

BERMUDA STATUTORY INSTRUMENT

SR&O 56/1975

EXPLOSIVE SUBSTANCES (GENERAL) REGULATIONS 1975

[made under section 26 of the Explosive Substances Act 1974 [title 10 item 18] and brought into operation on 1 June 1975]

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PART I
GENERAL

Interpretation

1 In these Regulations —

"the Act" means the Explosive Substances Act 1974 [*title 10 item 13*];

"the holder of a magazine Licence" in the case of a magazine approved under section 8(3) of the Act, means the person in charge thereof, but otherwise means the person to whom the licence is granted;

"the Minister" includes any person acting on his authority.

Application of regulations to fireworks

2 This Part and Part IV shall apply to all explosive substances including fireworks, but these regulations shall not otherwise apply in the case of fireworks.

Care in loading, unloading and storing

3 (1) It is the duty of every person engaged in the loading or unloading from any vehicle or vessel or the conveyance, handling, storing, guarding or using of explosive substances to —

- (a) take all due precautions for the prevention of accidents by fire, explosion or concussion;
- (b) take all due precautions for preventing unauthorized or incompetent or unfit persons from having access to the explosive substances;
- (c) abstain from any act which tends to cause fire, explosion or concussion which is not reasonably necessary in connection with such operations;
- (d) use every reasonable endeavour to prevent any other person from committing such an act as is referred to in the previous sub-paragraph.

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(2) No person shall perform an act of the nature described in paragraph (1)(c) after having been warned against such committal by any person acting in the discharge of his duties under paragraph (1)(c).

Dangerous or defective practices

4 (1) The Minister may by requisition in writing draw the attention of a permit or licence holder to any practice not specifically dealt with in these regulations which appears to be of a dangerous or defective character and he may issue such orders with regard to the cessation or modification of such practice as he may think fit.

(2) No permit or licence holder shall fail to comply with a requisition under paragraph (1).

PART II

CONVEYANCE OF EXPLOSIVE SUBSTANCES

Notice to the Commissioner

5 No person shall convey or allow any other person to convey, in any one vehicle, explosive substances in excess of 25 kilograms unless he —

- (a) gives notice of his intention so to convey to the Commissioner;
- (b) complies with such instructions as to routes or safety arrangements as the Commissioner may give either generally or in respect of any specific occasion.

Vehicles to be closed

6 No person shall convey or allow any other person to convey explosive substances in a vehicle otherwise than in a part thereof which is completely enclosed within the vehicle.

Detonators

7 No person shall convey or allow any other person to convey detonators in the same vehicle as other explosive substances:

Provided that it shall be lawful to convey not more than 200 detonators in the same vehicle as other explosive substances if—

- (a) the detonators are in the manufacturer's original packaging;
- (b) the case containing detonators is stowed in the vehicle as far away from other explosive substances as is reasonably practicable.

Goods other than explosive substances

8 No person shall convey or allow any other person to convey goods other than explosive substances in a vehicle containing explosive substances.

Conveyance of explosives

9 No person shall convey or allow any other person to convey explosive substances in a vehicle unless there is affixed to it so as to be distinctly visible from the front and rear one or more notice boards reading "EXPLOSIVES". The word "EXPLOSIVES" shall be in capital letters not less than 15 centimetres high and shall be red in colour upon a white background.

Smoking Prohibited

10 No person shall smoke or allow any other person to smoke while conveying explosive substances or whilst on, in or attending any vehicle containing explosive substances or whilst acting as a watchman over any explosive substances.

Care in transit

11 It is the duty of a person in charge in the conveyance of any explosive substance to proceed with all due diligence to the proper destination and on arriving thereat he shall immediately store the explosive substance in a licensed magazine or a storage box approved under regulation 33 unless such explosive substance is being transported to the place where it is to be immediately used.

