



Vol. 463

Cape Town,
Kaapstad, 8 January
2004

No. 25893

THE PRESIDENCY

No. 11

8 January 2004

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 15 of 2003: Explosives Act, 2003.

DIE PRESIDENSIE

No. 11

8 Januarie 2004

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 15 van 2003: Wet op Springstof,
2003.**

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

*(English text signed by the President.)
(Assented to 19 December 2003.)*

ACT

To provide for the control of explosives; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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*(Engelse teks deur die President geteken.)
(Goedgekeur op 19 Desember 2003.)*

WET

Om voorsiening te maak vir die beheer van springstof; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika,
soos volg:

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1. In die Wet, tensy uit die samehang anders blyk, beteken—
“detoneer” die inisiëring van springstof deur middel van 'n springdoppie,
skokgolf of enige ander wyse van inisiëring; 35

- “broker”** means any person who acts for others in negotiating or arranging contracts in respect of purchases, sales or the transfer of explosives in return for a fee, commission or other consideration;
- “Chief Inspector”** means the Chief Inspector of Explosives appointed by the Minister in terms of section 4(1);
- “Convention”** means the United Nations Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal Convention), 1991, as set out in Schedule 3;
- “detection agent”** means any detection agent included in the Technical Annex to the Convention;
- “detonate”** means the initiation of an explosive by means of a detonator, shockwave or other means of initiation;
- “explosion”** means a chemical reaction involving the production of gases at such a speed, temperature and pressure as is likely to cause damage to the surroundings;
- “explosive”** means—
- (a) a substance, or a mixture of substances, in a solid or liquid 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 which the Minister may from time to time by notice in the *Gazette* declare to be an explosive;
- “explosives magazine”** means any building or part thereof, or any structure, licensed under this Act for the storage of explosives;
- “explosives manufacturing site”** means any site licensed under this Act for the manufacture of explosives;
- “fireworks”** means any pyrotechnic substance contemplated in paragraph (b) of the definition of “explosives” which—
- (a) is manufactured for the purposes of amusement or entertainment; and
 - (b) is divided into such classes as may be prescribed;
- “imitation”**, in respect of an explosive, means anything that has the appearance of an explosive, but which is not capable of operating as such and cannot by superficial examination be identified as an imitation;
- “inspector”** means any inspector of explosives appointed under section 4(2);
- “manufacture”** means the making or processing of any explosive, and includes the division of any explosive into its components by any process, the conversion of any kind of explosive into another kind and the alteration, testing or reworking of any explosive;
- “marking”**, in relation to a plastic explosive, means the introduction of a detection agent into the plastic explosive in accordance with the Technical Annex to the Convention;
- “Minister”** means the Minister of Safety and Security;
- “plastic explosive”** means any explosive in flexible, malleable, elastic or sheet form which is—
- (a) formulated with one or more high explosives which in their pure form have a vapour pressure of less than 10^{-4} Pa at a temperature of 25°C;
 - (b) formulated with any binder material; and
 - (c) as a mixture, flexible or malleable, at normal room temperature;
- “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;
- “prescribed”** means prescribed by regulation;
- “regulation”** means any regulation made or regarded as having been made under this Act;
- “suitable person”** means a person—
- (a) who is 18 years or older;

"gemagtigde springstof" enige springstof wat in die regulasies as 'n gemagtigde springstof gelys is;

"geskikte persoon" 'n persoon—

- (a) wat 18 jaar of ouer is;
- (b) wat 'n Suid-Afrikaanse burger is, die houer van 'n permanente Suid-Afrikaanse verblyfpermit is of die houer van 'n geldige werkspermit is;
- (c) wie se geestestoestand stabiel is en wat nie tot geweld geneig is nie;
- (d) wat nie afhanklik is van enige stof wat 'n bedwelmende of narkotiese uitwerking het nie;
- (e) wat nie skuldig bevind is aan 'n misdryf kragtens hierdie Wet of die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956), en daarvoor gevangenisstraf sonder die keuse van 'n boete opgelê is nie;

"hierdie Wet" ook die regulasies;

"Hoofinspekteur" die Hoofinspekteur van Springstof deur die Minister ingevolge artikel 4(1) aangestel;

"inspekteur" enige inspekteur van springstof kragtens artikel 4(2) aangestel;

"Konvensie" die Verenigde Nasies se Konvensie insake die Merk van Plastiese Springstof met die Doel van Opsporing (Konvensie van Montreal), 1991, soos uiteengesit in Bylae 3;

"makelaar" enige persoon wat namens 'n ander in die onderhandeling of reëling van kontrakte met betrekking tot aankope, verkoop of die oordrag van springstof vir gelde, kommissie of ander vergoeding optree;

"merk", met betrekking tot 'n plastiese springstof, die toevoeging van 'n opsporingsmiddel in die plastiese springstof ooreenkomsdig die Tegniese Bylae tot die Konvensie;

"Minister" die Minister vir Veiligheid en Sekuriteit;

"namaaksel", met betrekking tot 'n springstof, enige iets wat die voorkoms van 'n springstof het, maar nie as sodanig kan funksioneer nie en nie by wyse van 'n oppervlakkige ondersoek as 'n namaaksel geïdentifiseer kan word nie;

"ongemagtigde springstof" 'n springstof wat nie 'n gemagtigde springstof is nie;

"ongemerkte plastiese springstof" 'n plastiese springstof wat—

- (a) geen opsporingsmiddel bevat nie; of
- (b) ten tyde van vervaardiging nie die minimum vereiste konsentrasie opsporingsmiddel soos uiteengesit in die tabel in Deel 2 van die Tegniese Bylae tot die Konvensie bevat nie;

"ontploffing" 'n chemiese reaksie wat gepaard gaan met die produksie van gasse teen so 'n spoed, temperatuur en druk dat dit waarskynlik skade aan die omgewing sal veroorsaak;

"opsporingsmiddel" enige opsporingsmiddel ingesluit in die Tegniese Bylae tot die Konvensie;

"perseel" enige grond, plek, pad, hawe, oop water, rivier, gebou, struktuur, tent, skip, boot, vliegtuig, spoorwegtrot, kar, wa of ander voertuig of vaartuig;

"plastiese springstof" enige springstof in buigbare, smeebare, elastiese of bladvorm wat—

- (a) geformuleer is met een of meer hoë springstof wat in suwer vorm 'n dampdruk van minder as 10^{-4} Pa by 'n temperatuur van 25°C het;
- (b) met enige bindmateriaal geformuleer is; en
- (c) as 'n mengsel, by normale kamertemperatuur buigbaar of smeebaar is;

"regulasie" enige regulasie kragtens hierdie Wet uitgevaardig of geag uitgevaardig te wees;

"springstof"—

- (a) 'n stof, of 'n mengsel van stowwe, in 'n vaste of vloeibare vorm, wat in staat is om 'n ontploffing te veroorsaak;
- (b) 'n pirotegniese stof in 'n vaste of vloeibare vorm, of 'n mengsel van sodanige stowwe, wat ontwerp is om 'n effek tot gevolg te hê deur hitte, lig, klank, gas of rook, of 'n kombinasie daarvan, wat die gevolg is van 'n nie-detonerende selfonderhoudende eksotermiese chemiese reaksie, met inbegrip van pirotegniese stowwe wat nie gasontwikkeling tot gevolg het nie;
- (c) 'n artikel of toestel wat een of meer stowwe beoog in paragraaf (a) bevat;
- (d) enige plastiese springstof; of

- (b) is a South African citizen, the holder of a permanent South African residence permit or the holder of a valid work permit;
 - (c) is of stable mental condition and is not inclined to violence;
 - (d) is not dependent on any substance which has an intoxicating or narcotic effect;
 - (e) has not been convicted of any offence under this Act or the Explosives Act, 1956 (Act No. 26 of 1956), and sentenced to imprisonment without the option of a fine;
- “this Act”** includes the regulations;
- “unauthorised explosive”** means any explosive other than an authorised explosive;
- “unmarked plastic explosive”** means a plastic explosive that—
- (a) does not contain a detection agent; or
 - (b) at the time of manufacture, does not contain the required minimum concentration level of a detection agent set out in the Table in Part 2 of the Technical Annex to the Convention.

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CHAPTER 1

APPLICATION OF ACT AND AMENDMENT OF SCHEDULE 3

Application of Act

2. (1) No person may possess explosives or carry out any activity relating to explosives unless he or she holds a licence, permit or authorisation issued in terms of this Act.

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(2) Subject to section 26, this Act does not apply to the—

- (a) importation, exportation, storage, use, manufacture or transportation of any explosives by the South African National Defence Force or the South African Police Service or to any member of the South African National Defence Force or the South African Police Service while performing official duties and acting in accordance with a lawful instruction;
- (b) importation, exportation, storage, use, manufacture or transportation of any explosives by a defence force or police force of any country or any multinational or international defence force or policing agency, which the Minister, after consultation with the Ministers of Defence and of Foreign Affairs, by notice in the *Gazette* exempts from the provisions of this Act, or to any member of such force, service or agency while on official duty;
- (c) loading or reloading of ammunition as contemplated in section 93 of the Firearms Control Act, 2000 (Act No. 60 of 2000);
- (d) transfer, storage, transportation, manufacturing, destruction, distribution or any other use of explosives in so far as those activities relate to occupational health or occupational safety and are governed by or under the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), or the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

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(3) (a) The Minister may exempt a person from any or all of the provisions of this Act, or from a notice or instruction issued under this Act, if such provision or provisions relate to an occupational health or occupational safety matter and such matter is regulated under the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), or the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

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(b) Any such exemption may be—

- (i) general or particular;
- (ii) for any period;
- (iii) subject to any conditions aimed at achieving the objectives of this Act;
- (iv) amended or withdrawn at any time.

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(4) In the event of any inconsistency between this Act and any other law in force at the commencement of this Act, other than the Constitution, this Act prevails.

Amendment of Schedule 3

3. The Minister may from time to time by notice in the *Gazette* amend Schedule 3 to

- (e) enige ander stof of artikel wat van tyd tot tyd deur die Minister by kennisgewing in die *Staatskoerant* as 'n springstof verklaar word; "springstofmagasyn" enige gebou of gedeelte daarvan, of enige struktuur, wat kragtens hierdie Wet vir die beringing van springstof gelisensieer is;
- "vervaardigingsterrein" enige terrein wat kragtens hierdie Wet vir die vervaardiging van springstof gelisensieer is;
- "vervaardig" die maak of prosessering van enige springstof en ook die verdeling van enige springstof in die komponente daarvan deur enige proses, die omskakeling van enige soort springstof na 'n ander soort, en die verandering, toetsing of herverwerking van enige springstof;
- "voorgeskryf" by regulasie voorgeskryf;
- "vuurwerke" enige pirotegniese stof beoog in paragraaf (b) van die omskrywing van "springstof" wat—
- (a) vervaardig word met die oog daarop om plesier of vermaak te verskaf; en
- (b) in klasse ingedeel word soos voorgeskryf word.

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HOOFSTUK 1

TOEPASSING VAN WET EN WYSIGING VAN BYLAE 3

Toepassing van Wet

2. (1) Geen persoon mag springstof besit of enige aktiwiteit uitvoer wat met springstof verband hou nie, tensy hy of sy 'n lisensie, permit of magtiging hou wat ingevolge hierdie Wet uitgereik is.
- (2) Behoudens artikel 26 is hierdie Wet nie van toepassing op die—
- (a) invoer, uitvoer, beringing, gebruik, vervaardiging of vervoer van enige springstof deur die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens of op enige lid van die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens in die uitvoer van ampelike pligte en in optrede ooreenkomsdig 'n regmatige instruksie nie;
- (b) invoer, uitvoer, beringing, gebruik, vervaardiging of vervoer van enige springstof deur 'n weermag of polisiemag van enige land of enige multinasionale of internasjonale weermag of polisie-agentskap wat die Minister, na oorlegpleging met die Ministers van Verdediging en van Buitelandse Sake, by kennisgewing in die *Staatskoerant* vrystel van die bepalings van hierdie Wet, of op enige lid van sodanige mag, diens of agentskap terwyl op ampelike diens nie;
- (c) laai of herlaai van ammunisie soos beoog in artikel 93 van die Wet op Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000), nie;
- (d) oordrag, beringing, vervoer, vervaardiging, vernietiging, verspreiding of enige ander gebruik van springstof nie in soverre die aktiwiteit verband hou met beroepsgesondheid of beroepsveiligheid en gereguleer word by of kragtens die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), of die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993).
- (3) (a) Die Minister mag 'n persoon van enige of al die bepalings van hierdie Wet uitsluit, of van 'n kennisgewing of opdrag uitgereik kragtens hierdie Wet, as so 'n bepaling of bepaling verwant is aan 'n beroepsgesondheid of -veiligheids-aangeleentheid en die aangeleentheid gereël word deur die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), of die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993).
- (b) Enige so 'n uitsluiting mag—
- (i) in die algemeen of besonder wees;
- (ii) vir enige tydperk wees;
- (iii) onderworpe wees aan enige voorwaardes gerig daarop om die doelstellings van die Wet te bereik;
- (iv) op enige tydstip verander of teruggetrek word.
- (4) In die geval van enige onbestaanbaarheid tussen hierdie Wet en enige ander geldende wet by die inwerkingtreding van hierdie Wet, uitgesonderd die Grondwet, geniet hierdie Wet voorrang.

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Wysiging van Bylae 3

3. Die Minister kan Bylae 3 van tyd tot tyd by kennisgewing in die *Staatskoerant* wysig om enige veranderinge aangebring aan die Konvensie te weerspieël indien

reflect any changes made to the Convention if those changes are binding on the Republic in terms of section 231 of the Constitution.

CHAPTER 2

APPOINTMENT AND FUNCTIONS OF INSPECTORS AND DISPOSAL OF EXPLOSIVES

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Appointment of Chief Inspector and inspectors

4. (1) The Minister may appoint a member of the South African Police Service as the Chief Inspector of Explosives.

(2) The Chief Inspector may, in consultation with the National Commissioner contemplated in section 6(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), appoint any member of the South African Police Service as an inspector for a specified area.

(3) The Chief Inspector may delegate any power conferred upon him or her or assign any duty imposed upon him or her in terms of this Act to an inspector.

Inspections

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5. (1) An inspector may at any time when any activity in respect of explosives takes place at an explosives manufacturing site, an explosives magazine or a place contemplated in section 14(4) enter such site, magazine or place in order to—

- (a) inspect security arrangements at the site, magazine or place;
- (b) investigate compliance with this Act;
- (c) require the person in control of the site, magazine or place to produce any record, book or other document relating to safety and security at the site, magazine or place for inspection or for the purposes of obtaining copies thereof or extracts therefrom;
- (d) examine any explosive or other substance, material or related article found on or in the site, magazine or place; or
- (e) obtain a sample of any explosive or substance in or on the site, magazine or place for the purposes of analysis and testing.

(2) The inspector must show proof of his or her identity and authority when requested to do so by the person in control of the site, magazine or place in question.

(3) If, upon any inspection, an inspector discovers that any method of work, packing or storage that is being used is in contravention of this Act or is likely to endanger the safety and security of any person, the inspector may demand the immediate discontinuation of the method or may take such steps as may be necessary to ensure the safety and security of any person or property.

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Entry and search of premises

6. (1) An inspector may, on the authority of a warrant issued in terms of subsection (2)—

- (a) in order to obtain evidence, enter any premises where he or she has reason to believe that any provision of this Act has been or is being contravened;
- (b) direct the person in control of or any person employed at the premises—
 - (i) to deliver any book, record or other document that pertains to the investigation and is in the possession or under the control of that person;
 - (ii) to furnish such information as he or she has with regard to the matter; or
 - (iii) to render such assistance as the inspector requires in order to enable him or her to perform his or her functions under this Act;
- (c) inspect any book, record or other document and make copies thereof or excerpts therefrom;
- (d) examine any explosive or other material, substance or article found on the premises;
- (e) take samples of any explosive, material, substance or article for the purposes of testing, examination, analysis and classification;

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daardie veranderinge op die Republiek bindend is ingevolge artikel 231 van die Grondwet.

