

Statutory Instrument No. 106 of 1970

EXPLOSIVES LAW, 1961

(31 of 1961)

EXPLOSIVES REGULATIONS, 1970

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FOURTH SCHEDULE:

Permitted explosives in fiery mines

IN EXERCISE of the powers vested in him by section 4 of the Explosives Law, 1961, His Excellency the President has made the following regulations —

Part I

PRELIMINARY

Citation

1. These regulations may be cited as the Explosives Regulations, 1970.

Interpretation

2. In these regulations, unless the context otherwise requires —

“Assistant Inspector” means any person appointed as an Assistant Inspector of Explosives in terms of section 3 of the Explosives Law and includes an Inspector;

“authorised person” means any person authorised in writing by the holder or deputy to carry out such duties as may be assigned to such persons in conformity with any regulations applicable thereto;

Provided that such designation and authority shall apply only until cancelled or withdrawn by the holder or the Chief Inspector of Explosives;

“blasting licence holder” means a person who holds a valid blasting licence issued in accordance with regulation 85 or 86;

“Chief Inspector of Explosives” means the person appointed as such under section 3 of the Explosives Law;

“deputy” means a person appointed in writing by the holder to assist him in the appointment of authorised persons and such deputy must have a thorough knowledge of the capabilities and competency of any person so to be appointed;

“Explosives Law” means the Explosives Law, 1961 (31 of 1961);

“fiery mine” means a mine in which inflammable gas of dangerous limits has been found or any mine which an Inspector has by notice in writing addressed to the manager of such mine declared to be subject to the regulations prescribed for fiery mines;

Provided that at any mine in which inflammable gas is only occasionally found, the Inspector may in his discretion exempt any ventilating district from all or any of the regulations prescribed for fiery mines;

“firework” shall include any explosive such as amorces, bengal matches, confetti bombs (joke bombs), electric sparklers (aluminium or magnesium torches), explosive

corks, snaps for bon-bon crackers, and other manufactured fireworks and all signal rockets, Very signal cartridges and any other pyrotechnic articles for signalling and life-saving;

"holder" means a person holding authority to import or to possess explosives under the provisions of the Explosives Law and these regulations and, in the case of a company holding such authority, shall mean the manager of such company;

"Inspector" means any person appointed as an Inspector of Explosives under section 3 of the Explosives Law;

"magazine" means any building or structure licensed or authorised under these regulations for the storage of explosives;

"mine" means any working made for winning minerals or quarrying stone;

"misfire" means a charge of explosive which has failed to explode either wholly or in part;

"misfired hole" means a hole charged with explosive which has failed to explode wholly or in part;

"quarterly return" means a return due on the 31st March, 30th June, 30th September and the 31st December in each year;

"Railway" means the Rhodesia Railways established and incorporated under the Rhodesia Railways Act, 1949 of Southern Rhodesia;

"restricted blasting licence holder" means a person who holds a restricted blasting licence issued by an Assistant Inspector under regulation 89;

"subordinate" means any person who is under the direction, supervision or control of another person.

Dangerous or defective practices

3. (1) An Assistant Inspector may by requisition in writing draw the attention of the 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 and the holder shall comply therewith.

(2) It shall be competent for the holder, on receiving such orders, to submit his objections to such orders in writing to the Chief Inspector of Explosives and for the Chief Inspector of Explosives to modify or withdraw such orders as aforesaid.

Railway regulations and bye-laws not affected

4. Save in so far as other provision is expressly made in these regulations nothing herein contained shall affect the provisions of any regulations or bye-laws made by the Railway in regard to the carriage and storage of explosives.

Establishment of Central Explosives Registry

5. (1) There is hereby established a Central Explosives Registry for the purposes of receiving and collecting the information contained in the returns required to be sent under regulations 40 and 73.

(2) All communications to the Central Explosives Registry should be addressed to the Officer-in-Charge, Central Explosives Registry, Private Bag 14, Lobatse.

Part II

POWERS OF INSPECTORS

Power of entry and search

6. (1) An Assistant Inspector may, for the purpose of ascertaining whether any contravention of the regulations is occurring —

- (a) at any hour of the day or night enter any premises or place where explosives are manufactured, stored, kept or used;
- (b) take samples of explosives or of any substance which he has reasonable cause to believe are explosives in the possession of any person;
- (c) require the occupier or owner of any magazine or store or any place where explosives are kept or the person in charge of such explosives to give such information as he may reasonably require; and
- (d) stop and examine any vehicle which he has reasonable grounds for believing is being used for the conveyance of explosives.

(2) An Assistant Inspector may, at any hour of the day or night, enter any premises or place if he has reasonable grounds for supposing that any offence against these regulations is being committed thereon.

Power to issue directions

7. (1) An Inspector may issue directions in writing to any person in charge of explosives requiring him to do any act in relation to such explosives which may be necessary in the interests of safety.

(2) Any person so directed who fails to carry out such directions shall be guilty of an offence.

Part III

IMPORTATION OF EXPLOSIVES

Importation permit

8. (1) No person shall import into Botswana any explosives other than fireworks imported from the Republic of South Africa, the Mandated Territory of South West Africa, Southern Rhodesia or Zambia unless at the time of importation or prior thereto he shall have obtained a permit in Form B in the First Schedule hereto:

Provided that transit of explosives by rail from a place outside Botswana through Botswana directly to another place outside Botswana shall not be deemed to be importation.

(2) A permit to import explosives shall be obtained in the manner prescribed in the Second Schedule hereto, and shall be deemed to be a permit to possess the explosives so imported.

(3) The Chief Inspector of Explosives at his discretion may issue to any owner of a licensed magazine a general authority to import, possess and dispose of explosives, subject to such conditions as the Chief Inspector of Explosives may impose.

(4) The Chief Inspector of Explosives may at any time revoke such authority.

(5) The Chief Inspector of Explosives shall notify the Officer-in-Charge of the Central Explosives Registry of all permits issued by him under subregulation (2).

(6) No permit shall be issued under the provisions of this regulation authorising the importation of explosives intended or adapted for military use except upon the written authority of the Minister, and no permit issued under this regulation shall be deemed to authorise such importation unless the authority of the Minister has been so obtained.

(7) Every such holder of a permit shall forward at the time of importation to the Officer-in-Charge, Central Explosives Registry, Private Bag 14, Lobatse, a copy invoice of every consignment of explosives so imported.

Duties of holder

9. (1) Whenever the manager, agent or servant of a holder does or omits to do anything in contravention of these regulations, such holder shall be deemed himself to have contravened such provision, and shall be responsible for such act or omission and be liable on conviction, if any penalty is prescribed therefor, to such penalty, unless he proves to the satisfaction of the court that —

- (a) in doing or omitting to do such thing, such manager, agent or servant was acting without his connivance or permission;
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question; and
- (c) it was not under any condition, or in any circumstances, within the scope of the authority, or the course of the employment, of the manager, agent or servant, to do or omit to do acts, whether lawful or unlawful, of the kind in question:

Provided that the fact that the holder issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever a holder is, by virtue of the provisions of subregulation (1) liable for anything done or omitted by another person, such person shall also be liable therefor as if he were the holder;

Provided that the provisions of this regulation shall not relieve such other person from any other liability which he may have incurred apart from the liability which he shares with the holder.

(3) The holder shall report in writing to the Chief Inspector of Explosives any contravention in relation to any permit held by him, of any provision of these regulations. Such report shall be made as soon as may be practicable after the occurrence of such contravention.

(4) The holder shall keep a register in which he shall enter full particulars of any contravention of these regulations. Such register shall be open to inspection at any time by an Assistant Inspector.

When the holder is manager of a mine

10. (1) When the holder is the manager of a mine, he may appoint one or more competent persons to assist him in enforcing the provisions of these regulations and such persons shall have the same responsibility under these regulations as the holder for such portion of the mine as his letter of appointment shall specify, but the appointment of such persons shall not be taken to relieve the holder of his personal responsibilities under these regulations.

(2) Any appointment made under subregulation (1) shall be in writing and shall clearly define the portions of the mine assigned to the person so appointed. A copy of such letter of appointment shall be forwarded forthwith to the Chief Inspector of Explosives by registered post or served on him personally.

(3) Any appointment made under subregulation (1) may be cancelled at any time by the holder. Such cancellation shall be in writing and a copy of the letter of cancellation shall be forwarded forthwith to the Chief Inspector of Explosives.

Part IV

MANUFACTURE OF EXPLOSIVES

Licence to manufacture explosives

11. (1) Subject to regulation 13, no person shall manufacture explosives unless authorised by licence issued by the Chief Inspector of Explosives. Such licence shall be in Form C in the First Schedule hereto and such special conditions shall be inserted therein as the Chief Inspector of Explosives shall deem necessary or desirable in the interests of the safety of life and property.

(2) Such licence shall expire on the 31st December following the date of issue.