PART III

STORAGE

Keys

12 No person shall possess the keys of a licensed magazine or storage box approved under regulation 33 other than —

- (a) the holder of the licence; or
- (b) a person authorized in writing by the holder of the licence to have the custody of the keys.

Locks

13 No person shall leave a magazine or storage box containing explosive substances unlocked except during the issuing or storing of explosive substances.

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Storage in magazines

14 No person shall store explosive substances in a magazine otherwise than —

- (a) in regular layers not more than four boxes high if the explosive substances are contained in cardboard boxes or if they are contained in wood boxes, 150 centimetres high;
- (b) in such manner as readily to admit of inspection and extraction of the explosive substances in rotation.
- (c) upon wooden runners placed between the floor and the bottom layer of the cases;
- (d) separated from the wall to prevent their cases touching by means of wooden runners not less than five by two and a half centimetres in section.

Iron and steel tools

15 No person shall take any iron or steel tool into any magazine in which there is any explosive substance and no person shall suffer any such tool to be in the vicinity of any magazine or storage box in which there is any explosive substance.

Naked lights matches or smoking

16 No person shall take a naked light into any magazine and no person shall smoke or carry or have about him any fire, matches, or any substance or article likely to cause fire or explosion while in or near any part of a magazine or storage box.

Electrical fittings in magazine

17 All electrical wiring and fittings in a magazine shall be explosion proof in accordance with the United States National Fire Protection Association's National Electrical Code for Class I, Division I, hazardous locations, being the Code current at the time of the installation of such wiring or fittings.

Cultivation

18 No holder of a magazine licence shall permit any cultivation, shrubs or weeds liable to cause danger from fire to be within a distance of twenty-five metres from any magazine.

Opening of packages

19 Where it is necessary to open a package stored in a magazine containing an explosive substance —

- (a) no person other than the licence holder or a person authorized by him shall open the package;

(b) the package shall be removed to a safe distance from the magazine by the person who is to open it.

Repairs

20 It is the duty of the holder of a magazine licence where it is necessary to carry out major repairs to a magazine to ensure that the explosive substances are removed to a safe distance therefrom until the repairs are completed.

Broken cartridges

21 No person shall leave scraps or broken portions of cartridges lying on the floor of or in close proximity to any magazine or storage box.

Destruction by order

22 The Minister may order the destruction of any explosive substance which in his opinion have become unfit for use and, unless otherwise ordered by the Minister, the same shall be forthwith destroyed as directed by the Minister and no compensation shall be paid therefor.

Inspection

23 All magazines shall be opened without let or hindrance to the Minister and to the Commissioner.

Detonators stored apart

24 No person shall store detonators with any other explosive substance.

Posting of regulations in magazine

25 It shall be the duty of the holder of a magazine licence to post or hang up a copy of these regulations where they can be most conveniently seen or read in or at the magazine.

Thermometers

26 It shall be the duty of the holder of a magazine licence to keep on the wall of the magazine a maximum Fahrenheit or Celsius thermometer and it shall be his duty to ensure that readings are taken each time the magazine is opened and that the thermometer is re-set to the temperature then obtaining.

Fire Extinguishers

27 It shall be the duty of the holder of a magazine licence to ensure that at least one fire extinguisher of a pattern and size approved by the Minister is kept in a readily accessible position Inside the licensed magazine.

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Maintenance of mounds surrounding licensed magazine

28 It shall be the duty of the holder of the magazine licence to maintain the mound surrounding a licensed magazine in good order and proper provision shall be made for drainage at the base of the interior and exterior slopes.

Fencing and burglar proofing

29 The Commissioner may in writing direct the holder of a magazine licence to —

- (a) fence a licensed magazine and its mound or surrounding land;
- (b) burglar proof a licensed magazine in such manner as may be specified in the direction and It shall be the duty of the holder to comply with the direction.

Lightning conductor

30 It is the duty of the holder of a magazine licence to ensure that the magazine is properly protected from lightning by means of a lightning conductor,.