HOOFSTUK 2

AANSTELLING EN WERKSAAMHEDE VAN INSPEKTEURS EN BESKIKKING OOR SPRINGSTOF

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Aanstelling van Hoofinspekteur en inspekteurs

4. (1) Die Minister kan 'n lid van die Suid-Afrikaanse Polisiediens as die Hoofinspekteur van Springstof aanstel.

(2) Die Hoofinspekteur kan, in oorlegpleging met die Nasionale Kommissaris beoog in artikel (6)(1) van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), 'n lid van die Suid-Afrikaanse Polisiediens as 'n inspekteur vir 'n vermelde gebied aanstel.

(3) Die Hoofinspekteur kan enige bevoegdheid ingevolge hierdie Wet aan hom of haar verleen, of enige plig aan hom of haar opgedra, aan 'n inspekteur deleger.

Inspeksies

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5. (1) 'n Inspekteur kan te eniger tyd wanneer enige aktiwiteit in verband met springstof by 'n springstofvervaardigingsterrein, 'n springstofmagasyn of 'n plek beoog in artikel 14(4) plaasvind, sodanige terrein, magasyn of plek binnegaan ten einde—

- (a) veiligheidsmaatreëls by die terrein, magasyn of plek te inspekteer;
- (b) ondersoek in te stel na die nakoming van hierdie Wet;
- (c) van die persoon in beheer van die terrein, magasyn of plek te vereis om enige rekord, boek of ander dokument met betrekking tot die veiligheid en sekuriteit by die terrein, magasyn of plek voor te lê vir inspeksie of met die oog daarop om afskrifte daarvan of uittreksels daaruit te bekom;
- (d) enige springstof of ander stof, materiaal of verwante artikel wat op of in die terrein, magasyn of plek gevind is, te ondersoek; of
- (e) 'n monster van enige springstof of stof in of op die terrein, magasyn of plek te bekom met die oog op ontleding en toetsing.

(2) Op versoek van die persoon in beheer van die betrokke terrein, magasyn of plek, moet die inspekteur bewys toon van sy of haar identiteit en magtiging.

(3) Indien 'n inspekteur tydens enige inspeksie vind dat enige metode van werk, verpakking of bering wat gebruik word, strydig met hierdie Wet is, of waarskynlik die veiligheid en sekuriteit van enige persoon kan bedreig, kan die inspekteur aandring dat die metode onmiddellik gestaak word, of die stappe doen wat nodig is om die veiligheid en sekuriteit van enige persoon of eiendom te verseker.

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Betreding en deursoeking van persele

6. (1) 'n Inspekteur kan, op gesag van 'n lasbrief uitgereik ingevolge subartikel (2)—

- (a) ten einde bewyse te bekom, enige perseel betree waar hy of sy rede het om te glo dat enige bepaling van hierdie Wet oortree is of oortree word;
- (b) opdrag gee aan die persoon in beheer van of enige persoon in diens op die perseel—
 - (i) om enige boek, rekord of ander dokument wat betrekking het op die ondersoek en in die besit of onder die beheer van daardie persoon is, te oorhandig;
 - (ii) om die inligting wat hy of sy in verband met die aangeleentheid het, te verskaf; of
 - (iii) om die hulp te verleen wat die inspekteur verlang om hom of haar in staat te stel om sy of haar werksaamhede kragtens hierdie Wet te verrig;
- (c) enige boek, rekord of ander dokument inspekteer en afskrifte daarvan of uittreksels daaruit maak;
- (d) enige springstof of ander materiaal, stof of artikel wat op die perseel gevind word, ondersoek;
- (e) monsters neem van enige springstof, materiaal, stof of artikel met die oog op toetsing, ondersoek, ontleding en klassifikasie;

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Act No. 15, 2003**EXPLOSIVES ACT, 2003**

- (f) seize any explosive, material, substance, book, article, record or other document which might be relevant to a prosecution under this Act and keep it in his or her custody, but the person from whom any book, record or document has been taken may, at his or her own expense and under supervision of the inspector, make copies thereof or excerpts therefrom.
- (2) A warrant referred to in subsection (1) must be issued by a magistrate or a judge of the High Court who has jurisdiction in the area where the premises in question are situated and may only be issued if it appears from information on oath or solemn declaration that there are reasonable grounds to believe that a provision of this Act has been or is being contravened and must specify which of the acts mentioned in subsection (1) may be performed by the inspector.
- (3) An inspector executing a warrant issued in terms of this section must immediately before commencing the execution—
- (a) identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix a copy to a prominent place on the premises; and
 - (b) on request supply such person with particulars of his or her authority to execute the warrant.
- (4) (a) An inspector may not enter upon or search any premises until he or she has audibly demanded admission to the premises and has notified the purpose of his or her entry, unless he or she is, on reasonable grounds, of the opinion that such demand and notification will defeat the purpose of the search.
- (b) An inspector, on the authority of a warrant issued in terms of subsection (2), may use such force as may reasonably be necessary to overcome resistance to his or her entry or search.
- (c) Any entry and search in terms of this section may only be executed by day, unless the execution thereof by night is justifiable and necessary.
- (5) A warrant contemplated in this section remains in force until—
- (a) it has been executed;
 - (b) it is cancelled by the person who issued it, or if such person is not available, by any person with similar authority;
 - (c) one month from the date of its issue; or
 - (d) the purpose for which the warrant was issued no longer exists, whichever occurs first.
- (6) An inspector may without a warrant enter upon any premises and search for, seize and remove anything referred to in subsection (1) if—
- (a) the person who is competent to do so consents to such entry, search, seizure and removal; or
 - (b) there are reasonable grounds to believe that—
 - (i) a warrant would be issued to the inspector if he or she applied for such warrant; and
 - (ii) the delay in obtaining such warrant would defeat the purpose of the search.
- (7) If, during the execution of a warrant or during a search in terms of this section, a person claims that an article or document found upon or in the premises in question contains privileged information and refuses the inspection of such article or document, the inspector may request the clerk of the court or Registrar of the High Court having jurisdiction to attach and remove that article or document for safe custody until a court of competent jurisdiction has made a ruling on the question as to whether or not the information in question is privileged.
- (8) (a) Subject to paragraphs (b), (c), (d) and (e), any explosives seized in terms of this section must be dealt with as contemplated in Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (b) If the explosives cannot be moved due to the large volume thereof, the inspector must ensure that the explosives are guarded until they are disposed of in terms of this Act or the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (c) No person may interfere with explosives contemplated in paragraph (b), unless authorised by the inspector.
- (d) The explosives—

- (f) beslag lê op enige springstof, materiaal, stof, boek, artikel, rekord of ander dokument wat moontlik relevant kan wees vir 'n vervolging kragtens hierdie Wet en dit in sy of haar bewaring hou, maar die persoon van wie enige boek, rekord of dokument geneem is, kan, op sy of haar eie koste en onder toesig van die inspekteur, afskrifte daarvan of uittreksels daaruit maak.
- (2) 'n Lasbrief bedoel in subartikel (1) moet deur 'n landdros of 'n regter van die Hoë Hof wat jurisdiksie het in die gebied waarbinne die betrokke perseel geleë is, uitgereik word en kan slegs uitgereik word indien dit blyk uit inligting onder eed of plegtige verklaring dat daar redelike gronde bestaan om te glo dat 'n bepaling van hierdie Wet oortree is of oortree word, en moet vermeld welke van die handelinge in subartikel (1) 10 genoem deur die inspekteur uitgevoer kan word.
- (3) 'n Inspekteur wat 'n lasbrief wat ingevolge hierdie artikel uitgereik is, uitvoer, moet onmiddellik voor die aanvang van die uitvoering—
- (a) homself of haarsel aan die persoon in beheer van die perseel identifiseer, indien sodanige persoon teenwoordig is, en aan sodanige persoon 'n afskrif 15 van die lasbrief oorhandig of, indien sodanige persoon nie teenwoordig is nie, 'n afskrif aan 'n prominente plek op die perseel vasheg; en
 - (b) op versoek, sodanige persoon voorsien van besonderhede van sy of haar magtiging om die lasbrief uit te voer.
- (4) (a) 'n Inspekteur mag nie 'n perseel betree of deursoek voordat hy of sy hoorbaar 20 toelating tot die perseel geëis het en die doel van sy of haar betreding bekend gemaak het nie, tensy hy of sy, op redelike gronde, van mening is dat die doel van die deursoeking verydel sal word deur sodanige eis en bekendmaking.
- (b) 'n Inspekteur kan, op gesag van 'n lasbrief uitgereik ingevolge subartikel (2), die 25 geweld gebruik wat redelikerwys nodig is om weerstand teen sy of haar betreding of deursoeking die hoof te bied.
- (c) Enige betreding en deursoeking ingevolge hierdie artikel kan slegs gedurende die dag uitgevoer word, tensy die uitvoering daarvan gedurende die nag geregverdig en noodaakklik is.
- (5) 'n Lasbrief beoog in hierdie artikel bly van krag—
- (a) totdat dit uitgevoer is;
 - (b) totdat dit gekanselleer word deur die persoon wat dit uitgereik het of, indien sodanige persoon nie beskikbaar is nie, deur 'n persoon met soortgelyke gesag;
 - (c) tot een maand na die datum van die uitreiking daarvan; of
 - (d) totdat die doel waarvoor die lasbrief uitgereik is nie meer bestaan nie, 35 welke ook al eerste plaasvind.
- (6) 'n Inspekteur kan enige perseel sonder 'n lasbrief betree en soek na enigets in subartikel (1) bedoel, daarop beslag lê en dit verwyder indien—
- (a) die persoon wat daartoe bevoeg is, toestemming gee tot sodanige betreding, 40 deursoeking, beslaglegging en verwydering; of
 - (b) daar redelike gronde is om te glo dat—
 - (i) 'n lasbrief aan die inspekteur uitgereik sou word indien hy of sy om sodanige lasbrief sou aansoek doen; en
 - (ii) die vertraging om sodanige lasbrief te bekom, die doel van die 45 deursoeking sou verydel.
- (7) Indien, gedurende die uitvoering van 'n lasbrief of gedurende 'n deursoeking ingevolge hierdie artikel, 'n persoon beweer dat 'n artikel of dokument op of in die betrokke perseel gevind, geprivilegerde inligting bevat en die inspeksie van sodanige artikel of dokument weier, kan die inspekteur die klerk van die hof of die Griffier van die Hoë Hof met jurisdiksie versoek om beslag te lê op daardie artikel of dokument en dit vir veilige bewaring te verwyder totdat 'n hof met bevoegde jurisdiksie 'n beslissing gegee het oor die vraag of die betrokke inligting bevoorreg is al dan nie.
- (8) (a) Behoudens paragrawe (b), (c), (d) en (e) moet met enige springstof waarop ingevolge hierdie artikel beslag gelê is, gehandel word soos beoog in Hoofstuk 2 van die 55 Strafproseswet, 1977 (Wet No. 51 van 1977).
- (b) Indien die springstof nie verwyder kan word nie as gevolg van die groot hoeveelheid daarvan, moet die inspekteur seker maak dat die springstof bewaak word totdat daaroor beskik kan word ingevolge hierdie Wet of die Strafproseswet, 1977 (Wet No. 51 van 1977).
- (c) Geen persoon mag met springstof beoog in paragraaf (b) inmeng nie, tensy deur die inspekteur gemagtig.
- (d) Die springstof—

- (i) must be destroyed in accordance with section 8 if the explosives—
 - (aa) are declared unserviceable or unstable by the inspector; or
 - (bb) are dangerous and pose a threat to the safety and security of any person; or
- (ii) may be destroyed in accordance with section 8 if the criminal proceedings in respect of the explosives are not finalised within three months from the seizure of the explosives.
- (e) Before any explosives are destroyed in terms of paragraph (d), a person contemplated in section 212(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), may investigate the explosives in question and prepare an affidavit contemplated in that section. 10

Forfeiture

7. If any explosives seized in terms of section 6 are forfeited to the State in terms of section 35 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the Chief Inspector may instruct that the explosives must be— 15
- (a) kept for research and developmental purposes;
 - (b) sold to cover expenses incurred in the storing of the explosives pending the finalisation of the criminal proceedings; or
 - (c) destroyed in accordance with section 8.

Destruction of explosives

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8. (1) Explosives may only be destroyed in accordance with such safe procedures as may be prescribed.
- (2) Subject to section 7, any inspector may order the destruction of any explosives forfeited to the State and the owner of the explosives is responsible for any reasonable expenses incurred in connection with the destruction of the explosives. 25
- (3) Any person who uses, keeps, transports or stores explosives in contravention of this Act is liable for any damage if the explosives are destroyed in terms of this section and if the damage is the result of the manner in which the person used, kept, transported or stored the explosives.

Prints and samples for investigation purposes

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9. (1) Any police official may without a warrant take the fingerprints, palm prints, footprints and bodily samples of a person or group of persons or may cause any such prints or samples to be taken, if there are reasonable grounds to—
- (a) suspect that the person or that one or more of the persons in that group has committed an offence punishable with imprisonment for a period of five years or longer in terms of this Act; and
 - (b) believe that the prints or samples or the results of an examination thereof, will be of value in the investigation by excluding or including one or more of the persons as possible perpetrators of the offence.
- (2) The person who has control over prints or samples taken in terms of this section— 40
- (a) may examine them for the purposes of the investigation of the relevant offence or cause them to be so examined; and
 - (b) must immediately destroy them when it is clear that they will not be of value as evidence.
- (3) Bodily samples to be taken from the body of a person may only be taken by a registered medical practitioner or a registered nurse. 45
- (4) A police official may do such tests, or cause such tests to be done, as may be necessary to determine whether a person suspected of having handled or detonated an explosive has indeed handled or detonated an explosive.

- (i) moet ooreenkomstig artikel 8 vernietig word indien die springstof—
 (aa) deur die inspekteur ondiensbaar of onstabiel verklaar word; of
 (bb) gevaaerlik is en 'n bedreiging vir die veiligheid en sekuriteit van enige persoon inhoud; of
 (ii) kan ooreenkomstig artikel 8 vernietig word indien die strafregtelike verrigtinge ten opsigte van die springstof nie binne drie maande vanaf die beslaglegging van die springstof afgehandel word nie.
 (e) Voordat enige springstof ingevolge paragraaf (d) vernietig word, kan 'n persoon beoog in artikel 212(4) van die Strafproseswet, 1977 (Wet No. 51 van 1977), die betrokke springstof ondersoek en 'n beëdigde verklaring in daardie artikel beoog, voorberei.

Verbeurdverklaring

7. Indien enige springstof waarop ingevolge artikel 6 beslag gelê is ingevolge artikel 35 van die Strafproseswet, 1977 (Wet No. 51 van 1977), aan die Staat verbeurd verklaar word, kan die Hoofinspekteur opdrag gee dat die springstof—

- (a) vir navorsings- en ontwikkelingsdoeleindes gehou moet word;
 (b) verkoop moet word om kostes te dek aangegaan vir die beringing van die springstof hangende die afhandeling van die strafregtelike verrigtinge; of
 (c) ooreenkomstig artikel 8 vernietig moet word.

Vernietiging van springstof

8. (1) Springstof kan slegs vernietig word ooreenkomstig die veilige procedures wat voorgeskryf word.

(2) Behoudens artikel 7 kan enige inspekteur die vernietiging gelas van springstof wat aan die Staat verbeurd verklaar is en die eienaar van die springstof is verantwoordelik vir enige redelike uitgawes aangegaan in verband met die vernietiging van die springstof.

(3) Enige persoon wat springstof gebruik, hou, vervoer of berg teenstrydig met hierdie Wet is aanspreeklik vir skade indien die springstof vernietig word ingevolge hierdie artikel en indien die skade die gevolg is van die manier waarop die persoon die springstof gebruik, gehou, vervoer of geberg het.