(3) The licence may be revoked or amended by the Chief Inspector of Explosives at any time at his discretion by notice in writing, addressed to the licence holder.

(4) The fee payable on the issue of such licence shall be R100 in the case of explosives manufactured in a factory or fixed plant and R50 for all other modes of manufacture.

Places of manufacture

12. Places of manufacture shall be isolated from inhabited buildings, railways, public roads and airports at safety distances to be approved by the Chief Inspector of Explosives.

Manufacture to be under supervision of a responsible person

13. The process of manufacture of the explosives in respect of which a licence under regulation 11 has been issued shall only be carried out under the immediate supervision of the licence holder or some responsible person, appointed in writing for the purpose by the licence holder.

Spillage of explosives

14. During the manufacture of explosives or the mixing of explosive ingredients all due care must be taken to guard against spillage.

Tools and implements

15. All tools and implements used in the manufacture of explosives shall be made only of wood, copper, brass or other non-ferrous material approved by the Chief Inspector of Explosives.

Repairs and alterations to premises

16. Before any repairs or alterations to buildings, plant or machinery where the manufacture and mixing of explosive ingredients is carried out, the person in charge shall carry out the following —

- (a) all bags, barrels, boxes or other receptacles for explosive and ingredients for explosive to be removed to a place of safety;
- (b) all machines, hoppers, cupboards and other fixed containers for explosive to be thoroughly cleaned and any adhering explosive removed; and
- (c) buildings, plant or machinery to be treated with water, solvent or an explosive destroying agent approved for the particular purpose.

Part V

CONVEYANCE OVERLAND

Removal to magazine on importation by land

17. (1) No person shall convey or allow any subordinate to convey explosives overland otherwise than in accordance with these regulations except with the special permission in writing of an Assistant Inspector.

(2) Unless an Assistant Inspector otherwise directs, all explosives when first imported, in whatever manner, shall immediately after being unloaded be conveyed to magazines or direct to their proper destination in charge of an authorized person.

(3) During conveyance overland explosives shall always be in the charge of an authorised person; and at resting places they shall be under the care of a watchman by day and night.

Care in loading, unloading and storing

18. While the loading on or unloading from any vehicle or the conveyance, handling, storing, guarding or using of explosives is being carried out, all persons so engaged shall take all due precautions for the prevention of accidents by fire, explosion or concussion and for preventing unauthorised or incompetent or unfit persons from having access to the explosives and shall abstain from any act which tends to cause fire, explosion or concussion and is not reasonably necessary in connection with such operations and shall use every reasonable endeavour to prevent any other person from committing such act and any other person who, after being warned, commits any such act shall be deemed to have contravened the provisions of this regulation.

Detonators

19. No person shall convey or allow any subordinate to convey detonators in the same vehicle with other explosives:

Provided that this regulation shall not be deemed to apply to the conveyance of

detonators in the same vehicle with other explosives if the total number of detonators does not exceed 2,000 in all and the following conditions as to packing are complied with —

- (a) the detonators shall be packed in inner packages with sawdust and felt in a strong case, which case shall be packed in a strong outer case with sawdust, straw or other similar material and so secured that a space of not less than 7.5 centimetres is left between the outside of the inner case and the inside of the outer case; and
- (b) the case containing detonators shall be stowed in the vehicle as far away from other explosives as is reasonably practicable.

Prohibition of conveyance of explosives in certain vehicles

20. (1) No person shall convey or allow any subordinate to convey explosives in any vehicle which is at the same time being used for the conveyance of passengers or mails and, except with special permission in writing of an Assistant Inspector, no explosives shall be conveyed on the same vehicle with goods of a dangerous character such as gunpowder, inflammable material, acids, chemicals, compressed gases, fireworks, forage, fuse-lighters, matches or parts thereof, metal implements such as tools, plough-shares, iron standards and the like or any other articles or material having exposed iron or steel.

(2) The conveyance of explosives by aircraft is prohibited except with the written permission of the Director of Civil Aviation and subject to such conditions as he may impose.

Permit required for all vehicles carrying explosives in bulk

21. (1) No person shall convey more than 50 kilograms of fracture explosives or 500 detonators in any vehicle unless he is in possession of a permit in Form D in the First Schedule hereto issued by an Assistant Inspector in respect of such vehicle.

(2) Such a permit shall be valid for such period not exceeding six months as the Assistant Inspector shall signify in such permit and shall not be issued until the Assistant has inspected the vehicle, or caused it to be inspected, and has satisfied himself that it is in a serviceable condition.

Protection of explosives from fire

22. If any explosives are not effectively protected by being conveyed in the interior of a vehicle which is enclosed on all sides with wood or metal, from accident by fire from without, they shall be completely covered with painted cloth, tarpaulin or other suitable material, so as effectually to protect the against fire.

Red flag

23. Every vehicle used for the transport of explosives shall have affixed to it at each side, so as to be distinctly visible from the front and rear, a red flag at least 45 centimetres square.

Speed of vehicle

24. No person shall drive or allow any subordinate to drive any road vehicle conveying explosives at a speed exceeding 45 kilometres per hour.

Smoking prohibited

25. No person shall smoke or allow any subordinate to smoke whilst conveying explosives or whilst on, in or attending any vehicle containing explosives or whilst acting as watchman over explosives.

Care in transit

26. In the conveyance of explosives the person in charge shall proceed with all due diligence at all times to the proper destination and on arriving thereat shall, unless an Assistant Inspector otherwise directs, immediately store the explosives in magazines or authorised storage boxes as laid down in these regulations.

Explosives in or near dwelling-houses

27. (1) No person shall keep or allow any subordinate to keep explosives in any building used at the same time as a dwelling-place:

Provided that explosives in quantities not exceeding 5 kilograms in weight, may, with the permission in writing of an Assistant Inspector, be so kept.

(2) At resting places on overland journeys explosives shall be placed on the outskirts of towns and villages and at a reasonable distance from any dwelling.

Carriers of explosives

28. The person in charge shall ensure that any persons carrying explosives shall not proceed along the track of any public railway, nor shall he allow them within 20 metres of any such track, except when crossing the same by any recognised path or road, or when carrying explosives to a railway station for despatch by train.

Part VI**STORAGE OF EXPLOSIVES****Storage**

29. No person shall store explosives on or below the surface of the ground otherwise than in accordance with these regulations.

Magazines and boxes to be kept locked

30. (1) Every magazine and authorised storage box shall be kept securely locked except during the issuing or receipt of explosives and the keys shall be in the custody of an authorised person who shall be in charge of such magazine or authorised storage box and who shall also be responsible for the issue, receipt and storage of the explosives.

(2) No delivery of explosives shall be made from any magazine or authorised storage box to any person other than an authorised person or blasting licence or permit holder.

Storage in magazine

31. Explosives shall be stored in magazines in regular layers not more than 2 metres high, unless special permission for any greater height has been obtained from an Inspector, and in such manner as readily to admit of inspection and extraction of the explosives in rotation. Wooden runners shall be placed between the floor and the bottom layer of the cases of explosives. Between cases of explosives and the inside of the walls a space of at least 30 centimetres shall be kept clear.

Care in storage – no other materials allowed in magazine or storage box

32. Care should be taken to prevent concussion in the storage of explosives in any magazine or storage box and no iron or steel tools or inflammable material shall be allowed in any magazine or authorised storage box neither shall any inflammable material be near any such magazine or storage box.

Naked lights, matches or smoking; electric torch

33. (1) 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 authorized storage box.

(2) An efficient electric torch shall be kept in a convenient position near the door inside all underground magazines unless such magazines are provided with permanent electric light and all persons working underground are supplied with electric hand or cap lamps.

Electrical wiring in magazine

34. All electrical wiring in magazines shall be installed in a rigid conduit with screwed waterproof joints and such conduit shall be permanently earthed.

Electrical switches and fuses

35. The switches and fuses for the lighting circuits of magazines shall be installed in a fireproof cabinet on the outside of the building. Such fuses for lighting shall not exceed 10 ampere capacity.

Power lines

36. No aerial or below ground power line other than that for carrying light to a magazine shall be carried at a closer distance than 30 metres from the magazine.

Cultivation

37. No cultivation, shrubs or weeds liable to cause danger from fire shall be permitted within a distance of 25 metres from any magazine.

Repairs

38. Whenever it is necessary to carry out major repairs on any magazine, the explosives shall be removed to a safe distance therefrom until the repairs are completed.

Broken cartridges

39. No scraps or broken portions of cartridges shall be left lying on the floor of or in close proximity to any magazine or storage box.

Register of explosives

40. (1) In every licensed magazine there shall be kept a register of all explosives therein showing the dates when such were obtained, from whom they were obtained and the details thereof and similarly there shall be shown all issues of explosives from such magazine, the date of such issues and the person or persons to whom such explosives were issued. Such register shall be open to inspection at all reasonable times by an Assistant Inspector.

