

EXPLOSIVES ACT

CHAPTER 16:02

Act

15 of 1907

Amended by

31 of 1916

22 of 1924

16 of 1925

29 of 1925

14 of 1936

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3 of 1994

Current Authorised Pages

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Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 16:02

EXPLOSIVES ACT

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UPDATED TO 31ST DECEMBER 2016

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CHAPTER 16:02

EXPLOSIVES ACT

1950 Ed.
Ch. 30 No. 4,
15 of 1907.

An Act relating to Gunpowder and other Explosive Substances.

Commencement.

[8TH APRIL 1907]

Short title.

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

Interpretation.

2. In this Act—

“certificate” means a certificate granted under this Act;

“constable” includes any member of the Police Service and of the Rural Police;

“dealer in safety cartridges” means a licensed dealer in safety cartridges;

“explosive” means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined;

“magazine” means a magazine duly appointed under this Act;

“permit” means a permit granted under this Act;

“safety cartridge” means cartridges for small arms, of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to the other cartridges;

“vehicle” includes any wagon, cart, truck, barrow, tray or other receptacle used or intended to be used for conveying goods or passengers by land;

“vessel” includes any ship, boat and any other description of vessel used in navigation, whether propelled by oars, sails, steam or by any other method;

“wholesale dealer” and “retail dealer” mean, respectively, a licensed wholesale dealer and a licensed retail dealer in explosives.

PART I

GUNPOWDER

3. (1) The Minister may appoint any place or vessel to be a magazine for the reception of gunpowder, and notice of such appointment shall be given by Order. Appointment of magazines.

(2) The Order and appointment shall, unless the magazine is a floating magazine, define the land forming the site of the magazine; and the land so defined, with every building thereon, for whatever purpose used or intended, shall be deemed to constitute a magazine.

(3) Each such magazine shall be under the charge of such person as the Minister may appoint for that purpose.

4. (1) In every magazine, the following general rules shall be observed: General rules for magazines.

- (a) every building in which gunpowder is kept shall be used only for the keeping of gunpowder and receptacles for gunpowder, or tools or implements for work connected with the keeping of the gunpowder;
- (b) the interior of every such building and all benches, shelves and fittings in the building, other than machinery, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel or similar substance in such manner as to come into contact with the gunpowder, and the interior benches, shelves and fittings shall be kept free from grit and otherwise clean;
- (c) charcoal, whether ground or otherwise, and oiled cotton, oil rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any such building;

- (d) no repairs shall be done to or in any part of such building except in accordance with the directions of the Minister;
- (e) all tools and implements used in any repairs to or in any such building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material;
- (f) every person entering into any such building shall wear clothes without pockets, and shoes, if any, without any iron or steel therein, and no person shall introduce into any such building any lucifer matches or any artificial light (except luminous surfaces incapable of producing ignition) or any substance or article likely to cause explosion or fire or any iron, steel, or grit;
- (g) no person shall smoke in any part of a magazine except in such part, if any, as may be allowed by the Minister;
- (h) any vehicle in which gunpowder is conveyed to or from any magazine shall be constructed without any exposed iron or steel in the interior thereof, shall contain only the gunpowder, and shall be closed or otherwise properly covered over; and the gunpowder shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition;
- (i) no person under the age of sixteen years shall be employed in or enter any building containing gunpowder, except in the presence and under the supervision of some competent older person.

(2) The Minister may, by Regulations, make such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to any floating magazine, and such modifications shall have effect as if they were contained in this section.

(3) In the event of any breach by any act or default of any of the foregoing general rules or of the Regulations, the person committing the breach is liable to a fine of one thousand dollars; and moreover, where the breach was not committed by the person having the charge of the magazine, such person is nevertheless, liable to a fine of four hundred dollars unless he proves to the satisfaction of the Magistrate by whom the case is heard that the breach happened without any negligence or failure in duty on his part.

5. (1) The person having the charge of any magazine may, with the sanction of the Minister, make special rules for the regulation of the persons employed in or about the magazine with a view to securing therein the observance of this Act and any Regulations made thereunder, and the safety and proper discipline of the said persons and the safety of the public.

Special rules for magazines.

(2) There may be annexed to any breach of any special rule made in pursuance of this section such penalty not exceeding two hundred dollars for each offence as may be deemed just.

STORAGE

6. (1) Any gunpowder lawfully imported into Trinidad and Tobago shall be taken to a magazine provided by the Government, and may there remain without payment of rent or other charge for any period not exceeding eighteen months.

Storage in storage magazine. [51/1980].

(2) If any gunpowder remains in the magazine beyond the period of eighteen months, rent shall be paid in respect thereof at the rate prescribed by Regulations made by the Minister, which shall not exceed twenty-five cents a pound a month.

(3) The rent shall accrue due from day to day, and shall be paid on the last day of successive periods of six months, the first of which periods shall commence at the expiration of the period of eighteen months, or shall be paid in case any such gunpowder is removed or sold during any of the periods of six months at the time of the removal or sale, and no gunpowder shall be removed until all rent and other charges due in respect thereof are paid.

(4) Where six months' rent in respect of any gunpowder is in arrear and unpaid, the gunpowder may be sold by the person in charge of the magazine in such manner and subject to such conditions as he thinks fit. Out of the purchase money arising from the sale, such person shall, in the first place, pay the charges and expenses of and incident to the sale, and, in the next place, all rents due in respect of the gunpowder up to the time of sale, and the surplus, if any, he shall pay to the owner of the gunpowder on demand, if the demand is made at any time during the day of sale, but if demand is not made as mentioned above he shall pay the surplus to the Comptroller of Accounts who shall hold the same in trust for the owner, his executors, administrators, or assigns.

(5) Where at the expiration of two years from the time of sale the surplus is not applied for by some person or persons lawfully entitled thereto, it shall be forfeited to the State for the use of Trinidad and Tobago, and the rights of all other persons therein or thereto shall be extinguished.

IMPORTATION, ETC.

Only dealer may import.

7. (1) No person other than a wholesale dealer shall import gunpowder into Trinidad and Tobago.

(2) Any person contravening the provisions of this section is liable to a fine of two thousand dollars.

Regulations as to importation, exportation, and transshipment.

8. (1) The Minister may make Regulations as to the having or keeping and as to the unloading and conveyance within the waters of Trinidad and Tobago of gunpowder, and as to the landing of gunpowder and the subsequent conveyance thereof to a magazine, and as to the conveyance of gunpowder for exportation from a magazine to any wharf or shipping place and the subsequent conveyance and loading thereof within the waters of Trinidad and Tobago, and as to the transshipping of gunpowder within such waters; and, in particular, Regulations declaring or regulating all or any of the following matters:

- (a) the notice or warning to be given by vessels having on board, or conveying, loading, or unloading gunpowder;

- (b) the navigation and place of mooring of the vessels;
- (c) subject in cases in which the general rules with respect to packing in this Act contained are applicable to such general rules, the mode of stowing and keeping gunpowder on board any such vessel, and of giving notice, by brands, labels or otherwise, of the nature of the package containing the gunpowder;
- (d) the description, construction, fitting up and licensing of the vessels or vehicles to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof;
- (e) prohibiting or subjecting to conditions and restrictions the keeping or conveyance of gunpowder with any explosive or any other articles or substances, or in passenger vessels, trains or vehicles;
- (f) the places and times at which gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time, or in one vessel or vehicle;
- (g) the mode of and the precautions to be observed in conveying any gunpowder, and the loading or unloading any vessel or vehicle conveying gunpowder, and the time during which gunpowder may be kept during the conveyance, loading or unloading;
- (h) the times at which lights or fires are to be allowed or not allowed on board the vessels as mentioned above, or at which a constable or other officer is to be on board them;
- (i) the publication and supply of copies of the Regulations;
- (j) enforcing the observance of this Act; and
- (k) generally, for protecting, whether by means similar to those mentioned above or not, persons and property from danger.

(2) The penalties to be annexed to any breach or attempt to commit any breach of any such Regulations may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence; that is to say, penalties not exceeding one thousand dollars for each offence, and two hundred dollars for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the vessel or vehicle in respect of which, the breach of regulation has taken place.

(3) In the event of any breach of a regulation under this section in the case of any vessel, vehicle, or gunpowder, whether there has or has not been any conviction for the breach, any Harbour Master, Assistant Harbour Master, officer or person named in the Regulations, or any person acting under the orders of the Harbour Master, Assistant Harbour Master, officer or person, may cause the vessel, vehicle or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the Regulations, and all expenses incurred in the removal may be recovered in the same manner as a penalty under this section.

(4) Any person resisting the Harbour Master, Assistant Harbour Master, officer or person in the removal is liable to the same penalties as a person is liable to for obstructing a constable in the execution of his duty.

Amount in possession.

9. (1) Except gunpowder in the course of removal under and according to a permit, a wholesale dealer shall not have in his possession or custody for any purpose whatsoever more than one hundred and eighty pounds of gunpowder.

