or plant, on such scale or scales as the Minister may prescribe by regulations;
  - (c) proof of payment of fees; and
  - (d) any other document as the Minister may prescribe by regulations.

(3) A licence to establish an explosive factory or manufacturing plant shall be valid until revoked by the Minister.

**17. Manufacture of explosives**

(1) A person shall not manufacture any category of authorised explosive unless the person is licensed to manufacture that category of explosives from an explosives factory or manufacturing plant licensed by the Minister under this Act.

(2) The Minister may, by regulations, prescribe the categories of commercial explosives including explosives for use in the mining sector, the construction industry and the entertainment industry.

(3) For the avoidance of doubt, a manufacturer may be granted a licence to manufacture two or more categories of commercial explosives including explosives for use in the mining sector, the construction industry and the entertainment industry, under one licence, as the Minister may by regulations prescribe.

(4) A person who manufactures any category of explosive without a licence commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for life, or both.

**18. Application for licence to manufacture explosives**

(1) A person licensed to establish an explosives factory or manufacturing plant who wishes to manufacture a specific category of authorised explosive shall apply to the Minister for a licence in accordance with regulations made by the Minister.

(2) An application for a licence to manufacture a specific category of authorised explosives shall be accompanied by—

- (a) a copy of the licence granted to establish an explosives factory or manufacturing plant;
- (b) the specifications of the category of the authorised explosives intended to be manufactured;
- (c) proof of payment of fees; and
- (d) any other document as the Minister may, by regulations, prescribe.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a licence to manufacture a specific category of authorised explosives.

*Explosives magazines and dealer's licence***19. Establishment of explosives magazine**

(1) A person shall not establish or operate an explosives magazine unless the person is licensed by the Minister, on the recommendation of the Committee to establish or operate the explosives magazine.

(2) A person shall not store explosives in any place other than an explosives magazine licensed under this Act.

(3) A person who stores explosives in any other place other than an explosives magazine licensed under this Act, or who establishes or operates an explosives magazine without a licence commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for a term not exceeding ten years, or both.

## **20. Application for licence to establish explosives magazine**

(1) A person who wishes to establish, operate or erect an explosives magazine for the storage of explosives shall apply to the Minister for a licence to establish, operate or erect an explosives magazine.

- (2) The application under subsection (1) shall be accompanied by—
- (a) the diagrams or plans of the proposed explosives magazine, on such scale or scales as the Minister may prescribe by regulations;
  - (b) proof of payment of fees; and
  - (c) any other document as the Minister may prescribe by regulations.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a licence to establish or operate an explosives magazine.

## **21. Dealing in authorised explosives**

(1) A person who wishes to deal or trade in authorised explosives shall apply to the Minister for a dealers licence to carry on trade in authorised explosives specified in Schedule 4 to this Act.

- (2) The application under subsection (1) shall be accompanied by—
- (a) the diagrams or plans of the proposed explosives shop or warehouse, on such scale or scales as the Minister may prescribe by regulations;
  - (b) a copy of the licence to establish an explosives magazine;
  - (c) a certificate of good conduct of the applicant or its directors and shareholders in case of a company;
  - (d) proof of payment of fees; and
  - (e) any other document as the Minister may prescribe by regulations.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a dealers licence.

## **22. Explosives for trial or experiments**

(1) A person who wishes to manufacture, use, transport, store or possess explosives for trial, experiment, research or examination may apply to the Minister for a licence to undertake such activities.

(2) The Minister may, on the advice and recommendation of the Committee, issue to a person a licence to manufacture, use, transport, store or possess unauthorised or prohibited explosives for trial, experiment, research or examination.

(3) The licence issued under this section shall be for a specified period of time as the Minister may direct.

*Consideration of application and grant of licence*

**23. Consideration of application for licence**

(1) Where an application for a licence is made to the Minister under this Act, the Minister shall forward the application to the Committee to conduct inquiries into the suitability of the application and the applicant and make a recommendation to the Minister.

(2) The Committee may conduct the following inquiries to ascertain the suitability of the application and the applicant

- (a) identity, character, mental and physical health of the applicant in the case of an individual, or the directors and principal officers in the case of a company;
- (b) whether the applicant has the relevant experience and expertise in handling explosives;
- (c) whether the applicant or directors in the case of company have ever been convicted of an offence;
- (d) whether the applicant is not insolvent;
- (e) whether the applicant has adequate facilities for handling explosives;
- (f) whether the applicant has experienced and skilled employees to handle explosives; and
- (g) whether the applicant has in place adequate safety measures.