(2) On receipt of explosives each case shall be distinctly marked with the date of receipt and shall be stored in such a manner that the date of receipt so marked is clearly visible.

(3) The owner of a licensed magazine shall within one month of the date in which such return is due furnish to the Officer-in-Charge of the Central Explosives Registry a quarterly return in the form to be prescribed by the Chief Inspector of Explosives of all explosives contained in such magazine on the date on which such return is due.

Destruction by order

41. (1) It shall be lawful for an Inspector, or any other person appointed in writing for the purpose by the Minister, to order in writing the destruction of any explosives which in his opinion have become unfit for use and, unless otherwise ordered by the Inspector or other person aforesaid, the same shall be forthwith destroyed under the supervision of the Inspector or other person aforesaid by a person who is a blasting licence holder, and no compensation shall be paid therefor.

(2) After the destruction of any explosives in terms of subregulation (1) the person supervising such destruction shall forward to the Central Explosives Registry a destruction certificate in the form to be prescribed by the Chief Inspector of Explosives.

Inspection

42. All magazines shall be open without let or hindrance to inspection by an Inspector or any other persons appointed in writing by the Minister to inspect explosives magazines.

Disposal of explosives on closing of mine, magazine, etc.

43. When a mine, magazine or other place containing explosives is closed down all explosives shall be removed and disposed of in such manner as may be approved of by an Inspector and no other explosives may be stored in any such closed down mine, magazine or other place without the permission of an Inspector.

Detonators stored apart

44. Subject to regulations 19 and 51, detonators shall not be stored with any other explosives, safety fuses excepted. The requirements of regulation 97 must also be complied with.

Posting of regulations in magazines

45. A copy of these regulations and the original authorisation or licence issued in respect of the magazine shall be posted or hung up where they can be most conveniently seen and read in or at each magazine.

Licensed magazine: general conditions

46. (1) Subject to regulation 66, no surface magazine shall be used for the storage of more than 2 cases or 50 kilograms of explosives other than detonators, or more than 500 detonators unless such magazine (in these regulations referred to as a "licensed magazine") has been licensed for the purpose by the Chief Inspector of Explosives. Such licence shall be in Form E in the First Schedule hereto and shall specify the nature and maximum amount of explosives which may be stored, and may require that such explosives shall be stored in such manner that any person entitled to inspect such magazine shall be able to see each individual package, and may contain such other special conditions as the Chief Inspector of Explosives may think fit; no explosives shall be stored to a greater amount or in a manner other than that specified except as provided for in the proviso to paragraph (j) of regulation 51; no detonators shall on any pretence whatever be stored with or permitted in the same licensed magazine with other explosives and it shall be the duty of the authorised person in charge to see that all conditions and the regulations for such storage are observed.

(2) Every licence issued under subregulation (1) shall expire on the 31st December next following the date of issue.

(3) Every magazine shall be in the charge of the licensee or of a person authorised by him who is acquainted with the provisions of these regulations relating to the loading, unloading, conveyance, handling storing and guarding of explosives.

Revocation of licence

47. A licence issued in terms of the preceding regulation may be revoked by the Chief Inspector of Explosives at his discretion or on the conviction of the owner of the licensed magazine or of the authorised person in charge for contravention of any of the requirements or conditions specified in such licence.

Licence fee

48. The fee payable for a licence issued under regulation 46, 65 or 66 shall be R2.

Licensed magazines: requirements

49. (1) Licensed magazines shall be substantial buildings capable of being made properly secure against unlawful entry.

(2) Detailed plans, site plans and specifications shall be submitted in duplicate and the approval of the Chief Inspector of Explosives obtained before the construction of any proposed licensed magazine is commenced.

Construction of licensed magazine

50. Except when exempted in writing by the Chief Inspector of Explosives the construction of any licensed magazine shall be as prescribed in regulations 51 to 63 inclusive, or as approved under regulation 65 or 66.

Requirements of licensed magazine

51. Except where an exemption in writing has been granted under regulation 50, the construction of a magazine shall be in conformity with the following requirements —

(a) the walls shall be constructed of reinforced concrete;

- (b) a magazine shall have no exposed iron or steel on the inside;
- (c) the floor shall be covered with reinforced concrete not less than 15 centimetres thick;
- (d) the magazine building shall be covered with a roof of reinforced concrete;
- (e) the height from the floor to the ceiling shall be at least 2.25 metres;
- (f) there shall be no windows in any magazine;
- (g) ventilation shall be provided by means of elbow flues constructed in the thickness of the walls, fitted with gratings covered with fine wire gauze at both external and internal openings. Flues shall not be less than 65 millimetres in diameter and not more than 2 metres apart horizontally. The bottom series of flues shall be 75 centimetres from the floor and the top series of flues shall be 20 centimetres below the ceiling;
- (h) the door of every magazine shall be of a design approved by the Chief Inspector of Explosives, constructed of steel plate not less than 6 millimetres in thickness lined with wood or similar non-ferrous material, hung in a substantial steel frame securely set in the concrete of the building and opening outwards; it shall be locked by means of two or more six-lever concealed and protected dead locks or approved bolt mechanism with six-lever concealed and protected dead locks, and the hinged edge shall be secured when closed by not less than five internal fixed dog bolts or lugs engaging with the frame;
- (i) every magazine shall be provided with an aluminium sun roof of a design approved by the Chief Inspector of Explosives; and
- (j) separate and distinct buildings provided for the storage of detonators shall be similar in construction to the main magazine and shall be set at distances from the main magazine not less than those set out in the Third Schedule hereto:

Provided that in the case of a magazine licensed for the storage of not more than 5 metric tons of explosives, detonators may be stored separately in the same building in a room or compartment separated from the main storage chamber by an air space of approved dimensions, or in a separate compartment of a portable magazine the design of which has been approved under regulation 66.

Danger notice

52. A danger notice shall be placed in a conspicuous place in the vicinity of every magazine.

Alterations to magazines

53. No structural alteration to any magazine or alteration to any protecting mound necessarily built in accordance with regulation 59, otherwise than by enlarging such mound, shall be made except in accordance with an amended plan approved by the Chief Inspector of Explosives.

Safety precautions relating to footwear

54. No person wearing boots or shoes which will allow metal to come into contact with the concrete floor shall enter a magazine without first removing such boots or shoes.

Partitions and shelves of licensed magazine

55. Partitions and shelves in a licensed magazine shall be of timber with all nails and screws countersunk and there shall be no exposed metal fittings other than brass therein.

Temperature of licensed magazine

56. (1) Every licensed magazine or other approved explosives storage chamber, other than a magazine for the storage of detonators only, shall be maintained at a temperature which shall not exceed 35°C.

(2) A reliable maximum and minimum thermometer shall be kept in every such magazine or storage chamber.

Fire extinguisher in licensed magazine

57. At least one fire extinguisher of an approved pattern shall be kept in a readily accessible position at every licensed magazine.

Drains of licensed magazine

58. Adequate drains shall be provided for the removal of rain-water flowing from the roof of a licensed magazine.

Earthen mound surrounding licensed magazine

59. Every licensed magazine shall be surrounded by a substantial and properly consolidated earthen mound and such mound shall —

- (i) be at least as high as the eaves of the roof of the building;
- (ii) be at least one metre wide at the top;
- (iii) have the foot of its interior slope at least one metre, but not more than 1.25 metres, measured from the foot of its interior slope, from the magazine;
- (iv) have its exterior slope at the angle of repose of earth and the interior slope at an angle according to the construction of the mound;
- (v) be so constructed that the entrance to the magazine through the mound shall be in a broken line formed by the overlapping of the ends of the mound; and
- (vi) be so constructed that, from a point outside the mound and at a height of 2 metres above the level of the floor of the magazine, no part of magazine building below the eaves is visible:

Provided that the Chief Inspector of Explosives may direct that the provisions of this regulation shall not apply in respect of any particular licensed magazine situate in a remote area of Botswana.

Maintenance of mound surrounding licensed magazine

60. The mound surrounding a licensed magazine shall be maintained in good order to the satisfaction of an Assistant Inspector, and proper provision shall be made for drainage at the base of the interior and exterior slopes.

Fencing of licensed magazine

61. Every licensed magazine shall be surrounded by a substantial fence to the satisfaction of an Inspector. Such fence shall be closed by a substantial gate which shall be kept locked and on which shall be fixed a notice board bearing the words "Explosives magazine" printed in red.

Distance of licensed magazine from other magazines, roads, railways, etc.

62. No application for a licence shall be granted unless the magazine is separated from other magazines, roads, railways, buildings, structures and places according to the class into which such other magazines, roads, railways, building, structures and places fall as set out in the Third Schedule, by the distances set out in that Schedule.

Lightning conductor on licensed magazine

63. Every licensed magazine shall be efficiently protected against lightning to the satisfaction of an Inspector.

Watchman at licensed magazine

64. At the discretion of an Inspector and upon instructions in writing to that effect a watchman shall be on duty at each licensed magazine night and day so long as there are explosives therein.

