

CHAPTER 235.**EXPLOSIVES.*****EXPLOSIVES (PROTECTORATE) ORDER***made by the Governor in Council under section 1.*O. in C.
16 of 1929.

1. This Order may be cited as the Explosives (Protectorate) Order in Council.

Citation.

2. Sections 2 to 10 (inclusive) 15 and 17 of the Explosives Ordinance shall apply to the Protectorate.

Application
to Pro-
tectorate.**EXPLOSIVES RULES.***made by the Governor in Council under section 17.*Rules.
13 of 1929.
11 of 1930.
P.N.
13 of 1946.
108 of 1949.

1. These rules may be cited as the Explosives Rules.

Citation.

2. In these rules unless the context otherwise requires—

Interpreta-
tion.

“carriage” includes cart, truck or other vehicle capable of being used on ordinary roads or paths;

“explosives in bulk” means any quantity of explosives exceeding five hundred pounds in weight;

“magazine” means a mine magazine;

“prescribed officer” means—

(a) in rules 15 and 25 the Comptroller of Customs;

(b) in rules 29 to 33, 39, 51 and 61 the Chief Inspector of Mines, and

(c) in rules 43 and 47 any Inspector of Mines.

SHIPPING AND UNSHIPPING, ETC.

3. No ship containing explosives shall bring to, or moor, except at such part of the place of importation as may be directed by the Harbour Master, and no explosives shall be unloaded, landed or transhipped from any ship or boat except with the permission of the Comptroller of Customs, and in the presence of an Officer of Customs.

Mooring of
ships con-
taining
explosives.
Unloading
landing and
transhipping
of explosives.

* All the subsidiary legislation printed here under this Chapter 235 will cease to operate when the new Explosives Ordinance, 1955, comes into force, because the latter repeals the present Ordinance (Cap. 235) without saving its subsidiary legislation.

Red flag and light.

4. All ships being within the waters of Sierra Leone shall, whilst loading or discharging explosives keep flying flag B of the International Code of Signals, and shall also keep hoisted at the foremast head, between the hours of 6 a.m. and 6 p.m., a red flag, and, between the hours of 6 p.m. and 6 a.m., a red light, plainly visible at a distance of at least two miles, to denote that explosives are on board.

Supervision.

5. During the whole time that explosives are being shipped or unshipped by any ship, there shall be present an officer of such ship, specially charged with the supervision of such shipping or unshipping.

Tackle.

6. The officer charged with the supervision of the shipping or unshipping of explosives shall, immediately before such shipping or unshipping cause any crane, sling or other tackle by which any package containing explosives is to be hoisted to be tested and proved to be in order. All slings used shall be made of canvas or net.

Lawful hours.

7. The shipping, unshipping, landing and conveying of explosives shall in no case be carried out except between the hours of sunrise and sunset and, save with the permission of the Comptroller of Customs, shall be carried out only on weekdays between the hours 8 a.m. and 4 p.m.

When unshipping deemed complete.

8. Unshipping shall be deemed to have been completed when the explosives have been deposited in any boat or other vessel for conveyance to the shore.

Liability of ship master.

9. The master of every ship shall be liable for any breach of the foregoing rules numbered 4, 5 and 6, and also for any breach of rule 7 so far as regards shipping and unshipping.

CONVEYANCE TO OR FROM SHORE.

Red flag and light.

10. Every boat or other vessel carrying explosives shall keep hoisted in the bows, between the hours of 6 a.m. and 6 p.m., a red flag, and between the hours of 6 p.m. and 6 a.m., a red light, plainly visible at a distance of at least two miles, to denote that explosives are on board. No cargo or goods other than such explosives, nor any passenger or person other than the crew, shall be taken on board such boat or vessel.

No other goods or passengers to be carried.

11. If the explosives are not effectually protected from accident by fire from without, by being conveyed in the hold of a boat, or other vessel having a deck securely closed, then the explosives shall be completely covered with painted cloth, tarpaulin, wadmill tilts, or other suitable material, so as to protect them as effectually as possible against such accident.

Explosives to be covered.

12. Every boat or other vessel engaged in conveying explosives to or from shore shall be navigated with due diligence, and brought without unnecessary delay to the authorised place for landing, or to the ship, as the case may be. No other boat or vessel shall be permitted to come alongside such place or ship. No boat or vessel conveying explosives shall be taken alongside any other boat or vessel.

Rules for navigation to and from shore, etc.