Afdrukke en monsters vir ondersoekdoeleindes

9. (1) Enige polisiebeampte kan sonder 'n lasbrief die vingerafdrukke, palmafdrukke, voetafdrukke en liggaamsmonsters van 'n persoon of groep persone neem, of enige sodanige afdrukke of monsters laat neem, indien daar redelike gronde is om te—

- (a) vermoed dat die persoon of dat een of meer van die persone in daardie groep 'n misdryf gepleeg het wat met gevangenisstraf vir 'n tydperk van vyf jaar of langer ingevolge hierdie Wet strafbaar is; en

- (b) glo dat die afdrukke of monsters of die uitslag van 'n ondersoek daarvan van waarde sal wees by die ondersoek, deur een of meer van die persone as moontlike plegers van die misdryf uit te sluit of in te sluit.

(2) Die persoon in beheer van afdrukke of monsters ingevolge hierdie artikel geneem—

- (a) kan dit ondersoek met die oog op die ondersoek van die betrokke misdryf of dit aldus laat ondersoek; en

- (b) moet dit onmiddellik vernietig wanneer dit duidelik is dat dit van geen waarde as getuienis sal wees nie.

(3) Liggaamsmonsters wat van die liggaam van 'n persoon geneem moet word, kan slegs deur 'n geregistreerde mediese praktisyen of 'n geregistreerde verpleegkundige geneem word.

(4) 'n Polisiebeampte kan die toetse doen of laat doen wat nodig is om te bepaal of 'n persoon wat vermoedelik springstof gehanteer of gedetoneer het, inderdaad springstof gehanteer of gedetoneer het.

CHAPTER 3**MANUFACTURE, DEALING, IMPORTATION, EXPORTATION
AND PACKAGING OF EXPLOSIVES****Keeping, storage, possession or transportation of explosives**

- 10.** (1) No person may keep, store or be in possession of any explosives on any premises other than an explosives manufacturing site or an explosives magazine, unless the explosives are kept, stored or possessed in accordance with—
 (a) the conditions of a permit issued by an inspector; and
 (b) any applicable regulation.
 (2) No person may transport any explosives unless the explosives are transported in accordance with—
 (a) the conditions of a permit issued by an inspector; and
 (b) any applicable regulation.
 (3) No person may permit any contravention of this section on any premises owned or occupied by such person.
 (4) (a) Any person who keeps, stores, possesses or transports explosives must inform the Chief Inspector or the inspector appointed for the area in question of any loss of explosives within 24 hours of the loss being discovered.
 (b) The information required in terms of paragraph (a) and the manner in which such information must be given, must be prescribed.
 (c) The Chief Inspector must establish a database reflecting the information contemplated in paragraph (b), and such information may be used by any person who requires such information for any legal purpose.
 (5) (a) No person may enter any explosives manufacturing site, explosives magazine or any vehicle in which explosives are being conveyed without permission of the person in control of the site, magazine or vehicle.
 (b) Any person found in contravention of paragraph (a) may forthwith be removed from the site, magazine or vehicle by any person employed at the site or magazine or the person in charge of the vehicle, as the case may be.

Prohibition of transportation of explosives under certain conditions 30

- 11.** (1) In order to maintain public order or to protect life and property, the Minister may, by notice in the *Gazette*, prohibit the transportation of any explosives from any place to any other place in or outside the Republic, for such a period as may reasonably be necessary, except under such conditions as may be set out in the notice.
 (2) The Minister may similarly prohibit the storage, removal, possession or use of explosives within any particular area by any person or by specified categories of persons, and may limit or vary the conditions of any licences or permits held or issued under this Act.

Certificate in respect of explosives manufacturing site and licence for explosives magazine 40

- 12.** (1) Any person who wishes to build, erect or run an explosives manufacturing site on any premises must, in addition to the requirements of any other law, obtain a certificate from the Chief Inspector to the effect that the premises are suitable from a security point of view.
 (2) (a) Any person who wants to run a magazine for the storage of explosives must apply, in writing, for a licence to the Chief Inspector, who must determine—
 (i) whether the premises on which the magazine is situated or is to be erected, are suitable from a security point of view; and
 (ii) whether the applicant is a suitable person or if the applicant is a juristic person, whether the person designated by the juristic person to be in control of the magazine is a suitable person.
 (b) The Chief Inspector may issue the licence upon such conditions as he or she may deem fit, but must refuse to issue such a licence if the premises are unsuitable or the applicant or the designated person is not a suitable person to hold the licence in question.

HOOFSTUK 3

VERVAARDIGING, HANDEL, INVOER, UITVOER EN VERPAKKING VAN SPRINGSTOF

Hou, berging, besit of vervoer van springstof

10. (1) Geen persoon mag enige springstof hou, berg of in besit daarvan wees op enige perseel anders as 'n springstofvervaardigingsterrein of 'n springstofmagasyn nie, tensy die springstof gehou, geberg of in die persoon se besit is ooreenkomsdig— 5

- (a) die voorwaardes van 'n permit wat deur 'n inspekteur uitgereik is; en
- (b) enige toepaslike regulasie.

(2) Geen persoon mag enige springstof vervoer nie tensy die springstof vervoer word 10 ooreenkomsdig—

- (a) die voorwaardes van 'n permit wat deur 'n inspekteur uitgereik is; en
- (b) enige toepaslike regulasie.

(3) Geen persoon mag enige oortreding van hierdie artikel toelaat op enige perseel wat deur sodanige persoon besit of beset word nie. 15

(4) (a) Enige persoon wat springstof hou, berg, besit of vervoer, moet die Hoofinspekteur of die inspekteur aangestel vir die betrokke gebied in kennis stel van enige verlies van springstof binne 24 uur nadat die verlies ontdek is.

(b) Die inligting vereis ingevolge paragraaf (a) en die wyse waarop sodanige inligting verskaf moet word, moet voorgeskryf word. 20

(c) Die Hoofinspekteur moet 'n database vestig wat die inligting beoog in paragraaf (b) weerspieël, en sodanige inligting kan gebruik word deur enige persoon wat sodanige inligting vir enige wettige doel benodig.

(5) (a) Geen persoon mag 'n springstofvervaardigingsterrein, 'n springstofmagasyn of 'n voertuig waarin springstof vervoer word sonder toestemming van die persoon in beheer van die terrein, magasyn of voertuig betree nie. 25

(b) Enige persoon wat in stryd met paragraaf (a) gevind word, kan onverwyld verwyder word van die terrein, magasyn of voertuig deur enige persoon in diens by die terrein of magasyn of die persoon in beheer van die voertuig, na gelang van die geval.

Verbod op vervoer van springstof onder sekere omstandighede

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11. (1) Ten einde die openbare orde te handhaaf of lewens en eiendom te beskerm, kan die Minister, by kennisgewing in die *Staatskoerant*, vir die tydperk wat redelikerwys nodig is, die vervoer van enige springstof van enige plek na enige ander plek in of buite die Republiek verbied, behalwe op die voorwaardes wat in die kennisgewing uiteengesit word. 35

(2) Die Minister kan eweneens die berging, verwydering, besit of gebruik van springstof binne enige bepaalde gebied deur enige persoon of deur vermelde kategorieë persone verbied, en kan die voorwaardes van enige lisensies of permitte wat kragtens hierdie Wet gehou of uitgereik word, beperk of wysig.

Sertifikaat ten opsigte van springstofvervaardigingsterrein en lisensie vir 40 springstofmagasyn

12. (1) Enige persoon wat 'n springstofvervaardigingsterrein op enige perseel wil bou, oprig of bedryf, moet, bykomend tot die vereistes van enige ander wet, 'n sertifikaat van die Hoofinspekteur verkry tot die effek dat die perseel uit 'n sekuriteitsoogpunt geskik is. 45

(2) (a) Enige persoon wat 'n magasyn vir die berging van springstof wil bedryf, moet skriftelik aansoek doen om 'n lisensie by die Hoofinspekteur, wat moet bepaal—

- (i) of die perseel waarop die magasyn geleë is of opgerig staan te word uit 'n sekuriteitsoogpunt geskik is; en

- (ii) of die aansoeker 'n geskikte persoon is of as die aansoeker 'n regspersoon is, 50 of die persoon deur die regspersoon aangewys om in beheer van die magasyn te wees, 'n geskikte persoon is.

(b) Die Hoofinspekteur kan die lisensie uitrek op die voorwaardes wat hy of sy goeddink, maar moet weier om so 'n lisensie uit te reik indien die perseel nie geskik is nie of die aansoeker of die aangewese persoon nie 'n geskikte persoon is om die 55 betrokke lisensie te hou nie.

(3) An applicant whose application is refused in terms of subsection (2)(b), may appeal against the decision in the prescribed manner.

(4) Any licence issued in terms of subsection (2)(b) or the conditions thereof may, upon application, be amended by the Chief Inspector if the safety and security of any person will not thereby be compromised. 5

(5) (a) The Chief Inspector may revoke any licence issued in terms of subsection (2)(b) if he or she is satisfied that the holder thereof or the designated person is no longer a suitable person.

(b) The holder of a licence revoked in terms of paragraph (a) may lodge an appeal against the decision in the prescribed manner. 10

(c) Until an appeal has been decided, the licence must be deemed to have been suspended.

(6) Any licence issued under this section expires after such period as may be prescribed and becomes invalid if the magazine in question is used for any purpose not provided for in the licence. 15

Licence to deal in explosives

13. (1) No person may sell, deal in or act as a broker in respect of any authorised explosives unless he or she is in possession of a licence granted in terms of this Act.

(2) Possession of a licence contemplated in subsection (1) does not entitle the licensee to exemption from holding any licence or permit which may be required in terms of any other law. 20

Manufacturing of explosives

14. (1) Subject to subsection (4), no person may manufacture, either wholly or in part, any authorised explosives in or on any premises other than an explosives manufacturing site. 25

(2) (a) No person may manufacture any unauthorised explosives unless they are manufactured for the purposes of research or development and in such quantities and under such conditions as the Chief Inspector permits in writing.

(b) No unauthorised explosives manufactured in terms of paragraph (a) may be sold.

(3) Unless it is done on a licensed explosives manufacturing site, no person may— 30

(a) divide any explosives into their components, otherwise break down any explosives or remove any identification mark from any explosives;

(b) make any unserviceable explosives fit for use; or

(c) remake or rework any explosives.

(4) The Chief Inspector may grant written permission, subject to applicable regulations and any conditions imposed by him or her in writing, to any person applying therefor in writing, to manufacture explosives— 35

(a) on any premises where explosives are manufactured for testing;

(b) on any premises where such explosives as may be prescribed are prepared for immediate use;

(c) at any tertiary educational institution for the purposes of training or instruction; or

(d) in any laboratory or testing facility registered with the Chief Inspector. 40

Prohibition on use of explosives without permit

15. (1) No person may use any explosives unless he or she is—

(a) in possession of a permit authorising such use, issued by an inspector in the prescribed manner; or

(b) under the immediate and constant supervision of a person who is in possession of such a permit.

(2) (a) The Minister may by regulation or by notice in the *Gazette* exempt any person or any group of persons from obtaining a permit contemplated in subsection (1) if the exemption relates to the use of fireworks in celebration of a specified religious, cultural or traditional event. 50

(b) The Minister may limit the fireworks which may be used to any specified class and must specify the period for which the exemption is valid. 55

(3) 'n Aansoeker wie se aansoek ingevolge subartikel (2)(b) geweier word, kan op die voorgeskrewe wyse teen die beslissing appelleer.

(4) Enige lisensie wat ingevolge subartikel (2)(b) uitgereik is of die voorwaardes daarvan kan, op aansoek, deur die Hoofinspekteur gewysig word indien die veiligheid en sekuriteit van enige persoon nie daardeur in gevaar gestel sal word nie. 5

(5) (a) Die Hoofinspekteur kan enige lisensie ingevolge subartikel (2)(b) uitgereik, intrek indien hy of sy oortuig is dat die houer daarvan of die aangewese persoon nie meer 'n gesikte persoon is nie.

(b) Die houer van 'n lisensie wat ingevolge paragraaf (a) ingetrek is, kan op die voorgeskrewe wyse teen die beslissing appelleer. 10

(c) Totdat die appèl gefinaliseer is, word dit geag dat die lisensie opgeskort is.

(6) Enige lisensie uitgereik kragtens hierdie artikel verval na die tydperk wat voorgeskryf word en word ongeldig indien die betrokke magasyn aangewend word vir enige doel waarvoor nie in die lisensie voorsiening gemaak word nie.

Licensie om in springstof handel te dryf

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13. (1) Geen persoon mag enige gemagtigde springstof verkoop, daarin handel dryf of ten opsigte daarvan as 'n makelaar optree nie, tensy hy of sy in besit is van 'n lisensie wat ingevolge hierdie Wet uitgereik is.

(2) Die besit van 'n lisensie in subartikel (1) beoog, gee nie aan die lisensiehouer vrystelling van die hou van enige lisensie of permit wat ingevolge enige ander wet vereis word nie. 20

Vervaardiging van springstof

14. (1) Behoudens subartikel (4) mag geen persoon, hetsy in die geheel of gedeeltelik, enige gemagtigde springstof in of op enige perseel anders as 'n springstofvervaardigsterrein vervaardig nie. 25

(2) (a) Geen persoon mag enige ongemagtigde springstof vervaardig nie tensy dit met die oog op navorsing of ontwikkeling vervaardig word en in die hoeveelhede en op die voorwaardes wat die Hoofinspekteur skriftelik toelaat.

(b) Geen ongemagtigde springstof wat ingevolge paragraaf (a) vervaardig is, mag verkoop word nie. 30

(3) Tensy dit op 'n gelisensieerde springstofvervaardigsterrein gedoen word, mag geen persoon—

(a) enige springstof verdeel in sy komponente, andersins enige springstof afbreek of enige identifiseringsmerk van enige springstof verwijder nie;

(b) enige ondiensbare springstof bruikbaar maak nie; of

(c) enige springstof hermaak of herverwerk nie. 35

(4) Die Hoofinspekteur kan, behoudens toepaslike regulasies en onderhewig aan enige voorwaardes skriftelik deur hom of haar opgelê, aan enige persoon wat skriftelik daarom aansoek doen, skriftelike toestemming gee om springstof te vervaardig—

(a) op enige perseel waar springstof vir toetsing vervaardig word; 40

(b) op enige perseel waar die springstof wat voorgeskryf word, vir onmiddellike gebruik voorberei word;

(c) by enige tersiêre onderwysinrigting met die oog op opleiding of onderrig; of

(d) in enige laboratorium of toetsfasiliteit wat by die Hoofinspekteur geregistreer is. 45

Verbod op gebruik van springstof sonder permit

15. (1) Geen persoon mag enige springstof gebruik nie tensy hy of sy—

(a) in besit is van 'n permit wat sodanige gebruik magtig, en wat op die voorgeskrewe wyse deur 'n inspekteur uitgereik is; of

(b) onder die onmiddellike en ononderbroke toesig is van 'n persoon wat in besit van so 'n permit is. 50

(2) (a) Die Minister kan by wyse van regulasie of kennisgewing in die *Staatskoerant* enige persoon of groep persone vrystel van die verkryging van 'n permit in subartikel (1) beoog, indien die vrystelling verband hou met die gebruik van vuurwerke ter viering van 'n spesifieke godsdienstige, kulturele of tradisionele geleentheid. 55

(b) Die Minister kan die vuurwerke wat gebruik mag word, beperk tot 'n spesifieke klas en moet die tydperk spesificeer waarvoor die vrystelling geldig is.

(3) No permit may be issued under this section unless the applicant is a suitable person.

Possession of imitation of explosives

16. Any person who gives out or pretends that an imitation of an explosive is in fact an explosive is guilty of an offence. 5

Importation and exportation of explosives

17. No person may import explosives into or export authorised explosives from the Republic or cause any explosives to be imported into or authorised explosives to be exported from the Republic, unless—

- (a) he or she is in possession of a permit issued by or under the authority of the Chief Inspector; and 10
- (b) in the case of exportation, he or she is in possession of such an end-user certificate as may be prescribed.

Packaging of explosives

18. (1) (a) Any explosives must be clearly identified in the prescribed manner with legible and visible identification marks and must be packed in such packaging material as may be prescribed. 15

(b) The Chief Inspector, in writing, may permit different packaging material if there are compelling reasons justifying the giving of such permission.