Underground magazine

65. The Chief Inspector of Explosives may license underground magazines for explosives and detonators, subject to such conditions as he may prescribe in writing. Explosives and detonators shall only be removed from such magazines in such quantities as are required for immediate use:

Provided that explosives and detonators for the day's use may be removed and transferred to underground storage boxes.

Portable magazine

66. Where a quantity of explosives not exceeding 100 cases or 2,500 kilograms of fracture explosives or 15,000 detonators is required for some temporary purpose, the Chief Inspector of Explosives may license a portable magazine of a design approved by him at such place and for such time and subject to such conditions as he may prescribe in writing.

Authorised underground storage boxes

67. (1) Explosives for current underground use in quantities not exceeding 48 hours' probable consumption may be stored in underground storage boxes provided the types specified in regulation 97 are stored separately and at least 10 metres away from each other and under the following conditions —

- (a) the boxes are kept at a safe distance from working faces in dry and secluded places;
- (b) the boxes are of a design approved by the Inspector and are kept in good repair;
- and

(c) no box shall contain more than 2 cases or 50 kilograms of blasting cartridges or powder, or 250 detonators or capped fuses.

(2) Application shall be made to an Inspector for the authorisation of such underground storage boxes certifying that the boxes have been constructed in accordance with the requirements laid down in Form F in the First Schedule hereto. An Inspector may at any time cancel any authority given under this regulation.

Authorised surface storage boxes

68. (1) Persons wishing to store small quantities of explosives on the surface shall make application to an Assistant Inspector who may sanction the use of authorised box storage in the form of and under the conditions of Form F in the First Schedule hereto, and no storage shall be lawful until this authorisation has been obtained. No greater amounts than 50 kilograms of fracture explosives or 500 detonators shall be stored in one box.

(2) Application shall be made to an Assistant Inspector for the authorisation of such storage boxes certifying that the boxes have been constructed in accordance with the requirements laid down in Form F in the First Schedule hereto. An Assistant Inspector may at any time cancel any authority given under this regulation.

Part VII

PURCHASE OR ACQUISITION OF EXPLOSIVES

Acquisition of explosives

69. No person, other than the holder of an importation permit issued under regulation 8, shall purchase or acquire explosives otherwise than in accordance with these regulations.

Permit to purchase, acquire and possess

70. (1) An Assistant Inspector may issue to suitable persons who shall have authorised storage in accordance with these regulations, permits under the conditions of Form G in the First Schedule hereto to purchase, acquire and possess explosives and no person shall sell or deliver to any person any explosives without the production of such permit by the purchaser or the person to whom such explosives are to be delivered.

(2) Any permit issued in terms of this regulation shall expire on the 31st December following the date of its issue.

Written authority

71. An Assistant Inspector may issue a written authority to any person holding a permit to possess explosives authorising the supply to his employees of explosives so possessed. Such authority may be issued for one or more such transactions and with respect to a particular kind of explosive and a particular amount thereof or may be general and for a period to be named therein. Such authority shall be under the conditions of Form H of the First Schedule hereto:

Provided that no such authority shall be necessary in the case of employees during such time as they are working in a mine.

Part VIII
SALE OF EXPLOSIVES

Licence to sell explosives

72. (1) No person shall sell explosives unless authorised by licence issued by the Chief Inspector of Explosives.

(2) Such a licence shall be in Form I in the First Schedule hereto and such special conditions shall be inserted therein as the Chief Inspector of Explosives shall deem necessary or desirable in the interests of the safety of life and property.

(3) Such a licence shall expire on the 31st December following the date of issue.

(4) The fee payable on the issue of such a licence shall be R2.

Duties of licence holder

73. (1) The holder of a licence to sell explosives issued under regulation 72 shall not sell any explosives unless the purchaser or his authorised agent produces a valid permit to purchase, acquire and possess explosives issued under regulation 70.

(2) The holder of such a licence shall, in respect of each such sale, enter upon the permit the quantity of each kind of explosive sold, which quantity, if added to the quantities already entered upon the permit, shall not exceed the total quantity which may be purchased in terms of such permit.

(3) The holder of such a licence shall keep a register of each such sale, including the quantity and kind of explosive sold, the permit number and the name and address of the holder of the permit.

(4) Every holder of such a licence shall furnish a quarterly return in the form to be prescribed by the Chief Inspector of Explosives to the Officer-in-Charge of the Central Explosives Registry of all sales made by him during the preceding 3 months from the date on which such return is due, which return shall include the information set out in subregulation (3) and details of all explosives on hand at the beginning and end of the period to which the return relates.

(5) The register referred to in subregulation (3) shall be open to inspection at all reasonable times by the Chief Inspector of Explosives or an Assistant Inspector.

Part IX

UNLAWFUL POSSESSION, HIDING AND ABANDONING OF EXPLOSIVES

Thefts and losses

74. (1) No person shall, without the permission of the holder —

(a) take away any explosives from; or

(b) remove any explosives from one place to another within any mine, other works, or any other place where such explosives are stored or used.

(2) No person shall be in possession of explosives except as provided in these regulations.

(3) The holder shall report all thefts and losses of explosives to the Police immediately upon becoming aware of such thefts or losses.

Tampering with locks of magazines and storage boxes

75. No person shall without the permission of an Assistant Inspector break, force or tamper with any lock of any magazine or storage box.

Hiding or abandoning of explosives

76. No person shall bury, submerge or otherwise hide or abandon any explosives or store or leave explosives unattended by a subordinate in such manner or for such a period that it will be possible for other persons to have access thereto.

Part X

USE OF EXPLOSIVES

Use

77. No person shall use any explosives otherwise than in accordance with these regulations, or otherwise than for the purpose and at the places specified in any permit or authority issued in respect thereof.

Blasting by subordinates

78. No person shall allow any subordinate to conduct any blasting operations or the preparation of any charge unless such subordinate is the holder of a blasting licence issued in accordance with these regulations.

Endorsement of blasting licence for operations underground or in fiery mine

79. (1) No person shall conduct or be allowed to conduct any blasting operations underground or be in charge of a section or portion of a mine underground unless he is the holder of a blasting licence issued under these regulations and endorsed by the Chief Inspector of Explosives permitting the holder to conduct blasting operations underground.

(2) No person shall conduct or be allowed to conduct any blasting operations in any fiery mine, or be in charge of a section or portion thereof, unless he is the holder of a blasting licence issued in accordance with these regulations, and endorsed by the Chief Inspector of Explosives permitting the holder to conduct blasting operations in any fiery mine.

(3) The Chief Inspector of Explosives shall not endorse a blasting licence for the purpose of subregulation (1) or (2) unless he is satisfied that the holder of such blasting licence has had 300 shifts underground with at least 75 shifts at the working face.

Board of Examiners to be appointed

80. There shall be a Board of Examiners appointed for the examination of candidates for the grant of a blasting licence.

Membership of Board

81. (1) The Board of Examiners shall consist of —

- (a) an Inspector, who shall be appointed as Chairman by the Chief Inspector of Explosives; and

- (b) two persons appointed by the Chief Inspector of Explosives, who are holders of valid blasting licences issued in accordance with these regulations.

(2) The findings of the Board of Examiners shall be valid notwithstanding the absence of one of the persons appointed in terms of paragraph (b) of subregulation (1).

Allowances and travelling expenses of Board

82. The members of a Board of Examiners who are not members of the public service of Botswana shall be paid out of moneys voted by the National Assembly for the purpose —

- (a) a subsistence allowance of R6 per day or part of a day whilst wholly engaged on the business of the Board; and
- (b) travelling expenses to and from the meeting at such rates as the Chief Inspector of Explosives shall approve.

Form of application for blasting licence

83. A candidate for a blasting licence shall make application in Form J in the First Schedule hereto to the Chief Inspector of Explosives.

How application to be made

84. Every application for a blasting licence shall be accompanied by a fee of R2 and a recent untouched photograph of the applicant, in duplicate, not less than 4 centimetres and not more than 6 centimetres in either dimension and if an applicant wishes to apply in terms of regulation 86 and is not required to appear in person before a Board of Examiners, one copy of such photograph shall be certified on the reverse thereof by a holder, mine manager, police officer, Inspector or other responsible person who shall state his qualifications.

When application to be granted

85. (1) A blasting licence shall be in Form K in the First Schedule hereto.

(2) The Board of Examiners shall grant a blasting licence only to a candidate who satisfies the Board that he has a sufficient knowledge of the Explosives Law, these regulations and the following matters —

- (a) the examination and making safe of the working place;
- (b) the handling, use and storage of explosives; and
- (c) the duties of blasting licence holders.

(3) The Chief Inspector of Explosives may issue instructions for the guidance of the Board of Examiners and may amend such instructions as occasion may require.