(3) The Committee may, in the process of conducting the inquiries under subsection (2), require any person, department or agency of Government to furnish information to it regarding the suitability of the applicant for a licence under this Act.

(4) The Committee shall consult with the local authorities of the place where the applicant seeks to undertake the activities as to the suitability of the proposed site or premises.

(5) The Chairperson of the Committee may, by written notice, require an applicant for a licence to furnish to the Committee additional information to enable the Committee make a decision on the application.

#### **24. Grant of licence**

(1) The Minister shall, upon receiving the recommendation of the Committee, consider the application and may, if satisfied that the applicant meets the requirements, grant a licence to the applicant.

(2) The Minister may grant a licence subject to such conditions as the Minister may consider necessary and may, from time to time, add, vary or substitute the conditions as he or she deems appropriate.

(3) A licensee shall not manufacture, in the case of a manufacturer of an explosives magazine or store, in the case of an operator of an explosives magazine, a category of an explosive that is not specified in the licence of a manufacturer or operator.

(4) A licence granted under this Act, other than a licence to establish an explosives factory or manufacturing plant, shall be valid up to the 31st day of December of the year in which it is issued.

#### **25. Refusal to grant licence**

(1) The Minister may, where he or she is satisfied, after conducting an inquiry, that the applicant is not suitable to hold a licence, refuse to grant a licence.

(2) Where the Minister refuses to grant a licence in accordance with subsection (1), he or she shall issue notice of his or her refusal to the applicant, stating the reasons within the time specified by regulations.



**26. Transfer of licence**

(1) A person issued a licence under this Act may, with the prior approval and consent of the Minister, transfer the licence to another person, if that other person, is suitable to be issued with a licence under this Act.

(2) The Minister shall, before granting his or her approval and consent to transfer a licence, seek for the guidance of the Committee.

(3) The Committee shall conduct a due diligence on the person to whom a licence is sought to be transferred to ascertain whether the person is suitable to hold the licence.

**27. Renewal of licence**

(1) A licence issued under this Act is renewable upon satisfying the Minister that the terms and conditions of the expired licence were complied with.

(2) An application for renewal of a licence shall be made to the Minister at least three months before the expiry of the licence.

**28. Suspension and revocation of licence**

(1) The Minister may suspend or revoke a licence issued under this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may suspend or revoke a licence if satisfied that the holder of a licence—

- (a) gave false or misleading information at the time of applying for the licence;
- (b) is not complying with the terms and conditions of the licence;
- (c) is not a suitable person to hold a licence;
- (d) the holder of a licence or its principal officers have committed an offence under this Act;
- (e) has become insolvent or is under administration; or
- (f) poses or their activities pose, a security threat to national security and the surrounding community.

(3) The Minister may, by regulations, prescribe additional grounds for suspension or revocation of a licence and the procedure for suspending or revoking a licence.

(4) A person aggrieved by the decision of the Minister may appeal against the decision of the Minister to the High Court within sixty days from the date of receipt of the decision.

(5) Where a licence or permit is suspended or revoked under this section, the holder shall return the licence to the Minister in accordance with regulations made by the Minister.

PART IV—REGULATION OF POSSESSION, USE AND  
TRANSPORTATION OF EXPLOSIVES

*Permit to possess or use explosives*

**29. Prohibition of possession or use of explosives**

(1) A person, other than a person licensed to manufacture, deal in or operate an explosives magazine shall not possess, deal in or use authorised explosives unless the person has a licence or permit issued under this Act.

(2) For the avoidance of doubt, no person other than a person licensed to manufacture or deal in authorised explosives or a holder of a permit to import explosives shall be issued with a licence or permit to sell authorised explosives under this Act.

(3) A person who possesses, deals in, uses or sells explosives without a licence or permit commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for a term not exceeding ten years, or both.

**30. Application for permit to possess or use explosives**

(1) A person who wishes to possess or use authorised explosives shall apply to the Chief Explosives Inspector for a permit to possess or use authorised explosives.

(2) The application referred to in subsection (1) shall be in a form prescribed by the Minister by regulations.

(3) An application for a permit to possess or use authorised explosives shall be accompanied by—

- (a) a copy of a certificate of incorporation or registration, in the case of an applicant who is a non-individual;
- (b) a copy of the national identification card or passport of the applicant in the case of an applicant who is an individual;
- (c) proof of payment of fees;
- (d) the fees prescribed by regulations; and
- (e) any other document as the Minister may, by regulations, prescribe.