(2) Any person manufacturing, transporting or importing any explosives must submit examples of the packaging material contemplated in subsection (1) to the Chief Inspector in the prescribed manner, and the Chief Inspector must create and maintain a database reflecting such information concerning the samples as may be prescribed. 20

Prohibition in respect of unauthorised explosives

19. No person may export, transfer, sell or supply any unauthorised explosives. 25

CHAPTER 4

RECORD KEEPING

Database

20. (1) Any person manufacturing explosives or importing explosives into the Republic must submit specimens of such explosives to the Forensic Science Laboratory of the South African Police Service in Pretoria in the prescribed manner from a date determined by the Minister in the *Gazette*. 30

(2) The Head of the Forensic Science Laboratory, or a person designated by him or her, must create and maintain a database containing information concerning any explosives contemplated in subsection (1). 35

Record keeping

21. Any person who holds a licence, a permit, a certificate or an authorisation in terms of this Act must keep a register in which such information as may be prescribed must be recorded.

CHAPTER 5

40

ENDANGERING LIFE OR PROPERTY

Endangering life or property

22. (1) For the purposes of this section, “explosion” includes a fire caused by explosives.

(3) Geen permit mag kragtens hierdie artikel uitgerek word tensy die applikant 'n gesikte persoon is nie.

Besit van namaaksel van springstof

16. Enige persoon wat beweer of voorgee dat 'n namaaksel van 'n springstof inderdaad 'n springstof is, is aan 'n misdryf skuldig.

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Invoer en uitvoer van springstof

17. (1) Geen persoon mag springstof invoer na of gemagtigde springstof uitvoer uit die Republiek of enige springstof na die Republiek laat invoer of gemagtigde springstof uit die Republiek laat uitvoer nie tensy—

- (a) hy of sy in besit is van 'n permit uitgereik deur of onder die gesag van die Hoofinspekteur; en
- (b) in die geval van uitvoer, hy of sy in besit is van die eindverbruikersertifikaat wat voorgeskryf word.

Verpakking van springstof

18. (1) (a) Enige springstof moet duidelik op die voorgeskrewe wyse geïdentifiseer word met leesbare en sigbare identifiseringsmerke en moet in die verpakkingsmateriaal wat voorgeskryf word, verpak word.

(b) Die Hoofinspekteur kan ander verpakkingsmateriaal skriftelik toelaat indien daar dwingende redes bestaan wat die gee van sodanige goedkeuring regverdig.

(2) Enige persoon wat enige springstof vervaardig, vervoer of invoer, moet voorbeeld van die verpakkingsmateriaal beoog in subartikel (1) by die Hoofinspekteur op die voorgeskrewe wyse indien, en die Hoofinspekteur moet 'n databasis skep en in stand hou wat die inligting rakende die voorbeeld wat voorgeskryf word, bevat.

Verbod ten opsigte van ongemagtigde springstof

19. Geen persoon mag enige ongemagtigde springstof uitvoer, oordra, verkoop of verskaf nie.

HOOFTUK 4

REKORDHOUDING

Database

20. (1) Enige persoon wat springstof vervaardig of na die Republiek invoer, moet vanaf 'n datum deur die Minister in die *Staatkoerant* bepaal monsters van sodanige springstof op die voorgeskrewe wyse aan die Forensiesewetenskaplaboratorium van die Suid-Afrikaanse Polisiediens in Pretoria voorlê.

(2) Die Hoof van die Forensiesewetenskaplaboratorium, of 'n persoon deur hom of haar aangewys, moet 'n databasis skep en in stand hou wat inligting bevat rakende enige springstof in subartikel (1) beoog.

Rekordhouing

21. Enige persoon wat die houer is van 'n lisensie, 'n permit, 'n sertifikaat of 'n magtiging ingevolge hierdie Wet, moet 'n register byhou waarin die inligting wat voorgeskryf word, aangeteken moet word.

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HOOFTUK 5

BEDREIGING VAN LEWE OF EIENDOM

Bedreiging van lewe of eiendom

22. (1) By die toepassing van hierdie artikel sluit "ontploffing" 'n brand in wat deur springstof veroorsaak word.

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(2) Any person who intentionally delivers, places, discharges, detonates or initiates explosives with intent to cause death or serious bodily injury to any other person or to damage or destroy any place, facility or system is guilty of an offence.

(3) Any person who intentionally or negligently causes an explosion which endangers life or property is guilty of an offence.

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(4) Any person who in any manner—

(a) threatens that he or she or any other person intends to cause an explosion or to place explosives in such a manner or at such a place that life or property is or might be endangered is guilty of an offence; or

(b) communicates false information, knowing it to be false, regarding any 10 explosion or alleged explosion or explosives is guilty of an offence.

CHAPTER 6

PRESUMPTIONS

Presumption of possession of explosives under certain circumstances

23. (1) For the purposes of this section—

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(a) “explosives” includes any container, apparatus, instrument, incendiary device or any part thereof or article which contains any inflammable substance which has been adapted so that it can be used to cause an explosion or a fire; and

(b) “residential premises” does not include a hotel, a hostel or an apartment building, but includes a room or a suite in a hotel, a room in a hostel and an apartment in an apartment building.

(2) Whenever a person is charged in terms of this Act with an offence of which the possession of explosives is an element and the State can show that, despite taking reasonable steps, it was not able with reasonable certainty to link the possession of the explosives to any other person, the following circumstances will, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence of possession by that person of the explosives where it is proved that the explosives were found—

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(a) on residential premises and the person was, at the time—

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(i) in control of such premises; and

(ii) over the age of 16 years and ordinarily resident on the premises;

(b) buried in or hidden on land used for residential purposes and the person was, at the time—

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(i) employed to work on the land in or on which the explosives were found; and

(ii) over the age of 16 years;

(c) on premises other than residential premises and the person was, at the time—

(i) in control of such premises; or

(ii) ordinarily employed on the premises; or

(iii) present in the immediate vicinity of the place on the premises where the explosives were found and the circumstances indicate that the explosives should have been visible to that person; or

(vi) in control of a locker, cupboard or other container within which the explosives were found;

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(d) in or on a vehicle and the person was, at the time—

(i) the driver of the vehicle; or

(ii) the person in charge of the vehicle; or

(iii) in control of all the goods on the vehicle; or

(iv) the consignor of goods in or among which the explosives were found; or

(v) the only person who had access to the explosives; or

(vi) the employer of the driver of the vehicle and present on the vehicle;

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(e) on any aircraft other than an aircraft which was used to convey passengers for gain, and the person was at the time—

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(i) present on the aircraft and in charge of the aircraft; or

- (2) Enige persoon wat springstof opsetlik aflewer, plaas, laat ontploff, detoneer of inisieer met die opset om dood of ernstige liggaaamlike besering aan 'n ander persoon te veroorsaak of om 'n plek, fasiliteit of stelsel te beskadig of te vernietig, is aan 'n misdryf skuldig.
- (3) Enige persoon wat opsetlik of op natalige wyse 'n ontploffing veroorsaak wat lewe of eiendom bedreig, is aan 'n misdryf skuldig. 5
- (4) Enige persoon wat op enige wyse—
- (a) dreig dat hy of sy of enige ander persoon beplan om 'n ontploffing te veroorsaak of om springstof te plaas op so 'n wyse of op so 'n plek dat lewe of eiendom bedreig of moontlik bedreig kan word, is aan 'n misdryf skuldig; 10 of
 - (b) vals inligting oordra, wetend dat dit vals is, aangaande enige ontploffing of beweerde ontploffing of springstof, is aan 'n misdryf skuldig.

HOOFSTUK 6

VERMOEDENS

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Vermoede van besit van springstof onder sekere omstandighede

- 23.** (1) By die toepassing van hierdie artikel—
- (a) sluit "springstof" in enige houer, apparaat, instrument, brandtoestel of enige deel daarvan of artikel wat enige ontvlambare stof bevat wat aangepas is sodat dit gebruik kan word om 'n ontploffing of 'n brand te veroorsaak; en 20
 - (b) sluit "woonperseel" nie 'n hotel, hostel of 'n woonstelgebou in nie, maar sluit dit 'n kamer of suite in 'n hotel, 'n kamer in 'n hostel en 'n woonstel in 'n woonstelgebou in.
- (2) Wanneer 'n persoon ingevolge hierdie Wet aangekla word van 'n misdryf waarvan die besit van springstof 'n element is en die Staat kan aantoon dat, ondanks die doen van redelike stappe, die Staat nie in staat was om met redelike sekerheid die besit van die springstof aan enige ander persoon te koppel nie, is die volgende omstandighede, in die afwesigheid van getuenis tot die teendeel wat redelike twyfel skep, afdoende bewys van die besit deur daardie persoon van die springstof, waar bewys word dat die springstof gevind is— 25
- (a) op 'n woonperseel en die persoon, op daardie tydstip—
 - (i) in beheer van sodanige perseel was; en
 - (ii) ouer as 16 jaar en gewoonlik op die perseel woonagtig was;
 - (b) begrawe in of verberg op grond gebruik vir woondoeleindes, en die persoon op daardie tydstip—
 - (i) in diens was om op die grond waarin of waarop die springstof gevind is, te werk; en
 - (ii) ouer as 16 jaar was;
 - (c) op 'n ander perseel as 'n woonperseel en die persoon, op daardie tydstip—
 - (i) in beheer van sodanige perseel was; of
 - (ii) gewoonlik op die perseel in diens was; of
 - (iii) aanwesig was in die onmiddellike omgewing van die plek op die perseel waar die springstof gevind is en die omstandighede daarop dui dat die springstof vir daardie persoon sigbaar moes gewees het; of
 - (iv) in beheer was van 'n sluitkas, kas of ander houer waarin die springstof gevind is; 30
 - (d) in of op 'n voertuig en die persoon, op daardie tydstip—
 - (i) die bestuurder van die voertuig was; of
 - (ii) die persoon in beheer van die voertuig was; of
 - (iii) in beheer van al die goedere op die voertuig was; of
 - (iv) die afsender was van goedere waarin of waartussen die springstof gevind is; of 35
 - (v) die enigste persoon was wat tot die springstof toegang gehad het; of
 - (vi) die werkewer was van die bestuurder van die voertuig en op die voertuig teenwoordig was;
 - (e) op enige ander vliegtuig as 'n vliegtuig wat gebruik is vir die vervoer van passasiers vir wins, en die persoon, op daardie tydstip—
 - (i) aanwesig op en in beheer van die vliegtuig was; of 50

- (ii) the employer of the person contemplated in subparagraph (i) and present on the aircraft; or
 - (iii) the consignor of goods in or among which the explosives were found;
 - (f) in the hold of an aircraft and the person was, at the time, the person in charge of the goods in the hold;
 - (g) in a place on an aircraft or a vessel—
 - (i) to which no-one besides the person has access; or
 - (ii) where the circumstances indicate that the explosives should have been visible to no-one besides the person; or
 - (h) on any vessel other than a vessel which was used to convey passengers for gain, and the person was, at the time—
 - (i) in charge of that vessel or that part of the vessel in which the explosives were found; or
 - (ii) ordinarily employed in the immediate vicinity of the place on the vessel where the explosives were found; or
 - (iii) in the cargo of a vessel and the person was, at the time—
 - (aa) in control of the cargo of the vessel; or
 - (bb) the consignor of any goods in or among which the explosives were found.
- (3) In any criminal proceedings against a person where it is alleged that such person has injured or killed another person or has damaged property belonging to another person, the following circumstances will, in the absence of evidence to the contrary which raises a reasonable doubt, be sufficient evidence that such a person participated in the injury, killing or damage, where it is proved that—
- (a) the person was driving or was a passenger in a vehicle other than a vehicle designed or licensed to convey more than 20 passengers;
 - (b) an explosive was detonated from the vehicle while the person was driving or was a passenger in the vehicle; and
 - (c) as a result of such detonation, a person was injured or killed, or property was damaged.

Presumption relating to failure to report

24. Whenever a person is charged with an offence in terms of this Act of failing to report the loss of explosives and it is proved that such a person was, at the time, the licensed or authorised possessor of the explosives alleged to have been lost, proof that the person has failed to produce such explosives within seven days of the request of an inspector to do so, will, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that the explosives have been lost.

Presumption relating to failure to take reasonable steps

25. Whenever a person is charged in terms of the Act with an offence of failing to take reasonable steps to ensure that no explosives are brought onto premises under his or her ownership or control in contravention of this Act, proof that such explosives were brought onto premises under his or her ownership or control in contravention of this Act, will, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that he or she failed to take such reasonable steps.

CHAPTER 7

PLASTIC EXPLOSIVES

Acts relating to unmarked plastic explosives

26. (1) Notwithstanding any other provision in this Act but subject to subsection (3), no person may manufacture, import, transport, keep, store, possess, transfer, purchase, sell, supply or export any unmarked plastic explosives.

(2) (a) The marking of plastic explosives must be done in such a manner as to achieve homogeneous distribution in the finished product.

- (ii) die werkgever was van die persoon beoog in subparagraaf (i) en op die vliegtuig teenwoordig was; of
 - (iii) die versender was van goedere waarin of waartussen die springstof gevind is;
 - (f) in die vragruim van 'n vliegtuig en die persoon, op daardie tydstip, die persoon in beheer van die goedere in die vragruim was;
 - (g) in 'n plek op 'n vliegtuig of 'n vaartuig—
 - (i) waartoe niemand behalwe die persoon toegang het nie; of
 - (ii) waar die omstandighede aandui dat die springstof vir niemand behalwe die persoon sigbaar moes gewees het nie; of
 - (h) op enige ander vaartuig as 'n vaartuig gebruik vir die vervoer van passasiers vir wins en die persoon, op daardie tydstip—
 - (i) in beheer was van daardie vaartuig of daardie deel van die vaartuig waarin die springstof gevind is; of
 - (ii) gewoonlik in diens was in die onmiddellike omgewing van die plek op die vaartuig waar die springstof gevind is; of
 - (iii) in die vrag van 'n vaartuig en die persoon, op daardie tydstip—
 - (aa) in beheer was van die vrag van die vaartuig; of
 - (bb) die afsender was van enige goedere waarin of waartussen die springstof gevind is.
- (3) In enige strafsaak teen 'n persoon waar beweer word dat sodanige persoon 'n ander persoon beseer of doodgemaak het of eiendom wat aan 'n ander persoon behoort, beskadig het, is die volgende omstandighede, in die afwesigheid van getuenis tot die teendeel wat redelike twyfel skep, afdoende bewys dat sodanige persoon deelgeneem het aan die besering, doodmaak of beskadiging, waar bewys word dat—
- (a) die persoon die bestuurder was van of 'n passasier was in 'n ander voertuig as 'n voertuig wat ontwerp of gelisensieerde is om meer as 20 passasiers te vervoer;
 - (b) 'n springstof gedetoneer is van die voertuig terwyl die persoon die voertuig bestuur het of 'n passasier in die voertuig was; en
 - (c) as gevolg van sodanige detonasie, 'n persoon beseer of gedood is, of eiendom beskadig is.

Vermoede met betrekking tot versuim om aan te meld

24. Wanneer 'n persoon aangekla word van 'n misdryf ingevolge hierdie Wet van versuim om die verlies van springstof aan te meld en daar bewys word dat so 'n persoon, op daardie tydstip, die gelisensieerde of gemagtigde besitter was van die springstof wat na bewering verlore geraak het, is bewys dat die persoon versuim het om sodanige springstof te toon binne sewe dae na die versoek van 'n inspekteur om dit te doen, in die afwesigheid van getuenis tot die teendeel wat redelike twyfel skep, afdoende bewys dat die springstof verlore geraak het.

Vermoede met betrekking tot versuim om redelike stappe te doen

25. Wanneer 'n persoon ingevolge hierdie Wet aangekla word van 'n misdryf van versuim om redelike stappe te doen om te verseker dat geen springstof in stryd met hierdie Wet op 'n perseel onder sy of haar eienaarskap of beheer gebring word nie, is bewys dat sodanige springstof in stryd met hierdie Wet op 'n perseel onder sy of haar eienaarskap of beheer gebring is, in die afwesigheid van getuenis tot die teendeel wat redelike twyfel skep, afdoende bewys dat hy of sy versuim het om sodanige redelike stappe te doen.