Grant of blasting licences to certain persons by Chief Inspector of Explosives

86. Any person who is the holder of any valid blasting licence issued under regulations made under the Explosives Act, 1961, of Southern Rhodesia or the Explosives Ordinance, 1929, of Zambia or the Mines and Works Act, 1936, of the Republic of South Africa or any law substituted for the same, may apply, on payment of the fee specified in regulation 84, to the Chief Inspector of Explosives for a blasting licence and may be granted such licence without appearing before a Board of Examiners provided he satisfies

the Chief Inspector of Explosives that he was conducting blasting operations in a safe manner not more than 3 years before his application.

Application for restricted blasting licences

87. Any person may apply in Form L of the First Schedule hereto to an Assistant Inspector for the issue to him of a restricted blasting licence to carry out specific blasting operations.

How application to be made

88. Every application in terms of the preceding regulation for a restricted blasting licence shall be accompanied by a fee of 50 cents and a recent untouched photograph of the applicant in duplicate not less than 4 centimetres and not more than 6 centimetres in either dimension.

Issue of restricted blasting licences

89. (1) An Assistant Inspector may issue or renew a restricted blasting licence in Form M in the First Schedule hereto authorising any suitable person to carry out blasting operations for a specific purpose and at a specific place and for such period not exceeding one year as he may determine.

(2) If a restricted licence is renewed no fee shall be payable if such renewal is granted within a period of one month after the date of expiry of such licence.

Negligence by holder of blasting licence

90. (1) If at any time the holder of a blasting licence shall, in the opinion of his employer, be guilty of an act of negligence in relation to storage, use or conveyance of explosives or of a contravention of the Explosives Law or these regulations or has a disability rendering him unfit to conduct blasting operations, such employer shall forthwith report the fact to an Inspector.

(2) If at any time the holder of a blasting licence shall in the opinion of an Inspector be guilty of an act of negligence in relation to storage, use or conveyance of explosives or of a contravention of the Explosives Law or these regulations or has a disability rendering him unfit to conduct blasting operations, such Inspector may immediately suspend such licence when criminal proceedings are instituted or are to be instituted against the holder of the blasting licence, pending the determination of such proceedings, and in any other case pending the decision of the Chief Inspector of Explosives in terms of subregulation (3):

Provided that in no case shall such period of suspension exceed a period of 3 months.

(3) The Chief Inspector of Explosives may, if, after hearing the holder of a blasting licence, he is satisfied that such holder has been guilty of negligence in relation to storage, use or conveyance of explosives or suffers from a disability rendering him unfit to conduct blasting operations, revoke such blasting licence.

(4) Where a blasting licence is suspended or revoked, the Chief Inspector of Explosives shall by notice in writing require the holder thereof to surrender it and if the holder fails to surrender it within 14 days from the date of the notice, he shall be guilty of an offence:

Provided that where an appeal is brought against the suspension or revocation, this subregulation shall not apply to that suspension or revocation unless the appeal is abandoned or dismissed and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(5) An appeal against a suspension of a blasting licence shall be to the Chief Inspector of Explosives and against a revocation thereof to the Minister whose respective decisions shall be final.

(6) In this regulation "blasting licence" includes a restricted blasting licence.

No transfer of blasting licence or restricted blasting licence

91. It shall be an offence for any person to transfer or accept transfer of any blasting licence or restricted blasting licence.

Signing

92. A blasting licence or restricted blasting licence shall not be valid until the licensee has signed his name, or, if illiterate, impressed his right thumb-print thereon.

Assistance to blasting licence holder

93. A holder of a blasting licence may be assisted in the conducting of blasting operations by not more than two reliable persons who are not holders of blasting licences 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 always that he shall take all reasonable measures to prevent any accident occurring to such persons through their ignorance, inexperience or carelessness:

And further provided that no person who is not the holder of a blasting licence shall charge any drill hole.

Lowering explosives in shafts

94. Explosives about to be lowered or being lowered down a shaft shall be under the supervision of a reliable person appointed for the purpose by the holder or his deputy.

Notice to engine driver

95. Proper notice shall be given to the engine driver by the banksman immediately before explosives are conveyed in a shaft by means of machinery.

Conveyance of explosives in shaft

96. The engine driver shall gently lower or raise the cage or other conveyance containing explosives, and the explosives may be placed in or taken out of the shaft conveyance only by the person appointed for the purpose by the holder or his deputy.

Storage of types of explosives

97. Subject to regulation 44 no person shall store or carry or allow any person to store or carry any type of explosive described hereunder with any other type of explosive described hereunder —

Type A — fracture explosives, detonating fuse;

Type B — detonators, capped fuses;

Type C – primer cartridges.

Method of carrying explosives

98. (1) No person shall carry or allow any subordinate to carry explosives, capped fuses or detonators except under the direct supervision of a blasting licence holder or a person authorised to do so by the holder or his deputy, and no person shall carry any explosives or detonators on the surface or underground to their place of storage except in sound unopened boxes of origin or other closed containers approved in writing by an Inspector:

Provided that capped fuses may be carried in stout sacks to their storage boxes.

(2) No person shall carry or allow any subordinate to carry explosives from their place of storage to the working face, except in stout canvas sacks, unopened boxes of origin or other containers approved by an Inspector, and under the direct supervision of a blasting licence holder:

Provided that on level and unobstructed ground they may be carried in open boxes.

Carrying a light near explosives forbidden

99. No person shall carry or allow any subordinate to carry any naked light within one metre of anyone carrying explosives.

Smoking when handling explosives

100. No person shall smoke or have a naked light or allow any subordinate to smoke or have a naked light when handling or working with explosives.

Fastening detonator to fuse

101. No person shall fasten detonators to fuse except by means of proper crimping pincers or a crimping machine supplied for that purpose.

Preparation of primer cartridges

102. No person shall use any class of explosive other than gelatinous explosives for the preparation of primer cartridges and the capped fuse shall be inserted into such explosive cartridges in an approved manner so that the fuse and detonator cannot be inadvertently withdrawn from the primer cartridge.

Removal of plugs

103. No person other than a blasting licence holder shall remove the wooden plug or plug of other approved material with which a socket or misfired hole has been plugged, except for the purposes of inspection or immediately prior to blasting.

Removal of tamping

104. No person other than a blasting licence holder or a restricted blasting licence holder shall remove the tamping from a hole that has been charged and then only as provided in paragraph (c) of regulation 137.

Blown out explosives not to be used again

105. (1) No person shall use for charging a hole any explosives that have been blown out or otherwise extracted from a hole.

(2) Any person finding any explosives blown out or otherwise extracted from a hole or loose explosives of any description lying about shall collect and deliver the same blasting licence holder for safe storage prior to destruction.

Opening boxes of explosives

106. No person shall use or allow any subordinate to use anything except implements of wood, brass or copper in opening cases (other than cardboard cases) containing explosives except that where cases have been screwed down a screwdriver may be used to withdraw the screws but for no other purpose.

No person to work in gas or fumes

107. No person shall work or remain in or permit or order any subordinate to work or remain in any place if the air contains an injurious amount of gas or noxious fumes, and no person shall move or allow any subordinate to move rock from any place until it has been wetted down to dispel gas and fumes.

Insertion of fuses

108. When blasting with dynamite or other explosives, the fuse with the attached detonator shall not be inserted in the primer cartridge until shortly before use.

Deepening of holes that have contained explosives forbidden

109. No person shall —

- (i) deepen or permit any subordinate to deepen any hole that has at any time contained explosives or allow it to be used for any purpose whatsoever:

Provided that any such hole may be recharged and fired after it has been left to cool for at least 4 hours or has been thoroughly washed out with water; or

- (ii) deepen or cause or permit any subordinate to deepen any hole which has been partially drilled until he has ascertained by personal examination that such hole does not contain any explosives; this shall not be taken to prohibit the deepening of any holes which are not finished at the conclusion of the previous shift and which have not yet been charged with explosives:

Provided that such holes are clearly described by the miner in charge of the shift finishing work to the miner in charge of the shift about to commence work.

Distance of drilling from a socket

110. No person shall drill or cause or permit any subordinate to drill any hole within 15 centimetres of any socket or allow such hole to be pitched so as to approach such socket.

Misfired holes

111. No person shall —

- (i) drill or cause or permit any subordinate to drill any hole in any development end or similar confined space where there is a hole or socket containing explosives, until such hole or socket has been blasted again or otherwise dealt with under paragraph (c) of regulation 137; or

- (ii) in any stope, bench or quarry face, drill or cause or permit any subordinate to drill any hole within 2 metres of a hole or socket containing explosives.

Accidents resulting from explosives

112. (1) Without derogating from any other written law, whenever an accident resulting from explosives occurs the holder or authorised person shall immediately notify the Chief Inspector of Explosives.