(4) The Minister may, by regulations, prescribe the procedure and requirements for issuing a permit to possess or use authorised explosives.

### **31. Grant of permit to possess or use explosives**

(1) The Chief Explosives Inspector shall, upon receiving an application under section 30, consider the application and may, if satisfied that the applicant meets the requirements, grant a permit to possess or use explosives, to the applicant.

(2) The Chief Explosives Inspector may grant a permit subject to such conditions as the Chief Explosives Inspector may consider necessary and may, from time to time, add, vary or substitute the conditions as he or she deems appropriate.

(3) A permit to possess or use explosives granted under this section shall be valid for a period specified in the permit.

(4) The Minister may, by regulations, prescribe the terms and conditions for the holder of a permit.

#### *Import and export of authorised explosives*

### **32. Prohibition of import and export of explosives**

(1) A person shall not import into or export authorised explosives from Uganda or cause an explosive to be imported into or exported from

Uganda, unless the person is suitable to be licensed as a manufacturer of explosives and—

- (a) he or she is in possession of an import or export permit issued by the Minister; and
- (b) in the case of the export of explosives, he or she is in possession of a relevant authorisation of end user by the relevant authority in the country of export.

(2) Notwithstanding subsection (1), the Minister may issue an import permit to a person, other than a person suitable to be licensed as a manufacturer of explosives, for the category of explosives specified in Schedule 4 to this Act.

(3) The Minister may, by statutory instrument, vary, add or substitute the category of explosives specified in Schedule 4 to this Act.

(4) A person who imports or exports explosives without an import or export permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

### **33. Application for import or export permit**

(1) Subject to section 32, a person who wishes to import or export authorised explosives shall apply to the Minister for an import or export permit in a manner prescribed by regulations.

(2) An applicant under subsection (1) shall inform the Minister of any change of circumstances relating to the import or proposed importation of the explosives to which the application relates, within twenty-four hours of becoming aware of the change.

(3) The Minister may, by regulations, prescribe the procedure and requirements required to issue an import or export permit to the applicant.

### **34. Grant of import or export permit**

(1) The Minister shall, if satisfied that the applicant meets the requirements of this Act, issue an import or export permit stating the conditions

for the import or export of the authorised explosives and specifying the point of entry to be used.

(2) An importer or exporter shall present the consignment and accompanying documents to the Chief Explosives Inspector for inspection at the point of entry or exit.

(3) An import or export permit issued under this section shall be for a single consignment of importation or exportation of explosives.

(4) The Minister may, by regulations, prescribe the procedures for handling, packaging and safety during the importation or exportation of explosives.

#### *Transportation of explosives*

### **35. Transportation of explosives**

(1) A person shall not transport explosives by any means unless he or she holds a valid permit to transport explosives issued in accordance with this Act.

(2) A permit issued under subsection (1) shall be for a single consignment transported in accordance with the terms and conditions specified in the permit.

(3) The Minister may, by notice published in a newspaper of wide circulation, prohibit the transportation of explosives in certain places to ensure safety and security.

(4) The Minister may, by regulations, prescribe the procedure for handling, packaging and safety measures during the transportation of explosives.

(5) A person who transports explosives without a valid permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

*Blasting permits*

**36. Blasting of explosives**

(1) A person shall not use explosives or a blasting material for purposes of blasting explosives unless the person has undergone training in a recognized institution and is in possession of—

- (a) a blasting permit issued by the Chief Explosives Inspector; or
- (b) a blasting certificate issued by the Chief Explosives Inspector.

(2) A permit issued under subsection (1) shall not be transferable to another person.

(3) The Minister shall, by statutory instrument, prescribe the procedures and requirements necessary for the grant of a blasting certificate and the issuance of a blasting permit.

(4) The Chief Explosives Inspector may, with the approval of the Committee, issue guidelines and procedures for the blasting of explosives in order to ensure safety and security.

(5) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

**37. Registration and certification of explosives blaster**

(1) The Chief Explosives Inspector shall register and certify persons qualified to be blasters of explosives.

(2) A person who intends to register and be certified as a blaster of explosives shall apply to the Chief Explosives Inspector for a certificate of registration.

(3) The Minister may, by regulations, prescribe the procedure and requirements required to register and certify blasters of explosives.