HOOFSTUK 7

PLASTIESE SPRINGSTOF

Handelinge met betrekking tot ongemerkte plastiese springstof

26. (1) Ondanks enige ander bepaling in hierdie Wet, maar behoudens subartikel (3), mag geen persoon enige ongemerkte plastiese springstof vervaardig, invoer, vervoer, hou, berg, besit, oordra, koop, verkoop, verskaf of uitvoer nie.

(2) (a) Die merk van plastiese springstof moet gedoen word op so 'n wyse dat 'n homogene verspreiding in die finale produk bereik word.

(b) The minimum concentration of a detection agent in the finished product at the time of manufacture must be in accordance with the Technical Annex to the Convention.

(3) Subsection (1) does not apply—

- (a) for 15 years after 8 May 1998 in respect of the transportation, keeping, storage, possession, transfer or transmission of any unmarked plastic explosives manufactured in, or imported into, the Republic before that date by or on behalf of an organ of state performing military or police functions; or
 - (b) in respect of the manufacture, importation, transportation, keeping, storage, possession, transfer, sale, supply or transmission of any unmarked plastic explosives in limited quantities as may be determined in writing by the Chief Inspector—
 - (i) solely for use in—
 - (aa) research into or development or testing of new or modified explosives;
 - (bb) training in the detection of explosives; or
 - (cc) the development or testing of equipment for the detection of explosives; or
 - (ii) solely for forensic purposes,
- and under such conditions as may be prescribed.

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CHAPTER 8

OFFENCES, PENALTIES, JURISDICTION AND APPEALS

Offences

28. (1) It is an offence to contravene or fail to comply with any—

- (a) provision of this Act;
- (b) condition of a licence, permit or authorisation issued or granted by or under this Act; or
- (c) provision, direction or requirement of a notice issued under this Act.

(2) It is an offence to—

- (a) falsely represent oneself as an inspector;
- (b) wilfully obstruct or hinder any inspector in the exercise of the powers conferred upon him or her or in the performance of the duties assigned to him or her in terms of this Act;
- (c) disobey any lawful order of an inspector, whether verbal or in writing; or
- (d) wilfully give false information to an inspector.

(3) It is an offence for any person to—

- (a) create, distribute, produce or import or be in possession of a publication, whether in electronic or any other form, which contains methods for the synthesising of explosives; or
- (b) obtain information with regard to the method for the synthesising of explosives,

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unless the publication or information relates to the performance of any activity permitted by a licence, a permit, an authorisation or a permission issued or given to him or her in terms of this Act.

(b) Die minimum konsentrasie van 'n opsporingsmiddel in die finale produk ten tyde van vervaardiging moet ooreenkomsdig die Tegniese Bylae by die Konvensie wees.	
(3) Subartikel (1) is nie van toepassing nie—	
(a) vir 15 jaar na 8 Mei 1998 ten opsigte van die vervoer, hou, berging, besit, oordrag of versending van enige ongemerkte plastiese springstof vervaardig in, of ingevoer na, die Republiek voor daardie datum deur of namens 'n staatsorgaan wat militêre- of polisiewerksaamhede verrig; of	5
(b) ten opsigte van die vervaardiging, invoer, vervoer, hou, berging, besit, oordrag, verkoop, verskaffing of versending van enige ongemerkte plastiese springstof in beperkte hoeveelhede soos skriftelik deur die Hoofinspekteur 10 bepaal—	10
(i) uitsluitlik vir gebruik in—	
(aa) navorsing na of die ontwikkeling of toets van nuwe of gemodifiseerde springstof;	
(bb) opleiding in die opsporing van springstof; of	15
(cc) die ontwikkeling of toets van toerusting vir die opsporing van springstof; of	
(ii) uitsluitlik vir forensiese doeleindes, en op die voorwaardes wat voorgeskryf word.	
Inligting aangaande plastiese springstof	20
27. (1) Enige persoon moet, binne 30 dae nadat besit van of beheer oor enige plastiese springstof verkry is, die Hoofinspekteur skriftelik inlig oor—	
(a) die hoeveelheid van sodanige plastiese springstof;	
(b) die naam van die vervaardiger of invoerder daarvan;	
(c) enige identifiseringsmerke daarop; en	25
(d) of dit met 'n opsporingsmiddel gemerk is al dan nie.	
(2) Subartikel (1) is nie van toepassing op 'n lid van die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens wat amptelike militêre- of polisiepligte uitvoer nie.	
HOOFSTUK 8	30
MISDRYWE, STRAWWE, JURISDIKSIE EN APPÈLLE	
Misdrywe	
28. (1) Dit is 'n misdryf om enige—	
(a) bepaling van hierdie Wet;	
(b) voorwaarde van 'n lisensie, permit of magtiging uitgereik of toegestaan by of 35 kragtens hierdie Wet; of	
(c) bepaling, bevel of vereiste van 'n kennisgewing kragtens hierdie Wet uitgereik,	
te oortree of te versuim om daaraan te voldoen.	
(2) Dit is 'n misdryf om—	40
(a) jouself valslik as 'n inspekteur voor te doen;	
(b) opsetlik 'n inspekteur te dwarsboom of te hinder in die uitoefening van die bevoegdhede aan hom of haar verleen en in die uitvoering van die pligte aan hom of haar opgelê ingevolge hierdie Wet;	
(c) enige wettige bevel van 'n inspekteur, hetsey mondeling of skriftelik, te 45 verontagsaam; of	
(d) opsetlik vals inligting aan 'n inspekteur te verskaf.	
(3) Dit is 'n misdryf vir enige persoon om—	
(a) 'n publikasie te skep, te versprei, voort te bring of in te voer of om in besit daarvan te wees, hetsey in elektroniese of enige ander vorm, wat metodes vir 50 die sintetisering van springstowwe bevat; of	
(b) inligting met betrekking tot die metode vir die sintetisering van springstowwe te bekom,	
tensy die publikasie of inligting verband hou met die uitvoering van enige aktiwiteite toegelaat deur 'n lisensie, 'n permit, 'n magtiging of 'n toestemming aan hom of haar uitgereik of gegee ingevolge hierdie Wet.	55

(4) It is an offence for the owner or person in control of premises not to take reasonable steps to ensure that no explosives are brought onto the premises.

(5) (a) In the absence of evidence to the contrary which raises reasonable doubt, any person found in possession of explosives under such circumstances as to give rise to a reasonable suspicion that he or she intended to use the explosives for the purpose of injuring any person or damaging any property, is guilty of an offence. 5

(b) For the purposes of paragraph (a), "explosives" includes any container, apparatus, instrument, incendiary device or any part thereof or article which contains any inflammable substance which has been adapted so that it can be used to cause an explosion or a fire. 10

Penalties

29. (1) Any person convicted of a contravention of or a failure to comply with—

(a) section 22(2), is liable to imprisonment for a period not exceeding 25 years; 15

(b) section 11(1) or (2), 13(1), 14(1), (2) or (3), 15(1) or 17, is liable, in the case of a—

(i) first offender, to imprisonment for a period not exceeding 15 years;

(ii) second offender, to imprisonment for a period not exceeding 20 years; and

(iii) third or subsequent offender, to imprisonment for a period not exceeding 25 years; 20

(c) section 22(3) or (4), where the—

(i) act or omission is wilful and death does not result therefrom, is liable to a fine or to imprisonment for a period not exceeding 15 years, or to both a fine and such imprisonment;

(ii) explosion is caused by a negligent act or omission and death results, is liable to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment; 25

(iii) explosion is caused by a negligent act or omission and property or life is endangered, is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment; 30

(d) section 10(1), (2), (3), (4) or (5), 16 or 28(4) or (5) is liable to imprisonment for a period not exceeding 15 years;

(e) section 19 or 28(3) is liable to imprisonment for a period not exceeding 10 years; and

(f) section 8(1), 12(1) or (2), 18(1) or (2), 20(1), 21, 26(1) or (2), 27(1) or 28(2)(a), (b), (c) or (d) is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment. 35

(2) A court sentencing a person in terms of subsection (1) may declare—

(a) any explosives in respect of which the offence was committed to be forfeited to the State and may make any order with regard to the safekeeping and destruction of the explosives, including an order for payment of the cost of safekeeping and destruction, as the court may deem fit; and 40

(b) any vehicle or instrument used for the purposes of or in connection with the commission of the offence to be forfeited to the State.

(3) Section 35 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes to any forfeiture and disposal in terms of this section. 45

Declaration of persons as unfit to possess explosives

30. (1) Unless the court determines otherwise, a person becomes unfit to possess explosives if convicted of—

(a) the unlawful possession of explosives; 50

(4) Dit is 'n misdryf vir die eienaar of die persoon in beheer van 'n perseel om nie redelike stappe te doen om te verseker dat geen springstof op die perseel gebring word nie.

(5) (a) Enige persoon wat in besit van springstof betrap word onder omstandighede wat 'n redelike vermoede skep dat hy of sy die opset gehad het om die springstof te gebruik vir die doel om enige persoon te beseer of eiendom te beskadig, is skuldig aan 'n misdaad in die afwesigheid van getuenis tot die teendeel wat 'n redelike twyfel skep. 5

(b) Vir die doel van paragraaf (a), sluit "springstof" in enige houer, apparaat, instrument, ontvlambare toestel of enige deel daarvan of artikel wat enige ontvlambare stof bevat wat verander is sodat dit gebruik kan word om 'n ontploffing of 'n brand te veroorsaak. 10

Strawwe

29. (1) Enige persoon wat skuldig bevind word aan 'n oortreding van of 'n versuim om te voldoen aan—

- (a) artikel 22(2), is strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 25 jaar; 15
 - (b) artikel 11(1) of (2), 13(1), 14(1), (2) of (3), 15(1) of 17, is strafbaar, in die geval van 'n—
 - (i) eerste oortreder, met gevangenisstraf vir 'n tydperk van hoogstens 15 jaar; 20
 - (ii) tweede oortreder, met gevangenisstraf vir 'n tydperk van hoogstens 20 jaar; en
 - (iii) derde of opeenvolgende oortreder, met gevangenisstraf vir 'n tydperk van hoogstens 25 jaar.
 - (c) artikel 22(3) of (4), waar die—
 - (i) handeling of late opsetlik is en nie die dood tot gevolg het nie, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 15 jaar, of met beide 'n boete en sodanige gevangenisstraf;
 - (ii) ontploffing deur 'n nalatige handeling of late veroorsaak word en dood tot gevolg het, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar, of met beide 'n boete en sodanige gevangenisstraf; 30
 - (iii) ontploffing deur 'n nalatige handeling of 'n late veroorsaak word en eiendom of lewe bedreig word, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met beide 'n boete en sodanige gevangenisstraf; 35
 - (d) artikel 10(1), (2), (3), (4) of (5), 16 of 28(4) of (5), is strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 15 jaar.
 - (e) artikel 19 of 28(3), is strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; en 40
 - (f) artikel 8(1), 12(1) of (2), 18(1) of (2), 20(1), 21, 26(1) of (2), 27(1) of 28(2)(a), (b), (c) of (d), is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met beide 'n boete en sodanige gevangenisstraf.
- (2) 'n Hof wat 'n persoon ingevolge subartikel (1) vonnis, kan enige— 45
- (a) springstof ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar en kan 'n bevel gee met betrekking tot die veilige bewaring en vernietiging van die springstof, met inbegrip van 'n bevel vir betaling van die koste van veilige bewaring en vernietiging wat die hof nodig ag; en
 - (b) voertuig of instrument gebruik met die oog op of in verband met die pleeg van die misdryf, aan die Staat verbeurd verklaar. 50
- (3) Artikel 35 van die Strafproseswet, 1977 (Wet No. 51 of 1977), is met die nodige veranderings van toepassing op enige verbeurdverklaring en beskikking ingevolge hierdie artikel.

Verklaring van persone as onbevoeg om springstof te besit

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30. (1) Tensy die hof anders bepaal, word 'n persoon onbevoeg om springstof te besit indien hy of sy skuldig bevind word aan—

- (a) die onwettige besit van springstof;

- (b) any crime or offence involving the unlawful use or handling of explosives, whether explosives were used or handled by that person or by another participant in that crime or offence;
 - (c) an offence involving the failure to store explosives in accordance with the requirements of this Act; 5
 - (d) an offence involving the negligent handling or loss of explosives while the explosives were in his or her possession;
 - (e) an offence involving the handling of explosives while under the influence of any substance which has an intoxicating or narcotic effect;
 - (f) any other crime or offence in the commission of which explosives were used, 10 whether the explosives were used or handled by that person or by another participant in the crime or offence;
 - (g) any offence involving violence, sexual abuse or dishonesty, for which the accused is sentenced to imprisonment without the option of a fine;
 - (h) any other offence under or in terms of this Act in respect of which the accused 15 is sentenced to imprisonment without the option of a fine;
 - (i) any offence involving physical or sexual abuse occurring in a domestic relationship as defined in section 1 of the Domestic Violence Act, 1998 (Act No. 116 of 1998);
 - (j) any offence involving the abuse of alcohol or drugs; 20
 - (k) any offence involving dealing in drugs;
 - (l) any offence in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), in respect of which the accused is sentenced to imprisonment without the option of a fine;
 - (m) any offence in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000), 25 in respect of which the accused is sentenced to imprisonment without the option of a fine;
 - (n) any offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing; or
 - (o) any conspiracy, incitement or attempt to commit an offence referred to above. 30
- (2) (a) A court which convicts a person of an offence referred to in Schedule 2 and which is not an offence contemplated in subsection (1), must enquire and determine whether that person is unfit to possess explosives.
- (b) If a court, acting in terms of paragraph (a), determines that a person is unfit to possess explosives, it must make a declaration to that effect. 35
- (4) If a person becomes unfit to possess explosives or is declared unfit to possess explosives in terms of subsection (1) or (2), as the case may be, the relevant court must notify the Chief Inspector in writing of the person's unfitness and the notification must be accompanied by an order for the search and seizure of—
- (a) all certificates, licences and permits issued to the person in terms of this Act; 40 and
 - (b) all explosives in the person's possession.

Jurisdiction

31. A court of a regional division as contemplated in section 89(2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), may impose any penalty in terms of this Act, 45 despite anything to the contrary contained in any other law.

Appeals

- 32.** (1) Where any person is not satisfied with a decision or instruction given by an inspector, he or she may, within 14 days, lodge a written appeal with the Chief Inspector or his or her delegate, who must take action as soon as possible. 50
- (2) A person contemplated in subsection (1) must submit a written statement to the Chief Inspector or his or her delegate setting out the grounds upon which the appeal is based.