(2) After an accident causing loss of human life has occurred no restoration work shall be undertaken which might have the effect of destroying any evidence required by an Inspector at any subsequent inquiry until an examination has been made by an Inspector or until permission has first been obtained from him. For the purpose of this regulation, restoration work shall not include any work undertaken by way of assistance to injured persons.

Part XI

DUTIES OF BLASTING LICENCE HOLDER

Cleaning holes before charging them

113. A blasting licence holder shall thoroughly clean out all drill holes before attempting to charge them.

Paper wrapping not to be removed

114. A blasting licence holder shall not remove the paper wrapper from the explosives or cut or break explosive cartridges or insert explosives from which the wrapper has been removed or cut or broken explosives into a hole or forcibly press any explosive into a hole of insufficient size to take the cartridges.

Tamping

115. A blasting licence holder shall use as tamping, only water, fine sand, clay or other soft material free from stones.

No tamping between cartridges

116. A blasting licence holder shall not, except with the prior written permission of the Chief Inspector of Explosives, insert tamping between cartridges.

Tamping rods

117. A blasting licence holder shall not use any implement except of wood, brass, copper, rubber or material approved by the Inspector in charging or tamping holes for blasting:

Provided that with the written permission of the Inspector and subject to any conditions he may impose, an implement containing other materials may be used if no material other than wood, brass or copper is exposed.

Safety of gangs of workmen

118. A blasting licence holder shall, whilst carrying out charging operations, be responsible for the safe disposition of workmen actually engaged in the charging up, and remove all persons not so engaged to a safe distance from these operations.

Warning

119. A blasting licence holder shall before firing charges give or cause his subordinates to give due warning in every direction by shouting "Fire" or "Tsheesa" and satisfy himself that no person except any person assisting him in firing charges remains where he might be exposed to danger from the firing of such charges, and shall take all reasonable precautions to safeguard those assisting him from accident due to blasting operations.

Guarding approaches when blasting

120. A blasting licence holder shall before firing charges cause all entrances to the place or places where such charges are to be fired or where the safety of any person may be endangered by such firing to be effectively guarded so as to prevent inadvertent access to such place or places whilst such charges are being fired.

Multiple charges

121. Except in the case of firing by means of electricity, a blasting licence holder shall count, in conjunction with at least one other person, the number of shots exploding, and unless both he and such other person are certain that all the shots have exploded, shall not enter or allow any person to enter the place or places in which the shots have been fired until the expiration of 30 minutes from the time of lighting the fuses.

Misfires

122. A blasting licence holder shall not approach or permit or instruct any subordinate or other person to approach a place where a misfired charge is known or suspected to have occurred, for at least 30 minutes from the time of lighting the fuses or where charges are fired by electric detonators a person may approach after an interval of 10 minutes if the conducting wires have first been disconnected and short-circuited.

Reporting misfires and explosives not in storage

123. A blasting licence holder shall report to his immediate superior and to his relief any charged hole, misfired hole or any explosive known to be not in storage on the changing of shifts.

No explosives near drilling operations

124. A blasting licence holder shall ensure that no explosives be brought into close proximity to drilling operations.

Special duties of blasting licence holders

125. A blasting licence holder store explosives and detonators in storage boxes as provided in regulation 67 or 68, and keep such boxes in dry and sufficiently secluded places or chambers.

Capping of fuses

126. A blasting licence holder shall carry out the capping of fuses and the preparation of primer cartridges at a safe distance from working places.

Storage 10 metres apart

127. A blasting licence holder shall keep all storage boxes containing explosives at least 10 metres away from those containing detonators or capped fuses.

Locking of boxes and keys

128. A blasting licence holder shall keep locked all storage boxes for explosives, detonators and capped fuses under his charge and shall keep the keys, and shall only unlock such boxes when placing explosives, detonators or capped fuses therein or removing the same therefrom.

No storage of other materials with explosives

129. A blasting licence holder shall not permit any other materials, implements or tools to be placed in a box in which there are explosives, detonators or capped fuses.

Inflammable material with explosives

130. A blasting licence holder shall not permit explosives, detonators, fuses capped or uncapped, or any inflammable material to be left lying about in close proximity to a magazine or storage box.

Time of charging

131. A blasting licence holder shall charge holes only within a reasonable time of blasting.

Part XII**DUTIES OF MINER IN CHARGE WHO IS A BLASTING LICENCE HOLDER****Safe disposition of workmen**

132. The miner in charge who is a blasting licence holder shall himself be responsible for the safe disposition of his subordinates in suitable waiting places until he has examined the working places and made them safe.

Responsibility for safety of others

133. The miner in charge who is a blasting licence holder shall himself take all reasonable measures to safeguard against accident, all persons, whether they are under his direct supervision or not, who may be working in any working place which is under his charge.

Examination of working places and washing down faces

134. (1) The miner in charge who is a blasting licence holder shall be the first person to enter his working places and all approaches thereto which are within the boundaries of the section assigned to him, but may be accompanied by such assistants as are necessary to assist him in making the places safe, and until such places are made safe, he shall not allow any person unless he is an official to proceed thereto and shall warn such official of any danger that may exist:

Provided that a more senior official may enter a working place, in the execution of his duties, before the miner in charge.

(2) In the examination of working places "making the places safe" means not only visual examination but physical testing and sounding of all rock on the side walls, face and hanging with the aid of a pinch-bar for a distance of at least 10 metres from the area of the blast.

(e) a duplicate set of keys to any box in which explosives are stored shall be provided and kept by the mine manager so as to be available in case of emergency or for the purpose of inspection;

(f) the distribution of all explosives from any storage box shall be under the supervision of a blasting licence holder; and

(g) no more than one week's supply of detonators shall be kept underground at one time and any detonators kept underground shall be placed in a separate drive or chamber and only taken out in such quantities as are required for immediate use.

(2) In a mine, explosives shall not be conveyed in a skip, cage or other means of conveyance —

(a) with tools or materials; or

(b) with persons:

Provided that the mine manager may authorise such persons to travel in the same conveyance with explosives as are necessary for —

(i) the distribution of such explosives; or

(ii) sinking operations or enlarging or repairing a shaft or winze together with such tools as are immediately required in the use of such explosives.

Blasting in mines

141. In a mine, blasting shall only take place at the end of a shift and when machine drills are used only once in 24 hours in any individual development end, except for removing obstacles in ore passes, or boxholes, or for the purpose of making the hanging safe or for blasting misfired holes in development ends, and then only with the permission in each case of the manager or underground officials appointed by him. Special written permission to blast more often than permitted in terms of this regulation may be obtained from an Inspector if the ventilation is adequate.

Mine precautions

142. (1) On all mines after blasting in a place where there is no through ventilation and compressed air is used to blow out, the air valve shall be placed, in the case of a winze, at the collar, and in the case of a shaft, on the first service station above the face being worked, and in the case of a raise, at the foot or bottom thereof.

(2) On all mines reasonable precautions shall be taken after blasting to ensure the safety of the oncoming shift, and the miner in charge who shall be a blasting licence holder shall not allow any workmen to enter the working places until work can be performed in safety:

Provided that the miner in charge may, with the approval of the mine manager, appoint some person in authority as his deputy, in which case any deputy so appointed shall, in the absence of the miner in charge, assume all the duties and liabilities imposed by these regulations upon the miner in charge. Such deputy shall be a blasting licence holder.

Part XIV

FURTHER PROVISIONS IN REGARD TO EXPLOSIVES IN FIERY AND COAL MINES

Permitted explosives in fiery mine

143. (1) In any fiery mine, and in any coal mine where in the opinion of the Inspector there is danger of a coal dust explosion, no explosives other than permitted explosives listed in the Fourth Schedule hereto shall be used.

(2) The Chief Inspector of Explosives may by notice in the *Gazette* amend the Fourth Schedule.

Permitted explosives in dry and dusty coal mines

144. No person shall fire a charge in a coal mine if the place where the charge is to be fired is dry and dusty, unless a permitted explosive is used or unless the place of firing and all contiguous accessible places within a radius of 20 metres therefrom at the time of firing are in a wet state through watering or have been given effective treatment with incombustible dust, in all parts where dust is lodged, whether roof, floor or side.

Prohibition on firing when inflammable gas present

145. No person shall fire any explosives charge, or cause or be permitted to fire any explosives charge, in any place where there is sufficient inflammable gas present to show a distinct cap on the reduced flame of a safety lamp of approved design ordinarily in use in the mine.

Examination with flame safety lamp

146. No person shall in any mine fire a charge in any place in the same ventilating district as any workings in which inflammable gas has been found during the preceding 24 hours until he has made examination with a flame safety lamp approved for the purpose by the Chief Inspector of Explosives not only of the place where the charge is to be fired but also all accessible workings in the same ventilating district within a radius of 30 metres from such charge and has found that inflammable gas in quantity sufficient to make it unsafe to fire the charge has neither accumulated at or near to the place where the charge is to be fired nor is approaching it.