**38. Modification of licence or permit**

(1) A licensee or holder of a permit under this Act, may apply to the Minister or Chief Explosives Inspector, as the case may be, to have the licence or permit amended or modified.

(2) The Minister may amend or modify a licence or permit if satisfied that the amendment or modification is desirable in the interests of the effective administration of this Act.

(3) The Chief Explosives Inspector may amend or modify a permit issued by him or her under this Act if satisfied that the amendment or modification is desirable in the interests of the effective administration of this Act.

(4) The Minister or Chief Explosives Inspector shall consider the application and notify the licensee or permit holder of his or her decision within the time prescribed by regulations.

(5) Notwithstanding subsection (1), the Minister or Chief Explosives Inspector may amend or modify a licence or permit issued under this Act, on his or her volition, where he or she considers it necessary for the effective administration of this Act or in the interest of national security.

(6) Where the Minister or Chief Explosives Inspector amends or modifies a licence or a permit under subsection (5), he or she shall notify the licensee or permit holder of his or her decision within the time prescribe by regulations.

**39. Appeal to Minister**

(1) A person aggrieved by the decision of the Chief Explosives Inspector may appeal to the Minister in accordance with regulations made by the Minister.

## PART V—GENERAL

**40. Offence committed by legal entity**

(1) Where an offence provided for under this Act is committed by a legal entity, a director or the executive head of the legal entity is deemed to have committed the offence.

**41. Duty of care**

(1) A person conducting any activity involving explosives shall take reasonable precautions and care to avoid endangering the safety, health or property of any person.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(3) Court may, in addition to the penalty imposed under subsection (2), order the person convicted to pay compensation to the victim.

**42. Precaution against fire or explosion**

(1) A person in control, employed by or in occupation of an explosives factory, manufacturing plant, explosives magazine, vehicle transporting explosives, store, or premises, shall take due precaution to prevent an accident by fire or explosion by—

- (a) preventing unauthorised persons from accessing the factory, manufacturing plant, explosives magazine, vehicle transporting explosives, store, or premises; and
- (b) avoiding any activity which may cause fire or explosion.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

**43. Reporting of explosive incidents**

(1) Where an incident by explosion or fire in connection with an explosives factory, manufacturing plant, explosives magazine, vehicle



transporting explosives, store, or premises occurs and causes loss of life, personal injury or damage to property, the licensee or the holder of a permit shall immediately give notice of the incident and the loss occasioned to the Chief Explosives Inspector.

(2) The form of the notice referred to under subsection (1) shall be prescribed by the Minister by regulations.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

#### **44. Safety measures**

(1) A licensee or a holder of a permit shall put in place measures to safeguard persons, property and the environment.

(2) The Chief Explosives Inspector may, on the recommendation of the Committee, from time to time, issue guidelines relating to safety measures to be undertaken by a licensee or the holder of a permit.

(3) A person who fails to comply with the guidelines issued by the Chief Explosives Inspector under subsection (2), commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

#### **45. Regulations**

(1) The Minister may make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations for

- (a) the construction of explosives factories, manufacturing plants or explosives magazines;
- (b) the conditions under which the manufacture of explosives may be carried on;
- (c) the storage of explosives, whether in explosives magazines or elsewhere;
- (d) the use of explosives;

- (e) fees payable under this Act;
  - (f) the packaging, transportation, importation and exportation of explosives, and the making of special rules governing the packaging and transportation at individual places and the landing and handling of explosives at entry and exit ports;
  - (g) the issue of a permit to a dealer in explosives, the conditions of any such permit, the restrictions which may be placed upon the sale or disposal of explosives to particular classes of persons, and the quantity of any explosives which may be purchased by any person or company granted a permit;
  - (h) the inquiry into the circumstances of explosions endangering or causing injury to persons or property or death, and for the giving of notice of all such explosions;
  - (i) the prevention of trespass in or upon an explosives factory, or in or upon explosives magazines or other place where explosives are kept;
  - (j) the tests to which explosives, or the raw materials from which explosives are manufactured, are liable to be submitted;
  - (k) the manner in which appeals for refusal of licence or permits under this Act shall be notified and conducted;
  - (l) prescribing the statistics which manufacturers, dealers and users may be required to supply;
  - (m) for the protection of life and property;
  - (n) for the supervision of explosives work places; and
  - (o) any other matter for purposes of enforcing the provisions of this Act.
- (3) Regulations made under this section may prescribe in respect of a contravention of the regulations—
- (a) a penalty not exceeding a fine of five hundred currency points or imprisonment not exceeding five years, or both;
  - (b) in the case of a second or subsequent contravention, a fine not exceeding one thousand currency points or imprisonment not exceeding seven years, or both;
  - (c) in the case of a continuing contravention, an additional penalty not exceeding fifty currency points in respect of each day on which the offence continues; and
  - (d) that the court shall order the forfeiture of anything used in the commission of the offence.