- (b) enige misdaad of misdryf waarby die onwettige gebruik of hantering van springstof betrokke is, hetsy die springstof deur daardie persoon of deur 'n ander deelnemer aan daardie misdaad of misdryf gebruik of gehanteer is;
- (c) 'n misdryf waarby versuim om springstof ooreenkomsdig die vereistes van hierdie Wet te berg, betrokke is; 5
- (d) 'n misdryf waarby die nalatige hantering of verlies van springstof, terwyl die springstof in sy of haar besit was, betrokke is;
- (e) 'n misdryf waarby die hantering van springstof terwyl onder die invloed van enige stof wat 'n bedwelmende of narkotiese uitwerking het, betrokke is; 10
- (f) enige ander misdaad of misdryf by die pleeg waarvan springstof gebruik is, hetsy die springstof deur daardie persoon of deur enige ander deelnemer aan die misdaad of misdryf gebruik of gehanteer is;
- (g) enige misdryf waarby geweld, seksuele mishandeling of oneerlikheid betrokke is en waarvoor die beskuldigde tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; 15
- (h) enige ander misdryf kragtens of ingevolge hierdie Wet ten opsigte waarvan die beskuldigde gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
- (i) enige misdryf waarby liggaamlike of seksuele mishandeling betrokke is en wat binne 'n gesinsverhouding soos omskryf in artikel 1 van die Wet op 20 Gesinsgeweld, 1998 (Wet No. 116 van 1998), voorkom;
- (j) enige misdryf waarby die misbruik van alkohol of verdowingsmiddels betrokke is;
- (k) enige misdryf waarby handeldryf in verdowingsmiddels betrokke is;
- (l) enige misdryf ingevolge die Wet op Gesinsgeweld, 1998 (Wet No. 116 van 25 1998), ten opsigte waarvan die beskuldigde gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
- (m) enige misdryf ingevolge die Wet op Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000), ten opsigte waarvan die beskuldigde gevonnis word tot gevangenisstraf sonder die keuse van 'n boete; 30
- (n) enige misdryf waarby sabotasie, terrorisme, openbare geweld, brandstigting, intimidasie, verkragting, ontvoering of kinderdiefstal betrokke is; of
- (o) enige sameswering, aanhitsing of poging om 'n misdryf hierbo bedoel te pleeg.
- (2) (a) 'n Hof wat 'n persoon skuldig bevind aan 'n misdryf bedoel in Bylae 2 en wat nie 'n misdryf beoog in subartikel (1) is nie, moet ondersoek instel en bepaal of daardie persoon onbevoeg is om springstof te besit. 35
- (b) Indien 'n hof wat ingevolge paragraaf (a) optree, bepaal dat 'n persoon onbevoeg is om springstof te besit, moet dit 'n verklaring te dien effekte doen.
- (3) Indien 'n persoon ingevolge subartikel (1) of (2) onbevoeg raak om springstof te besit of onbevoeg verklaar word om springstof te besit, na gelang van die geval, moet die betrokke hof die Hoofinspekteur skriftelik in kennis stel van die persoon se onbevoegdheid en die kennisgewing moet vergesel gaan van 'n bevel vir die deursoeking van en beslaglegging op— 40
- (a) alle sertifikate, lisensies en permitte ingevolge hierdie Wet aan die persoon uitgereik; en
- (b) alle springstof in die persoon se besit. 45

Jurisdiksie

31. 'n Hof van 'n streekafdeling soos beoog in artikel 89(2) van die Wet op Landdroshewe 1944 (Wet No. 32 van 1944), kan enige straf oplê ingevolge hierdie Wet, ondanks enige andersluidende bepalings vervat in enige ander wet. 50

Appelle

32. (1) Waar enige persoon nie tevrede is met 'n beslissing of opdrag gegee deur 'n inspekteur nie, kan hy of sy, binne 14 dae, skriftelik appelleer na die Hoofinspekteur of sy of haar gedelegeerde, wat so gou moontlik stappe moet doen. 55

(2) 'n Persoon beoog in subartikel (1) moet 'n skriftelike verklaring wat die gronde uiteensit waarop die appèl gebaseer is, aan die Hoofinspekteur of sy of haar gedelegeerde voorlê.

(3) Where any person is not satisfied with a decision or instruction given by the Chief Inspector or his or her delegate, he or she may, within 30 days, lodge a written appeal with an appeal board established by the Minister in the prescribed manner.

(4) Until any appeal has been decided in terms of this section, the decision or instruction, as the case may be, must be deemed to have been validly made or given. 5

CHAPTER 9

REGULATIONS

Regulations

- 33. (1)** The Minister may make regulations regarding—
- (a) anything which may or must be prescribed in terms of this Act; 10
 - (b) the use, disposal and destruction of explosives;
 - (c) the construction of explosives magazines;
 - (d) the conditions under which the manufacture of explosives other than in a licensed explosives manufacturing site may be carried out;
 - (e) the storage of explosives; 15
 - (f) the classification, composition, testing and analysis of explosives;
 - (g) the grant, cancellation and suspension of any permit or licence mentioned in this Act and the period for which any such permit or licence may be issued;
 - (h) the packaging, transport, importation, exportation and transhipment of explosives, and the landing and handling of explosives in ports, harbours, 20 airports and other places of entry or exit;
 - (i) the prohibition of the transportation of explosives or the use for the transportation thereof of any means of transport except under authority of a permit issued by an inspector, the grant, cancellation and suspension of any such permit and the period for which any such permit may be issued; 25
 - (j) the issuing of a licence and an end-user certificate to a dealer or broker in explosives, the conditions of any such licence, the restrictions which may be placed upon the sale or disposal of explosives to particular persons and the quantity of any explosives which may be purchased by any person or company under a permit issued by an inspector; 30
 - (k) the inquiry into the circumstances of explosions, including fires caused or suspected to have been caused by explosives, endangering or causing death or injury to persons or damage to property, and the giving of notice of all such explosions;
 - (l) the prevention of trespassing in or upon an explosives manufacturing site or 35 an explosives magazine or other place where explosives are kept;
 - (m) determining fees or tariffs payable for any permit, licence or authorisation in terms of this Act;
 - (n) the statistics which manufacturers and dealers may be called upon to supply;
 - (o) the restricting of the sale and use of fireworks, excluding organised fireworks 40 displays, to certain periods or days;
 - (p) the establishment and functions of an appeal board;
 - (q) any matter pertaining to record keeping;
 - (r) the disposal of forfeited explosives; and
 - (s) any other matter which must be regulated for the protection of life and 45 property against explosions or for the achievement of the objects of this Act.

(2) Regulations made under subsection (1) may provide for penalties for a contravention thereof or failure to comply therewith, which penalties may not exceed a fine or imprisonment for a period of five years, and they may also provide that any explosives in respect of which the contravention or non-compliance has taken place 50 must be forfeited and destroyed.

(3) Waar enige persoon nie tevrede is met 'n beslissing of opdrag gegee deur die Hoofinspekteur of sy of haar gedelegeerde nie, kan hy of sy, binne 30 dae, skriftelik appelleer na 'n appèlraad wat op die voorgeskrewe wyse deur die Minister ingestel word.

(4) Todat die appèl ingevolge hierdie artikel gefinaliseer is, moet die beslissing of opdrag, na gelang van die geval, geag word geldiglik gemaak of gegee te wees. 5

HOOFSTUK 9

REGULASIES

Regulasies

- 33.** (1) Die Minister kan regulasies uitvaardig ten opsigte van— 10
- (a) enigets wat ingevolge hierdie Wet voorgeskry kan of moet word;
 - (b) die gebruik van, beskikking oor en vernietiging van springstof;
 - (c) die oprigting van springstofmagasyne;
 - (d) die voorwaardes waarop springstof, anders as in 'n gelisensieerde springstofvervaardigsterrein, vervaardig kan word; 15
 - (e) die bering van springstof;
 - (f) die klassifikasie, samestelling, toetsing en ontleding van springstof;
 - (g) die toestaan, kansellering en opskorting van enige permit of lisensie gemeld in hierdie Wet en die tydperk waarvoor so 'n permit of lisensie uitgereik kan word; 20
 - (h) die verpakking, vervoer, invoer, uitvoer en oorskaping van springstof, en die landing en hantering van springstof by hawens, in skeepshawens, op lughawens en ander plekke van ingang of uitgang;
 - (i) die verbod op die vervoer van springstof of die gebruik vir die vervoer daarvan van enige vervoermiddel behalwe by magtiging van 'n permit uitgereik deur 'n inspekteur, die toestaan, kansellering en opskorting van enige sodanige permit, asook die tydperk waarvoor enige sodanige permit uitgereik kan word; 25
 - (j) die uitreiking van 'n lisensie en 'n eindverbruikersertifikaat aan 'n handelaar of 'n makelaar van springstof, die voorwaardes van enige sodanige lisensie, die beperkings wat geplaas kan word op die verkoop van of beskikking oor springstof aan bepaalde persone, asook die hoeveelheid springstof wat deur enige persoon of maatskappy gekoop kan word kragtens 'n permit wat deur 'n inspekteur uitgereik is; 30
 - (k) die ondersoek na die omstandighede van ontploffings, met inbegrip van brande veroorsaak deur of vermoedelik veroorsaak deur springstof en wat menselewens in gevaar stel of die dood van of beserings aan mense of skade aan eiendom tot gevolg het, asook die rapportering van alle sodanige ontploffings; 35
 - (l) die voorkoming van betreding in of op 'n springstofvervaardigsterrein of springstofmagasyne of ander plek waar springstof gehou word; 40
 - (m) die vasstelling van gelde of tariewe betaalbaar vir enige permit, lisensie of magtiging ingevolge hierdie Wet;
 - (n) die statistieke wat van vervaardigers en handelaars verlang kan word om te verskaf; 45
 - (o) die beperking van die verkoop en gebruik van vuurwerke, met die uitsondering van georganiseerde vuurwerkvertonings, tot sekere typerke of dae;
 - (p) die oprigting en werksaamhede van 'n appèlraad;
 - (q) enige aangeleentheid met betrekking tot rekordhouing; 50
 - (r) die beskikking oor springstof wat verbeurd verklaar is; en
 - (s) enige ander aangeleentheid wat gereguleer moet word vir die beskerming van lewe en eiendom teen ontploffings of vir die bereiking van die oogmerke van hierdie Wet.
- (2) Regulasies wat kragtens subartikel (1) uitgevaardig word, kan voorsiening maak vir strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, welke strawwe nie 'n boete of gevangenisstraf vir 'n tydperk van vyf jaar mag oorskry nie, en hulle kan ook bepaal dat enige springstof ten opsigte waarvan die oortreding of nie-nakoming plaasgevind het, verbeurd verklaar en vernietig moet word. 55

(3) Such regulations may also prescribe daily penalties for a continuing contravention or non-compliance or increased penalties for a second or subsequent contravention or non-compliance, subject to the maxima mentioned in subsection (2).

CHAPTER 10

REPEAL OF LAWS, AND SAVING

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Repeal of laws, and saving

34. (1) Subject to subsection (2), the laws mentioned in Schedule 1 are hereby repealed.

(2) Any proclamation, regulation, notice, approval, authority, licence, permit, certificate or document issued, made, given or granted and any other action taken under any provision of a law repealed by this Act, must be regarded as having been issued, made, given, granted or taken under the corresponding provision of this Act. 10

Short title and commencement

35. This Act is called the Explosives Act, 2003, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 15

(3) Sodanig regulasies kan ook daaglikse strawwe voorskryf vir 'n voortgesette oortreding of nie-nakoming of verhoogde strawwe vir 'n tweede of daaropvolgende oortreding of nie-nakominge, behoudens die maksima in subartikel (2) genoem.

HOOFSTUK 10

HERROEPING VAN WETTE, EN VOORBEHOUD

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Herroeping van wette, en voorbehoud

34. (1) Behoudens subartikel (2) word die wette genoem in Bylae 1 hierby herroep.

(2) Enige proklamasie, regulasie, kennisgewing, goedkeuring, magtiging, lisensie, permit, sertifikaat of dokument uitgereik, uitgevaardig, gegee of toegestaan en enige ander stappe gedoen kragtens enige bepaling van 'n wet herroep deur hierdie Wet, moet 10 geag word uitgereik, uitgevaardig, gegee, toegestaan of gedoen te wees kragtens die ooreenstemmende bepaling van hierdie Wet.

Kort titel en inwerkingtreding

35. Hierdie Wet heet die Wet op Springstof, 2003, en tree in werking op 'n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word. 15

SCHEDULE 1**Laws repealed (section 34)**

Number and year of law	Short title	Extent of repeal
Act No. 26 of 1956	Explosives Act, 1956	The whole.
Act No. 79 of 1962	Explosives Amendment Act, 1962	The whole.
Act No. 21 of 1963	Explosives Amendment Act, 1963	The whole.
Act No. 46 of 1964	Mines and Works and Explosives Amendment Act, 1964	The whole.
Act No. 20 of 1965	Explosives Amendment Act, 1965	The whole.
Act No. 12 of 1967	Explosives Amendment Act, 1967	The whole.
Act No. 74 of 1972	Explosives Amendment Act, 1972	The whole.
Act No. 35 of 1975	Explosives Amendment Act, 1975	The whole.
Act No. 101 of 1977	Explosives Amendment Act, 1977	The whole.
Act No. 5 of 1981	Explosives Amendment Act, 1981	The whole.
Act No. 18 of 1983	Explosives Amendment Act, 1983	The whole.
Act No. 178 of 1993	Explosives Amendment Act, 1993	The whole.
Act No. 83 of 1997	Explosives Amendment Act, 1997	The whole.
Act No. 17 of 1956	Riotous Assemblies Act, 1956	Section 16

BYLAE 1**Wette herroep (artikel 34)**

Nommer en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 26 van 1956	Wet op Ontplofbare Stowwe, 1956	In geheel
Wet No. 79 van 1962	Wysigingswet op Ontplofbare Stowwe, 1962	In geheel.
Wet No. 21 van 1963	Wysigingswet op Ontplofbare Stowwe, 1963	In geheel.
Wet No. 46 van 1964	Wysigingswet op Myne en Bedrywe en Ontplofbare Stowwe, 1964	In geheel.
Wet No. 20 van 1965	Wysigingswet op Ontplofbare Stowwe, 1965	In geheel
Wet No. 12 van 1967	Wysigingswet op Ontplofbare Stowwe, 1967	In geheel.
Wet No. 74 van 1972	Wysigingswet op Ontplofbare Stowwe, 1972	In geheel.
Wet No. 35 van 1975	Wysigingswet op Ontplofbare Stowwe, 1975	In geheel
Wet No. 101 van 1977	Wysigingswet op Ontplofbare Stowwe, 1977	In geheel
Wet No. 5 van 1981	Wysigingswet op Ontplofbare Stowwe, 1981	In geheel.
Wet No. 18 van 1983	Wysigingswet op Ontplofbare Stowwe, 1983	In geheel.
Wet No. 178 van 1993	Wysigingswet op Ontplofbare Stowwe, 1993	In geheel.
Wet No. 83 van 1997	Wysigingswet op Ontplofbare Stowwe, 1997	In geheel.
Wet No. 17 van 1956	Wet op Oproerige Byeengkomste, 1956	Artikel 16.

SCHEDULE 2**Crimes and offences giving rise to unfitness enquiry by court (Section 30)**

High treason.

Sedition.

Malicious damage to property.

Entering any premises with the intent to commit an offence under the common law or a statutory provision.

Culpable homicide.

Extortion.

Any crime or offence—

- (a) in terms of this Act or the previous Act, in respect of which an accused was not sentenced to imprisonment without the option of a fine;
- (b) in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), in respect of which an accused was not sentenced to imprisonment without the option of a fine;
- (c) involving violence, sexual abuse or dishonesty, in respect of which an accused was not sentenced to imprisonment without the option of a fine;
- (d) in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000), in respect of which an accused was not sentenced to imprisonment without the option of a fine.

Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

BYLAE 2**Misdade en misdrywe wat aanleiding gee tot onbevoegdheidsondersoek
deur hof (artikel 30)**

Hoogverraad.

Sedisie.

Opsetlike saakbeskadiging.

Betreding van enige perseel met die opset om 'n misdryf te pleeg, hetsy kragtens die gemene reg of 'n statutêre bepaling.

Strafbare manslag.

Afpersing.

'n Misdaad of misdryf—

- (a) ingevolge hierdie Wet of die vorige Wet, ten opsigte waarvan 'n beskuldigde nie tot gevangenisstraf sonder die keuse van 'n boete gevonnis is nie;
- (b) ingevolge die Wet op Gesinsgeweld, 1998 (Wet No. 116 van 1998), ten opsigte waarvan 'n beskuldigde nie tot gevangenisstraf sonder die keuse van 'n boete gevonnis is nie;
- (c) waarby geweld, seksuele misbruik of oneerlikheid betrokke is, ten opsigte waarvan 'n beskuldigde nie tot gevangenisstraf sonder die keuse van 'n boete gevonnis is nie;
- (d) ingevolge die Wet op Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000), ten opsigte waarvan 'n beskuldigde nie tot gevangenisstraf sonder die keuse van 'n boete gevonnis is nie.

'n Sameswering, uitlokking of poging om 'n misdryf bedoel in hierdie Bylae te pleeg.