Electrical tests

147. No person shall apply, cause or permit to be applied, any electrical test to a circuit containing an electrical detonator, electrical initiator or similar device except by means of an efficient testing apparatus approved for the purpose by the Chief Inspector of Explosives.

Firing charges in fiery mines, etc.

148. In any fiery mine, or in any other mine where only permitted explosives may be used —

- (a) no person shall fire charges, or cause or permit to be fired, charges, except by means of an efficient electrical short-firing apparatus approved for the purpose by the Chief Inspector of Explosives;
- (b) no person shall fire charges, or cause or permit to be fired, charges in coal unless the coal to be blasted has 2 free faces. The end of the shot hole shall be at

least 15 centimetres short of the back of the cut providing the second of the 2 free faces and no shot hole shall be fired unless the portion of the hole between the explosives and the collar is completely filled with tamping; and

- (c) no person shall fire a charge of explosives, or cause or permit to be fired a charge of explosives, unless the explosives are contained in a shot hole properly tamped with non-inflammable material.

Blasting permitted in development drive

149. In any fiery mine in any development drive, heading or bord more than 50 metres in advance of the general line of workings no persons shall fire charges, or cause or permit to be fired, charges except between shifts.

Examination after dyke driven through

150. In any fiery mine in any main development or exploration drive, after a dyke has been driven through, no firing of charges shall take place until the manager, mine overseer, shiftboss or other duly appointed official has examined the place and satisfied himself that blasting is not prohibited under regulation 145.

Misfired holes in non-fiery coal mines

151. (1) Where a misfired hole in a non-fiery coal mine is in stone, the ganger or miner in charge who is a blasting licence holder shall —

- (a) extract the explosives from the misfired hole by means of water, or water with compressed air, applied through a blow-pipe of a pattern and material approved for the purpose by the Inspector; or
- (b) withdraw the tamping from the misfired hole by means of a scraper of design and material approved by the Inspector, place a fresh primer in contact with the charge and refire the charge.

(2) Where a misfired hole in a non-fiery coal mine is in coal, the ganger or miner in charge who is a blasting licence holder shall —

- (a) withdraw the tamping from the misfired hole by means of a scraper of a design and material approved by the Inspector, place a fresh primer in contact with the charge and refire the charge; or
- (b) (i) drill or cause to be drilled in his presence a relieving hole parallel to and not nearer than 30 centimetres to the misfired hole;
- (ii) fasten any detonator wires or fuse protruding from the misfired hole to a prop or other suitable marker by means of a string or other suitable material;
- (iii) charge and fire the relieving hole;
- (iv) with such assistance as he may require, make a careful search for explosives;
- (v) not, until he has recovered all explosives liberated from the misfired hole, permit any coal broken by the relieving hole to be removed except coal which he has examined and found not to contain any explosives; and
- (vi) during such search for explosives remove the coal broken up by the relieving hole as far as far as practicable without the use of tools.

Misfired holes in fiery coal mines

152. (1) Where the misfired hole in a fiery coal mine is in stone, the ganger or miner in charge who is a blasting licence holder shall extract the explosives from the misfired hole by means of water, or water with compressed air, applied through a blow-pipe of a pattern and material approved for the purpose by the Inspector.

(2) Where the misfired hole in a fiery coal mine is in coal, the ganger or miner in charge who is a blasting licence holder shall —

- (i) drill or cause to be drilled in his presence a relieving hole parallel to and not nearer than 30 centimetres to the misfired hole;
- (ii) fasten any detonator wires protruding from the misfired hole to a prop or other suitable marker by means of string or other suitable material;
- (iii) charge and fire the relieving hole;
- (iv) with such assistance as he may require, make a careful search for explosives;
- (v) not, until he has recovered all explosives liberated from the misfired hole, permit any coal broken by the relieving hole to be removed except coal which he has examined and found not to contain any explosives; and
- (vi) during such search for explosives remove the coal broken by the relieving hole as far as practicable without the use of tools.

Part XV

OFFENCES, PENALTIES AND REVOCATION

Offences and penalties

153. (1) Any person who contravenes regulations 3, 8, 9, 10, 17, 18, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 40, 41, 44, 57, 69, 74, 75, 76, 77, 78, 91, 97, 98, 101, 102, 106, 107, 113, 115, 116, 123, 124, 125, 126, 127, 128, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141 or 142, or who fails to comply with any order, requirement or condition lawfully imposed on him by virtue of any such regulations shall be guilty of an offence and liable to a fine of R100, and to imprisonment for 3 months.

(2) Any person who contravenes regulations 6, 7, 12, 13, 14, 15, 16, 19, 20, 46, 72, 73, 79, 99, 100, 103, 104, 105, 109, 110, 111, 112, 114, 117, 118, 119, 120, 121, 122, 129, 130, 143, 144, 145, 146, 147, 148, 149, 150, 151 or 152 shall be guilty of an offence and liable to a fine of R200 and to imprisonment for 6 months.

(3) Any person who manufactures explosives without a licence issued under regulation 11 shall be guilty of an offence and liable to a fine of R200, and to imprisonment for 6 months.

(4) Any person who contravenes or fails to comply with any condition or requirement of any licence, permit or authority issued on Forms B, C, D, E, F, G, H, I, K or M shall be guilty of an offence and liable to a fine of R200 and to imprisonment for 6 months.

(5) Any person who wilfully obstructs or resists the lawful exercise of any powers conferred by, or necessary for the administration of, any regulation specified in sub-

[illegible]

(iii) Country from which explosive is to be imported and whether by rail or road

 (iv) Name of supplier of the explosive

 Postal address of supplier of the explosive

 (v) The purpose for which the explosive is to be used

 (vi) Where the explosive is to be used
 (vii) Railhead/place in the Republic of Botswana where explosive is to be unloaded

 (viii) Location of the licensed magazine or authorised storage box in which explosive is to be
 stored

 To be consigned to:

 Date of despatch: from

.
 Signature of Applicant

.
 Designation of Applicant

N.B. This application must be completed in full before submitting to the Chief Inspector of
 Explosives, Private Bag 14, Lobatse, BOTSWANA.

Dated, 19

REPUBLIC OF BOTSWANA

FORM B

EXPLOSIVES REGULATIONS, 1970

(Regulation 8)

PERMIT TO IMPORT AND POSSESS EXPLOSIVES

(Not Transferable)

Type of Consignment Permit No. 19.....
..... Date of Issue..... 19

Permission is hereby granted to (name of importer)
.....
of (postal address of importer)
.....
.....
to import into the Republic of Botswana and possess the following explosives from (name of
supplier)
.....
of (postal address of supplier)
.....
.....

Description of Explosives

<i>Description</i>	<i>Size</i>	<i>Grade</i>	<i>Quantity</i>
.....			
.....			
.....			

To be consigned to:
.....

This Permit is not transferable and is valid for a period of
months from the date of issue.

Date Stamp

.....
Chief Inspector of Explosives

REPUBLIC OF BOTSWANA

FORM C

EXPLOSIVES REGULATIONS, 1970

(Regulation 11)

LICENCE TO MANUFACTURE EXPLOSIVES

(Not Transferable)

Licence is hereby granted to
..... of
to manufacture the following kind of explosives —

.....
at
subject to the conditions set out hereunder.

This licence expires on the 31st day of December following the date of issue.

Fee paid: R50.00/R100.00

.....
Chief Inspector of Explosives

Date of Issue

CONDITIONS

REPUBLIC OF BOTSWANA

FORM D

EXPLOSIVES REGULATIONS, 1970

(Regulation 21)

PERMIT TO CARRY EXPLOSIVES IN BULK

Vehicle No. (Insert Registration Number of Vehicle)
Make
Owned by
Address of Owner

The above mentioned vehicle is authorised to carry more than 50 kilograms of fracture
Explosives or 500 detonators during the period from to
(This period shall not exceed 6 months).

.....
Date

.....
Assistant Inspector

.....
Station

REPUBLIC OF BOTSWANA

FORM E

EXPLOSIVES REGULATIONS, 1970

(Regulations 46, 65 and 66)

EXPLOSIVES MAGAZINE LICENCE

(Not Transferable)

Licence is hereby granted to
..... of
..... to use a building of specifications
according to
and situate at

according to site plan
for the storage of
explosives not exceeding a maximum quantity of.....
.....

This licence expires on 31st day of December next following the date of issue.
Special conditions
Fee paid: R2.00.

.....
Chief Inspector of Explosives

Station.....
Date of Issue.....

REPUBLIC OF BOTSWANA

FORM F

EXPLOSIVES REGULATIONS, 1970

(Regulations 67 and 68)

AUTHORISATION FOR BOX STORAGE

Authorisation for Box Storage for conveyance and storage of explosives is hereby granted to:
Name
Address
who has applied by letter, dated
certifying that he has constructed such boxes in accordance with the following requirements:

- (1) To be constructed of reasonably antproof and waterproof material.
- (2) To be rigid in design and construction.
- (3) Hasps, staples and hinges to be affixed in such a manner that the screws or bolts used cannot be unscrewed whilst the lid is shut.
- (4) To be of a design approved by an Assistant Inspector/Inspector.*
- (5) To be fitted with handles for conveyance.
- (6) Lid to be clearly inscribed "EXPLOSIVES".
- (7) To be painted red.