(2) Except gunpowder in the course of removal under and according to a permit, a retail dealer shall not have in his possession or custody for any purpose whatsoever more than thirty pounds of gunpowder.

(3) Except gunpowder in the course of removal under and according to a permit or certificate, no person other than a wholesale dealer or a retail dealer shall have in his possession or custody for any purpose whatsoever more than ten pounds of gunpowder.

(4) This section shall not apply to gunpowder in any vessel or magazine, or in the course of conveyance according to Regulations made under this Act from or to any vessel, wharf, landing place or shipping place, or to gunpowder kept or used for mining or quarrying purposes under a special permit from the Commissioner of Police or the Chief Technical Officer (Works).

(5) Any person who contravenes the provisions of this section is liable to a fine of two thousand dollars.

SALE

10. (1) No person other than a wholesale or retail dealer shall sell gunpowder, or offer or expose the same for sale.

Dealer only
may sell.

(2) Any person who contravenes the provisions of this section is liable to a fine of two thousand dollars.

11. (1) Every person who desires to sell gunpowder by wholesale shall take out a licence for that purpose.

Licence to sell
by wholesale.
[51/1980
3 of 1994].

(2) No such licence shall be issued unless the police officer in charge of the Division in which the premises to be licensed are situated has certified in writing that there is on the premises a sufficient fireproof vault or other place which is capable of safely storing one hundred and eighty pounds of gunpowder.

(3) Every such fire-proof vault or other place shall have the word "Gunpowder" painted or otherwise legibly marked on the door thereof.

(4) Every wholesale dealer shall keep all gunpowder on his premises in the vault or other place as aforesaid but no more than one hundred and eighty pounds of gunpowder shall be kept in the vault or other place.

(5) There shall be paid for every such licence annually the sum of five hundred dollars.

(6) Any person who contravenes any of the provisions of this section is liable to a fine of two thousand dollars.

Licence to sell
by retail.
[51/1980
3 of 1994].

12. (1) Every person who desires to sell gunpowder by retail shall, unless he is a wholesale dealer, take out a licence for that purpose.

(2) No such licence shall be issued unless the police officer in charge of the Division in which the premises to be licensed are situated certifies in writing that the applicant for the licence has provided himself with a strong and suitable metal case lined with wood, which is capable of containing thirty pounds of gunpowder, is furnished with a lock and key and with handles for convenience of removal, and has the word "Gunpowder" painted or otherwise legibly marked thereon.

(3) Every such metal case shall be kept in such place as the police officer mentioned above shall appoint.

(4) A retail dealer shall not sell gunpowder at any one time in any greater quantity than thirty pounds.

(5) Every retail dealer shall affix in some conspicuous place on the front of his licensed premises a board on which shall be painted or otherwise legibly marked his name and the words "licensed retailer of explosives".

(6) There shall be paid for every such licence annually the sum of two hundred and fifty dollars.

(7) Any person who contravenes any of the provisions of this section is liable to a fine of one thousand dollars.

Form of licence.

13. (1) Every licence issued under this Part shall be issued and signed by the Magistrate of the district within which the premises in respect of which the licence is applied for are situated. Every such licence shall be in such form and shall contain such particulars as the Commissioner of Police from time to time thinks fit.

(2) Every such licence shall expire on the 31st March next after it is granted.

14. The occupier of any unlicensed premises on which gunpowder is sold or offered for sale, or if the premises are occupied by more than one person every occupier thereof is liable to a fine of one thousand five hundred dollars unless he proves to the satisfaction of the Magistrate by whom the case is heard that he had no notice of the sale or offering or exposing for sale, or that, having the notice, he took all reasonable means to prevent the sale or offering or exposing for sale, and, as soon as he reasonably could, gave information thereof to a police officer.

Occupier of unlicensed premises.

15. Any person who—

Unlawful sale.

- (a) not being a wholesale dealer or a retail dealer, sells gunpowder, or offers or exposes the same for sale; or
- (b) being a wholesale dealer or a retail dealer, sells gunpowder, or offers or exposes the same for sale, on any premises other than those mentioned in his licence, is liable to a fine of two thousand dollars.

16. (1) Every wholesale dealer or retail dealer shall keep on his licensed premises a book to be called the Gunpowder Receipt Book according to the Form A in the Schedule, and another book to be called the Gunpowder Delivery Book in the Form B in the Schedule, and he shall, immediately on the receipt or delivery of any gunpowder, make the proper entries in the respective books according to the forms.

Books to be kept. Schedule. Form A. Form B.

(2) Any wholesale dealer or retail dealer who omits to make any such entry, or who makes any entry which is false in any particular, is liable to a fine of two thousand dollars.

17. Gunpowder shall not be sold to any child apparently under the age of sixteen years, whether for his own use or the use of any other person. Any person who sells gunpowder contrary to this section is liable to a fine of two hundred dollars.

Prohibition of sale to children.

18. (1) All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case,

Package for sale.

canister, or other package, made and closed so as to prevent the gunpowder from escaping, and in every case the outermost package containing the gunpowder shall have affixed the word “Gunpowder”, in conspicuous characters, by means of a brand or securely attached label or other mark.

(2) If any gunpowder is sold or exposed for sale in contravention of this section, the person selling or exposing for sale the same is liable to a fine of two hundred dollars, and all or any part of the gunpowder so exposed for sale shall be forfeited.

REMOVAL

Removal. **19.** No gunpowder shall be removed or conveyed except according to this Act or the Regulations made thereunder.

Removal of over five pounds. **20.** (1) No quantity of gunpowder exceeding five pounds shall be removed or conveyed except under and according to a permit granted by a First Division Police Officer or a certificate issued by a wholesale dealer or a retail dealer.

(2) This section shall not apply to gunpowder in the course of conveyance according to Regulations made under this Act from or to a magazine, or any vessel, wharf, landing place or shipping place.

Penalty on illegal removal. **21.** Any person removing or conveying any gunpowder contrary to this Act or to the Regulations made hereunder, or aiding or assisting in the removal or conveyance, is liable to a fine of two thousand dollars, and any gunpowder removed or conveyed, or being removed or conveyed, contrary to this Act shall be forfeited.

Application for a permit for removal. **22.** A permit for the removal of any gunpowder may be granted by a First Division Police Officer to any person being apparently above the age of sixteen years upon an application in writing. The application shall state the quantity of gunpowder intended to be removed, the places to which and the persons to whom it is to be distributed, the quantities to be left at each destination, the hours within which and the route by which the removal is intended to be effected, and the place or places, if any, where the gunpowder or

any part thereof is intended to be deposited until the removal and distribution is completed.

23. Subject to this Act, a First Division Police Officer shall, within twenty-four hours (exclusive of Sundays and public holidays) after an application for a permit has been left at his office, grant a permit specifying the total quantity allowed to be removed, the places to which and the persons to whom the parcels making up the total quantity are to be distributed, the hours within which and the route by which the removal may be effected, and the place or places, if any, where the gunpowder or any part thereof may be deposited until the removal and distribution is completed except that—

Granting of permit.

- (a) no permit shall authorise the having on the same premises or in the same vehicle more than one thousand pounds of gunpowder; and
- (b) a First Division Police Officer, if upon application for a permit he is satisfied that a permit according to the application cannot consistently with public safety be granted, may postpone or absolutely refuse the grant of the permit, or may grant the same with any variations from the application and subject to any conditions which he considers proper for the protection of the public.

24. A certificate for the removal of any quantity of gunpowder exceeding five pounds and not exceeding twenty pounds from the licensed premises of any wholesale dealer or retail dealer may be granted by the wholesale dealer or retail dealer to any person apparently above the age of sixteen years. The certificate shall state the quantity of gunpowder intended to be removed, the places to which and the persons to whom it is to be delivered, and the hours within which and the route by which the removal is intended to be effected.

Certificate for removal.

25. Every wholesale dealer or retail dealer in gunpowder shall, on a request in writing obtain from the police officer in

Certificate book.

charge of the Division in which his licensed premises are situated, a certificate book containing the prescribed forms of certificate and counterfoils, for which he shall give a receipt.

Use and return of certificates.

26. (1) Every wholesale or retail dealer shall enter in one of the certificates and in its counterfoil the prescribed particulars, before sending out, delivering or permitting the removal from his premises of any quantities of gunpowder exceeding five pounds, and shall deliver the certificate with the gunpowder to the person named in the certificate.

(2) He shall use the certificates in the order in which they are numbered in the certificate book.

(3) He shall keep the certificate book in his licensed premises open to inspection by any constable, and shall allow any constable to examine the same and take any extract therefrom.

(4) He shall return the certificate book when it is exhausted or on request to the police officer in charge of the Division in which his licensed premises are situated, who shall give a receipt for it.

Absence of or improper certificate.

27. Any wholesale dealer or retail dealer who sends out or delivers or suffers to be removed from his licensed premises any quantity of gunpowder required to be accompanied by a certificate, without a certificate or accompanied by an inaccurate certificate, is liable to a fine of four hundred dollars.

