GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF POLICE

NO. 5476 **25 October 2024**

INVITATION FOR PUBLIC COMMENTS:

EXPLOSIVES ACT, 2003 (ACT NO. 15 OF 2003): DRAFT EXPLOSIVES REGULATIONS, 2024

1. Notice is hereby given that Draft Explosives Regulations, 2024 under the Explosives Act, 2003 (Act No. 15 of 2003) are made available for public comment. The Draft Explosives regulations, 2024 are posted on the website of the south African Police Service at :

   https://www.saps.gov.za/resource centre/notices/notices.php.
2. All interested persons and organisations are invited to submit written comments on the Draft Standard Operating Procedures no later than 30 days after the date of publication of this notice, by ---

(i) e-mail to pta-explosives.saps.gov.za

(ii) Posting comments to:

The Chief Inspector of Explosives, South African Police Service
Private Bag X624
PRETORIA
0001

(iii) Hand delivery at:

The South African Police Service
Annex Building, 184 Jeff Masemola Street
PRETORIA
0001

3. Kindly ensure that the name, postal, e-mail address and telephone number of the person or organisation submitting the comments, are included.

MR ES MCHUNU, (MP)
MINISTER OF POLICE

Date: 27/09/2024

DEPARTMENT OF POLICE

Explosives Act, 2003 (Act No 15 of 2003)

Regulations

The Minister of Police has, under section 33 of the Explosives Act, 2003 (Act No 15 of 2003), read with the provisions of section 14 of the Interpretation Act, 1957 (Act No 33 of 1957), made the regulations in the Schedule.

SCHEDULE

REGULATIONS

CHAPTER 14

Appeal Board

CHAPTER 15

Explosives testing, authorisation, classification and quality management

CHAPTER 16

Fireworks and pyrotechnics for entertainment

CHAPTER 17

Hobby or sport rocketry

CHAPTER 18

Ammonium nitrate

CHAPTER 19

Tertiary educational institutions and laboratories

CHAPTER 20

Miscellaneous regulations

Ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000)

Safety devices

Railway track signals

Pyrotechnic signals

Inert, replica or deactivated and imitation explosives

Rock breaking cartridges

Chlorates

Security, loss and discovery of explosives

Special provisions

CHAPTER 21

Offences, penalties, short title and commencement

EXPLOSIVES REGULATIONS

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, will have the meaning so assigned and, unless the content otherwise indicates –

"ADR" means the *European Agreement Concerning the International Carriage of Dangerous Goods by Road*, as published by the United Nations Economic Commission for Europe (UNECE);

"ammonium nitrate" includes –

(a) "ammonium nitrate" as listed in SANS 10228 with UN Number 0222, Hazard Division 1.1D;

(b) "ammonium nitrate" as listed in SANS 10228 with UN Number 1942, Hazard Division 5.1;

(c) *"*ammonium nitrate emulsions, gels and suspensions, intermediate for blasting explosives" as listed in SANS 10228 with UN Number 3375, Hazard Division 5.1;

(d) "ammonium nitrate liquid" as listed in SANS 10228 as UN Number 2426, Hazard Division 5.1, containing less than 10% water, used for the manufacture of slurry explosives, and "ammonium nitrate solution" has a corresponding meaning; and

(e) "ammonium nitrate fertilizers" as listed in SANS 10228 as UN Number 2067, Hazard Division 5.1, containing more than 80% ammonium nitrate;

"annexure" means any document mentioned as an annexure in these regulations and which are considered to form part of these regulations, as amended from time to time;

"ARP 065" means the recommended practice for *Test and fitment centres for airbags*, published by Standards South Africa, a division of the SABS;

"ARP 068" means the recommended practice for *Inspection and non-destructive testing of previously-installed OEM airbag inflator modules in motor vehicles*, published by Standards South Africa, a division of the SABS;

"ARP 1717" means the *Guide to the Regulatory Requirements for the Approval of Detonators, Initiators and Initiation Systems used in Mining and Civil Blasting Applications*, published by the Department of Mineral Resources;

"assistant" means a suitable person authorised by the Chief Inspector who performs tasks under supervision;

"black powder" means a substance consisting of an intimate mixture of charcoal or other carbon and either potassium nitrate or sodium nitrate, with or without sulphur, and **"gunpowder"** has a similar meaning;

"blaster" means a suitable person who is authorised by the Chief Inspector to conduct blasting operations and who is in possession of a valid permit as referred to in section 15(1)*(a)* of the Act;

"blasting" means the initiation of blasting explosives for the purpose of breaking rock or other material, moving material, or other similar activity approved by the Chief Inspector, and **"blast"** has a similar meaning;

"blasting adviser" means a person who is qualified as an engineer and through relevant experience is a specialist in one or more fields of blasting;

"blasting cartridges" means explosives encapsulated in any casing, sleeve or contrivance or otherwise adapted or prepared so as to form a cartridge for use in blasting;

"blasting explosives" means any explosive used for the purpose of blasting, including, but not limited to detonators, detonating cord, boosters, blasting cartridges and ammonium nitrate blasting agents;

"blasting manager" means an employee, contractor or sub-contractor, whether permanently employed by, or temporarily contracted to, a blasting company;

"blasting method" means a structured and ordered system encompassing all the processes involved in blasting;

"blasting site" means the area where explosives are handled during charging, including the perimeter of blast holes and 20 metres in all directions from charged holes and contiguous holes that are to be charged as well as a safe area around any explosives kept at the site;

"built-up area" includes any area within 500 metres of premises where persons reside or work, either permanently or temporarily, or any other public area or place where people may reasonably be expected to congregate or gather;

"booster" means an article consisting of a charge of explosives with or without means of initiation, used to increase the initiating powers of detonators or detonating cord;

"breaker" means any implement used for breaking or loosening rock, shale, earth, ground or any material which was found necessary to blast;

"bulk packaging" means either large packaging or an intermediate bulk container as defined in SANS 10229-2 and SANS 10233;

"CAA" means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No 40 of 1998);

"certified copy" means a copy of a document certified by a commissioner of oaths as a true copy of the original, which is not older than six months at the time of submission, but excludes a copy of a previously certified copy;

"chief executive" means the most senior corporate officer or administrator in charge of managing a business, company or organisation;

"chlorates" means all chlorates, including all perchlorates, as listed in SANS 10228;

"Civil Aviation Regulations" means the Civil Aviation Regulations of 2011 made under section 155(1) of the Civil Aviation Act, 2009 (Act No 13 of 2009);

"Class" means combined Class, Hazard Division and Compatibility Group as set out in Annexure "A";

"competent person" means a person with relevant training accredited by an official qualifications authority, which training must include a practical component, or such training and experience in, and knowledge of explosives as may be required by the Chief Inspector;

"continuous transport permit" means a transport permit issued by the Chief Inspector or inspector, where explosives are regularly transported along the same route in a single direction, which may be valid for a maximum period of five years;

"continuous export permit" means an export permit issued by the Chief Inspector or inspector, where explosives are regularly exported to various consignees in a specific country, which may be valid for a maximum period of five years;

"Customs and Excise Act, 1964", means the Customs and Excise Act, 1964 (Act No 91 of 1964);

"detonating cord" means an article consisting of a core of detonating explosive enclosed in spun fabric with plastic, or other covering, unless the spun fabric is sift-proof, or clad by a soft metal tube, with or without protective covering and **"detonating fuse"** has a corresponding meaning;

"detonator" means a small tube which contains an explosive or a mixture of explosives, designed to start a detonating train and may be constructed to detonate instantaneously or may contain a delay element or mechanism and includes detonating relays but excludes **"primer"**;