Overshoes

31 (1) It is the duty of the holder of a magazine licence to ensure that at least two pairs of magazine overshoes are kept in the entrance of the magazine.

(2) No person shall enter a magazine unless he first either puts on a pair of magazine overshoes or removes his boots or shoes.

Watchmen

32 The Commissioner may in writing direct the holder of a magazine licence to provide at his own expense a watchman to be on duty at the magazine while there is any explosive substance therein for such period as may be specified in the direction.

Storage boxes

33 (1) The Commissioner may in writing approve, for the purposes of section 14 of the Act, the storage of an explosive substance in a storage box construction in accordance with the following requirements—

- (a) the box is constructed of reasonably water-proof material;
- (b) the box is rigid in design and construction;
- (c) the hasps, staples and hinges of the box are affixed in such a manner that the screws or bolts used cannot be unscrewed whilst the lid is shut;

- (d) the box is fitted with handles for conveyance;
- (e) the lid is clearly inscribed "EXPLOSIVES".

(2) It shall be the duty of the person to whom authority is granted under paragraph (1) and of every person in charge of a storage box to ensure that —

- (a) no explosive substance is left overnight in a storage box;
- (b) not more than 25 kilograms of explosive substances (not being detonators) or, as the case may be, 200 detonators, are kept in the box;
- (c) explosive substances are kept from shifting about by means of suitable packing;
- (d) no material other than the explosive substances and no implement or tool is placed in the box;
- (e) the box is kept off the ground when in use;
- (f) detonators and explosive substances other than detonators are not stored in the same box and that a box containing detonators is kept as far away as reasonably practicable from a box containing other explosive substances;
- (g) a copy of the approval of the Commissioner given under subsection (1) is affixed inside the lid of the box;
- (h) the box is at all times kept properly locked against the unlawful removal of explosive substances and the person in charge shall keep the keys.

Tampering with locks of magazines and storage boxes

34 No person shall without the permission of the Commissioner break, force or tamper with any lock of any licensed magazine or approved storage box.

Records and returns

35 (1) The holder of a magazine licence shall render to the Commissioner a monthly form in such manner as he may approve containing details of all explosive substances on hand at the commencement of the month and all explosive substances received and issued by such holder.

(2) In every licensed magazine or in the vicinity thereof it shall be the duty of the holder of a magazine licence to maintain or cause to be maintained a register of all explosive substances therein showing the dates when such were obtained, and the details thereof and similarly there shall be shown all issues of explosive substances from such

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magazine, the date of such issues and the person to whom such explosive substances were issued.

(3) The register maintained under paragraph (2) shall be open to inspection at all reasonable times by the Commissioner who may further at any time call for a return showing the details contained in any such register.

(4) On receipt of any explosive substance it shall be the duty of the holder of the magazine licence to ensure that each case is distinctly marked with the date of receipt and he shall store such case in such a manner that the date of receipt so marked is clearly visible.

PART IV

BLASTING

Assistance to person authorized to use explosives

36 A person authorized by section 5 of the Act to use explosive substances may be assisted in the preparation and pressing home of charges and the conducting of blasting operations by not more than two reliable persons who are not so authorized acting under his immediate supervision and in the firing of charges he may be assisted by not more than two such persons as aforesaid acting under his direction and supervision:

Provided that it shall be the duty of such person so authorized to take all reasonable measures to prevent any accident occurring to such persons assisting through their ignorance, inexperience or carelessness.

Subordinate blasting

37 Subject to regulation 36 no person authorized by section 5 of the Act to use explosive substances shall allow any other person to prepare, press home or fire charges or conduct blasting operations unless such person is himself so authorized.

Carrying of explosive substances

38 (1) No person shall carry or allow any other person to carry an explosive substance unless he is authorized by the Act to possess such an explosive substance or unless it is being carried out under the direct supervision of a person so authorized.

(2) No person shall carry or allow any other person to carry detonators together with any other explosive substance.