Illegal use of certificate.

28. Any wholesale dealer or retail dealer who uses or suffers to be used any certificate taken from his certificate book except for the removal of gunpowder from his own licensed premises, or delivers or parts with any form of certificate without filling it up as required by this Act, is liable to a fine of four hundred dollars.

Non-compliance with terms of certificate.

29. Any person to whom a certificate for the removal of gunpowder is granted who fails to comply with the terms prescribed on the certificate is liable to a fine of four hundred dollars.

30. (1) When any gunpowder is removed or conveyed from place to place in Trinidad and Tobago, either wholly by land or partly by land and partly by water, the following general rules as to packing and other things shall be observed:

General rules as to removal within Trinidad and Tobago.

- (a) the gunpowder, if not exceeding thirty pounds in quantity, shall be contained in a substantial case, bag, canister; or other package made and closed so as to prevent the gunpowder from escaping;
- (b) the gunpowder, if exceeding thirty pounds in quantity, shall be divided into parcels, each of which shall comprise not more than five pounds, and be contained in a substantial case, bag, canister or other package made and closed so as to prevent the gunpowder from escaping;
- (c) the interior of every package shall be kept free from grit and otherwise clean;
- (d) every package when actually used for the package of gunpowder shall not be used for any other purpose;
- (e) there shall not be any iron or steel in the construction of any package, unless the same is effectively covered with tin, zinc or other material;
- (f) on the outside of every package there shall be affixed the word "Gunpowder" in conspicuous characters by means of a brand or securely attached label or other mark; and
- (g) the gunpowder shall be in the charge and under the custody of some male person above the age of sixteen years, who, when the quantity of gunpowder exceeds five pounds, shall have the permit for its removal in his possession, and shall produce and show the permit to anyone who demands to see it.

(2) In the event of any breach, by any act or default, of any general rule in this section, the gunpowder in respect of

which the breach is committed shall be forfeited and the person committing the breach is liable to a fine of two thousand dollars.

(3) The Minister may make Rules rescinding, altering, or adding to the general rules contained in this section.

PART II

SAFETY CARTRIDGES

Importation.

31. (1) No person other than a wholesale dealer or a retail dealer shall import safety cartridges into Trinidad and Tobago except that this enactment shall not apply to a person importing safety cartridges for his own use.

(2) Any person who contravenes this section is liable to a fine of two thousand dollars.

Sale.

32. (1) No person other than a wholesale dealer or a retail dealer shall sell safety cartridges or shall offer or expose the same for sale.

(2) Any person who contravenes this section is liable to a fine of one thousand dollars.

Storage.

33. (1) No dealer in safety cartridges shall keep safety cartridges in any vault or safe where gunpowder is kept.

(2) Any person who contravenes this section is liable to a fine of one thousand dollars.

Books to be kept.

Schedule.
Forms C and D.

34. (1) Every wholesale dealer or retail dealer who deals in safety cartridges shall keep on his licensed premises a book to be called the Cartridge Receipt Book according to the Form C in the Schedule, and another book to be called the Cartridge Delivery Book in the Form D in the Schedule, and he shall, immediately on the receipt or delivery of any safety cartridges, make the proper entries in the respective books according to the forms in the Schedule.

(2) Any dealer in safety cartridges who omits to make any such entry, or makes any entry which is false in any particular, is liable to a fine of one thousand dollars.

PART III

EXPLOSIVES GENERALLY

35. (1) No person, other than a licensed wholesale dealer, shall import into Trinidad and Tobago any explosive unless he first obtains a licence in that behalf from the Minister who may in his absolute discretion refuse the same or grant the same subject to such terms and conditions as he may think fit; but no such licence shall be required for the importation of safety cartridges.

Importation and storage of explosives.

(2) Subject to this Part the provisions of Part I as to the importation, sale and removal of gunpowder shall *mutatis mutandis* apply to every other explosive except safety cartridges.

(3) Any person who contravenes this section or the conditions of a licence issued hereunder is liable to a fine of two thousand dollars.

36. (1) The Minister may provide a magazine in which any description of explosive may be stored, and every person importing or keeping any explosive under a licence issued under this Part shall store the explosive either in the Government magazine or in a building or place approved by the Minister.

Storage in Government magazine or approved place.

- (2) The Minister may make Regulations relating to—
- (a) the conditions under which explosives may be stored in the magazine;
 - (b) the rent to be paid and the times at, and the manner in which, the rent shall be payable or recoverable;
 - (c) the sale or disposal of explosives in respect of which any rent may be in arrears, and the manner in which the proceeds of any such sale shall be dealt with.

37. The Minister may, by Order, prohibit absolutely, or subject to conditions or restrictions, the manufacture, keeping, importation, conveyance and sale or any of them of any explosive which is of so dangerous a character that, in the judgment of the Minister, it is expedient for the public safety to make the Order.

Prohibition of manufacture, importation, sale, etc.

Contravening
Order as to
manufacture.

38. If any explosive is manufactured in contravention of any such Order, all or any part or ingredient of the explosive which may be found either in or about any place, or in the possession or under the control of any person convicted under this section, may be forfeited, together with all machinery, implements and utensils used in the manufacture; and the person so manufacturing is liable on indictment to a fine of twenty thousand dollars or to imprisonment for ten years.

Contravening
Order as to
importation, etc.

39. If any explosive is imported, kept, conveyed or sold in contravention of any such Order—

- (a) all or any part of the explosive may be forfeited; and
- (b) any person concerned in importing or bringing into Trinidad and Tobago or the waters thereof any such explosive whether the same be unshipped or not, and any person who unships or conveys or is in any way concerned in the unshipping or conveying of any such explosive, or who knowingly harbours, keeps or conceals or knowingly permits or suffers or causes or procures to be harboured, kept, or concealed, any such explosive, or to whose possession any such explosive knowingly comes, is liable, on indictment, to a fine of twenty thousand dollars, and to imprisonment for ten years; but this section shall not extend to any such explosive imported or unshipped under and according to a licence granted by the Minister.

PART IV

MISCELLANEOUS PROVISIONS

Inspection of
stock and books.

40. (1) A police officer may at any time when such premises are open for business, enter the premises of any wholesale or retail dealer and inspect all explosives in the stock of the dealer and the receptacles in which the same may be stored, and also inspect the books kept by any such dealer under this Act, and take a copy of any entries in any of such books.

(2) Any such dealer who refuses to allow the inspection to be made or copy to be taken, or obstructs any police officer while making the inspection or taking the copy, is liable to a fine of one thousand dollars.

(3) Any wholesale or retail dealer whose stock of explosives does not correspond with the amount as shown by the entries in the books kept by the dealer under this Act is, in the absence of any reasonable explanation by the dealer, liable to a fine of one thousand dollars.

41. (1) Where any officer of Customs or constable has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a vessel or vehicle), or that any explosive is in any such place in contravention of any Order of the Minister, or that the terms and conditions of any such Order are not duly observed in any such place, the officer or constable may apply to a Magistrate or Justice for a warrant (which warrant the Magistrate or Justice shall grant, upon reasonable ground being assigned upon oath) to search the place and every part thereof, and on obtaining the warrant and on producing the same, if demanded, the officer or constable may enter at any time, and, if need be, by force, and as well as Sundays as on other days, the place and every part thereof, and examine the same and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an ingredient of an explosive which may be found therein.

Power to search for explosives.

(2) Every person who, by himself or by any other person, fails to admit into any place occupied by or under the control of such person any officer or constable demanding to enter in pursuance of this section, or in any way obstructs the officer or constable in the execution of his duty under this section, is liable to a fine of two thousand dollars, and is also liable to forfeit all explosives and ingredients thereof which are, at the time of the offence, in his possession or under his control at the place.

Seizure and
detention of
explosive liable
to forfeiture.

42. Where any officer or constable as mentioned above has reasonable cause to believe that any explosive, or ingredient of an explosive, or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until a Magistrate has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect:

- (a) the officer or constable seizing may either require the occupier of the place in which it was seized (whether a building or not, or a vessel or vehicle) to detain the same in such place or in any place under the control of the occupier, or may remove it in such manner and to such place as will, in his opinion, least endanger the public safety and there detain it, and may, where the matter is urgent and fraught with serious public danger, if authorised in writing by the Comptroller of Customs and Excise, a Justice or a police officer, cause the same to be destroyed or otherwise rendered harmless; but before destroying or rendering harmless the same, he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive or having the same under his control at the time of the seizure; and any such occupier who, by himself or by any other person, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer or constable seizing the same, or of the Comptroller of Customs and Excise, or a police officer, or, in case of emergency, for the purpose, of preventing explosion or fire, removes, alters or in any way tampers or deals with the same while so detained, is liable to a fine of two thousand dollars, and also is liable to forfeit all explosives and ingredients thereof which are, at the time of the offence, in his possession or under his control at the said place;

- (b) the proceedings before the Magistrate for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure;
- (c) the receptacles containing the same may be seized, detained and removed in like manner as the contents thereof;
- (d) the officer or constable seizing the same may use, for the purposes of the removal and detention thereof, any vessel or vehicle in which the same was seized, and any tug, tender, engine, tackle, beasts and accoutrements belonging to or drawing, or provided for drawing, the vessel or vehicle, and shall pay to the owner a reasonable compensation for the use, to be determined in case of dispute, by a Magistrate, and to be recovered in like manner as any penalty under this Act;
- (e) the same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accidents, but the person seizing, removing, detaining, keeping or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act or to any damages for keeping or conveying the same, so that he uses all such due precautions as mentioned above; and
- (f) the officer or constable seizing or dealing with the same in pursuance of this section shall not be liable to damages or otherwise in respect of the seizure or dealing or any act incidental to or consequential thereon, unless it is proved that he made the seizure without reasonable cause or that he caused damage to the article seized by some wilful neglect or default.