"distress signal" has a meaning corresponding with **"signal"**;

"explosives controller" means a suitable and competent person responsible for the safe storage, receiving and issuing of explosives delivered at a mine;

"explosives facility" means any facility licensed or registered under these regulations for the manufacture, testing, analysis or storage of explosives;

"explosives incident" means any of the following events involving an explosive –

(a) an explosive is, or appears to have been, lost or stolen;

(b) an accidental explosion, fire or spillage;

(c) the death of or an injury to a person;

(d) damage to property;

(e) any vehicle involved in an accident or breakdown whilst transporting explosives;

(f) an incorrect delivery or the delivery of damaged or defective explosives; or

(g) an event, including a misfire, with the potential to cause any of the events mentioned in *(a)* to *(f)*, other than an event that normally happens when handling or using an explosive;

"explosives vehicle" means a vehicle authorised in terms of regulation 30(1) and includes a trailer converted for the transport of explosives;

"Firearms Control Act" means the Firearms Control Act, 2000 (Act No 60 of 2000);

"foreman blaster" means a blaster appointed in writing to supervise all blasters at any site where more than one blaster is employed;

"GHS" means the *Globally Harmonized System of classification and labelling of chemicals* (GHS), as prepared by the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods, published for and on behalf of the United Nations;

"harbour master" means a person appointed in terms of section 74(3) of the National Ports Act, 2005 (Act No 12 of 2005) to control a port;

"ICAO" means the International Civil Aviation Organisation, established in terms of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;

"ICAO Instructions" means the Technical Instructions for the Safe Transport of Dangerous Goods by Air as adopted and published by the Council of ICAO which are based on the requirements of Annexure 18 to the Convention on International Civil Aviation (Chicago, 1944);

"IMDG Code" means the International Maritime Dangerous Goods Code as published by the "**IMO**";

"IMO" means the International Maritime Organisation established at a United Nations Convention in Geneva on 17 March 1948;

"inert, replica or deactivated explosive" means any explosive device, explosive ordnance and commercial or military explosive whether home-made or otherwise, which is a copy of, or resembles the original substance or article and include any device which may be construed to be an explosive device, explosive ordnance or a commercial or military explosive; and **"imitation"** has a similar meaning;

"inner packaging" means a packaging that requires an outer package for transport;

"intermediate bulk container (IBC)" means a purpose-made self-supporting container, with or without structural equipment, of nominal capacity in the range 250 to 3 000 litres and provided with handling equipment to facilitate mechanical handling;

"learner blaster" means a suitable person appointed in writing as such by a blasting manager to be trained to become a blaster and whose appointment is authorised with the Chief Inspector before he or she commences his or her training;

"licensee" means the **"chief executive"** of a company mentioned on a licence or permit issued in terms of the Act and for the purposes of these regulations is legally represented by the **"responsible person"**;

"magazine master" means a person appointed as such in terms of regulation 34(1) and who is responsible for the safe storage, receiving and issuing of explosives;

"Mine Health and Safety Act, 1996" means the Mine Health and Safety Act, 1996 (Act No 29 of 1996) and the regulations thereto;

"misfire" means a drill hole or part thereof in which the blasting explosives, or any portion thereof, charged into the hole has failed to explode or of which the contents are unknown, or explosives that failed to initiate as planned;

"**mobile explosives manufacturing unit**" (MEMU) means a vehicle mounted unit, designed for the manufacturing of explosives by mixing dangerous goods that are not explosives, and the charging of such mixed explosives into blast holes. Such unit may consist of various tanks, bulk containers, pumps and related process equipment;

"mounded" means a substantial barrier of sand, clay or sifted earth, free from foreign objects, completely surrounding a magazine and built in accordance with a specification prescribed by the Chief Inspector;

"muzzle loading firearm" means a muzzle loading firearm as defined in the Firearms Control Act, 2000, as amended by the Firearms Control Amendment Act, 2006 (Act No 28 of 2006);

"National Road Traffic Act, 1996" means the National Road Traffic Act, 1996 (Act No 93 of 1996) and the regulations thereto;

"Occupational Health and Safety Act, 1993" means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and the regulations thereto;

"**old explosives**" means any explosives that have been used or damaged in any way, or have deteriorated due to exposure to water or the surrounding atmosphere or which have expired and includes explosives recovered from misfired holes;

"outer packaging" means the outer protection of a composite or combination packaging together with any absorbent material, cushioning and any other component necessary to contain and protect inner receptacles or inner packagings;

"permitted explosives" means authorised explosives conforming to SANS 1484 and approved for use in fiery mines;

"**person**" means a natural person, also known as an individual and includes, unless the context indicates otherwise, a juristic person which is also known as a company;

"personal use" means the use of explosives by a person for purposes not connected with any trade or business;

"pilot" means the commander of an aircraft;

"primer" means a metal or plastic cap containing a small amount of primary explosives or a mixture of explosives that is readily ignited by impact and that serves as source of ignition in cartridges and propelling charges and includes percussion caps;

"primer cartridge" means a blasting cartridge or booster into which a detonator or detonating cord has been inserted or attached;

"public building" means any structure or building to which the public has access and any similar structure where people usually assemble or congregate;

"public place" means any open area to which the public has access, or which is used by the public, or is open for use by the public;

"pyrotechnics" means explosive substances or articles specifically manufactured for creating visual or sound effects, or both such visual and sound effects, and include fireworks and emergency and military signalling devices;

"Railway Safety Regulator" means a juristic person, comprising of a board, a chief executive officer and staff, established in terms of section 4 of the National Railway Safety Regulator Act, 2002 (Act No 16 of 2002);

"railway track signal" means an explosive article used by trained railway personnel to indicate danger or caution on the rail line and **"signal"** has a corresponding meaning;

"regulated substance" means **"ammonium nitrate"** and **"chlorate"** as defined in these regulations;

"responsible person" means a person appointed by the chief executive to be legally responsible for the control and management of explosives;

"risk assessment" means a programme to determine any relevant risk associated with any hazard at a site where explosives are manufactured, stored, used, supplied, transported or disposed of, in order to identify the steps needed to be taken to remove, reduce or control such risk;

"rock breaking cartridge" means an article filled with a low explosive or mixture of explosives and ammonium nitrate or pyrotechnic substances, whether used with a supplementary charge or not, which, when confined in a drill hole and initiated, deflagrates to exert energy directly or indirectly onto the surrounding material and includes any other cartridge with a similar function such as a Boulder Buster Cartridge™, and **"RBC"** has a corresponding meaning;

"SABS" means the South African Bureau of Standards established in terms of the Standards Act, 1945 (Act No 24 of 1945) and continuing in terms of the Standards Act, 2008 (Act No 8 of 2008);

"**safety device**" means an article containing a pyrotechnic substance and used in a vehicle, vessel or aircraft to enhance safety to persons, including but not limited to activation of airbag inflators, airbag modules, seat-belt pretensioners, pyromechanical devices, fire suppression systems and parachutes;

"SAMSA" means the South African Maritime Safety Authority established in terms of section 2(1) of the South African Maritime Safety Authority Act, 1998, (Act No 5 of 1998);

"SANS" means a South African National Standard as defined in the Standards Act, 2008 (Act No 8 of 2008);

"SANS 310" means the South African National Standard for *Storage tank facilities for hazardous chemicals – Above-ground storage tank facilities for flammable, combustible and non-flammable chemicals*, published by Standards South Africa, a division of the SABS;