13. In any boat or vessel conveying explosives which are liable to be dangerously affected by moisture, special precautions shall be taken to prevent such explosives from coming in contact with water, including the enveloping of the packages in additional waterproof coverings.

Precautions against moisture.

PUTTING ON OR OFF SHORE.

14. All explosives imported into Sierra Leone shall be landed at Government Wharf, Freetown, or at Magazine Wharf, Freetown.

Place of landing.

15. Explosives shall not be put into boats or other vessels at the places appointed or used for the loading of ordinary cargo, except by the written permission of the prescribed officer.

Prohibition with regard to places at which explosives may be put into boats.

16. Explosives shall not be landed at any wharf, quay, jetty or landing stage until the vehicle or persons to transport the same to their proper destination shall be at the place in readiness to receive the same. When the landing of explosives has been commenced, such landing shall proceed with due diligence.

Landing not to proceed until transport ready.

17. During the whole time that explosives are being landed there shall be present at the place of landing a representative of the landing contractor, specially charged with the supervision of such landing.

Supervision.

18. During the whole time that explosives are being landed a red flag shall be displayed at the place of landing.

Red flag at landing.

STORAGE IN AND WITHDRAWAL FROM PUBLIC WAREHOUSE.

Places of
storage for
explosives.

19. The following magazine and warehouses shall be the appointed public warehouses for explosives—

I. For Gunpowder:

the Government Powder Magazine, Freetown.

II. For other explosives:

(a) the Explosive Warehouse in the Government Powder Magazine compound, Freetown; and

(b) the Arms and Ammunition Warehouse on the Government Wharf, Freetown.

Imported
explosives
to be con-
veyed to
appointed
public ware-
house.

20. All explosives landed from any ship arriving in the Colony, except such as are consigned to the Imperial or Colonial Government, shall forthwith be conveyed by the importer, the landing contractor, agent or consignee of the importing ship to the appointed public warehouse, and stored therein in the manner directed by the officer in charge of such warehouse:

Provided that the Comptroller of Customs may grant permission to importers or their agents to take direct delivery from the importing ship, of explosives, for conveyance to an approved destination.

Time of
storage and
withdrawal.

21. The deposit or storage of explosives in, and the withdrawal of the same from, a public warehouse shall in no case be carried out except between the hours of sunrise and sunset, and, save with the permission of the Comptroller of Customs, shall be carried out only on weekdays between the hours of 8 a.m. and 4 p.m.

Power of
Comptroller
to destroy
insecure
explosives.

22. The Comptroller of Customs shall have the power to destroy, sell or otherwise dispose of, any explosives which remain in any public warehouse in an insecure condition for a period exceeding one month from the date on which notice of the condition of any damaged packages was given to the importer or other person in whose name the packages were bonded.

CONVEYANCE FROM PUBLIC WAREHOUSE.

Protection
against fire.

23. If any explosives which have been withdrawn from a public warehouse are not effectually protected from accident by fire from without, by being conveyed in the interior of a carriage which is enclosed on all sides with wood or metal, they shall be completely covered with painted cloth, tarpaulin, wadmilt tilts,

or other suitable material, so as to effectually protect the explosives against fire.

24. (1) The conveyance of explosives between a public warehouse and their proper destination shall proceed with due diligence. Conveyance inland.

(2) No explosives shall be kept in any building used at the same time as a dwelling place. At resting places on overland journeys, explosives shall be placed on the outskirts of towns and villages, and at a reasonable distance from any dwelling place.

(3) Carriers bearing explosives shall not proceed along the track of any railway, nor shall they be allowed within twenty yards of any such track, except when crossing the same by any recognised path or road, or when carrying the explosives to a railway station for despatch by train: Conveyance near railways.

Provided that this provision shall not apply to railway lines under construction, and not yet declared to be "open lines".

CONVEYANCE BY INLAND NAVIGATION.

25. Explosives shall not be shipped, or water-borne to be shipped, for conveyance by inland navigation, or brought for these purposes to any wharf, quay, jetty, or other place, without the previous written permission of the prescribed officer, who may, in granting permission, impose such special conditions for the general safety as he may think fit. Permission required.

26. When explosives are being shipped for conveyance by inland navigation, the same precautions shall be observed as are provided in rules 4 to 7 and 10 to 13 for the shipping and unshipping of explosives and the conveying of them to and from the shore, and the provisions of rule 9 shall apply. Precautions in shipping.

27. Where explosives are conveyed by inland navigation in any boat, canoe or other vessel not being an ocean-going ship, the same precautions shall be observed as are provided in rules 10 to 13 for the conveyance of explosives between ship and shore. Precautions in transit.