43. (1) The Comptroller of Customs and Excise, any First Division Police Officer, and any officer appointed by the Inspection of wharf, vehicle, etc.

Minister for the purposes of this Act or of any Rules or Regulations or Order of the Minister made under this Act, may, for the purpose of ascertaining whether this Act or of such Rules or Regulations, or the terms and conditions of any such Order, with respect to the conveyance, loading, unloading and importation of an explosive are complied with, enter, inspect and examine at any time, and as well on Sundays as on other days, the wharf, vehicle or vessel of any carrier or other person who conveys goods for hire, or of the occupier of any factory, warehouse, or store or of the importer of any explosive, on or in which wharf, vehicle, or vessel he has reasonable cause to suppose an explosive to be for the purpose or in course of conveyance, but so as not unnecessarily to obstruct the work or business of any such carrier, person, occupier or importer.

(2) Any such officer, if he finds any offence being committed against this Act, or against any Rules or Regulations or Order of the Minister made under this Act, on or in any such wharf, vehicle, or vessel or on any public wharf, may seize and detain or remove the vehicle or vessel, or the explosive, in such manner and with such precautions as may appear to him to be necessary to prevent any danger to the public, and may seize and detain the explosive, as if it were liable to forfeiture.

(3) Any such officer, and any officer of Customs, or constable, who has reasonable cause to believe that any offence against this Act, or against any Rules or Regulations or Order of the Minister made under this Act, is being committed in respect of any vehicle or any vessel conveying, loading or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop and enter, inspect and examine the vehicle or vessel, and, by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for preventing the danger, in like manner as if the explosive was liable to forfeiture.

(4) Every such officer or constable shall, for all the purposes of this section, have the same powers and be in the same position as if he were authorised by a search warrant granted under

this Act, and every person who fails to admit or obstructs the officer or constable is liable to the same penalty as a person who fails to admit or obstructs an officer or constable so authorised as mentioned above.

44. Where any officer or constable in pursuance of this Act takes a sample of any explosive, ingredient or substance, he shall pay for or tender payment for the same to such an amount as he considers to be the market value thereof, and the occupier of the place in which, or the owner of the bulk from which, the sample was taken may recover any excess of the real value over the amount so paid or tendered from the officer or constable taking the sample, as a debt in the Petty Civil Court within the jurisdiction of which the sample was taken.

Payment for sample.

45. Any person who is found committing any act for which he is liable to a penalty under this Act or under any Regulations made thereunder and which tends to cause explosion or fire in or about any house, store, railway, harbour or wharf, or in or about any sugar, cocoa or coffee plantation, or any building thereon, or in or about any vehicle or vessel, may be apprehended without a warrant by any constable, or by the occupier, or the agent or servant of, or other person authorised by, the occupier of the house, store, plantation or building, or by any person employed on the railway, or by any officer of Customs, or by any Harbour Master, Assistant Harbour Master, or person authorised by any Harbour Master or Assistant Harbour Master, and be removed from the place at which he was arrested, and conveyed as soon as conveniently may be before a Magistrate to be dealt with according to law.

Power to arrest offenders.

46. When a carrier or owner or master of a vessel is prevented from complying with this Act or any Regulation made thereunder by the wilful act, neglect or default of the consignor or consignee of the explosive or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, the consignor, consignee or other person who is guilty of the wilful act, neglect, default, or refusal is liable to the same penalty to which the carrier, owner or master is liable for a breach of this Act, and

Exemption in certain cases of carriers and owners and masters of ships.

his conviction shall exempt the carrier, owner or master from any penalty or forfeiture under this Act, or under the Regulation.

Recovery of penalties.

47. Any act or default in respect of which a fine not exceeding two thousand dollars is imposed by this Act or by any Regulation made thereunder shall be an offence punishable on summary conviction.

Power in certain cases to award imprisonment unconditionally.

48. Where any person is guilty of an offence under this Act or any Regulations or Rules made thereunder which, in the opinion of the Magistrate who tries the case, was reasonably calculated to endanger the safety of or cause serious personal injury to any person or to cause a dangerous accident, and was committed wilfully by the personal act, personal default or personal negligence of the person accused, such person is liable, if the Magistrate is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment for six months.

Appropriation of moneys.

49. All moneys received under this Act, whether by way of penalty or otherwise, shall be paid into the Consolidated Fund.

Exemption.

50. Nothing contained in this Act shall apply to any explosive the property of the State, and held for the purposes of any of the Naval, Military or Air Forces of Trinidad and Tobago or held for the public service of Trinidad and Tobago.

Emergency measures.

51. If at any time in the opinion of the Minister an emergency has arisen in which it is expedient for the safety of the public peace that the State should have control over the possession, sale, disposal or use of any explosive the Minister may, during the continuance of the emergency, make such Orders as may appear desirable with respect to the possession, sale, disposal or use of any explosive and may Order any explosive to be delivered up on demand to such person or persons as the Minister may appoint.

SCHEDULE

FORM A

Section 16.

GUNPOWDER RECEIPT BOOK

Date of Receipt	Name of person or firm from whom received; or if imported, name of person or firm from whom and of ship by which imported	Number and description of packages	Quantity

FORM B

Section 16.

GUNPOWDER DELIVERY BOOK

Date of Delivery	Name and address of person or firm to whom sold or to whom delivery is to be made	Name and address of carrier or person to whom delivered	Number and description of packages	Quantity

Section 34.

FORM C

CARTRIDGE RECEIPT BOOK

Date of Receipt	Name and address of person or firm from whom received or imported	Name and line of ship by which imported	Number and description of packages	Nature, calibre and description of Cartridges	Number of Cartridges of each kind

Section 34.

FORM D

CARTRIDGE DELIVERY BOOK

Date of Delivery	Name and address of person or firm to whom sold or to whom delivery is to be made	Name and address of carrier or person to whom delivered	Nature, calibre and description of Cartridges	Number of Cartridges of each kind

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

SUBSIDIARY LEGISLATION

POWDER MAGAZINE RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
 2. Receiving and delivering.
 3. Absence of magazine keeper.
 4. Opening magazine buildings, etc.
 5. Going inside magazine buildings.
 6. Opening door.
 7. Inside magazine buildings.
 8. Enclosure surrounding magazine buildings.
 9. Animal or vehicle.
 10. Fire.
 11. Smoking.
 12. Opening package of gunpowder.
 13. Repacking gunpowder.
 14. Package in distribution house.
 15. Leaking.
 16. Doors.
 17. Breach.
-

[Subsidiary]

G. 27.8.1908.

POWDER MAGAZINE RULES

made under section 5

Citation.

1. These Rules may be cited as the Powder Magazine Rules.

Receiving and delivering.

2. Gunpowder will only be received into and delivered from the magazine between the hours of 7.00 a.m. and 6.00 p.m.

Absence of magazine keeper.

3. The magazine keeper shall not absent himself from the magazine during these hours except by permission of the Commissioner of Police, and not at any other time for a longer period than two hours, except by permission of the Commissioner of Police, when, if necessary, he will be temporarily relieved by a constable detailed for the purpose.

Opening magazine buildings, etc.

4. No one is allowed to open the magazine buildings or deliver or receive gunpowder except the keeper and his assistants, and no other person shall be allowed to go or remain inside of the buildings of the magazine or the enclosures surrounding it without permission from the Commissioner of Police.

Going inside magazine buildings.

5. Before allowing any one to go inside the buildings of the magazine the keeper shall see that he has complied with the provisions of the Act.

Opening door.

6. Before the door of any of the magazine buildings is opened, the door of the enclosure surrounding it is to be shut and is to be kept shut until the door of the building is locked.

Inside magazine buildings.

7. Nothing is to be allowed inside the magazine buildings except gunpowder and cartridges other than safety cartridges.

Enclosure surrounding magazine buildings.

8. Nothing is to be allowed to remain in the enclosure surrounding the magazine buildings.

Animal or vehicle.

9. No animal or vehicle shall be allowed within the boundaries of the magazine except when authorised by the Commissioner of Police.