"SANS 953-1" means the South African National Standard for *Storage of firearms and ammunition Part 1: Safes*, published by Standards South Africa, a division of the SABS;

"SANS 953-2" means the South African National Standard for *Storage of firearms and ammunition Part 2: Strongrooms*, published by Standards South Africa, a division of the SABS;

"SANS 1157" means the South African National Standard for *Transport of dangerous goods – Inspection requirements of road vehicles for the issue of municipal dangerous goods transport permits,* published by Standards South Africa, a division of the SABS*;*

"SANS 1186-1" means the South African National Standard for *Symbolic safety signs Part 1: Standard signs and general requirements,* published by Standards South Africa, a division of the SABS*;*

"SANS 1484" means the South African National Standard for *Permitted explosives*, published by Standards South Africa, a division of the SABS;

"SANS 1518" means the South African National Standard for *Transport of dangerous goods – Design, construction, testing, approval and maintenance of road vehicles and portable tanks*, published by Standards South Africa, a division of the SABS;

"SANS 1717-1" means the South African National Standard for *The design and approval of detonator initiation systems for use in mining and civil blasting applications Part 1: Electronic initiation systems*, published by Standards South Africa, a division of the SABS;

"SANS 1717-2" means the South African National Standard for *The design and approval of detonator initiation systems for use in mining and civil blasting applications Part 2: Electric initiation systems - Shot exploder based*, published by Standards South Africa, a division of the SABS;

"SANS 1717-3" means the South African National Standard for *The design and approval of detonator initiation systems for use in mining and civil blasting applications Part 3: Controlled blasting systems*, published by Standards South Africa, a division of the SABS;

"SANS 1910" means the South African National Standard for *Portable refillable fire extinguishers*, published by Standards South Africa, a division of the SABS;

"SANS 9001" means the South African National Standard for *Quality management systems – Requirements*, published by Standards South Africa, a division of the SABS;

"SANS 10052" means the South African National Standard for *The construction of strongrooms*, published by Standards South Africa, a division of the SABS;

"SANS 10086-1" means the South African National Standard for *The installation, inspection and maintenance of equipment used in explosive atmospheres, Part 1: Installations including surface installations on mines*, published by Standards South Africa, a division of the SABS;

"SANS 10187-8" means the South African National Standard for *Load securement on vehicles Part 8: Dangerous goods*, published by Standards South Africa, a division of the SABS;

"SANS 10228" means the South African National Standard for *The identification and classification of dangerous goods for transport by road and rail modes*, published by Standards South Africa, a division of the SABS;

"SANS 10229-1" means the South African National Standard for *Transport of dangerous goods - Packaging and large packaging for road and rail transport Part 1: Packaging*, published by Standards South Africa, a division of the SABS;

"SANS 10229-2" means the South African National Standard for *Transport of dangerous goods - Packaging and large packaging for road and rail transport Part 2: Large packaging*, published by Standards South Africa, a division of the SABS;

"SANS 10231" means the South African National Standard for *Transport of dangerous goods by road – Operational requirements*, published by Standards South Africa, a division of the SABS;

"SANS 10232-1" means the South African National Standard for *Transport of dangerous goods – Emergency information systems, Part 1: Emergency information system for road transport*, published by Standards South Africa, a division of the SABS;

"SANS 10232-4" means the South African National Standard for *Transport of dangerous goods – Emergency information systems, Transport of dangerous goods - Emergency information systems Part 4: Transport emergency card*, published by Standards South Africa, a division of the SABS;

"SANS 10233" means the South African National Standard for *Transport of dangerous goods – Intermediate bulk containers for road and rail transport*, published by Standards South Africa, a division of the SABS;

"SANS 10234" means the South African National Standard for *Globally Harmonized System of classification and labelling of chemicals (GHS)*, published by Standards South Africa, a division of the SABS;

"SANS 10263-0" means the South African National Standard for *The warehousing of dangerous goods, Part 0: General requirements*, published by Standards South Africa, a division of the SABS;

"SANS 10263-5" means the South African National Standard for *The warehousing of dangerous goods, Part 5: The storage and handling of oxidizing substances*, published by Standards South Africa, a division of the SABS;

"SANS 10313" means the South African National Standard for *Protection against lightning – Physical damage to structures and life hazard*, published by Standards South Africa, a division of the SABS;

"SANS 10366-1" means the South African National Standard for *Health and safety at events – Part 1: Requirements*, published by Standards South Africa, a division of the SABS;

"SANS 10405" means the South African National Standard for *Transport of dangerous goods by rail – Operational and design requirements and emergency preparedness*, published by Standards South Africa, a division of the SABS;

"SANS 17025" means the South African National Standard for *General requirements for the competence of testing and calibration laboratories,* published by Standards South Africa, a division of the SABS;

"SANS 53763-26" means the South African National Standard for *Explosives for civil uses – Detonators and relays Part 26: Definitions, methods, and requirements for devices and accessories for reliable and safe function of detonators and relays*, published by Standards South Africa, a division of the SABS;

"SANS 60079-11" means the South African National Standard for *Explosive atmospheres Part 11: Equipment protection by intrinsic safety "i"* published by Standards South Africa, a division of the SABS;

"SANS 60079-14" means the South African National Standard for *Explosive atmospheres Part 14: Electrical installations design, selection and erection* published by Standards South Africa, a division of the SABS;

"**SAQA**" means the South African Qualifications Authority, established in terms of the National Qualifications Framework Act, 2008 (Act No 67 of 2008;

"shift" means work conducted within a single calendar day irrespective of the number of operations undertaken;

"shipmaster" means any person, excluding a harbour pilot, having command of a boat or ship;

"shot exploder" means a blasting machine as specified in SANS 1717-2 and SANS 53763-26, used to release power to electrically or electronically initiate explosives and which is fitted with a removable operating handle or key or with a locking device to secure it against unauthorised use and **"blasting control unit"** shall have a corresponding meaning;

"siding" means a short railway track on which trains may be shunted;

"signal" means an article containing pyrotechnic substances designed to produce a signal by means of sound, flame, smoke or any combinations thereof and includes hand held signals, distress signals, railway track signals, smoke signals, starter pistol signals and cartridges designed to propel such articles or substances and **"signalling"** has a corresponding meaning;

"smokeless powder" means a substance generally based on nitrocellulose, used as a propellant and includes propellants with a single base, consisting of only nitrocellulose, propellants with a double base consisting of a mixture of nitrocellulose and nitroglycerine and propellants with a triple base consisting of a mixture of nitrocellulose, nitroglycerine and nitroguanidine;

"socket" means any portion of a drill hole which remains after all the blasting explosives charged into the hole have exploded and which is proved by examination not to be a misfire;

"sources of ignition" means any source used to ignite a deflagration train of explosives or pyrotechnic substances, including primers, percussion caps and fuses or other methods of creating a spark or flame;

"stemming" means inert material used as filling in blast holes intended to confine the gasses for an effective blast and includes fine sand, clay, sifted earth and water;

"tamp" means the consolidation of stemming and blasting explosives in a blast hole and includes **"tamping"**;

"testing facility" means a facility registered with the Chief Inspector for the testing or analysis of explosives;

"transit" refer to **"transship"**;

"transship" means transport of goods destined for an end-user outside the Republic, in transit between a place of entry and place of exit and "**transshipment**" and **"transit"** have corresponding meanings;

"UN Number" means an identification number of dangerous goods, consisting of substances and articles, contained in SANS 10228;

"UN Recommendations" means the *Recommendations on the Transport of Dangerous Goods – Model Regulations*, as prepared by the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods, published for and on behalf of the United Nations;

"UN Test Manual" means the *Recommendations on the Transport of Dangerous Goods – Manual of Tests and Criteria*, supplement to the UN Recommendations;
"vehicle licence" means a permit issued in terms of regulation 30(1) to an explosives vehicle; and

"wharf" means a wharf, quay, dock or any premises in or upon which any goods, when unloaded from ships, may be placed.

