

CHAPTER 16:06

EXPLOSIVES ACT

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1929 Ed.

c. 74

EXPLOSIVES ACT

1953 Ed.

c. 346

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

10 of 1889

[1ST JANUARY, 1890]

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

Short title.

2. In this Act—

Interpretation.

[26 of 1954]

“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;

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“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.

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(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

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

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

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

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

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

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

Regulations as to importation, exportation, transshipment, and conveyance of 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.

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—

Prohibition of possession of explosives exceeding

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

- (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.

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(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.

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

Restriction of right to sell.
[6 of 1997]

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

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

Regulation of sale by wholesale.
[6 of 1997]

(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.

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

Regulation of sale by retail.
[6 of 1997]

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(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 licences.

[7 of 1966B
4 of 1972]

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.

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,

Unlawfully selling explosive.
[6 of 1997]

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

(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.

No sale of explosive to child.
[7 of 1966B
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.

Packing explosive for sale.
[6 of 1997]

(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

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

Removal generally.
[6 of 1997]

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(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.

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:

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

(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

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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

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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.

(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 keeping of explosive.

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

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

- (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

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

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

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 destroying 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 Comptroller of Customs, 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.

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(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.

Penalty for obstructing officer.

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.

Payment for sample of explosive taken.

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.

Apprehension without warrant.

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,

Unconditional imprisonment in certain cases.

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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.
