

EXPLOSIVES ACT

(CAP 14:09)

EXPLOSIVES (AMENDMENT) REGULATIONS, 2023

IN EXERCISE of the power conferred by section 23 of the Explosives Act, I, MONICA CHANG'ANAMUNO, Minister of Mining, make the following Regulations—

1. These Regulations may be cited as the Explosives (Amendment) Regulations, 2023. Citation
2. The Explosives Regulations (hereinafter referred to as the “principal Regulations”) are amended in regulation 8(2) by deleting the words “K10” and substituting therefor the words “K250,000”. Amendment of reg. 8 to Cap. 14:09 sub. leg. p. 9
3. Regulation 9(1) of the principal Regulations is amended by deleting the words “K10” and substituting therefor the words “K250,000”. Amendment of reg. 9 of the principal Regulations
4. Regulation 15(4) of the principal Regulations is amended by deleting the words—
 - (a) “K20” and substituting therefor the words “K500,000”; and
 - (b) “K10” and substituting therefor the words “K250,000”.Amendment of reg. 15 of the principal Regulations
5. Regulation 17(2) of the principal Regulations is amended by deleting the words “K10” and substituting therefor the words “K100,000”. Amendment of reg. 17
6. The principal Regulations are amended by inserting immediately after regulation 18, a new regulation 18A as follows—

“Transporter of explosives to have copy of licence

18A.—(1) A person shall not transport an explosive from one location to another unless he has in his possession a copy of the licence issued to the recipient of the explosives under section 7, 8 or 9 of the Act.

(2) A person who contravenes subregulation (1) commits an offence”.

Insertion of reg. 18A into the principal Regulations
7. Regulation 41 of the principal Regulations is amended—
 - (a) in subregulation (2)(b), by deleting the words “K3” and substituting therefor the words “K75,000”; and
 - (b) by inserting immediately after subregulation (2), a new subregulation (3) as follows—

“(3) For purposes of subregulation (2)(a), a person shall be determined to have satisfactory experience in the use of blasting materials if the person—Amendment of reg. 41 of the principal Regulations

(a) in the case of a person holding a minimum education qualification of a diploma in mining engineering, geological engineering, mineral processing engineering or any other relevant engineering qualification, at least seventy-five shift hours working in a mine or similar environment, of which at least fifteen shift hours involve working directly with explosives under the supervision of a holder of a blasting licence; or

(b) in the case of a person who does not hold a minimum education qualification specified in paragraph (a), at least one hundred and fifty shift hours working in a mine or similar environment, of which at least sixty shift hours involve working directly with explosives under the supervision of a holder of a blasting licence.”

Amendment of
reg. 42 of the
principal
Regulations

8. Regulation 42(1)(c) of the principal Regulations is amended, by deleting the words “K5” and substituting therefor the words “K125,000”.

Insertion of reg.
57A into the
principal
Regulations

9. The principal Regulations are amended by inserting, immediately after regulation 57, a new regulation 57A as follows—

“Foreman
shot firer and
shot firer to
maintain
records

57A.—(1) A foreman shot firer or, where there is no foreman shot firer, a shot firer, shall maintain a record of—

(a) blast plans;

(b) blast designs;

(c) drilling logs;

(d) charging operations, including explosives used per hole, total quantity of explosives, stemming type and length; and

(e) firings, including type of firing mechanism, length of fuse in case of capped fuse firing and time of blast.

(2) A record maintained under subregulation (1) shall be in such form as may be approved by the Chief Inspector of Explosives.”

Amendment of
reg. 58 of the
principal
Regulations

10. Regulation 58 of the principal Regulations is amended, by—

(a) renumbering subregulations (1), (2), (3) and (4) as subregulations (3), (4), (5) and (6); and

(b) inserting thereto new subregulations (1) and (2) as follows—

“(1) A foreman shot firer or a shot firer, as the case may be, shall, when developing a blast design, assess the potential of the blast becoming a nuisance to the surrounding community in terms of excessive ground vibration, fly rocks, air blast or noise.

(2) Where a foreman shot firer or a shot firer determines that a blast may become a nuisance to the surrounding community, or where an inspector so determines, the foreman shot firer or shot firer shall put in place measures to reduce the impact of the nuisance to the community.”

11. Regulation 82 of the principal Regulations is amended, by deleting the words—

Amendment
of reg. 82 of
the principal
Regulations

(a) "K200" and substituting therefor the words "K2,000,000.00";
and

(b) "three" and substituting therefor the words "twelve".

Made this 22nd day of September, 2023.

(FILE NO. MOM/ADM/15/11)

M. CHANG'ANAMUNO
Minister of Mining