CHAPTER 1

INTRODUCTORY PROVISIONS

Authorisation and classification of explosives

2. (1) Explosives contained in the List of Authorised Explosives referred to in Annexure "M" may only be manufactured, acquired, supplied, imported, exported, transported, stored and used as prescribed by these regulations.

(2) For the purpose of classification, explosives are subdivided into Hazard Divisions and assigned to Compatibility Groups as per Annexure "A."

(3) Applications by local manufacturers or importers to have explosives authorised must be submitted to the Chief Inspector in terms of regulations 71 or 84.

APPLICATION OF USERS, MANUFACTURERS, IMPORTERS, EXPORTERS, DEALERS, TRANSPORTERS AND BROKERS FOR LICENCES, PERMITS, CERTIFICATES, AUTHORISATIONS OR WRITTEN PERMISSIONS IN TERMS OF THE ACT

Requirements for applications for licences, permits, certificates, authorisation or written permission in terms of the Act

3. (1) Any first application for a licence, permit, authorisation, written permission or certificate that a person is suitable to use, manufacture, import, export, transship, deal, transport, destroy or broker explosives, or a licence, permit, authorisation, written permission or certificate that premises are suitable for use, manufacturing, storage, keeping or destruction of explosives, which may be issued by the Chief Inspector under this Act, must be in writing and must include the following:

(a) full names of the person, and where applicable, the name under which such person carries on a business;

(b) complete physical and postal address details;

(c) telephone, cellphone and fax numbers; and

(d) e-mail address, if available.

(2) Any application referred to in subregulation (1), in respect of a natural person must be accompanied by -

(a) a certified copy of a valid clearance certificate, issued by the Criminal Record Centre of the South African Police Service, which is not older than six months;

(b) a certified copy of the photo and personal details of the applicant's identity document as well as two recent passport photos; and in the case of a foreign national –

(i) a valid passport; and

(ii) a valid work permit; or

(iii) a valid residence permit; and

(iv) a valid police clearance certificate from every country in which the applicant has resided for longer than 12 months over the last 15 years; and

(c) a curriculum vitae with certified copies of relevant qualifications and training related to explosives, whenever applicable.

(3) Any application referred to in subregulation (1), in respect of a company, must be accompanied by –

(a) a letter of appointment, by the chief executive or senior manager, on the company letterhead, of the employee appointed as the responsible person;

(b) a certified copy of a valid clearance certificate in respect of the natural person mentioned in paragraph *(a)* issued by the Criminal Record Centre of the South African Police Service, which is not older than six months;

(c) a certified copy of the photo and personal details in the identity document of the natural person referred to in paragraph *(a)*, as well as two recent passport photos;

(d) a curriculum vitae with certified copies of relevant qualifications and training related to explosives in respect of the natural person referred to in paragraph *(a)*, if applicable;

(e) a certified copy of the official registration certificate issued by the Companies and Intellectual Property Commission, if applicable;

(f) a certified copy of any prospecting licence, mining permit or mining rights issued to such person by the Department of Mineral Resources in the case of a mine;

(g) a certified copy of the workplace licence, if applicable, issued to the person, by the Department of Labour in terms of the Explosives Regulations, 2002, issued under the Occupational and Health and Safety Act, 1993 (Act No 85 of 1993);

(h) a certified copy of any registration document or permit issued under the National Conventional Arms Control Act, 2002 (Act No 41 of 2002) or the Non-Proliferation Act, 1993 (Act No 87 of 1993), where applicable;

(i) a certified copy of any registration document, permit or licence `issued under the Firearms Control Act 2000 (Act No 60 of 2000), where applicable; and

(j) any plan to mitigate significant risks pertaining to the security, safety and disposal of explosives and related waste.

(4) Natural persons who intend to obtain permits for smokeless or black powder and who are in possession of valid competency certificates or firearm licences in terms of the Firearms Control Act, 2000, are exempt from submitting clearance certificates as contemplated in subregulation (3)*(b)*.

(5) The Chief Inspector may require the applicant to furnish additional information or particulars.

Change of information

4. (1) In the event that any information previously submitted in respect of a licence, permit, certificate, authorisation or written permission changes, the holder of such licence, permit, certificate, authorisation or written permission must notify the Chief Inspector within 30 days from the date on which any change occurred.

(2) The notification contemplated in subregulation (1) must be in writing and may only be requested by the responsible person, as appointed in terms of regulation 3(3)*(a)*, unless the responsible person is amended, in which case the chief executive may request the change of information.

Granting, issuing, expiry, cancellation, suspension and amendment of licences, permits, authorisations, written permissions or certificates

5. (1) The Chief Inspector may grant any licence, permit, authorisation, written permission or certificate referred to in the Act, upon the applicant complying with all relevant requirements as contained in the Act and chapters 1-11 and 15-20 of these regulations, and subject to such conditions as may be reasonable to ensure safety and security.

(2) Licences, permits, authorisations, written permissions or certificates, referred to in the Act, expire on the date indicated on the document and if the person to whom it was issued intends to carry on the activity to which such licence, permit, authorisation, written permission or certificate relates, he or she must apply within a period of 45 days before the expiry date to the Chief Inspector for a renewal, unless the remaining period of validity is less than 45 days, in which case such application must be made within a reasonable period before expiry thereof.

(3) The Chief Inspector must cancel a licence, permit, authorisation or written permission issued in terms of the Act and these regulations when –

(a) requested by the holder;

(b) the necessity for the document no longer exists;

(c) so ordered by a court; or

(d) import and export sanctions are imposed by the United Nations Security Council in respect of the country or person indicated as the end-user of the explosives.

(4) The Chief Inspector may cancel or suspend a licence, permit, authorisation, written permission or certificate issued in terms of the Act or under these regulations, when circumstances necessitate the cancellation or suspension thereof by the Chief Inspector, to ensure compliance with the Act or conditions of such licence, permit, authorisation, written permission or certificate, to facilitate the investigation of any contravention of the Act or in the interests of safety and security.

(5) Original documents must be returned to the Chief Inspector or inspector within 14 days after a written request to that effect had been served on the holder thereof, or within 14 days of the expiry thereof, as the case may be.

(6) *(a)* A licence, permit, authorisation or written permission issued in terms of the Act may only be amended by the Chief Inspector or upon written request to the Chief Inspector by the holder of such document unless such permit or written permission was issued by an inspector in which case such inspector may make the amendment.

(b) Whenever an amendment is required, the original licence, permit, authorisation or written permission issued in terms of the Act must be returned to the Chief Inspector or inspector, as the case may be.

(7) As soon as original licences, permits, authorisations, written permissions or certificates become defaced, illegible or destroyed, it must be returned or reported to the Chief Inspector with a written motivation for replacement.

(8) Holders of licences, permits, authorisations, written permissions or certificates shall take all reasonable precautions to protect their documents from loss, theft, defacement, destruction or unauthorised duplication.

Record keeping and statistics

6. (1) All registers required in terms of these regulations must be kept according to the minimum requirements as specified in Annexure “Q” Part 1.

(2) All records required in terms of these regulations or by the Chief Inspector must be retained for at least three years unless otherwise provided for in these regulations.