10. No fire shall be allowed within the boundaries of the magazine except in the Keeper's house. Fire.

11. Smoking shall not be allowed at any time within twenty yards of the magazine walls. Smoking.

12. No package of gunpowder shall be opened anywhere within the boundaries of the magazine except in the distribution house. Opening package of gunpowder.

13. When a merchant requires to repack gunpowder, application must be made to the Commissioner of Police, on the receipt of permission from whom the Keeper will allow the removal of the package to be repacked in the distribution house. Repacking gunpowder.

14. Not more than one package shall be allowed in the distribution house at one time, and the repacked packages are to be removed from it immediately after the operation is completed. Package in distribution house.

15. If a package of gunpowder leaks, the keeper shall remove it to the distribution house, covering it with a bag, placing the gunpowder that has escaped in a secure package, and shall inform the owner of the goods, in order that the gunpowder may be transferred to a safe package. Leaking.

16. The doors of the magazine buildings are to be closed when a thunderstorm appears to be approaching from whatever distance. Doors.

17. Any one committing any breach of these Rules shall be liable for every such breach to a penalty of two hundred dollars. Breach.

[Subsidiary]

G. 27.8.1908.

RENT (PRESCRIBED RATE) REGULATIONS

made under section 6

Citation.

1. These Regulations may be cited as the Rent (Prescribed Rate) Regulations.

Rent.

2. The rent payable on gunpowder remaining in a magazine beyond the period of eighteen months shall be at the rate of two cents a month for each ten pounds weight of gunpowder.

**IMPORTATION, STORAGE, ETC., OF
DYNAMITE REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.

IMPORTATION

3. Importing.
4. Time to land, etc.
5. Removing.
6. Nitroglycerine, etc.
7. Precautions.
8. Unauthorised persons.
9. Transference.
10. Covering.

STORAGE

11. Sites.
12. Designs for magazines.

MAGAZINE REGULATIONS

13. Magazine regulations.

VESSELS AND VEHICLES

14. Discharging.
15. Vessels with part cargoes of dynamite.
16. Master to report.
17. Proper coverings.
18. Conveying dynamite in vessel.
19. Approved place of landing or shipping.
20. Landing after arrival.
21. Red flag.
22. Unshipping for landing.

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

- 23. Quantities.
- 24. Receiving in magazine.
- 25. In charge of constable.
- 26. Thunderstorm.

EXPLOSIVES, SAMPLES, BOOKS

- 27. Explosives.
 - 28. Samples.
 - 29. Books.
 - 30. Breach.
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**IMPORTATION, STORAGE, ETC., OF
DYNAMITE REGULATIONS**

G. 2.9.1915.
[45 of 1979].

made under section 8

1. These Regulations may be cited as the Importation, Storage, etc., of Dynamite Regulations. Citation.

2. In these Regulations, “Officer or person named in the Regulations” shall be deemed to include any Police Officer above the rank of constable. Interpretation.

IMPORTATION

3. (1) No dynamite shall be imported into Trinidad and Tobago unless securely packed in wooden cases containing not less than twenty-five pounds and not more than fifty pounds, and accompanied by a certificate declaring the place and date of manufacture. Importing.

(2) Every package in which dynamite is kept shall be painted red and legibly marked “*Dynamite—To be handled with care*”. The packages shall be legibly marked with place and date of manufacture and shall be secured and stored to the satisfaction of the Commissioner of Police, and shall at all times be kept in good order and repair.

4. No dynamite shall be landed, received or removed between 6.00 p.m. and 7.00 a.m., without special permission of the Commissioner of Police, in order to provide for the arrival or despatch of dynamite by early or late vessels. Time to land, etc.

5. Dynamite landed, received or discharged at any wharf shall be removed without delay to a magazine for storage. Removing.

6. Nitroglycerine or any such substances shall not be allowed to leak or escape into any inlet or drain communicating with a sewer in any part of Trinidad and Tobago. Nitroglycerine, etc.

7. Any person removing dynamite shall take all necessary precautions to protect the dynamite from exploding by concussion. Precautions.

or in any other manner and shall give notice to the public by means of a red flag attached to the vehicle that dynamite is being conveyed in it.

Unauthorised persons.

8. All due precautions shall be taken to prevent unauthorised persons from having access to the packages or buildings containing dynamite.

Transference.

9. The transference of dynamite from any package to any other receptacle shall be conducted after 7.00 a.m. and before 6.00 p.m., with every reasonable precaution against explosion or spilling of the dynamite.

Covering.

10. Dynamite or cases containing dynamite shall not be exposed to the rays of the sun, and when necessary a covering of heavy canvas or other suitable material shall be used to cover the dynamite or cases of dynamite.

STORAGE

Sites.

11. Importers of dynamite must provide for their own use magazines on sites to be approved by the Minister and which will be situated at safe distances from dwelling houses and buildings generally.

Designs for magazines.

12. (1) The designs for such magazines must be approved by the Minister and will be subject to conditions and restrictions approved by the Minister.

(2) No dynamite shall be permitted to remain in the magazine for a period exceeding six months, except with the permission, in writing, of the Minister.

(3) Any dynamite which has been stored for a period amounting to six months shall, subject to the provisions of subregulation (2), be removed from the magazine where it is stored, and if not disposed of for immediate use, destroyed in such a manner as may be approved by the Minister. The disposal of, or destruction of dynamite shall not entitle the owners thereof to any compensation.

(4) Dynamite will only be received into and delivered from a magazine between the hours of 7.00 a.m. and 6.00 p.m., except by special permission of the Commissioner of Police in order to provide for the arrival, or despatch, of dynamite by early or late vessels.

(5) Only the Keeper and his assistants are allowed to open the magazine buildings and to deliver and receive dynamite, and no other person shall be allowed to go and remain inside the buildings of the magazine or the enclosure surrounding it without the permission of the Commissioner of Police.

(6) No animal or vehicle shall be allowed within the boundaries of the magazine unless authorised by the Commissioner of Police.

(7) Smoking shall not be allowed at any time within twenty yards of the magazine walls.

(8) No package of dynamite shall be opened anywhere within the boundaries of the magazine except in the distribution house.

(9) When an importer desires to repack dynamite he shall make application to the Commissioner of Police, on the receipt of whose permission the Keeper shall allow the removal of the package which must be repacked in the distribution house. Not more than one package shall be allowed in the distribution house at any one time and each package when repacked must be immediately removed.

(10) If dynamite is found escaping from a package the Keeper shall after covering the package with a bag at once remove it to the distribution house and shall place the dynamite that has escaped in a secure package. The keeper shall at once inform the owner of the damaged package in order that the dynamite may be transferred to a safe package.

(11) The following general rules for magazines shall apply to all magazines where dynamite is stored:

- (a) every building in which dynamite is kept shall be used only for the keeping of dynamite and

- receptacles for dynamite or tools or implements for work connected with the keeping of the dynamite;
- (b) the interior of every such building and all benches, shelves and fittings in such building shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel or similar substance in such manner, as to come into contact with the dynamite, and the interior benches, shelves and fittings shall be kept free from grit and otherwise clean;
 - (c) detonators, fuses, charcoal whether ground or otherwise, and oiled cotton, oiled rags and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any such building;
 - (d) no repairs shall be done to or in any part of such building except in accordance with the directions of the Minister;
 - (e) all tools and implements used in any repairs to or in any such building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material;
 - (f) every person entering into any such building shall wear clothes without pockets, and shoes (if any) without any iron or steel therein, and no person shall introduce into any such building any lucifer matches or any artificial light (except luminous surfaces incapable of producing ignition) or any substance or article likely to cause explosion or fire, or any iron, steel or grit;
 - (g) any vehicle in which dynamite is conveyed to or from any magazine shall be constructed without any exposed iron or steel in the interior thereof,

and shall contain only the dynamite and shall be closed or otherwise properly covered over; and the dynamite shall be so conveyed with all due diligence and with such precautions and in such manner as will sufficiently guard against any accidental ignition;

- (h) no person under the age of sixteen years shall be employed in or enter any building containing dynamite except in the presence and under the supervision of some competent older person.

MAGAZINE REGULATIONS

13. (1) Before allowing anyone to go inside the buildings of the magazine the Keeper shall see that he has complied with the provisions of the Act. Magazine regulations.

(2) Before the door of any of the magazine buildings is opened, the door of the enclosure surrounding it is to be shut and is to be kept shut until the door of the building is locked.

(3) Nothing is to be allowed to remain in the enclosure surrounding the magazine buildings.

(4) No fire shall be allowed within the boundaries of the magazine except in the keeper's house, if any.

(5) The doors of the magazine buildings are to be closed when a thunderstorm appears to be approaching from whatever distance.

VESSELS AND VEHICLES

14. Dynamite shall not be discharged from any vessel between the hours of 6.00 p.m. and 7.00 a.m. Discharging.

15. Vessels with part cargoes of dynamite shall not, between the hours of 6.00 p.m. and 7.00 a.m., discharge any merchandise from or receive any merchandise into any hold in which dynamite is stored. Vessels with part cargoes of dynamite.