28. The putting on shore of explosives conveyed along a river shall be subject to rule 16. Precautions in landing.

STORAGE.

Application for licence to construct a mining magazine and to store explosives therein. Cap. 196.

29. Where—

(a) the holder of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Ordinance or of any concession contemplated by section 94 of the said Ordinance, or

(b) the applicant for a mining lease or mining right to whom permission to mine has been granted under section 23 of the said Ordinance, or

(c) the applicant for an exclusive prospecting licence under the said Ordinance,

desires to store explosives for the purpose of mining or prospecting on the area of the lease, right, licence or concession, such holder or applicant shall make application to the prescribed officer on the Form A in the Schedule, furnishing in full the particulars set forth therein, and shall forward a plan on tracing cloth or canvas-backed paper drawn to a scale of 1/25,000 showing the position of the proposed site for the magazine.

Issue of licence.

30. The prescribed officer, having satisfied himself that the site chosen is appropriate and that the proposed magazine is suitable for the quantity of explosives it is desired to store, may issue a licence for the construction of the magazine in accordance with the specifications approved by him. Such licence, which shall be in the Form B in the Schedule to these rules, shall permit the use of the magazine when completed in accordance with such specifications, and on such completion the magazine shall be deemed to be duly licensed as a mine magazine:

Provided that in the case of an applicant for a mining lease, mining right or exclusive prospecting licence the licence shall be deemed to be void in the event of the application for such mining lease, mining right or exclusive prospecting licence being refused and as from the date of such refusal no building, hulk or other place shall be used for the storage of explosives unless it has been licensed as a mine magazine under this rule.

Monthly returns.

31. The holder of a licence to store explosives in a mine magazine shall at the end of each month render a return to the prescribed officer showing the quantity of each type of explosive that has come into the magazine during such month, and the quantity used during, and remaining on hand at the end of, such month.

32. If by reason of the termination of the lease, right, licence or concession or otherwise, work on the area of such lease, right, licence or concession is closed down permanently or temporarily, the prescribed officer may cancel the licence issued in respect of such magazine, and in such case and in the case of the licence becoming void under rule 30 may cause any explosive contained in such magazine to be removed to such place as he shall think fit.

Cancellation of licence. Removal of explosives from mine magazine.

33. Only such person or persons as receive a permit from the prescribed officer shall be at any time in possession of the key of any mine magazine:

Custody of key of mine magazine.

Provided that no such permit shall be required in the case of the holder of, or the applicant for a lease, right or licence where such holder or applicant is an individual.

34. No dynamite or other explosives shall be withdrawn from a mine magazine in excess of the amount likely to be used on the day of withdrawal, and any excess shall be returned to the magazine at the end of the day.

Restriction on quantity drawn from mine magazine.

35. (1) A magazine for the storage of explosives in bulk shall be constructed either as an adit or a building. Such adit or building shall (a) be proof against sun, rain and fire; (b) be properly drained and ventilated; (c) have a substantial door and lock; (d) be situated not less than one hundred yards from any other building or recognised road, and (e) if a building, shall be fitted with an efficient lightning conductor.

Construction of magazines; for explosives in bulk.

(2) If a building, a magazine shall be constructed of stone, concrete, timber or corrugated iron, or any combination thereof.

(3) Partitions and shelves shall be of timber with all nails and screws countersunk and the holes filled.

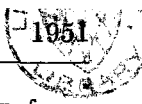
36. Detonators must be stored in a separate mine magazine which must be at what the Inspector of Mines regards as a safe distance from any other mine magazine containing other explosives.

Storage of detonators.

37. A fence shall be erected around, and not less than fifty yards from, the magazine, and no person shall smoke within the area so enclosed. A notice to the effect that smoking is not allowed within such area shall be prominently displayed thereon. No cultivation, grass, shrubs or weeds shall be permitted within the said area.

Enclosure.