(3) All statistics required in terms of these regulations or by the Chief Inspector must be retained for at least three years.

DISPOSAL AND DESTRUCTION OF EXPLOSIVES AND DECONTAMINATION

Disposal and destruction of explosives

7. (1) No person may dispose of, destroy or attempt to dispose of or destroy explosives in a manner other than is prescribed by law, including burying, hiding, abandoning, submerging or dumping it.

(2) *(a)* Explosives may only be destroyed when no other method of disposal is practical or suitable.

(b) Except as provided for in terms of the Mine Health and Safety Act, 1996 (Act No 29 of 1996), no person, other than a blaster or a person specifically designated

in writing by an inspector to do so, may destroy or attempt to destroy or be allowed to destroy any explosives.

(c) The Chief Inspector must be informed at least 72 hours in advance if more than 50 kilograms of explosives are to be destroyed at any one time at a mine.

(3) *(a)* The manufacturer of explosives must stipulate the manner in which any explosive supplied by him or her, must be disposed of.

(b) An importer of explosives must obtain information from the foreign manufacturer or supplier who supplied explosives to him or her, on the manner in which such explosives must be disposed of.

(c) A person who intends to dispose of explosives must request the manufacturer, importer or supplier for details of the manner of disposal of the explosives and the manufacturer, importer or supplier must supply the information.

(4) Any manner of disposal or method of destruction must ensure that –

(a) it causes no danger to people or property; and

(b) it will cause as little damage to the environment as is reconcilable with safety.

(5) Disposal and destruction must be carried out in the manner prescribed in Annexure "B" Part 1.

(6) *(a)* Where the manner prescribed in Annexure "B" Part 1 does not provide for a suitable or practical method of disposal or destruction for the explosives in question, the person who intends to carry out the disposal or destruction must consult the manner stipulated by the manufacturer, importer or supplier for suitable destruction methods; or

(b) Where the manner stipulated by the manufacturer, importer or supplier does not provide for a suitable or practical method of disposal or destruction for the explosives in question, the person must not proceed with the disposal or destruction, but must notify the inspector who will then advise the person on the most suitable manner.

Responsibilities with regard to dangers

8. (1) Any person who intends to transfer or permit another person to transfer any plant, vehicle, container, packaging, equipment or any part thereof used for explosives to another person for the purpose of sale, carrying out repairs, recovery or recycling of any material, or any other form of disposal, must ensure that such item does not contain any explosives, or where any such item may have been contaminated with explosives, has been effectively decontaminated.

(2) Any person who intends to transfer or permit the transfer, sale or otherwise dispose of any land as contemplated in regulation 16 of the Explosives Regulations issued under the Occupational Health and Safety Act, 1993, and which may be reasonably expected to have been contaminated with explosives, to another person, must take all reasonable steps for the effective decontamination of such land and submit a copy of the decontamination and safety certificate contemplated in subregulation (1)*(d)* of that regulation, to the Chief Inspector of Explosives.

(3) The requirements of subregulations (1) and (2) do not apply to the legal supply and acquisition of explosives, nor to the transfer of explosives in pursuance of normal explosives duties.

AUTHORITY AND NOTICES ISSUED BY AN INSPECTOR

Authority of and notices issued by inspector

9. (1) Unless otherwise provided for, the provisions of these regulations may only be enforced by the Chief Inspector or an inspector appointed in terms of section 4.

(2) An inspector who has reason to believe that any explosive-related activity by a person at a place where explosives are manufactured, transported, imported, exported, transshipped, stored, used, or disposed of, threatens or is likely to threaten the safety or security of any person, or may in future cause such threat and that such threat may be mitigated or eliminated by taking reasonable steps in the interest of safety and security, may issue a written notice directing the person in question to take the steps set out in that notice immediately or within a time period specified in that notice.

(3) In the event that the inspector is of the opinion that the activity contemplated in subregulation (1) is in contravention of a provision of the Act but does not pose an immediate threat to the safety or security of any person, that inspector may issue a written notice to the person in question, warning such person to take the steps set out in that notice immediately or within a time period specified in that notice in order to ensure compliance with the Act.

(4) In the event that the inspector is of the opinion that the activity contemplated in subregulation (1) poses a serious and immediate threat to the safety or security of any person and that such threat is caused by –

(a) the person who performs an act or requires or permits an act to be performed in relation to explosives; or

(b) the manner in which that person uses or proposes to use any equipment which is related to explosives,

such inspector may issue a written notice prohibiting that person from continuing or commencing with the activity in question.

CHAPTER 2

MANUFACTURING OF EXPLOSIVES

Application and permission for manufacturing explosives in terms of section 14(4)*(a)* and *(b)*

10. (1) An application to manufacture explosives as contemplated in section 14(4)*(a)* or *(b)* of the Act must be in writing and clearly set out whether such application relates to explosives to be –

(a) manufactured for testing purposes as contemplated in section 14(4)*(a)* of the Act; or

(b) prepared for immediate use as contemplated in section 14(4)*(b)* of the Act.

(2) Any person who applies for written permission under section 14(4)*(a)* of the Act, must supply full particulars to the satisfaction of the Chief Inspector, setting out details of the purpose of such test as well as the facility available to the applicant for conducting such test.

(3) Any person who applies for written permission under section 14(4)*(b)* of the Act, must conduct a risk assessment to address all significant risks relevant to safety and security on any equipment he or she intends to use in the manufacture of the explosives as referred to in regulation 10.

(4) The applicant must prepare a written report on such risk assessment, and a copy of such report, including the risk assessment, must be submitted to the Chief Inspector.

(5) When applying for permission in terms of section 14(4)*(b)* of the Act, the applicant must declare or submit information on –

(a) the physical location and description of the site or sites where the mixing and use of such explosives will take place;

(b) the source of the ammonium nitrate, including ammonium nitrate emulsions, gels and suspensions, intermediate for blasting explosives;

(c) the nature and composition of the explosive;

(d) the limiting percentages of each of the ingredients of the explosive;

(e) the proprietary name and identification given to the ammonium nitrate emulsions, gels and suspensions, intermediate for blasting explosives, as defined;

(f) the equipment to be used as well as any ancillary equipment which may be required to facilitate charging of the drill holes, together with three copies of a plan or plans of equipment showing –

(i) the layout;

(ii) the materials of construction;

(iii) the position and capacity of any of the containers provided for the storage of ingredients;

(iv) a process flow diagram; and

(v) the manner in which the equipment will be powered; and

(g) proof that only stainless steel or another material which is compatible with the substances being mixed, is used in the manufacture of any part which comes into direct contact with any nitrate or finished product.

(6) If the equipment is to be installed on a vehicle, the information required by the Chief Inspector in accordance with Annexure “E” Part 1 of these regulations and proof of compliance with the relevant design specifications for mobile explosives manufacturing units as contained in the ADR, must also be furnished.

(7) *(a)* Before an application referred to in subregulation (3) is approved, the applicant must draft operating instructions, specifying in detail –

(i) the procedures to be followed before starting the equipment;

(ii) the procedures for the operation of the equipment;

(iii) the procedures to be followed at the end of a loading cycle to ensure that all the explosives manufactured, are delivered in a blast hole before activities cease;

(iv) the procedures for cleaning of the equipment at the end of the shift and when the equipment is removed from the site;

(v) the procedures for decontaminating the equipment or parts thereof before repairs are carried out or parts replaced;

(vi) the procedures for the management of explosives-related chemicals and waste; and

(vii) the procedures to be followed in emergencies.

(b) The operating instructions must be dated and have a reference number before a copy thereof is submitted to the Chief Inspector for record purposes.