16. (1) The master of every vessel arriving in Trinidad and Tobago with dynamite on board shall report the fact to the Master to report.

Harbour Master or other boarding officer when the vessel is boarded and the master of every vessel intending to receive or discharge dynamite shall notify his intention of so doing four hours previous to the dynamite leaving the shipping place or vessel, as the case may be.

(2) All vessels having dynamite on board or intending to receive or discharge dynamite shall be moored and anchored in such a place as may from time to time be pointed out by the Harbour Master.

Proper coverings.

17. All vessels used for the purpose of conveying dynamite between vessels and the shore or for transshipment of dynamite from one vessel to another shall be provided with proper coverings.

Conveying dynamite in vessel.

18. No vessel in which dynamite is being conveyed shall have any other explosive substance on board nor shall detonators be carried in the same boat, nor shall there be any person in such boat except the men employed therein, and no person so employed shall be allowed to smoke or have in his possession any matches or any substance or article likely to cause explosion or fire.

Approved place of landing or shipping.

19. Dynamite shall be landed or shipped at or from the Petroleum Warehouse Jetty or other place approved by the Comptroller of Customs and Excise.

Landing after arrival.

20. All vessels having on board dynamite intended to be landed in Trinidad and Tobago shall cause the same to be landed within seventy-two hours after arrival unless otherwise permitted by writing under the hand of the Harbour Master.

Red flag.

21. All vessels and vehicles conveying dynamite shall carry a red flag in some conspicuous place.

Unshipping for landing.

22. No dynamite shall be unshipped for landing except in such quantities and during such times as the Harbour Master by writing under his hand shall permit and the Harbour Master shall without delay notify the Commissioner of Police in writing of the quantity of dynamite and the hour at which it will be landed.

23. Dynamite shall only be landed in such quantities as can be carried away by the Government cart between the hours of 7.00 a.m. and 5.00 p.m. Any dynamite landed which cannot at once be placed in the cart shall be covered with a tarpaulin.

Quantities.

24. Except by special permission of the Commissioner of Police no dynamite shall be received in the magazine before the hour of 7.00 a.m. or after 6.00 p.m. In no circumstances will permission be given for the reception, working or removal of dynamite before sunrise or after sunset.

Receiving in magazine.

25. During the time that dynamite is being landed or shipped it shall remain in charge of a constable who shall be responsible for the strict observance of all orders and regulations.

In charge of constable.

26. No dynamite shall be shipped, unshipped, landed or removed during a thunderstorm.

Thunderstorm.

EXPLOSIVES, SAMPLES, BOOKS

27. These Regulations shall be deemed to include the following Explosives, viz.: Dynamite No. 1 (or Kieselguhr dynamite), Dynamite or Vonges, Wetter dynamite, Giant Powder No. 1, Nitromagnite or Dynamagnite, Wetter dynamite, Nobel Ardeer Powder, Carbodynamite, Grisoutite, Forcite, Forcite antigrisouteuse No. 2, Rhenish dynamite, Dynamite No. 2, Rend Rock, Atlas Powders B+ and C+, Carbite, Carbonite, Stonite, Kynite, Dualine, Judson Powder, Giant Powder No. 2, Vigorite, Vulcan Powder, Lithofracteur, Lignin dynamites, Hercules Powder, Rhexite, Rexite, Phoenix Powders, Castellanes Powder, Blasting gelatin, Gelatin dynamite, Gelignite, Ammonia gelatin, Ammonia gelignite, Grisontine Favier, Antigrison, Carbogelatin, Coronite, Gesilit, Fordit, Celtite, Geloxite, Stowite, Safety dynamite, Guncotton dynamite, Trauzl's dynamite. And when these explosives are known by any name other than dynamite such name should be marked on the cases in place of the word "Dynamite".

Explosives.

28. The importer shall furnish such number of samples as may be required by the Comptroller of Customs and Excise and

Samples.
[51/1980].

such samples shall be forwarded to the Chief Chemist who shall test the same. The fee for such test shall be twenty dollars.

Books.

29. At every magazine there shall be kept a book to be called the Gunpowder Receipt Book according to the Form A in the Schedule to the Act and another book to be called the Gunpowder Delivery Book according to Form B in the said Schedule, and the Keeper of the magazine shall immediately on the receipt or the delivery of any dynamite make the proper entries in the books according to the forms. The keeping of these books shall be additional to the keeping of any books which every wholesale dealer or retail dealer is required to keep on his licensed premises as provided for in the Act. These books will be balanced and squared off at the close of each calendar month, so as to clearly show amount of explosives on hand on the first of each month, the amount received during that month, the amount issued during the month and the amount remaining on hand at the close of the month.

Breach.

30. Any person committing or attempting to commit any breach of the foregoing Regulations is liable to a penalty of one thousand dollars for each offence, and two hundred dollars for each day during which the offence continues, and forfeiture of all or any part of the dynamite in respect of which, or found in the vessel or vehicle in respect of which, the breach of Regulation has taken place.

**IMPORTATION, STORAGE, ETC., OF GUNPOWDER AND
CARTRIDGES OTHER THAN SAFETY
CARTRIDGES REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Arrival.
3. Mooring and anchoring.
4. Proper covering.
5. Conveying gunpowder in boat.
6. Quantity.
7. Approved place.
8. Landing after arrival.
9. Red flag.
10. Hours of landing.
11. In charge of constable.
12. Thunderstorm.
13. Application.
14. Breach.

[Subsidiary]

GN 8 of 1908.
[45 of 1979].

**IMPORTATION, STORAGE, ETC., OF GUNPOWDER
AND CARTRIDGES OTHER THAN SAFETY
CARTRIDGES REGULATIONS**

made under section 8

Citation. **1.** These Regulations may be cited as the Importation, Storage, etc., of Gunpowder and Cartridges other than Safety Cartridges Regulations.

Arrival. **2.** The Master of every vessel arriving in Trinidad and Tobago having gunpowder on board shall report the fact to the Harbour Master or other Boarding Officer when he boards the vessel, and the Master of every vessel intending to receive or discharge gunpowder shall notify his intention of so doing four hours previously to the gunpowder leaving the shipping-place or vessel, as the case may be.

Mooring and anchoring. **3.** All vessels having gunpowder on board or intending to receive or discharge gunpowder shall be moored and anchored in such place as may from time to time be pointed out by the Harbour Master.

Proper covering. **4.** All boats used for the purpose of conveying gunpowder between vessels and shore or for transshipment of gunpowder from one vessel to another shall be provided with a proper covering.

Conveying gunpowder in boat. **5.** No boat in which gunpowder is being conveyed shall have any other explosive matter on board nor shall there be any person in such boat except the men employed therein, and no person so employed shall be allowed to smoke or have in his possession any matches or any substance or article likely to cause explosion or fire.

Quantity. **6.** No gunpowder shall be unshipped for landing except in such quantities and during such times as the Harbour Master by writing under his hand permits; and the Harbour Master, shall, without delay, notify the Commissioner of Police in writing of the quantity of gunpowder and the hour at which it will be landed.

7. Gunpowder shall not be landed or shipped at any place other than a place designated by the Harbour Master. Approved place.

8. All vessels having on board gunpowder intended to be landed in Trinidad and Tobago shall cause the same to be landed within seventy-two hours after arrival, unless otherwise permitted by writing under the hand of the Harbour Master. Landing after arrival.

9. All boats and vehicles conveying gunpowder shall carry a red flag in some conspicuous place. Red flag.

10. Gunpowder will only be landed in such quantities as can be carried away by the Government carts between the hours of 7.00 a.m. and 5.00 p.m., after which hour none shall be landed nor allowed to remain on the landing place. Any powder landed which cannot at once be placed in the carts shall be covered with a tarpaulin. Hours for landing.

11. During the time that gunpowder is being landed or shipped it will remain in charge of a constable, who will be responsible for the strict observance of all Regulations. In charge of constable.

12. No gunpowder shall be shipped, unshipped, landed or removed during a thunderstorm. Thunderstorm.

13. The foregoing Regulations shall apply to cartridges other than safety cartridges. Application.

14. Any person committing, or attempting to commit any breach of these Regulations is liable to a penalty of one thousand dollars for each offence and two hundred dollars for each day during which the offence continues, and the whole of the gunpowder or cartridges in respect of which, or found in the vessel or vehicle in respect of which, the breach of Regulation has taken place, shall be forfeited. Breach.

STORAGE OF DYNAMITE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Storing dynamite.
 3. Rent.
 4. Rent in arrear.
 5. Charges and expenses.
 6. Surplus.
-

STORAGE OF DYNAMITE REGULATIONS

G. 17.1.1918.

made under section 36(2)

1. These Regulations may be cited as the Storage of Dynamite Regulations. Citation.

2. Any person may store dynamite in any magazine provided by Government of which notice in the *Gazette* has been given subject to the following conditions: Storing dynamite.