- Combustibles. **38.** No combustible materials, such as charcoal, cotton-rags or waste, shall be admitted into any magazine, except for immediate use; material so admitted shall be removed immediately after use.
- Precautions on entry. **39.** No person shall enter a magazine with boots or shoes having iron nails, nor shall he carry or have about him any fire, matches (other than safety matches), or any substance or article likely to cause explosion or fire, or any steel, iron or grit; but a lighted candle may be used, if necessary, in a lantern of a pattern approved for the purpose by the prescribed officer.
- Opening of cases. **40.** No person shall use anything except implements of wood, brass or copper in opening cases containing explosives, except where cases are screwed down when an iron screw-driver may be used to withdraw the screws, but for no other purpose.
- Precautions against concussion. **41.** Care shall be taken to prevent concussion in the storage of explosives in a magazine.
- Repair of magazines. **42.** Whenever it is necessary to repair any magazine, the explosives shall be removed to a safe distance therefrom until the repairs are completed.
- Destruction of explosives. **43.** It shall be lawful for the prescribed officer to order the destruction of any explosives found in a magazine which in his opinion have become unfit for use, and the same shall be forthwith destroyed, and no compensation shall be paid therefor.
- Watchmen. **44.** A sentry or watchman shall be on duty at each magazine night and day, so long as there are explosives therein. The sentry or watchman's shelter shall be outside the fence surrounding the magazine.
- Revocation of licence. **45.** A licence under these rules may be revoked by the Governor on the conviction of the holder for a breach of any of these rules relating to the storage of explosives in a magazine.
- Storage of unauthorised quantity of explosives. **46.** The storage of explosives in a magazine in excess of the quantity specified in the licence shall be deemed to be a breach of these rules.
- Inspection of magazine. **47.** A magazine shall at all times be open to inspection by the prescribed officer.



48. A copy of these rules, and of the licence granted in respect of a magazine, shall be posted or hung up in such magazine where they can conveniently be seen and read.

Copy of rules and licence to be posted.

PRECAUTIONS TO BE TAKEN BY HOLDER OF PROSPECTING RIGHT.

49. The holder of a prospecting right shall—

Precautions to be taken by holder of prospecting right.

(a) keep his explosives in a strong box on which there shall be printed in large letters the words "Explosives, Dangerous";

(b) shall within ten days of the first and fifteenth day of each month make a return to the Chief Inspector of Mines stating the amount of explosives on hand and the place where the same were on the said first and fifteenth days of such month, and

(c) shall take or cause to be taken the precautions prescribed by paragraphs (2) and (3) of rule 24.

PRECAUTIONS TO BE TAKEN IN BLASTING OPERATIONS.

50. (1) All explosives given out from a magazine shall be placed, kept and carried in tins until required for use.

Carrying, etc., of explosives.

(2) No iron or steel pricker shall be used in blasting, and no iron or steel tools shall be used in tamping or ramming a charge.

Restriction on use of iron prickers and tools.

(3) No person shall extract or attempt to extract explosives from a hole which has once been charged.

Prohibition on extraction of explosives from charged hole.

(4) No borings shall be done in the bottom of any hole which has once been fired.

Restriction on boring in hole once fired.

(5) Whenever any hole shall have misfired the hole or socket of the hole shall be plugged with a wooden peg to show the direction of the hole, and no new hole shall be drilled in such a direction that it can come in contact with or cause the explosion of the misfired charge in the hole or socket that misfired.

Precautions where hole has misfired.

(6) Where any hole has misfired a period of at least thirty minutes shall be allowed to elapse before it is approached for examination.

Examination of hole which has misfired.

Prohibition on carrying detonators with other explosives.

Certificates for persons taking charge of explosives, etc.

(7) Detonators shall not be carried into a mine or other working place together with other explosives.

(8) No person shall be permitted to take charge of explosives or to undertake the loading and firing of charges unless he shall have been examined by an Inspector of Mines or such other person as may be approved by the Governor and shall have received a certificate of competence from an Inspector of Mines.

(9) An Inspector of Mines may cancel any certificate issued if he shall find the person to whom it has been issued is incompetent or careless in the discharge of his duties.

GENERAL.

Authorised person to supervise transit of explosives.

51. All explosives in bulk in course of transit by day or night by land or inland navigation shall be in charge of a person duly authorised in writing by the prescribed officer.

Duty of person in charge.

52. The person in charge of explosives in bulk in transit shall be responsible for seeing that the explosives and detonators are at all times kept separate and that the explosives are stored for the night at a place situated at least one hundred yards from any rest-house or other building, and from any road or railway, and also that precautions are taken to prevent any unauthorised person approaching within fifty yards of such place.

Anchorage and berth of vessel containing explosives in bulk.

53. No vessel, upon which explosives in bulk are being conveyed, shall be anchored or berthed at any place less than one hundred yards from any building or public road or railway.

Carriages containing explosives in bulk.

54. No carriage of any description conveying explosives in bulk shall be allowed to remain stationary within one hundred yards of any building or public road.

Red flag on carriage.