Permission for manufacturing of explosives for testing or immediate use

11. (1) The Chief Inspector may grant written permission to manufacture or prepare explosives:

(a) for testing purposes as referred to in section 14(4)*(a)* of the Act; or

(b) for immediate use at a blasting site, as referred to in section 14(4)*(b)* of the Act.

(2) The permission contemplated in subregulation (1)*(b)* shall be in respect of explosives consisting of –

(a) a mixture of ammonium nitrate, with or without other inorganic nitrates, with combustible substances which are not explosive substances; or

(b) a mixture of ammonium nitrate, with or without other organic nitrates, partially or wholly dissolved in water and with the addition of any of the following:

(i) ammonium nitrate emulsions, gels and suspensions, intermediate for blasting explosives, classified as UN Number 3375;

(ii) combustible substances which are not explosive substances; or

(iii) substances which control the density of the final mix, either by chemical reaction or mechanically.

Use of authorised equipment

12. (1) Only equipment which is authorised by the Chief Inspector may be used to manufacture explosives prescribed in regulation 10.

(2) If the Chief Inspector is satisfied with the information submitted in terms of regulations 10(3) and (5), and after an inspector has inspected such equipment, the Chief Inspector may authorise in writing the use of the relevant equipment and may determine such conditions in respect of the use thereof as he or she deems necessary.

(3) *(a)* A person to whom written permission had been granted under section 14(4)*(b)* of the Act, must, if he or she is not personally operating the equipment authorised under subregulation (2), appoint in writing, a person who is properly trained in the use of such equipment to be the operator in charge of that equipment during the use thereof.

(b) A person to whom written permission had been granted under section 14(4)*(b)* of the Act must issue a copy of the latest operating instructions of the authorised equipment to the operator thereof, who must acknowledge receipt thereof, in writing.

(c) Where a vehicle with manufacturing equipment is used, such operating instructions, as well as a copy of the written authorisation referred to in subregulation (2) must be kept in the vehicle, where it must be available for perusal by an inspector.

(4) Depending on the site where the authorised equipment is to be used, that equipment must be operated –

(a) under the supervision of a blaster; or

(b) in accordance with the provisions of the Mine Health and Safety Act, 1996 (Act No 29 of 1996).

(5) *(a)* A person to whom written permission had been granted under section 14(4)*(b)* of the Act, or the blaster supervising the use of the authorised equipment must keep a full record of –

(i) the date of any use;

(ii) the types and quantities of ingredients received;

(iii) the quantity and type of explosives manufactured;

(iv) the on-site test results if any; and

(v) any remarks regarding the operation of the authorised equipment.

(b) The person in charge of blasting activities must acknowledge, in writing, on a delivery note, receipt of the relevant explosives, if applicable.

(c) (i) The records referred to in paragraph *(a)* must be kept by the person to whom written permission had been granted under section 14(4)*(b)* of the Act or a person acting on behalf of him or her for a period of three years.

(ii) A copy of the records referred to in paragraph *(a)* must be kept in a place where it is easily available for perusal by an inspector.

(6) The equipment authorised under subregulation (2) may be used by a party other than the person to whom written permission had been granted under section 14(4)*(b)* of the Act, subject to the condition that –

(a) the operator in charge of such equipment must be an employee of the person to whom written permission had been granted under section 14(4)*(b)* of the Act; and

(b) a transport permit as specified in regulation 30(1) has been issued.

(7) *(a)* The person to whom written permission had been granted under section 14(4)*(b)* of the Act may take samples of the explosives during loading activities for the purpose of –

(i) testing at the blasting site; or

(ii) testing and analysis at any testing facility or any other laboratory registered with the Chief Inspector.

(b) For the purposes of testing and analysis, the person to whom written permission had been granted under section 14(4)*(b)* of the Act must apply for a transport permit, if the testing facility is not on the same premises as the blasting site.

(8) The ingredients used in the authorised manufacturing equipment must be handled or stored in a manner to prevent accidental or uncontrolled mixing of any of the ingredients and must restrict unauthorised access.

(9) Any spillage must be addressed in terms of the procedures contemplated in regulation 10(7)*(a)*(vi).

Preparation for immediate use

13. (1) In the case of explosives used for blasting already authorised under the Act, the written permission referred to in section 14(4)*(b)* of the Act does not apply to –

(a) preparing explosives charges at or near a blasting site for immediate use;

(b) the testing for continuity of detonators, igniters and similar articles which depend on electrical discharge for its functioning, and which may be tested individually or in a circuit: On condition that the person carrying out these tests, takes all reasonable precautions to ensure that no accidental early initiation can occur or that any life or property is endangered by premature initiation;

(c) the preparation of charges for the demolition of a building or structure;

(d) the preparation of charges used in furnace blasting; or

(e) any other specialised blasting.

(2) In the case of the use of fireworks, pyrotechnics and explosives by authorised pyrotechnicians in terms of chapter 16 and the use of rocket motors in terms of chapter 17, the permission referred to in section 14(4)*(b)* of the Act does not apply to –

(a) the preparation, assembly and fusing of fireworks for fireworks displays at the place of intended use;

(b) the preparation, assembly and fusing of pyrotechnics or explosives for use in theatrical, television, film or other special effects, performances or productions, at the place of intended use; and

(c) the preparation, assembly and fusing of rockets at the place of intended use.

CHAPTER 3

SMOKELESS POWDER AND BLACK POWDER

ACQUISITION, TRANSPORT, STORAGE, SALE AND USE OF SMOKELESS POWDER

Dealers in smokeless powder

14. (1) A person, who is a manufacturer or importer of smokeless powder, or is licensed in terms of the Firearms Control Act, 2000, to deal in arms and ammunition, may apply to the Chief Inspector for a licence to deal in smokeless powder issued in terms of section 13 of the Act.

(2) The application referred to in subregulation (1) must be done on the form as contained in Annexure "N".

(3) *(a)* Smokeless powder acquired under these regulations must be supplied in sealed containers in fibreboard outer packaging as received from the manufacturer or importer and approved by the Chief Inspector.

(b) The approved inner and outer packaging must comply with the requirements of SANS 10229.

(4) A licensed dealer may keep on his or her business premises smokeless powder in a quantity not exceeding 200 kilograms provided that –

(a) it is stored in a safe conforming to SANS 953-1 and in accordance with the specifications contained in Annexure "R" Part 7*(a)*; or

(b) it is stored in a strongroom conforming to SANS 953-2 and in accordance with the specifications contained in Annexure "R" Part 7*(b)*;

(c) it is stored in such a way that it is not accessible to unauthorised persons before a transaction;

(d) smokeless powder, percussion caps, small arms ammunition and black powder must be stored separately from one another;

(e) inner containers are not opened on the premises;

(f) no person is allowed to smoke or produce a flame on the premises; and

(g) all reasonable precautions pertaining to the smokeless powder, are taken to ensure the safety of persons and property on the premises.

(5) The Chief Inspector may, if convinced by a fully motivated, written application by a person licensed under section 13 of the Act, read with subregulation (1) to deal in smokeless

powder and after such an inspection or investigation that he or she may deem fit, that the premises is suitable for the safe storage of a quantity not exceeding 200 kilograms of smokeless powder, in writing, authorise the applicant to keep such larger quantity of smokeless powder.

(6) A person to whom a firearm transporter's permit has been issued in terms of section 86 of the Firearms Control Act, 2000, may transport smokeless powder in accordance with Annexure "F" between a supplier and a dealer as mentioned on a continuous transport permit referred to in regulation 27(4).