Carrying a light with explosive substances forbidden

39 No person shall carry or allow any other person to carry any naked light whilst carrying an explosive substance.

Smoking when handling explosive substances

40 No person shall smoke or have a naked light or allow any other person to smoke or have a naked light when handling or working with explosive substances.

Detonators to be fired electrically

41 Unless the Commissioner in any particular case otherwise permits no person shall use a detonator other than a detonator fired by means of an electrical circuit.

Firing of electrical detonators

42 (1) Every electrical firing apparatus shall be provided with a removable handle, switch or other method of control. No person shall place any such handle in position until a charge is required to be fired, and the person firing the detonator shall remove the handle as soon as the charge has been fired.

(2) Before firing a detonator the person responsible therefor (being a person authorized under section 5 of the Act to use explosive substances) shall test the electrical circuit for continuity with an ohmmeter of a type approved for the purposes of this paragraph by the Minister.

Opening boxes of explosive substances

43 No person shall use or allow any other person to use anything except implements of wood, brass or copper in opening cases containing explosive substances:

Provided that where cases have been screwed down an iron screwdriver may be used to withdraw the screws, but for no other purpose.

Distance of drilling from a socket

44 No person shall drill or cause or permit any other person to drill any hole within thirty-five centimetres of any socket or butt or a hole suspected of containing any explosive substance or allow such a hole to be pitched so as to approach such socket, butt or hole to within that distance.

Cleaning holes before charging them

45 A person authorized to use explosive substances under section 5 of the Act shall thoroughly clean out all drill holes before attempting to charge them.

Paper wrappings not to be removed

46 A person authorized to use explosive substances under section 5 of the Act shall not remove the paper wrapping from an explosive

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substance or insert any unwrapped explosive substance into a hole or forcibly press any explosive substance into a hole of insufficient size to take the cartridge.

Tamping

47 A person authorized to use explosive substances under section 5 of the Act shall not use as tamping any material other than water, fine sand, clay or other soft material free from stones.

Tamping rods

48 A person authorized to use explosive substances under section 5 of the Act shall not use any implement except an implement of wood, brass or copper in charging or tamping holes for blasting.

Safety of workmen

49 A person authorized to use explosive substances under section 5 of the Act shall have the duty of ensuring the safe disposition of workmen engaged in the charging up and shall remove all persons not so engaged to a safe distance from these operations.

Warning

50 A person authorized to use explosive substances under section 5 of the Act shall before firing charges —

- (a) give or cause to be given due warning in every direction by sounding a bell;
- (b) satisfy himself that no person except any person assisting him in firing remains where he might be exposed to danger from the firing of such charges;
- (c) post guards with red flags at places where the public may reasonably be expected to enter the place where the charges are fired or where the safety of a person may be endangered.

Misfires

51 A person authorized to use explosive substances under section 5 of the Act shall not approach or permit or instruct any person to approach a place where a misfired charge is known or suspected to have occurred for at least half an hour from the time of firing the charge.

Inflammable material with explosive substances

52 A person authorized to use explosive substances under section 5 of the Act shall not permit an explosive substance (including a detonator) or any inflammable material to be left lying about in close proximity to a magazine or storage box.

Time of charging

53 A person authorized to use explosive substances under section 5 of the Act shall charge holes only within a reasonable time of blasting.

PART V

OFFENCES ETC.

Contravention of regulations to be an offence

54 It is an offence for a person to —

- (a) contravene any provision of these Regulations;
- (b) fail to discharge any duty imposed upon him by these Regulations;
- (c) obstruct or hinder the Minister or the Commissioner in the discharge of their functions under these Regulations;
- (d) fail to comply with any direction or order of the commissioner or the Minister given under these Regulations.

Punishment for offences under the regulations

55 (1) Where a person commits an offence against these Regulations:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$250 or both such imprisonment and fine.

(2) Offences against these Regulations shall be triable summarily.

Commencement

56 [omitted]