55. Every carriage used for the transport of explosives in bulk shall carry a red flag clearly visible from in front and from behind.

Precautions to prevent accidents from explosives.

56. While the shipping, unshipping, landing and conveying of explosives is being carried out, all persons engaged in such shipping, unshipping, landing or conveying shall take all due precautions for the prevention of accidents by fire, explosion or concussion, and to prevent unauthorised persons from having

access to the explosives, and shall abstain from any act which tends to cause fire, explosion or concussion, and which is not reasonably necessary in connection with such shipping, unshipping, landing and conveying, and shall use every reasonable endeavour to prevent any other person from committing any such act; and any such other person who, after being warned, commits any such act shall be deemed to have committed a breach of this rule.

57. If any explosive on board any ship, boat or other vessel, or in course of transit by land, shall have escaped from the package in which it was contained, or be spilt, the person for the time being in charge of such ship, boat or other vessel, or the person in charge of such explosive on land, shall immediately have such explosive carefully collected. Such explosive as is in the form of powder shall be destroyed; other forms of explosive shall be carefully re-packed.

Explosive spilt to be destroyed or re-packed.

58. Any person who shall smoke, or who shall allow another person to smoke, in any boat or vessel containing explosives to be conveyed to or from the shore, or at or near the place where explosives are being landed, or whilst conveying explosives, or whilst on, in, or attending any carriage containing explosives, or whilst acting as watchman over any explosives, or within the enclosed area around a magazine, shall be deemed to have committed a breach of these rules.

Prohibition of smoking.

59. Any person who, being employed on any boat or vessel containing explosives to be conveyed to or from shore, or being engaged in landing explosives, or in placing explosives on board any boat or vessel for conveyance to a ship, shall have in his possession any matches (other than safety matches), detonators or other appliances for producing ignition, and any person who shall allow any matches (other than safety matches), detonators or other appliances for producing ignition to be on board any such boat or vessel, shall be deemed to have committed a breach of these rules.

Prohibition on possession of matches, detonators, etc.

60. (1) Any person who shall contravene any of the provisions contained in these rules, or who shall cause or permit any person to contravene any of the provisions contained in these rules, and any person who shall omit to conform to any of the provisions contained in these rules, or who shall cause or permit any person to omit to conform to any of the provisions contained in these rules, shall be deemed to have committed a breach of

Penalties.

these rules and shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both such fine and imprisonment.

Forfeiture.

(2) Upon the conviction of any such offender, the Court may order that the explosive in respect of which the offence has been committed shall be forfeited to Her Majesty.

Carriage by railway.

61. Nothing in these rules shall be deemed to affect the carriage of explosives on the Sierra Leone Railway:

Provided that explosives for mining and prospecting purposes shall not be delivered by the Railway Department to anyone other than a person duly authorised in writing by the prescribed officer to receive them.

Application of Customs laws.

62. The general laws and practice of the Customs with regard to the unshipping, landing, examination, storage, depositing, withdrawal or dealing generally with imported or warehoused goods shall, so far as the same are not inconsistent with these rules and the Explosives Ordinance, apply to explosives.

SCHEDULE.

FORM A.

APPLICATION FOR LICENCE.

Rule 29.

I * of hereby apply for a licence to store † cases of explosives to be used by ‡ at

The magazine in which the above cases will be stored will be constructed in accordance with the specifications given below at the site shown on the attached plan or such other site as may be approved.

To the Prescribed Officer at

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. The maximum quantity of explosives to be stored. 2. The type of magazine adit or building. 3. Details of construction with plans on a scale of 1 inch = 1 foot. | |
|--|--|

*Insert name of applicant.

†Insert number of cases.

‡Insert "me" or name of company if application made on behalf of a company.

FORM B.

Rule 30.

LICENCE TO CONSTRUCT A MAGAZINE.

Licence is hereby granted to.....of.....to construct a magazine at.....for the storage of explosives in accordance with the specifications given below and to store therein any quantity of explosives not exceeding.....lb.

Dated this.....day of.....19.....

.....
Prescribed Officer.

.....
 SPECIFICATIONS.

.....
**THE EXPLOSIVES (APPOINTMENT OF WELLINGTON
 MAGAZINE) ORDER**

P.N.
 56 of 1959.

made by the Governor under section 16.

1. This Order may be cited as the Explosives (Appointment of Wellington Magazine) Order. Citation.

2. The Government Magazine, Wellington, is hereby appointed a magazine for the storage of warehousing of explosives. Appointment of Wellington Magazine.