(7) When smokeless powder is transported in accordance with subregulation (6) or (9) and a vehicle not licensed in terms of regulation 30(1) is used to transport smokeless powder, the driver of the vehicle must ensure that –

(a) the quantity of the smokeless powder does not exceed 100 kilograms;

(b) the driver and only one other person, who is not under the age of 18 years old, travel in or on the vehicle;

(c) the smokeless powder is conveyed in such a manner that it is not visible to the public;

(d) all reasonable precautions are taken to prevent theft or unauthorised access to the smokeless powder whilst being transported; and

(e) no smoking is allowed in or on the vehicle whilst transporting such explosives.

(8) A person licensed to deal in explosives may only supply smokeless powder in its original sealed containers to –

(a) persons referred to in regulation 15(1), on production of a valid firearm licence, in a quantity not exceeding two and a half kilograms; or

(b) persons referred to in regulation 15(3), on production of the permission intended in that regulation and in the quantities stipulated on that permission.

(9) A register contemplated in section 21 of the Act, must contain the information set out in Annexure "Q" Part 1 Form A.

Personal use of smokeless powder

15. (1) A person who is in possession of a valid firearm licence issued in terms of the Firearms Control Act, 2000, may without a permit issued in terms of this Act, obtain, transport, keep and use smokeless powder for the sole purpose of reloading ammunition for use in his or her licensed firearm.

(2) A person referred to in subregulation (1), may keep on his or her premises smokeless powder, provided that the net mass of smokeless powder does not exceed two and a half kilograms.

(3) The Chief Inspector may authorise a dedicated hunter or dedicated sports person as defined in the Firearms Control Act, 2000, to obtain and keep on his or her premises smokeless powder with a net mass not exceeding 10 kilograms, on condition that such

hunter or sports person provides the Chief Inspector with a written motivation and proof that he or she is a dedicated hunter or sports person.

(4) If the premises referred to in subregulations (2) and (3) are shared by other licensed persons, dedicated hunters or dedicated sports persons as referred to in these regulations, each such person may keep the prescribed quantities up to a maximum of 20 kilogram per premises.

(5) Reasonable safety precautions must be taken when smokeless powder is stored, handled, transported or used.

(6) When smokeless powder obtained in terms of subregulations (1) and (3) is transported by a vehicle not licensed in terms of regulation 30(1) to a place of storage, such transportation may only take place if –

(a) reasonable precautions are taken to prevent theft or unauthorised access to the smokeless powder whilst being transported;

(b) the vehicle proceeds directly from the supplier to the place of storage;

(c) the container is not opened en route;

(d) no smoking is allowed in or on the vehicle; and

(e) the smokeless powder is conveyed in such a manner that it is not visible to the public.

(7) A person obtaining smokeless powder in terms of subregulations (1) and (3) must –

(a) produce his or her licence to possess a firearm, permission issued in terms of subregulations (1) and (3), where applicable, and his or her identity document;

(b) furnish information as referred to Annexure “Q” Part 2 Form A, to the dealer or a person representing the dealer; and

(c) accept the smokeless powder acquired only if it is packed in accordance with regulation 14(3).

(8) A person keeping smokeless powder in terms of these regulations may reload ammunition for firearms, if –

(a) the reloaded ammunition is for use in his or her licensed firearms only and may not be supplied to any other person; and

(b) reasonable precautions are taken to prevent injury to persons or property.

(9) Smokeless powder not being used, must be stored in its original container, in a safe or strongroom as specified in Annexure R Part 7*(a)* or *(b)* and may not be stored in the same compartment of the safe or on the same shelf of the strongroom, as sources of ignition.

(10) Smokeless powder stored in a dwelling must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorised by the user.

(11) If a person is declared to be unfit to possess a firearm in terms of the Firearms Control Act, 2000, or has been convicted of any other statutory or common law offence mentioned in section 30 of the Act, he or she must declare the possession of any smokeless powder within 24 hours to an inspector, who must take such smokeless powder into possession and dispose thereof.

ACQUISITION, TRANSPORT, STORAGE, SALE AND USE OF BLACK POWDER

Dealers in black powder

16. (1) A person who is licensed in terms of this Act to manufacture or import authorised explosives, or is licensed in terms of the Firearms Control Act, 2000, to deal in firearms and ammunition and intends to deal in black powder, must apply to the Chief Inspector for a licence to deal in black powder, issued in terms of section 13 of the Act.

(2) The application referred to in subregulation (1) must be done on the form as contained in Annexure "N".

(3) A person to whom a licence to deal in black powder has been issued, may store up to, but not more than 10 kilograms of black powder on his or her business premises provided that –

(a) it is stored in a strongroom conforming to SANS 953-2;

(b) it is stored in such a way that it is not accessible to unauthorised persons before a transaction;

(c) it is stored at least three metres from sources of ignition;

(d) sources of ignition in the same strongroom as black powder is stored in a separate safe;

(e) inner containers are not opened on the premises;

(f) no person is allowed to smoke or produce a flame on the premises; and

(g) all reasonable precautions pertaining to the black powder are taken to ensure the safety of persons and property on the premises.

(4) The Chief Inspector may, if convinced by a fully motivated, written application by a person who is the holder of a licence issued in terms of section 13 of the Act, and after such an inspection or investigation that he or she may deem fit, that the premises is suitable for the safe and secure storage of black powder in a quantity, not exceeding 20 kilograms, in writing, authorise the applicant to keep such larger quantity.

(5) *(a)* Black powder acquired under these regulations must be supplied in sealed containers in fibreboard outer packaging as received from the manufacturer or importer and approved by the Chief Inspector.

(b) The approved inner and outer packaging must comply with the requirements of SANS 10229.

(6) When a person licensed in terms of section 13 of the Act uses a vehicle not licensed in terms of regulation 30(1) to transport black powder from a supplier directly to his or her premises, such person must ensure that -

(a) the quantity of the black powder does not exceed five kilograms;
(b) the driver and only one other person, who is not under the age of 18 years, travel in the vehicle;

(c) reasonable precautions are taken to prevent theft or unauthorised access to the black powder whilst being transported;

(d) no smoking is allowed in or on the vehicle; and

(e) the black powder is conveyed in such a manner that it is not visible to the public.

(7) *(a)* A person licensed to deal in explosives may supply to a person on production of a permit in his or her name and his or her identity document, the quantities of black powder and sources of ignition stipulated on that permit.

(b) The applicant must furnish information as required in Annexure “Q" Part 2 Form B, to the dealer.

(8) In terms of section 21 of the Act, a licensed dealer must, in respect of each transaction, keep a register as required in Annexure "Q" Part 2 Form B.

Personal or public use of black powder

17. (1) A person who is in possession of a firearm or a muzzle loading firearm, which requires the use of black powder and sources of ignition for the reloading of ammunition for the firearm, or the firing of the muzzle loading firearm, may obtain, keep and use black powder and sources of ignition for the sole purpose of loading that firearm or ammunition.

(2) *(a)* A person referred to in subregulation (1) must apply for permission from the Chief Inspector to acquire, transport, store and use black powder and sources of ignition.

(b) An application referred to in paragraph *(a)* must be submitted as required in Annexure “C” Form A.

(c) Upon approval, the Chief Inspector will issue a permit for the acquisition, transport, storage and use of black powder or sources of ignition under conditions as provided for in Annexure “C".

(3) A person obtaining black powder in terms of subregulations (1) and (2) must –

(a) furnish information as referred to Annexure “Q” Part 2 Form B, to the dealer or a person representing the dealer;

(b) produce his or her black powder permit issued in terms of subregulation (2)*(c)*, and his or her identity document; and

(c) accept the black powder acquired only if it is packed in accordance with regulation 16(5).