Storage shall be in accordance with the following conditions:

- (1) Amount not more than —
 - *50 kilograms of fracture explosive
 - *500 detonators
 - *250 detonators or capped fuses.

- (2) Explosives to be kept from shifting about by means of suitable packing. No other material, implements or tools shall be placed in such boxes.
- (3) Boxes to be kept off the ground when used for storage.
- (4) The box containing explosives to be stored as far away as possible from the box containing detonators.
- (5) A copy of this authorisation to be affixed inside the lid of the box.

.....
Assistant Inspector/Inspector*

Station.....
Date of issue

*Delete words not required.

REPUBLIC OF BOTSWANA

FORM G

EXPLOSIVES REGULATIONS, 1970

(Regulation 70)

PERMIT TO PURCHASE, ACQUIRE AND POSSESS EXPLOSIVES

(Not Transferable)

Permission is hereby granted to
..... of
to purchase, acquire and possess the following explosives

- (1) Nature of explosives.....
- (2) Maximum quantity that may be possessed at any one time not to exceed
- (3) Total quantity which may be purchased under this permit
- (4) Intended use of explosives.....
..... at

This permit expires on the 31st day of December following the date of its issue.

.....
Assistant Inspector

Station.....
Date of Issue

REPUBLIC OF BOTSWANA

FORM H

EXPLOSIVES REGULATIONS, 1970

(Regulation 71)

**PERMIT TO ALLOW EMPLOYER TO SUPPLY EMPLOYEE
WITH EXPLOSIVES**

(Not Transferable)

Authority is hereby granted to
..... of
who holds a permit, dated
to possess explosives; to supply such explosives to such of his employees as he shall consider
sufficiently experienced and otherwise suitable.

Nature and quantity of explosives to be supplied

Purpose for which explosives are to be used

Place at which explosives are to be used

Period for which this authority is available

.....
Assistant Inspector

Station

Date

REPUBLIC OF BOTSWANA

FORM I

EXPLOSIVES REGULATIONS, 1970

(Regulation 72)

LICENCE TO SELL EXPLOSIVES

Authority is hereby granted to
..... of
to sell explosives at
under the following conditions
.....

This licence expires on the 31st day of December following the date of issue.

.....
Chief Inspector of Explosives

Fee paid R2.00

Date of Issue

REPUBLIC OF BOTSWANA

FORM J

EXPLOSIVES REGULATIONS, 1970

(Regulation 83)

APPLICATION FOR A BLASTING LICENCE

Fee R2.00

I, (*full name*)
hereby apply for a blasting licence.

The following particulars are given
.....
.....

Date of Birth

Qualifications
.....

(Where the applicant has furnished proof that he is the holder of a Blasting Certificate issued under regulations made under the Explosives Act, 1961 of Southern Rhodesia; the Explosives Ordinance, 1929 of Zambia; or the Mines and Works Act, 1936 of the Republic of South Africa, such Certificate should be enclosed with this application).

Blasting Experience
.....
.....

Present Employment

Present Address

.....
Signature

Place

Date

REPUBLIC OF BOTSWANA

FORM K

EXPLOSIVES REGULATIONS, 1970

(Regulation 85)

BLASTING LICENCE

(Not Transferable)

This is to certify that
..... of
the undersigned, is licensed to carry out blasting operations in Botswana.

Signature of Licensee
(or his right thumb-print, if illiterate).

THUMB-PRINT

Any other means of identification
Signature of witness to licensee's right thumb-print
Address of witness to licensee's right thumb-print
.....

.....
Inspector

Station
Date

PHOTOGRAPH

REPUBLIC OF BOTSWANA

FORM L

EXPLOSIVES REGULATIONS, 1970

(Regulation 87)

APPLICATION FOR A RESTRICTED BLASTING LICENCE

Fee 50 cents.

I, (*full name*)
hereby apply for a restricted blasting licence to carry out the blasting operations detailed
hereunder:

.....
.....
.....
.....

Period such operations will take

Date of Birth

Qualifications

.....
.....

Blasting Experience

.....
.....

Present Employment

Present Address

.....

Signature

Date

REPUBLIC OF BOTSWANA

FORM M

EXPLOSIVES REGULATIONS, 1970

(Regulation 89)

RESTRICTED BLASTING LICENCE

This is to certify that
of
.....
the undersigned, is permitted to carry out blasting operations in Botswana detailed below:
Purpose of use
Place of use
Period of use

Signature of Holder
(or his right thumb-print, if illiterate)

Place
Date

.....
Assistant Inspector

PHOTOGRAPH

SECOND SCHEDULE
REPUBLIC OF BOTSWANA
EXPLOSIVES REGULATIONS, 1970

(Regulation 8)

EXPLOSIVES PERMITS

No permits to import and possess explosives will be issued until the applicant has one of the types of storage as laid down in regulations 46, 65, 66, 67 and 68 which has been licensed or authorised in terms of the regulations.

A. — IMPORTATION

Intending importers of explosives into Botswana should adopt the following procedure in the order stated:

- (1) Procure the registration of their means of storage. Holders of explosives magazine licences, authorised underground or surface box storage, and authorised underground magazines are already automatically registered; others must apply to an Inspector, having decided what type of storage may be required or is suitable.
- (2) Obtain from the Chief Inspector of Explosives a permit to import the explosives into Botswana.
- (3) All applications for a permit to import explosives shall be in the Form A in the First Schedule hereto.

B. — ACQUISITION WITHIN BOTSWANA

Those intending to acquire explosives by purchase or gift within Botswana (other than those explosives covered by the Form H permit, held by their employer) must satisfy the officer issuing the permit that they have registered storage as laid down in regulations 46, 65, 66, 67 and 68.

THIRD SCHEDULE
REPUBLIC OF BOTSWANA
EXPLOSIVES REGULATIONS, 1970

(Regulation 62)

Table showing distances, in metres, by which magazines must be separated from other magazines, roads, railways, buildings, structures and places according to the class into which such other magazines, roads, railways, buildings, structures and places fall, as set out hereunder:

- A. Magazine and danger buildings within magazine or danger building area, overhead power lines.
- B. Public railways and highways, aerodrome or landing ground, dwelling houses within the same ownership as the magazine or danger building, factory buildings within the same ownership as the magazine or danger building, public recreation and sports ground, cemetery or other place where the public are accustomed to assemble, river wall, reservoir, public pipe-line, electrical sub-station, private road which is principal means of access to a church, chapel, college, school, hospital or factory.
- C. Dwelling house, factory, public building, hospital, church, market place, cinema, theatre, college, school or other building where the public are accustomed to assemble and buildings or works used for the storage in bulk of petroleum spirit, gas or other inflammable substances.

Quantity of Explosives in kg.		Distance in Metres		
		A	B	C
0 —	250	At the discretion of an Inspector		
251 —	500	15	30	60
501 —	1,000	20	50	100
1,001 —	1,500	25	80	160
1,501 —	2,000	28	100	200
2,001 —	2,500	30	115	230
2,501 —	3,000	33	130	260
3,001 —	3,500	35	145	290
3,501 —	4,000	37	155	310
4,001 —	4,500	38	165	330
4,501 —	5,000	40	175	350
5,001 —	7,500	42	190	380
7,501 —	10,000	47	215	430
10,001 —	12,500	52	240	480
12,501 —	15,000	55	255	510
15,001 —	20,000	60	275	550
20,001 —	25,000	65	305	610
25,001 —	30,000	70	330	655
30,001 —	35,000	74	350	695
35,001 —	40,000	78	365	730
40,001 —	45,000	82	380	765
45,001 —	50,000	84	390	780
50,001 —	75,000	90	415	830
75,001 —	100,000	105	475	950
100,001 —	125,000	115	520	1,030
125,001 —	150,000	125	545	1,060
150,001 —	200,000	135	555	1,100
200,001 —	300,000	155	625	1,240
over	300,000	170	700	1,400

FOURTH SCHEDULE
REPUBLIC OF BOTSWANA
PERMITTED EXPLOSIVES IN FIERY MINES

(Regulation 143)

The following explosives are permitted explosives for the purposes of regulation 143 —

1. Blasting cartridges:

 Ajax

 Saxonite

 Monobel:

 Provided that the charge per shot hole shall not exceed 800 grams.

2. Detonators:

 Instantaneous electric detonator made with a copper capsule and of a strength not less than that of a No. 6 general purpose detonator.

Made the 4th day of December, 1970.

P.L. STEENKAMP,
Administrative Secretary,
Office of the President

L2/7/176.