



**Tuvalu**

# **EXPLOSIVES ACT**

**2008 Revised Edition**

**CAP. 20.16**





Tuvalu

## EXPLOSIVES ACT

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LICENCE TO HOLD AND TO USE EXPLOSIVES ISSUED UNDER THE  
EXPLOSIVES ACT

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LICENCE TO DEAL IN EXPLOSIVES ISSUED UNDER THE EXPLOSIVES  
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Tuvalu

## EXPLOSIVES ACT

### AN ACT TO REGULATE THE USE AND SALE OF EXPLOSIVES<sup>1</sup>

Commencement [25th April 1927]

#### 1 Short title

This Act may be cited as the Explosives Act.

#### 2 Interpretation

In this Act “**explosive**” —

- (a) means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powder, 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; and
- (b) includes fog signals, rockets, percussion caps, detonators, and every adaptation or preparation of an explosive as above defined; but
- (c) does not include cartridges for firearms.

#### 3 Licence to use or sell explosives

- (1) No person shall have explosives in his possession or under his control, or use the same, except in pursuance of a licence hereinafter called a holder’s licence, and such licence if granted shall be in Form A of Schedule 1.
- (2) No person shall import, keep for sale, sell, supply or deal in explosives except in pursuance of a licence, hereinafter called a dealer’s licence, and if granted such licence shall be in Form B of Schedule 1.

#### **4 Holder's licences and dealer's licences**

The Commissioner of Police may grant a holder's licence to any reputable person, and a dealer's licence to any person who has obtained a licence to keep a store under the provisions of the Licences Act or a Kaupule bye-law.

#### **5 General conditions of grant of licences**

Every licence granted under this Act —

- (a) shall specify the quantity of explosives not exceeding which the licensee may hold or use or import, keep for sale, sell, supply or deal in, as the case may be; and
- (b) shall be personal and not transferable; and
- (c) shall be produced by the licensee on the requisition of any police officer; and
- (d) may at any time be cancelled by the Commissioner of Police.

#### **6 Period of licences**

- (1) A holder's licence may be issued for any period not exceeding 6 months and shall contain a statement of the purposes for which the explosives to which it relates may be used.
- (2) A dealer's licence may be issued for any period not exceeding 12 months.

#### **7 Fees**

The fee for a holder's licence or dealer's licence shall be at the rate prescribed in Schedule 2.

#### **8 Storage of explosives**

All explosives stored or kept under the provisions of this Act shall be stored or kept only in such magazine or other suitable place or places and in such quantities as shall be approved by the Commissioner of Police.

#### **9 Production of holder's licence upon any sale**

The person to whom a dealer's licence is granted shall not sell or supply explosives to any person who has not obtained a holder's licence and shall require the production of a holder's licence before any sale or supply.

**10 Obligations of persons to whom dealer's licence is granted**

The person to whom a dealer's licence is granted shall —

- (a) keep a separate sales book in which he shall record the date of each sale of explosives, the name and address of the purchaser and the quantity sold; and
- (b) indorse on the licence of the purchaser, on the occasion of each and every sale, the quantity of explosives purchased and the date of the purchase; and
- (c) produce his book of sales when required so to do to any police officer.

**11 Power to enter licensed places**

Any police officer, and any public officer authorised in writing by the Commissioner of Police for the purpose, may enter any licensed magazine or place at any time with a view to seeing whether the provisions of this Act or the terms and conditions of the licence issued under the Act are being complied with.

**12 Power to enter and search any place**

Any police officer, and any public officer authorised in writing by the Commissioner of Police for the purpose, may enter any place or premises where he has reason to suspect that any explosive is concealed or deposited contrary to the provisions of this Act, and may there search for and take possession of any such explosive found in any such place.

**13 Penalty for obstruction**

Any person who assaults or obstructs or in any way interferes with any officer in the exercise of the powers conferred upon him by this Act, shall be liable on summary conviction to a fine of \$20 or to imprisonment for 3 months.

**14 Penalties**

Unless otherwise provided in this Act, any person who commits a breach of the provisions thereof or of any conditions contained in, indorsed on or attached to a licence granted thereunder, shall be liable on summary conviction to a fine of \$100 or to imprisonment for 6 months, and in addition the court may order the forfeiture and destruction of any explosive the possession of which constitutes an offence under this Act.

**15 Offences by bodies corporate, etc.**

When the person guilty of an offence under this Act is a body of persons, whether corporate or unincorporate, every director, manager, secretary and other officer of such body of persons who is knowingly a party to the offence, shall also be guilty of the offence and be liable to the like punishment.



**SCHEDULE 1**

**Form A**  
*(Section 3)*

TUVALU

HOLDER'S LICENCE

**LICENCE TO HOLD AND TO USE EXPLOSIVES ISSUED UNDER THE  
EXPLOSIVES ACT**

.....having paid the prescribed fee of \$2 is hereby  
licensed to have in his possession .....not  
exceeding .....in quantity and to use such .....for the  
purpose of .....for the 6 months ending.....

Dated at this .....day of .....20.....

**Fee, \$2.**

*Commissioner of Police*

**NOTE**-Nothing contained in this licence shall be deemed to exempt the licensee from liability for loss or damage caused by the negligent act or omission of the said licensee, or his agent.

**Form B**  
*(Section 3)*

TUVALU

DEALER'S LICENCE

**LICENCE TO DEAL IN EXPLOSIVES ISSUED UNDER THE EXPLOSIVES ACT**

.....having paid the prescribed fee of \$10 is hereby  
licensed to import and keep for sale .....not exceeding  
.....in quantity for the purpose of sale for 12 months ending.....

Dated at this .....day of .....20.....

**Fee, \$10.**

*Commissioner of Police*

**SCHEDULE 2**

(Section 7)

Holder's Licence not exceeding 6 months .....	\$2
Dealer's Licence not exceeding 12 months .....	\$10

**ENDNOTES**

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<sup>1</sup> 1990 Revised Edition. Cap. 73 – Acts 1 of 1927, 7 of 1965, 2 of 1969, 8 of 1971, 9 of 1971, 3 of 1972, LN 30/1976