- (a) any person desiring to store dynamite in a Government Magazine shall apply to the Commissioner of Police for permission to do so and it shall be in the discretion of the Commissioner of Police whether to grant the permission or not;
- (b) no dynamite shall be permitted to remain in the magazine for a longer period than two years provided that if any dynamite has, in the opinion of the Commissioner of Police begun to deteriorate before the period of two years has elapsed he may direct the person who deposited it in the magazine to remove it within three days;
- (c) if such person does not remove it within two years, or within such shorter term as provided for above, the Commissioner of Police may cause the same to be destroyed and the expenses attendant thereon shall be recoverable as a debt from any such person as mentioned above.

3. Every person depositing dynamite in a Government Magazine shall pay to the Comptroller of Accounts rent at the rate of twenty-five cents for every fifty pounds or portion thereof for every month or part thereof that the dynamite remains in the magazine. Rent. [51/1980].

4. If any rent in respect of any dynamite is in arrear and unpaid for a period of one month, the Commissioner of Police Rent in arrear.

may cause the same to be sold in such manner and subject to such conditions as he thinks fit.

Charges and expenses.

5. Out of the proceeds arising from the sale there shall first be paid the charges and expenses of and incidental to the sale, and in the next place all rent due in respect of the dynamite up to the time of sale.

Surplus.

6. The surplus (if any) shall be paid to the person who originally deposited the dynamite in the magazine or to any person designated by him in writing under his hand.

**EXPLOSIVES (MANUFACTURE OF FIREWORKS)
ORDER**

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Licence.
3. Application.
4. Licence issued.
5. Manufacturing or keeping certain substances.
6. Manufacturing or keeping explosives.
7. Explosive in magazine and building.
8. Quantity of explosive on premises.
9. Work carried on in premises.
10. Prevention of fire, etc.
11. Fire.
12. Smoking.
13. Electric lights, wiring, etc., installed.
14. Fire extinguishing appliances.
15. Hand tools, implements, etc.
16. Means of escape.
17. Intoxicated person.
18. Conveying explosive.
19. Explosive on premises.
20. Age to be employed, etc.
21. Warning notice.
22. Posting up copy of Order.
23. Precautions.

[Subsidiary]

271/1950.

**EXPLOSIVES (MANUFACTURE OF FIREWORKS)
ORDER**

made under section 37

Citation.

1. This Order may be cited as the Explosives (Manufacture of Fireworks) Order, and shall come into force on 1st January 1951.

Licence.

2. No person shall after 31st March 1951, manufacture or keep any explosive for the purpose of making fireworks on any premises without a licence for that purpose issued and signed by the Magistrate of the district within which the premises in respect of which the licence is applied for are situated.

Application.

3. (1) Every application for a licence under this Order shall state the applicant's name, occupation and residence, the situation of the premises to be licensed and any other relevant facts in support of the application. The application shall not be heard until after the expiration of twenty-one days from the date of its filing with the Magistrate, who shall at least fourteen days before the date fixed for the hearing cause notice of the application and of the time and place fixed for the hearing to be published in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago and to be served on the Commissioner of Police.

(2) The applicant shall have the right of appearing before the Magistrate at the hearing, personally or by his Attorney-at-law, and of being heard, and of adducing evidence, in support of his application.

(3) Any owner or occupier of property situated within a quarter of a mile of the premises in respect of which a licence is applied for and any member of the Police Service in charge of the Police district in which the premises are situated shall have the right of appearing before the Magistrate at the hearing, personally or by his Attorney-at-law, and of objecting to the granting of the licence and of adducing evidence in support of his objection.

(4) The Magistrate may, after taking into consideration the arguments adduced and the evidence led at the hearing and

the situation of the premises in relation to its environment such as its location in a residential area or in close proximity to any hospital, nursing home, school, cinema, club or to any place where any inflammable matter is or is likely to be, refuse to grant a licence or may approve the grant of a licence; and, without prejudice to the generality of the foregoing, the Magistrate may refuse to grant or may revoke any licence already granted if the proposed site, construction of premises and amount of explosives are not in accordance with the provisions of the Act or of this Order or if there has been any contravention of the provisions of the Act or of this Order in respect of the premises.

(5) Any person aggrieved by any decision of the Magistrate approving the grant of a licence or refusing to grant a licence may appeal from the decision to the Court of Appeal. For the purpose of this subregulation “any person aggrieved” means the applicant or any person who is entitled under the provisions of this Regulation to object to the licence and who has appeared before the Magistrate and objected to the licence.

(6) The procedure in respect of any application or of any appeal in respect of the application shall be such as is laid down in the Summary Courts Act.

Ch. 4:20.

4. Every licence issued under this Order shall be valid only for the person named in it and shall define the premises in respect of which it is issued and shall expire on 31st March next after it is issued.

Licence issued.

5. No person shall manufacture or keep, for the purpose of making fireworks, any of the following substances:

Manufacturing or keeping certain substances.

Nitration products of any organic substances, including picric acid, nitroglycerines and guncotton;

Fulminic acid and its derivatives and salts;

Products derived from the diazotization or organic substances;

Halogen compounds of nitrogen;
Mineral acids and their anhydrides;
Mixtures of chlorates with drying and semi-drying oils including linseed oil;
Any substance containing lead, mercury or silver;
Phosphorus in any form;
Metallic azides, hydrazoic acid and its derivatives.

Manufacturing or keeping explosives.

6. No person shall manufacture or keep any explosives for the purpose of making fireworks on any premises unless there are on the premises—

- (a) one or more magazines for the storing of fireworks and the explosive used for the manufacture thereof, each of which shall be well and substantially built of brick, stone or concrete, or shall be excavated in solid rock or earth, and so made and closed as to prevent unauthorised persons having access thereto and to secure it from danger of fire from without; and
- (b) two or more detached workshops constructed so as to be suitable for the carrying on of the processes of manufacture, each of which shall consist of not more than one storey.

Explosive in magazine and building.

7. No magazine and no building in which there is, or there is liable to be, any explosive shall be nearer to any other building or to any highway, public footpath or open place of resort for the public or for persons carrying on any trade or business, than such distance as the Commissioner of Police may, having regard to all the circumstances, approve.

Quantity of explosive on premises.

8. The quantity of explosive on such premises shall not exceed—

- (a) fifty pounds of any explosive other than manufactured fireworks;

(b) one hundred and seventy-five pounds of manufactured fireworks, either finished or partly finished.

9. No work shall be carried on in any part of the premises except work immediately connected with the manufacture of fireworks, or incidental thereto; and every magazine on the premises shall be used only for the keeping of fireworks and of explosive used for the manufacture of such fireworks.

Work carried on in premises.

10. Due precautions shall be taken for the prevention of the introduction into any part of the premises of fire, lights, lucifer matches, or any other article liable to cause fire or explosion, except such as may be necessary for the purpose of carrying on the work of manufacturing fireworks.

Prevention of fire, etc.

11. No fire shall be allowed on any part of the premises within twenty-five yards of any magazine or of any building in which there is, or there is liable to be, explosive.

Fire.

12. No person shall smoke in any part of the premises.

Smoking.

13. Electric lights, wiring and apparatus installed in or taken into a magazine or building in which there is, or there is liable to be, any explosive shall be suitable for use therein and shall be adequately maintained.

Electric lights, wiring, etc., installed.

14. Sufficient and suitable fire extinguishing appliances shall be provided and maintained in suitable positions on the premises.

Fire extinguishing appliances.

15. (1) Hand tools, implements, trays and other containers constructed wholly or partly of iron or steel shall not be introduced into any magazine or into any building in which there is, or there is liable to be, any explosive.

Hand tools, implements, etc.

(2) Footwear taken into any magazine or building in which there is, or there is liable to be, any explosive shall not be such as to be liable to cause danger from sparks.

Means of escape.

16. Sufficient and ready means of escape in case of accidents shall be provided for every person employed in every part of the premises and the door of every building in which work is being carried on shall be constructed to open outwards and shall be kept unlocked during the hours of work.

Intoxicated person.

17. No person who is intoxicated shall be permitted to enter or remain on the premises and no intoxicating liquor shall be taken on to the premises.

Conveying explosive.

18. When any explosive is being conveyed from one part of the premises to another part thereof or to or from any place outside of the premises, it shall be conveyed with all due diligence and with such precautions and in such manner as will sufficiently guard against any accident by fire or explosives.

Explosive on premises.

19. There shall not be at any time in any part of the premises other than a magazine more than twenty-five pounds of any explosive other than manufactured fireworks, and of manufactured fireworks there shall not be in any part of such premises a quantity exceeding fifty pounds except in a building in which no other operation but the operation of packing manufactured fireworks is being carried on, in which case the quantity of manufactured fireworks shall not exceed one hundred pounds; and all finished fireworks shall with all due diligence either be removed to the magazine of the premises or sent away immediately from the premises.