**46. Power to amend Schedule 1**

The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

**47. Repeal and savings**

(1) The Explosives Act, Cap. 298 (Revised Edition, 2000) is repealed.

(2) A person who, before the commencement of this Act, obtained a licence, permit or written approval under the Explosives Act repealed under subsection (1), shall, within twelve months from the commencement of this Act, apply for a licence or permit in accordance with this Act.

(3) Any statutory instrument made under the Explosives Act, repealed under subsection (1) and which is in force immediately before the commencement of this Act, shall remain in force so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act.

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**SCHEDULES**

*Schedule 1*

Sections 3, 46

**Currency Point**

A currency point is equivalent to twenty thousand shillings.

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*Schedule 2*

Section 4

**Authorised Explosives**

1. Ammunition of various kinds (cartridges)
  2. Ammonium nitrate fuel oil
  3. Booster
  4. Detonators
  5. Detonating cords
  6. Dynamite
  7. Emulsion
  8. Fireworks
  9. Fuse igniters or tshisa sticks
  10. Gelatinous explosives (such as blasting gelatine, gelignite, gelatine dynamite, *etc.*)
  11. Gunpowder
  12. Nitrogen based compound
  13. Nitro-cotton
  14. Nongelatinous explosives (such as dynamite, ligdyn, farmers' dynamite, *etc.*)
  15. Percussion caps
  16. Perforating cartridges for the oil industry
  17. Safety fuse
  18. Source cartridge
  19. Sporting powder
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*Schedule 3*

## Section 9

**Meetings of Committee****1. Meetings of Committee**

(1) The Chairperson shall convene every meeting of the Committee at a time and place as the Chairperson may determine, and the Committee shall meet for the discharge of business at least once in every one month.

(2) The Chairperson may, at any time, convene a special meeting of the Committee and shall convene a meeting within fourteen days, if requested to do so in writing by at least five members of the Committee.

(3) Notice of a Committee meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Committee and in the absence of the Chairperson, the members present shall appoint a member from among themselves to preside at that meeting.

**2. Quorum**

The quorum for a meeting of the Committee shall be five members including the Chairperson of the Committee and the Chief Explosives Inspector.

**3. Minutes of meetings**

(1) The Secretary shall record and keep minutes of all meetings of the Committee in a form approved by the Committee.

(2) The minutes recorded under this paragraph shall be submitted to the Committee for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary, in the presence of the members present at the latter meeting.

**4. Power to co-opt**

(1) The Committee may invite any person who, in the opinion of the Committee, has expert knowledge concerning the functions or a matter before the Committee, to attend and take part in the proceedings of the Committee.

(2) A person attending a meeting of the Committee under subparagraph (1) may take part in any discussion at the meeting on which his or her advice is required.

**5. Validity of proceedings not affected by vacancy**

The validity of any proceedings of the Committee shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

**6. Disclosure of interest of members**

(1) A member of the Committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the Committee, or in any other matter which falls to be considered by the Committee, shall disclose the nature of his or her interest at a meeting of the Committee.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall—

- (a) not be present during any deliberation of the Committee with respect to that matter; or
- (b) not take part in any decision of the Committee with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

**7. Committee may regulate its procedure**

Subject to this Act, the Committee may regulate its own procedure or any other matter relating to its meetings.

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*Schedule 4*

Sections 3, 21(1), 32(2), (3)

**Explosives That May Be Imported By A Person With A Permit**

1. Assorted cakes, not exceeding 1.2 inches per consignment
2. Roman candle, not exceeding 2.5 inches per consignment
3. Assorted rockets, not exceeding 2 inches per consignment
4. Assorted fountains, not exceeding 3 inches per consignment
5. Ariel display shells, not exceeding 3 inches per consignment
6. Assorted pop pops
7. Assorted crackers
8. Assorted sparklers
9. Bumble bees and butterflies
10. Magical candles
11. Smoke tubes
12. Rubbing bang

**History:** Act 4/2024**Cross References**

Mental Health Act, Cap. 308

Security Organisations Act, Cap. 327

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