

Malawi

Explosives Act

Chapter 14:09

Legislation as at 31 December 2014

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Assented to on 29 December 1966

Commenced on 1 June 1968

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for the regulation and control of the acquisition, manufacture, sale and use of explosives and for matters incidental thereto and connected therewith

1. Short title

This Act may be cited as the Explosives Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**acquire**” includes hire, purchase and accept as an inheritance, gift, loan or on approval;

“**Chief Inspector**” means Chief Inspector of Explosives appointed under this Act;

“**explosive**” means—

- (a) nitroglycerin, dynamite, gun-cotton, blasting powder, gunpowder, and any other substance or mixture capable of being used for the purpose of producing an explosion;
- (b) any detonating fuse, igniter cord, safety fuse, fuse igniter, detonator or percussion cap and every adaptation or preparation of any explosive;
- (c) any other substance which the Minister may from time to time, by notice published in the *Gazette*, declare to be an explosive;

“**Inspector**” means the Chief Inspector of Explosives and an Inspector of Explosives appointed under this Act;

“**manufacture**” includes to make and divide any explosive from or into its component parts by any process, to convert an explosive into an explosive of another kind, and to alter or fit for use any explosive.

3. Application

Nothing in this Act shall apply to—

- (a) the import, storage, acquisition or use of any explosive by the armed forces of Malawi, the Police or any other armed force constituted by or under any written law;
- (b) any ammunition for which a licence to possess or deal is held under the Firearms Act;
[Cap. 14:08]
- (c) the possession or conveyance of any explosive by an Inspector or any other duly authorized person, for the purposes of this Act or any regulations made thereunder, provided that the quantity is not

more than is reasonably necessary for the purpose required, and that it is kept and conveyed with all due precaution;

- (d) any explosive or class of explosives which the Minister may, by notice published in the *Gazette*, exempt for such special purpose or purposes and in accordance with such conditions as shall be specified in such notice.

4. Appointment and duties of Inspectors

- (1) There may be appointed a Chief Inspector of Explosives and as many public officers to be Inspectors of Explosives as is deemed necessary.
- (2) It shall be the duty of the Chief Inspector of Explosives and Inspectors of Explosives to control the purchase, sale, dealing in, storage, use and disposal of explosives so as to minimize the danger of accidental explosion and damage to the public or to persons handling, storing or using explosives.
- (3) Every Inspector of Explosives shall, in the exercise of his powers and performance of his duties under this Act, be subject to any general or special directions of the Chief Inspector of Explosives.
- (4) The Chief Inspector of Explosives and every Inspector of Explosives shall in the exercise of every power and duty conferred upon them under any provision of this Act be at all times subject to the general or special directions of the Minister.

5. Prohibition on acquisition or possession of explosives without licence or permit

Except as may otherwise be provided under this Act, no person shall acquire or have in his possession or use any explosive unless he holds a valid licence or permit in respect thereof issued under this Act by the Chief Inspector, or by an Inspector authorized by him in writing in that behalf.

6. Type of licence and permit

- (1) The Chief Inspector or an Inspector authorized by him in writing in that behalf may, in relation to explosives issue—
 - (a) a storage licence;
 - (b) a dealer's licence;
 - (c) a permit to possess;
 - (d) a blasting licence,
for such period and subject to such conditions as he may consider appropriate in the circumstances.
- (2) A storage licence shall authorize the holder thereof to store explosives in the premises described in the licence.
- (3) A dealer's licence shall authorize the holder thereof to purchase, sell and deal in explosives.
- (4) A permit to possess shall authorize the holder thereof to purchase and possess explosives.
- (5) a blasting licence shall authorize the holder thereof to use explosives for the purpose of blasting operations.