Age to be employed, etc.

20. A person under the age of twenty-one years shall not be employed in or enter any magazine or any workshop used for the carrying on of the processes of manufacture of fireworks.

Warning notice.

21. A warning notice to trespassers is to be kept conspicuously posted up on the premises.

Posting up copy of Order.

22. There shall be constantly kept posted up on the premises in such manner as to be easily read a copy of this Order.

23. All due precautions shall be taken by the occupier of the premises, and by every person employed on or about the premises— Precautions.

- (a) to prevent accidents by fire or explosion on the premises;
 - (b) to prevent unauthorised persons having access to the premises, or to the explosives thereon; and
 - (c) to prevent any act being committed which tends to cause fire or explosion and which is not reasonably necessary for the purpose of the work on the premises.
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[Subsidiary]

78/1991. **MAGAZINE (APPOINTMENT AND SUPERVISION) ORDER**
made under section 3

Citation. **1.** This Order may be cited as the Magazine (Appointment and Supervision) Order.

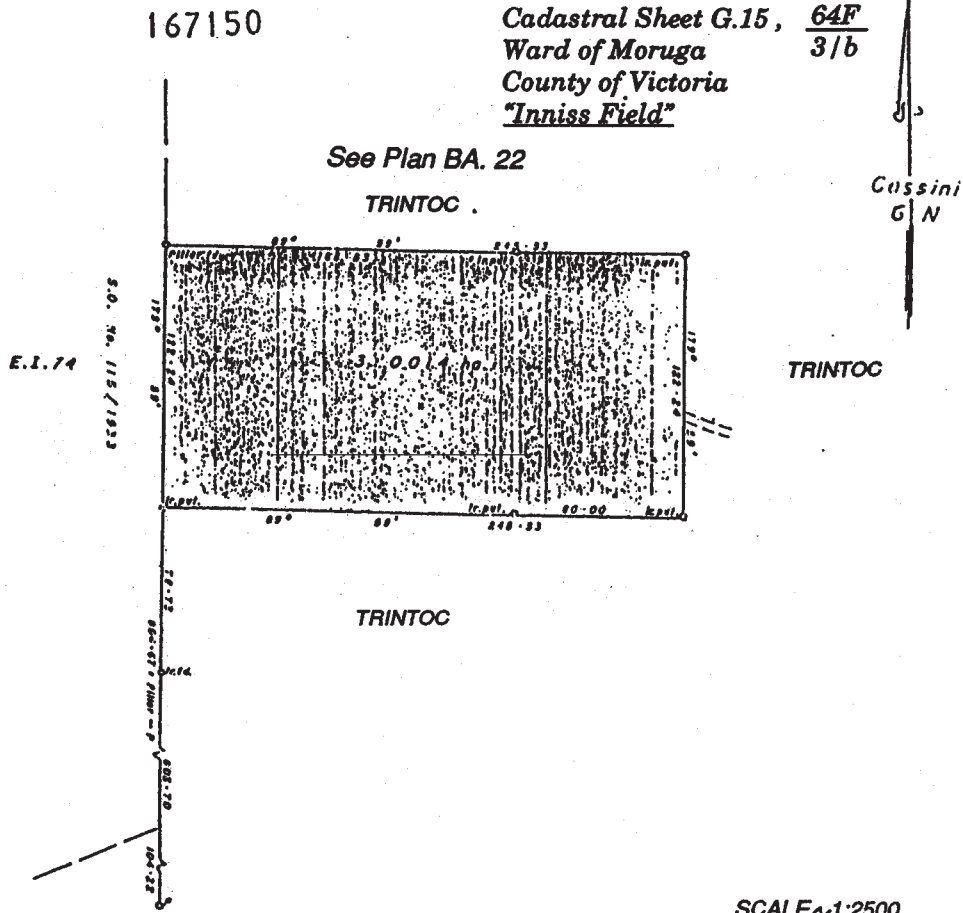
Appointment of magazine. Schedule. **2.** The land, containing 3.0014 hectares, described in the Plan set out in the Schedule is hereby appointed a magazine for the reception of gunpowder.

Supervision of magazine. **3.** The magazine appointed under paragraph 2 shall be under the supervision of the Commissioner of Police.

SCHEDULE

EXHIBIT "A"

L. and S.—53



Note: Bearings are Cassini Grid based on solar observation.
add

Note: To obtain compass bearing subtract minutes Distances are in metres

PLAN of a Parcel of land coloured pink in the Ward of Moruga. Containing three point zero zero one four hectares.

[Subsidiary]

171/1991. **MAGAZINE (APPOINTMENT AND SUPERVISION) (NO. 2)
ORDER**

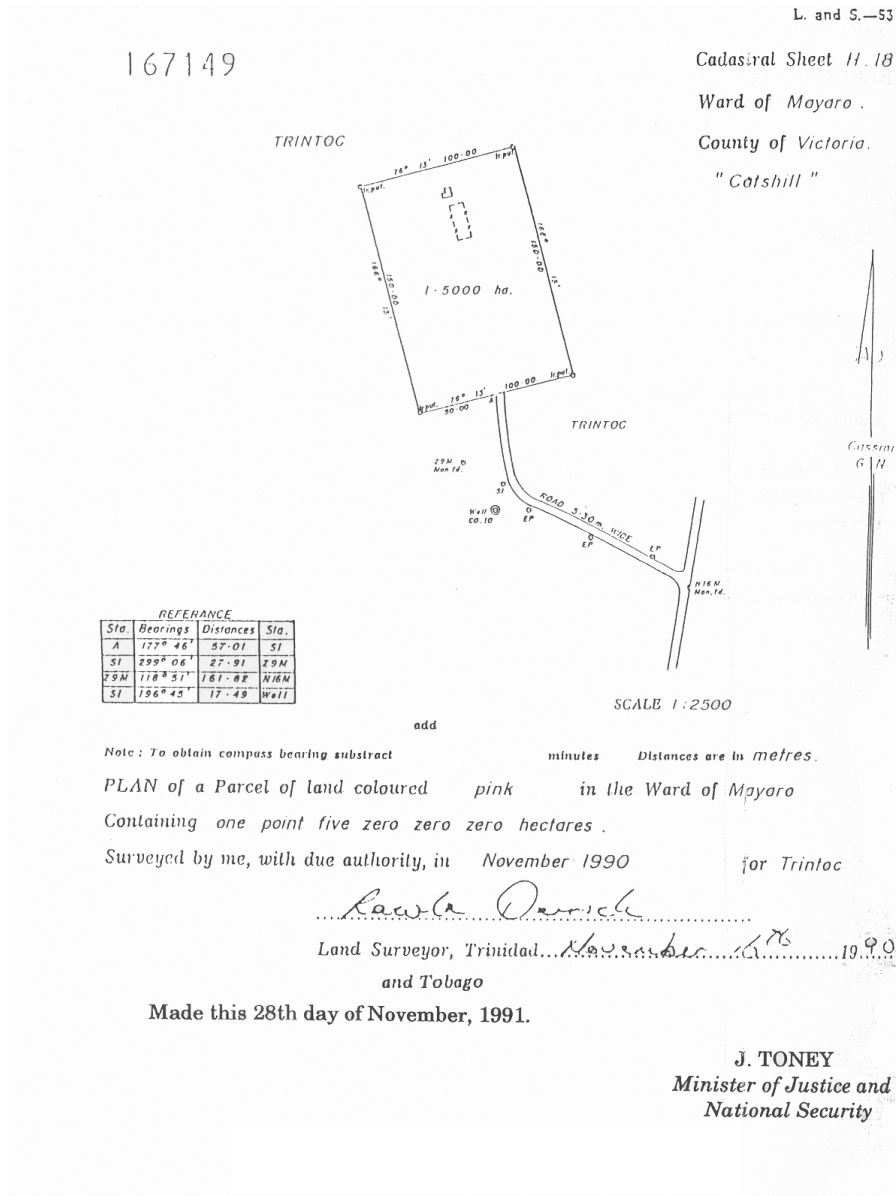
made under section 3

Citation. **1.** This Order may be cited as the Magazine (Appointment and Supervision) (No. 2) Order.

Appointment of magazine. Schedule. **2.** The land containing 1.5000 hectares described in the Plan set out in the Schedule is hereby appointed a magazine for the reception of gunpowder.

Supervision of magazine. **3.** The magazine appointed under paragraph 2 shall be under the supervision of the Commissioner of Police.

SCHEDULE



[Subsidiary]

10/1997. **MAGAZINE (APPOINTMENT AND SUPERVISION) ORDER**
made under section 3

Citation. **1.** This Order may be cited as the Magazine (Appointment and Supervision) Order.

Appointment of magazine. Schedule. **2.** The land containing 35 acres described in the Plan set out in the Schedule is hereby appointed a magazine for the reception of gunpowder.

Supervision of magazine. **3.** The magazine appointed under paragraph 2 shall be under the supervision of the Commissioner of Police.

SCHEDULE