SCHEDULE 3**CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION****THE STATES PARTIES TO THIS CONVENTION,****CONSCIOUS** of the implications of acts of terrorism for international security;**EXPRESSING** deep concern regarding terrorist acts aimed at destruction of aircraft, other means of transportation and other targets;**CONCERNED** that plastic explosives have been used for such terrorist acts;**CONSIDERING** that the marking of such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts;**RECOGNIZING** that, for the purpose of deterring such unlawful acts, there is an urgent need for an international instrument obliging States to adopt appropriate measures to ensure that plastic explosives are duly marked;**CONSIDERING** United Nations Security Council Resolution 635 of 14 June 1989 and United Nations General Assembly Resolution 44/29 of 4 December 1989 urging the International Civil Aviation Organization to intensify its work on devising an international regime for the marking of plastic or sheet explosives for the purpose of detection;**BEARING IN MIND** Resolution A27-8 adopted unanimously by the 27th Session of the Assembly of the International Civil Aviation Organization which endorsed with the highest and overriding priority the preparation of a new international instrument regarding the marking of plastic or sheet explosives for the purpose of detection;**NOTING** with satisfaction the role played by the Council of the International Civil Aviation Organisation in the preparation of the Convention, as well as its willingness to assume functions related to its implementation;**HAVE AGREED AS FOLLOWS:****Article I**

For the purposes of this Convention:

1. "Explosives" mean explosive products, commonly known as "plastic explosives", including explosives in flexible or elastic sheet form, as described in the Technical Annex to this Convention.
2. "Detection Agent" means a substance as described in the Technical Annex to this Convention which is introduced into an explosive to render it detectable.
3. "Marking" means introducing into an explosive a detection agent in accordance with the Technical Annex to this Convention.
4. "Manufacture" means any process, including reprocessing, that produces explosives.
5. "Duly authorized Military devices" include, but are not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades and perforators manufactured exclusively for military or police purposes according to the laws and regulations of the State Party concerned.
6. "Producer State" means any State in whose territory explosives are manufactured.

BYLAE 3

KONVENTSIE INSAKE DIE MERK VAN PLASTIESE SPRINGSTOF MET DIE DOEL VAN OPSPORING

DIE PARTYSTATE TOT HIERDIE KONVENTSIE,

BEWUS van die implikasies wat dade van terrorisme vir internasionale veiligheid inhou;

TER UITSPREKING van ernstige kommer oor terreurdade wat op die vernietiging van vliegtuie, ander vervoermiddele en ander teikens gerig is;

BESORG oor die feit dat plastiese springstof vir sulke terreurdade gebruik is;

INAGGENOME dat die merk van sodanige springstof met die oog op opsporing 'n betekenisvolle bydrae tot die voorkoming van sulke onwettige dade sou lewer;

IN DIE BESEF dat, met die oog op die ontmoediging van sulke onwettige dade, daar 'n dringende behoefte is aan 'n internasionale instrument wat State sal verplig om toepaslike maatreëls aan te neem ten einde te verseker dat plastiese springstof behoorlik gemerk word;

INAGGENOME die Verenigde Nasies se Veiligheidsraad-resolusie 635 van 14 Junie 1989 en die Verenigde Nasies se Algemene Vergadering-resolusie 44/29 van 4 Desember 1989 wat by die Internasionale Burgerlugvaartorganisasie aandring dat hy sy werk aan die ontwerp van 'n internasionale bestel vir die merk van plastiese of bladspringstof met die oog op opsporing verskerp;

GEDAGTIG AAN Resolusie A27-8 wat eenparig by die 27ste Sessie van die Vergadering van die Internasionale Burgerlugvaartorganisasie aanvaar is en wat die voorbereiding van 'n nuwe internasionale dokument aangaande die merk van plastiese of bladspringstof met die oog op opsporing as die hoogste en oorheersende prioriteit bevestig;

IN ERKENTLIKHEID, met genoeë, van die rol wat die Raad van die Internasionale Burgerlugvaartorganisasie by die voorbereiding van die Konvensie gespeel het, asook sy bereidwilligheid om werksaamhede in verband met die uitvoering daarvan te verrig;

KOM SOOS VOLG OOREEN:

Artikel I

By die toepassing van hierdie Konvensie beteken:

1. "Springstof" ontplofbare produkte, algemeen bekend as "plastiese springstof", met inbegrip van springstof in buigsame of rekbare bladvorm, soos in die Tegniese Bylae by hierdie Konvensie beskryf.
2. "Opsporingsmiddel" 'n stof soos omskryf in die Tegniese Bylae by hierdie Konvensie wat ingevoeg word in 'n springstof ten einde dit opspooraar te maak.
3. "Merk" die invoeging van 'n opsporingsmiddel in springstof ooreenkomstig die Tegniese Bylae by hierdie Konvensie.
4. "Vervaardig" enige proses, met inbegrip van herprosessering, wat springstof produseer.
5. "Behoorlik gemagtigde militêre toestelle" ook, maar is nie beperk nie tot, patroondoppe, bomme, projektlede, myne, missiele, vuurpyle, gevormde ladings, granate en perforeerdeers wat uitsluitlik vir militêre of polisiedoeleindes vervaardig word in ooreenstemming met die wette en regulasies van die betrokke Partystaat.
6. "Produserende Staat" enige Staat in die gebied waarvan springstof vervaardig word.

Article II

Each State Party shall take the necessary and effective measures to prohibit and prevent the manufacture in its territory of unmarked explosives.

Article III

1. Each State Party shall take the necessary and effective measures to prohibit and prevent the movement into or out of its territory of unmarked explosives.
2. The preceding paragraph shall not apply in respect of movements, for purposes not inconsistent with the objectives of this Convention, by authorities of a State Party performing military or police functions, of unmarked explosives under the control of that State Party in accordance with paragraph 1 of Article IV.

Article IV

1. Each State Party shall take the necessary measures to exercise strict and effective control over the possession and transfer of possession of unmarked explosives which have been manufactured in or brought into its territory prior to the entry into force of this Convention in respect of that State, so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention.
2. Each State Party shall take the necessary measures to ensure that all stocks of those explosives referred to in paragraph 1 of this Article, not held by its authorities performing military or police functions, are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective, within a period of three years from the entry into force of this Convention in respect of that State.
3. Each State Party shall take the necessary measures to ensure that all stocks of those explosives referred to in paragraph 1 of this Article, held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices, are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective, within a period of fifteen years from the entry into force of this Convention in respect of that State.
4. Each State Party shall take the necessary measures to ensure the destruction, as soon as possible, in its territory of unmarked explosives which may be discovered therein and which are not referred to in the preceding paragraphs of this Article, other than stocks of unmarked explosives held by its authorities performing military or police functions and incorporated as an integral part of duly authorized military devices at the date of the entry into force of this Convention in respect of that State.
5. Each State Party shall take the necessary measures to exercise strict and effective control over the possession and transfer of possession of the explosives referred to in paragraph II of Part 1 of the Technical Annex to this Convention, so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention.
6. Each State Party shall take the necessary measures to ensure the destruction, as soon as possible, in its territory of unmarked explosives manufactured since the coming into force of this Convention in respect of that State that are not incorporated as specified in paragraph II(d) of Part 1 of the Technical Annex to this Convention, and of unmarked explosives which no longer fall within the scope of any other subparagraphs of the said paragraph II.

Article V

1. There is established by this Convention an International Explosives Technical Commission (hereinafter referred to as "the Commission") consisting of not

Artikel II

Elke Partystaat moet die nodige en effektiewe maatreëls tref om die vervaardiging van ongemerkte springstof in sy gebied te verbied en te voorkom.

Artikel III

1. Elke Partystaat moet die nodige en effektiewe maatreëls tref om die beweging van ongemerkte springstof na of van sy gebied te verbied en te voorkom.
2. Die voorafgaande paragraaf is nie van toepassing nie ten opsigte van die beweging, vir doeleindes wat nie onbestaanbaar met die oogmerke van hierdie Konvensie is nie, deur owerhede van 'n Partystaat wat militêre of polisiewerksaamhede verrig, van ongemerkte springstof onder die beheer van daardie Partystaat ooreenkomsdig paragraaf 1 van Artikel IV.

Artikel IV

1. Elke Partystaat moet die nodige maatreëls tref om streng en effektiewe beheer uit te oefen oor die besit en oordrag van besit van ongemerkte springstof wat in sy gebied vervaardig of ingebring is voordat hierdie Konvensie ten opsigte van daardie Staat van krag geword het, ten einde te verhoed dat dit oorgedra of gebruik word vir doeleindes wat onbestaanbaar met die oogmerke van hierdie Konvensie is.
2. Elke Partystaat moet die nodige maatreëls tref om te verseker dat alle voorrade van daardie springstof bedoel in paragraaf 1 van hierdie Artikel wat nie in besit is nie van sy owerhede wat militêre of polisiewerksaamhede verrig, tot niet gemaak word of opgebruik word vir doeleindes wat nie onbestaanbaar met die oogmerke van hierdie Konvensie is nie, gemerk of permanent onskadelik gemaak word, binne 'n tydperk van drie jaar nadat hierdie Konvensie ten opsigte van daardie Staat van krag geword het.
3. Elke Partystaat moet die nodige maatreëls tref om te verseker dat alle voorrade van daardie springstof bedoel in paragraaf 1 van hierdie Artikel wat in besit is van sy owerhede wat militêre of polisiewerksaamhede verrig en wat nie as 'n integrerende deel van behoorlik gemagtigde militêre toestelle ingelyf is nie, tot niet gemaak word of opgebruik word vir doeleindes wat nie onbestaanbaar met die oogmerke van hierdie Konvensie is nie, gemerk of permanent onskadelik gemaak word, binne 'n tydperk van vyftien jaar nadat hierdie Konvensie ten opsigte van daardie Staat van krag geword het.
4. Elke Partystaat moet so gou doenlik die nodige maatreëls tref om die vernietiging in sy gebied te verseker van ongemerkte springstof wat daarin gevind word en wat nie in die voorafgaande paragrawe van hierdie Artikel bedoel word nie, uitgesonderd voorrade van ongemerkte springstof wat in die besit is van sy owerhede wat militêre of polisiewerksaamhede verrig en wat as 'n integrerende deel van behoorlik gemagtigde militêre toestelle ingelyf is op die datum waarop hierdie Konvensie ten opsigte van daardie Staat van krag word.
5. Elke Partystaat moet die nodige maatreëls tref om streng en effektiewe beheer uit te oefen oor die besit en oordrag van besit van die springstof in paragraaf II van Deel 1 van die Tegniese Bylae by hierdie Konvensie bedoel, ten einde te verhoed dat dit oorgedra of gebruik word vir doeleindes wat onbestaanbaar met die oogmerke van hierdie Konvensie is.
6. Elke Partystaat moet so gou doenlik die nodige maatreëls tref om die vernietiging in sy gebied te verseker van ongemerkte springstof wat vervaardig is sedert hierdie Konvensie ten opsigte van daardie Staat van krag geword het en wat nie ingelyf is nie soos in paragraaf II (d) van Deel 1 van die Tegniese Bylae by hierdie Konvensie bepaal, en van ongemerkte springstof wat nie meer binne die bestek van 'n ander subparagraph van genoemde paragraaf II val nie.

Artikel V

1. Daar word by hierdie Konvensie 'n Internasionale Tegniese Kommissie vir Springstof (hierna "die Kommissie" genoem) ingestel, wat uit minstens

- less than fifteen or more than nineteen members appointed by the Council of the International Civil Aviation Organization (hereinafter referred to as "the Council") from among persons nominated by States Parties to this Convention.
2. The members of the Commission shall be experts having direct and substantial experience in matters relating to the manufacture or detection of, or research in, explosives.
 3. Members of the Commission shall serve for a period of three years, and shall be eligible for reappointment.
 4. Sessions of the Commission shall be convened, at least once a year at the Headquarters of the International Civil Aviation Organization, or at such places and times as may be directed or approved by the Council.
 5. The Commission shall adopt its rules of procedure, subject to the approval of the Council.

Article VI

1. The Commission shall evaluate technical developments relating to the manufacture, marking and detection of explosives.
2. The Commission, through the Council, shall report its findings to the States Parties and international organizations concerned.
3. Whenever necessary, the Commission shall make recommendations to the Council for amendments to the Technical Annex to this Convention. The Commission shall endeavour to take its decisions on such recommendations by consensus. In the absence of consensus the Commission shall take such decisions by a two-third majority vote of its members.
4. The Council may, on the recommendation of the Commission, propose to States Parties amendments to the Technical Annex to this Convention.

Article VII

1. Any State Party may, within ninety days from the date of notification of a proposed amendment to the Technical Annex to this Convention, transmit to the Council its comments. The Council shall communicate these comments to the Commission as soon as possible for its consideration. The Council shall invite any State Party which comments on, or objects to, the proposed amendment to consult the Commission.
2. The Commission shall consider the views of States Parties made pursuant to the preceding paragraph, and report to the Council. The Council, after consideration of the Commission's report and taking into account the nature of the amendment and the comments of States Parties, including producer States, may propose the amendment to all States Parties for adoption.
3. If a proposed amendment has not been objected to by five or more States Parties by means of written notification to the Council within ninety days from the date of notification of the amendment by the Council, it shall be deemed to have been adopted, and shall enter into force one hundred and eighty days thereafter or after such other period as specified in the proposed amendment for States parties not having expressly objected thereto.
4. States Parties having expressly objected to the proposed amendment may, subsequently, by means of the deposit of an instrument of acceptance or approval, express their consent to be bound by the provisions of the amendment.
5. If five or more States Parties have objected to the proposed amendment, the Council shall refer it to the Commission for further consideration.
6. If the proposed amendment has not been adopted in accordance with paragraph 3 of this Article, the Council may also convene a conference of all States Parties.

vyftien en hoogstens negentien lede bestaan, welke lede deur die Raad van die Internasionale Burgerlugvaartorganisasie (hierna "die Raad" genoem) aangestel word vanuit persone wat deur die Partystate tot hierdie Konvensie genomineer word.

2. Die lede van die Kommissie moet deskundiges wees wat regstreekse en aanmerklike ondervinding in aangeleenthede aangaande die vervaardiging of opsporing van, of navorsing oor, springstof het.
3. Lede van die Kommissie dien vir 'n tydperk van drie jaar, en kan heraangestel word.
4. Sittings van die Kommissie word minstens een keer per jaar gehou, by die Hoofkwartier van die Internasionale Burgerlugvaartorganisasie, of by die plekke en op die tye wat die Raad gelas of goedkeur.
5. Die Kommissie neem sy reglement van orde aan, behoudens die goedkeuring van die Raad.

Artikel VI

1. Die Kommissie moet tegniese ontwikkeling aangaande die vervaardiging, merk en opsporing van springstof evalueer.
2. Die Kommissie doen deur die Raad verslag aan die Partystate en die betrokke internasjonale organisasies oor sy bevindinge.
3. Wanneer nodig doen die Kommissie aanbevelings aan die Raad oor wysigings aan die Tegniese Bylae by hierdie Konvensie. Die Kommissie moet daarna streef om sy beslissings oor sodanige aanbevelings by wyse van konsensus te neem. In die afwesigheid van konsensus neem die Kommissie sulke besluite by 'n tweederde meerderheid van stemme van sy lede.
4. Die Raad kan, op aanbeveling van die Kommissie, wysigings aan die Tegniese Bylae by hierdie Konvensie aan die Partystate voorstel.

Artikel VII

1. 'n Partystaat kan, binne negentig dae vanaf die datum van die kennisgewing van 'n voorgestelde wysiging aan die Tegniese Bylae by hierdie Konvensie, sy kommentaar aan die Raad deurstuur. Die Raad moet dié kommentaar so gou doenlik aan die Kommissie vir sy oorweging oordra. Die Raad moet enige Partystaat wat kommentaar lewer oor, of beswaar maak teen, die voorgestelde wysiging uitnooi om die Kommissie te raadpleeg.
2. Die Kommissie oorweeg die sienswyse van Partystate wat na aanleiding van die voorafgaande paragraaf bekend gemaak is, en doen aan die Raad verslag. Die Raad kan, na oorweging van die Kommissie se verslag en met inagneming van die aard van die wysiging en die kommentaar van Partystate, met inbegrip van produserende State, die wysiging aan alle Partystate voorstel vir aanvaarding.
3. Indien vyf of meer Partystate nie binne negentig dae vanaf die datum van kennisgewing van die wysiging deur die Raad by wyse van 'n skriftelike kennisgewing aan die Raad beswaar teen die voorgestelde wysiging maak nie, word dit geag aanvaar te gewees het, en word dit van krag eenhonderd en tachtig dae daarna of na die ander tydperk wat in die voorgestelde wysiging bepaal is vir Partystate wat nie uitdruklik daarteen beswaar gemaak het nie.
4. Partystate wat uitdruklik teen die voorgestelde wysiging beswaar gemaak het, kan daarna, by wyse van die deponering van 'n instrument van aanvaarding of goedkeuring, hul instemming betuig om deur die bepalings van die wysiging gebind te word.
5. Indien vyf of meer Partystate teen die voorgestelde wysiging beswaar gemaak het, moet die Raad dit na die Kommissie vir verdere oorweging verwys.
6. Indien die voorgestelde wysiging nie ooreenkomsdig paragraaf 3 van hierdie Artikel aanvaar word nie, kan die Raad ook 'n konferensie van alle Partystate belê.

Article VIII

1. States Parties shall, if possible, transmit to the Council information that would assist the Commission in the discharge of its functions under paragraph 1 of Article VI.
2. States Parties shall keep the Council informed of measures they have taken to implement the provisions of this Convention. The Council shall communicate such information to all States Parties and international organizations concerned.

Article IX

The Council shall, in co-operation with States Parties and international organizations concerned, take appropriate measures to facilitate the implementation of this Convention, including the provision of technical assistance and measures for the exchange of information relating to technical developments in the marking and detection of explosives.

Article X

The Technical Annex to this Convention shall form an integral part of this Convention.

Article XI

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may, at the time of signature, ratification, acceptance or approval of this Convention, or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other States Parties shall not be bound by the preceding paragraph with respect to any State Party having made such a reservation.
3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary.

Article XII

Except as provided in Article XI, no reservation may be made to this Convention.

Article XIII

1. This Convention shall be open for signature in Montreal on 1 March 1991 by States participating in the international Conference on Air Law held at Montreal from 12 February to 1 March 1991. After 1 March 1991 the Convention shall be open to all States for signature at the Headquarters of the International Civil Aviation Organization in Montreal until it enters into force in accordance with paragraph 3 of this Article. Any State which does not sign this Convention may accede to it at any time.
2. This Convention shall be subject to ratification, acceptance, approval or accession by States. Instruments of ratification, acceptance, approval or accession shall be deposited with the International Civil Aviation Organization, which is hereby designated the Depositary. When depositing its instrument of

Artikel VIII

1. Partystate moet, waar moontlik, aan die Raad inligting verstrek wat die Kommissie by die verrigting van sy werksaamhede kragtens paragraaf 1 van Artikel VI sou help.
2. Partystate moet die Raad op die hoogte hou van die maatreëls wat hulle getref het om die bepalings van hierdie Konvensie toe te pas. Die Raad moet dié inligting aan alle Partystate en die betrokke internasionale organisasies oordra.

Artikel IX

Die Raad moet, in samewerking met Partystate en die betrokke internasionale organisasies, toepaslike maatreëls tref om die toepassing van hierdie Konvensie te vergemaklik, met inbegrip van die voorsiening van tegniese bystand en maatreëls vir die uitruil van inligting aangaande tegniese ontwikkeling in die merk en opsporing van springstof.

Artikel X

Die Tegniese Bylae by hierdie Konvensie maak 'n integrerende deel van hierdie Konvensie uit.

Artikel XI

1. Enige geskil tussen twee of meer Partystate aangaande die vertolking of toepassing van hierdie Konvensie wat nie deur onderhandeling opgelos kan word nie, moet, op versoek van een van hulle, na arbitrasie verwys word. Indien die Partye nie binne ses maande vanaf die datum van die versoek om arbitrasie in staat is om ooreen te kom oor die organisering van die arbitrasie nie, kan enigeen van daardie Partye die geskil na die Internasjonale Gereghof by wyse van 'n versoek in ooreenstemming met die Statuut van die Hof verwys.
2. Elke Partystaat kan, tydens ondertekening, bekragtiging, aanvaarding of goedkeuring van hierdie Konvensie, of toetreding daar toe, verklaar dat hy homself nie gebonde aan die voorafgaande paragraaf ag nie. Die ander Partystate word nie gebind deur die voorafgaande paragraaf nie met betrekking tot 'n Partystaat wat so 'n voorbehoud gestel het.
3. Enige Partystaat wat ooreenkomsdig die voorafgaande paragraaf 'n voorbehoud gestel het, kan te eniger tyd dié voorbehoud by kennisgewing aan die Depositaris terugtrek.

Artikel XII

Behalwe vir sover Artikel XI anders bepaal, mag geen voorbehoud ten opsigte van hierdie Konvensie gestel word nie.

Artikel XIII

1. Hierdie Konvensie word beskikbaar gestel vir ondertekening in Montreal op 1 Maart 1991 deur State wat aan die Internasjonale Konferensie oor Lugvaartreg, gehou te Montreal vanaf 12 Februarie tot 1 Maart 1991, deelneem. Na 1 Maart 1991 sal die Konvensie beskikbaar gestel word aan alle State vir ondertekening by die Hoofkwartier van die Internasjonale Burgerlugvaartorganisasie in Montreal totdat dit ooreenkomsdig paragraaf 3 van hierdie Artikel van krag word. Enige Staat wat nie hierdie Konvensie onderteken nie, kan te eniger tyd daar toe toetree.
2. Hierdie Konvensie is onderworpe aan die bekragtiging, aanvaarding, goedkeuring of toetreding deur State. Instrumente van bekragtiging, aanvaarding, goedkeuring of toetreding moet gedeponeer word by die Internasjonale Burgerlugvaartorganisasie, wat hierby as die Depositaris aangewys word. Wanneer sy instrument van bekragtiging, aanvaarding,

ratification, acceptance, approval or accession, each State shall declare whether or not it is a producer State.

3. This Convention shall enter into force on the sixtieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Depositary, provided that no fewer than five such States have declared pursuant to paragraph 2 of this Article that they are producer States. Should thirty-five such instruments be deposited prior to the deposit of their instruments by five producer States, this Convention shall enter into force on the sixtieth day following the date of deposit of the instrument of ratification, acceptance, approval or accession of the fifth producer State.
4. For other States, this Convention shall enter into force sixty days following the date of deposit of their instruments of ratification, acceptance, approval or accession.
5. As soon as this Convention comes into force, it shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article XIV

The Depositary shall promptly notify all signatories and States Parties of:

1. each signature of this Convention and date thereof;
2. each deposit of an instrument of ratification, acceptance, approval or accession and date thereof, giving special reference to whether the State has identified itself as a producer State;
3. the date of entry into force of this Convention;
4. the date of entry into force of any amendment to this Convention or its Technical Annex;
5. any denunciation made under Article XV; and
6. any declaration made under paragraph 2 of Article XI.

Article XV

1. Any State Party may denounce this Convention by written notification to the Depositary.
2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the Depositary.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Government, have signed this Convention.

DONE at Montreal, this first day of March, one thousand nine hundred and ninety-one, in one original, drawn up in five authentic texts in the English, French, Russian, Spanish and Arabic languages.

TECHNICAL ANNEX

PART 1: DESCRIPTION OF EXPLOSIVES

- I The explosives referred to in paragraph 1 of Article I of this Convention are those that:
 - a) are formulated with one or more high explosives which in their pure form have a vapour pressure of less than 10^{-4} Pa at a temperature of 25°C;
 - b) are formulated with a binder material; and
 - c) are, as a mixture, malleable or flexible at normal room temperature.
- II The following explosives, even though meeting the description of explosives in paragraph I of this Part, shall not be considered to be explosives as long as they continue to be held or used for the purposes specified below, or remain incorporated as there specified, namely those explosives that:

goedkeuring of toetreding gedeponeer word, moet elke Staat verklaar of hy 'n produserende Staat is al dan nie.

3. Hierdie Konvensie word van krag op die sestigste dag wat volg op die datum van die deponering van die vyf-en-dertigste instrument van bekragtiging, aanvaarding, goedkeuring of toetreding by die Depositaris, mits minstens vyf van daardie State na aanleiding van paragraaf 2 van hierdie Artikel verklaar het dat hulle produserende State is. Sou vyf en dertig sulke instrumente gedeponeer word voor die deponering van vyf produserende State se instrumente, word hierdie Konvensie van krag op die sestigste dag wat volg op die datum van die deponering van die instrument van bekragtiging, aanvaarding, goedkeuring of toetreding van die vyfde produserende Staat.
4. Ten opsigte van ander State word hierdie Konvensie van krag sestig dae na die datum van deponering van hul instrumente van bekragtiging, aanvaarding, goedkeuring of toetreding.
5. Sodra hierdie Konvensie van krag word, word dit geregistreer deur die Depositaris ingevolge Artikel 102 van die Handves van die Verenigde Nasies en ingevolge Artikel 83 van die Konvensie op Internasionale Burgerlugvaart (Chicago, 1944).

Artikel XIV

Die Depositaris moet al die ondertekenaars en Partystate onverwyld in kennis stel van:

1. elke ondertekening van hierdie Konvensie en die datum daarvan;
2. elke deponering van 'n instrument van bekragtiging, aanvaarding, goedkeuring of toetreding en die datum daarvan, met besondere verwysing of die Staat homself as 'n produserende Staat geïdentifiseer het;
3. die datum waarop hierdie Konvensie van krag word;
4. die datum waarop 'n wysiging aan hierdie Konvensie of sy Tegniese Bylae van krag word;
5. enige opsegging kragtens Artikel XV gemaak; en
6. enige verklaring kragtens paragraaf 2 van Artikel XI gedoen.

Artikel XV

1. Enige Partystaat kan hierdie Konvensie by skriftelike kennisgewing aan die Depositaris opsê.
2. Opsegging word van krag eenhonderd en negentig dae vanaf die datum waarop die kennisgewing deur die Depositaris ontvang word.

TEN BEWYSE WAARVAN die ondergetekende Gevolmagtigdes, behoorlik daartoe deur hul Regerings gemagtig, hierdie Konvensie onderteken het.

GEDOEEN te Montreal, hierdie eerste dag van Maart eenduisend negehonderd een en negentig, in een oorspronklike, wat in vyf outentieke tekste in Engels, Frans, Russies, Spaans en Arabies opgestel is.

TEGNIESE BYLAE

DEEL 1: BESKRYWING VAN SPRINGSTOF

- I Die springstof in paragraaf 1 van Artikel I van hierdie Konvensie bedoel, is springstof wat:
 - (a) geformuleer is met een of meer hoë springstof wat in hul suwer vorm 'n dampdruk van minder as 10^{-4} Pa teen 'n temperatuur van 25°C het;
 - (b) met 'n bindmiddel geformuleer is; en
 - (c) wat, as 'n mengsel, vormbaar of buigsaam teen gewone kamertemperatuur is.
- II In die volgende gevalle word springstof, alhoewel dit binne die omskrywing van springstof in paragraaf I van hierdie Deel val, geag nie springstof te wees nie vir solank dit besit of gebruik word vir die doeleindes wat hieronder uiteengesit word, of ingelyf bly soos aldaar uiteengesit, naamlik, springstof wat:

- a) are manufactured, or held, in limited quantities solely for use in duly authorized research, development or testing of new or modified explosives;
- b) are manufactured, or held, in limited quantities solely for use in duly authorized training in explosives detection and/or development or testing of explosives detection equipment;
- c) are manufactured, or held, in limited quantities solely for duly authorized forensic science purposes; or
- d) are destined to be and are incorporated as an integral part of duly authorized military devices in the territory of the producer State within three years after the coming into force of this Convention in respect of that State. Such devices produced in this period of three years shall be deemed to be duly authorized military devices within paragraph 4 of Article IV of this Convention.

III In this Part:

“Duly authorized” in paragraph II(a), (b) and (c) means permitted according to the laws and regulations of the State Party concerned; and

“High explosives” include, but are not restricted to, cyclotetramethylenetrinitramine (HMX), pentaerythritol tetranitrate (PETN) and cyclotrimethylenetrinitramine (RDX).

PART 2: DETECTION AGENTS

A detection agent is any one of those substances set out in the following Table. Detection agents described in this Table are intended to be used to enhance the detectability of explosives by vapour detection means. In each case, the introduction of a detection agent into an explosive shall be done in such a manner as to achieve homogeneous distribution in the finished product. The minimum concentration of a detection agent in the finished product at the time of manufacture shall be as shown in the said Table.

Table

Name of detection agent	molecular formula	molecular weight	minimum concentration
Ethylene glycol dinitrate (EGDN)	C ₂ H ₄ (NO ₃) ₂	152	0.2% by mass
2,3-Dimethyl-2,3-dinitrobutane (DMNB)	C ₆ H ₁₂ (NO ₂) ₂	176	0.1% by mass
para-Mononitrotoluene (p-MNT)	C ₇ H ₇ NO ₂	137	0.5% by mass
ortho-Mononitrotoluene (o-MNT)	C ₇ H ₇ NO ₂	137	0.5% by mass

Any explosive which, as a result of its normal formulation, contains any of the designated detection agents at or above the required minimum concentration levels shall be deemed to be marked.

- (a) vervaardig of besit word, in beperkte hoeveelhede, uitsluitlik vir gebruik in behoorlik gemagtigde navorsing, ontwikkeling of toetsing van nuwe of gemodificeerde springstof;
- (b) vervaardig of besit word, in beperkte hoeveelhede, uitsluitlik vir gebruik in behoorlik gemagtigde opleiding in die opsporing van springstof en/of ontwikkeling of toetsing van toerusting vir die opsporing van springstof;
- (c) vervaardig of besit word, in beperkte hoeveelhede, uitsluitlik vir behoorlik gemagtigde forensiese wetenskapsdoeleindes; of
- (d) bestem is om ingelyf te word en wat ingelyf word as 'n integrerende deel van behoorlik gemagtigde militêre toestelle in die gebied van die produserende Staat binne drie jaar nadat hierdie Konvensie ten opsigte van daardie Staat van krag geword het. Sodanige toestelle wat in dié tydperk van drie jaar vervaardig word, word geag behoorlik gemagtigde militêre apparate binne die bestek van paragraaf 4 van Artikel IV van hierdie Konvensie te wees.

III In hierdie Deel beteken:

“Behoorlik gemagtig” in paragraaf II(a), (b) en (c) veroorloof in ooreenstemming met die wette en regulasies van die betrokke Partystaat; en
 “Hoë springstof” ook, maar is nie beperk nie tot, siklotetrametileen-tetranitramien (HMX), pentaeritritoltetranitraat (PETN) en siklotetrimetileentrinitramien (RDX).

DEEL 2: OPSPORINGSMIDDELS

'n Opsporingsmiddel is enigeen van daardie stowwe wat in die volgende Tabel uiteengesit is. Opsporingsmiddels wat in hierdie Tabel omskryf is, is bestem om gebruik te word ten einde die opspooraarheid van springstof by wyse van dampopsporing te verhoog. In elke geval moet die invoeging van 'n opsporingsmiddel in 'n springstof op so 'n wyse gedoen word dat 'n egalige verspreiding in die voltooide produk bewerkstellig word. Die minimum konsentrasie van 'n opsporingsmiddel in die voltooide produk ten tyde van vervaardiging is soos in genoemde Tabel aangetoon.

Tabel

Naam van opsporingsmiddel	molekulêre formule	molekulêre gewig	minimum konsentrasie
Etileenglikoldinitraat (EGDN)	C ₂ H ₄ (NO ₃) ₂	152	0,2% van massa
2,3-Dimetiel-2,3-dinitrobutaan (DMNB)	C ₆ H ₁₂ (NO ₂) ₂	176	0,1% van massa
para-Mononitrotolueen (p-MNT)	C ₇ H ₇ NO ₂	137	0,5% van massa
ortho-Mononitrotolueen (o-MNT)	C ₇ H ₇ NO ₂	137	0,5% van massa

Enige springstof wat, as gevolg van sy gewone formulering, enigeen van die aangeduide opsporingsmiddels bevat op of bo die vereiste minimum konsentrasievlek word geag gemerk te wees.