(4) When black powder obtained in terms of subregulations (1) and (3) is transported by a vehicle not licensed in terms of regulation 30(1) to a place of storage and use, such transportation may only take place if –

(a) reasonable precautions are taken to prevent theft or unauthorised access to the black powder whilst being transported;

(b) the vehicle proceeds directly from the supplier to the place of storage or use;

(c) the container is not opened en route;

(d) no smoking is allowed in or on the vehicle; and

(e) the black powder is conveyed in such a manner that it is not visible to the public.

(5) *(a)* Black powder not being used, must be stored in its original container, in a safe or strongroom.

(b) Black powder and sources of ignition may not be stored in the same compartment of a safe.

(c) Black powder and sources of ignition stored in a strongroom must be separated by a wooden barrier of at least 25 milimetres thick, or a minimum distance of one metre.

(d) The original permit to acquire, transport, store and use black powder and sources of ignition must be kept in the place of storage at all times for inspection purposes and the official duplicate or a certified copy must accompany the authorised user whenever black powder is acquired, transported or used.

(6) Black powder and sources of ignition obtained in terms of these regulations and ammunition reloaded with black powder, are for personal use only and may not be supplied to any other person.

(7) Black powder stored in a dwelling must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorised by the user.

(8) If a person is declared to be unfit to possess a firearm in terms of the Firearms Control Act, 2000, or has been convicted of any other statutory or common law offence mentioned in section 30 of the Act, he or she must declare the possession of any black powder, within 24 hours to an inspector, who must take such black powder in possession and dispose thereof.

CHAPTER 4

PACKAGING, MARKING AND LABELLING OF EXPLOSIVES

Packaging of explosives

18. (1) Subject to subregulation (2)*(a),* explosives must be packaged in accordance with the requirements of SANS 10229 read with SANS 10228.

(2) *(a)* Explosives imported into or exported from the Republic, must be packed in accordance with the requirements of the ICAO Instructions if conveyed by air, or the IMDG Code if conveyed by sea.

(b) The importer, or his or her representative, of explosives into the Republic, must ensure that any explosives imported by him or her are packed and marked in accordance with the requirements of these regulations.

(3) The maximum mass or number of items, which may be packed in an inner as well as an outer package for different types of explosives, must be in accordance with SANS 10229, unless otherwise determined by the Chief Inspector.

(4) The licensee of an explosives manufacturing site must ensure that any explosives leaving the explosives manufacturing site are packed and marked in accordance with the requirements of these regulations.

(5) The inside of every package, whether an inner or outer package, must be clean, free of foreign material and in good condition.

(6) *(a)* Packaging that contained explosives may not be used again, but must be disposed of in accordance with Annexure "B" Part 2 after being emptied of their explosives content.

(b) Prior to disposal, both the inner and outer packaging must be checked to ensure that all explosives have been effectively removed.

(7) Nothing in these regulations must be construed to prohibit the use of an additional package, whether an inner or outer package, unless such additional package is of a nature prohibited in writing, by the Chief Inspector.

Marking and labelling of packaging

19. (1) The dealer, manufacturer, exporter or importer must ensure that all packaging of explosives is marked –

(a) in the case of explosives manufactured within the Republic, in accordance with the requirements of SANS 10229; or

(b) in the case of imported explosives or explosives intended for export, in accordance with the requirements of –

(i) the ICAO Instructions if conveyed by air; or

(ii) the IMDG Code if conveyed by sea.

(2) In addition to the marking required in terms of subregulation (1), the outer packaging of blasting explosives must display the following information:

(a) the date of manufacture and the date of issue from the explosives manufacturing site, or where such information is encoded, only a code where the key was communicated to the Chief Inspector.

(b) the name and address of the consignee as well as the relevant transport permit number;

(c) the shelf-life;

(d) the number of units and inner packages contained in the package;

(e) the net mass; and

(f) the gross mass.

(3) A prominent label containing the information required by subregulations (1) and (2) must be attached to a pallet in a visible place, if packaged explosives are palletised.

(4) All outer packaging must be marked with the assigned ZA-X number as referred to in regulation 71.

(5) The inner packaging of explosive substances and articles must be marked with the relevant hazard communication labels as specified in SANS 10234 and the GHS.

(6) Each blasting explosives overpack, outer packaging, inner packaging and individual article must be marked with a unique identification as prescribed in regulation 122(6) and Annexure "Z" to enhance security tracking and tracing.

CHAPTER 5

IMPORT AND EXPORT OF EXPLOSIVES

Application for import, export or transit permit

20. (1) Any person intending to import into, export from or transship explosives through the Republic must obtain the relevant forms as contained in Annexure "V", complete such forms and submit the duly completed application forms to the Chief Inspector.

(2) Subject to regulation 3, a person contemplated in (1) who does not permanently reside in the Republic must appoint a representative or broker who permanently resides in the Republic and such representative or broker is responsible for compliance with the requirements of the Act and these regulations, which includes the following:

(a) application for permits;

(b) the safe and secure transport of explosives; and

(c) the storage of any consignment of explosives in a licensed magazine.

(3) The explosives in respect of which the application is made, may not be dispatched or shipped from the supplier until a permit is obtained from the Chief Inspector.

(4) The explosives referred to in section 17 of the Act must be packaged and marked or labelled in accordance with regulation 19.

Information to be contained in application for import or transit permit

21. (1) An application for an import permit must be made on the form as prescribed in Annexure "V" Form A and shall contain the following information:

(a) the full name and the physical address of the applicant;

(b) the name, exact description and quantity of the explosives to be imported as well as the assigned ZA-X number as referred to in regulation 71, unless such explosives are not authorised, in which case the relevant application forms for authorisation referred to in regulation 69 must be submitted;

(c) container and seal numbers;

(d) the UN Number, Class and proper shipping name of the explosives;

(e) the country from which the explosives are to be imported;

(f) the name and the address of the manufacturer of the explosives;

(g) the physical address of the explosives magazine or store in which the explosives are to be stored at the end-destination;

(h) the purpose for which the explosives are to be used in the Republic; and

(i) a declaration by the importer, his or her representative or broker, that the supplier has been advised of the Republic's requirements for the classification, packaging and marking of the explosives to be imported.

(2) An application for a transit permit must be made on the form as prescribed in Annexure "V" Form C and shall contain the following information:

(a) the full name and the physical address of the applicant;

(b) container and seal numbers;

(c) the UN Number, Class and proper shipping name of the explosives;

(d) the country from which the explosives originate;

(e) the destination country and end-user of the explosives;

(f) a declaration by the importer, his or her representative or broker, that the supplier has been advised of the Republic's requirements for the classification, packaging and marking of the explosives to be transshipped.

(3) The importer, transshipper or his or her representative or broker must advise the Chief Inspector or his duly delegated representative not less than 72 hours before the expected arrival of the explosives in the Republic of –

(a) the permit number; and

(b) the date of the expected arrival of the explosives.

(4) The Chief Inspector must be informed of the detailed particulars of the conveyance, in order for an import or transit permit to be issued.

(5) A completed application form contained in Annexure "V", must be accompanied by –

(a) a copy of the invoice reflecting the relevant information as required by subregulation (1) or (2) as the case may be;

(b) the declaration of dangerous goods as required by the legislation applicable to the mode of transport;

(c) an end-user certificate in the format of Annexure "V" Part 1, in case of transshipments; and

(d) a pre-permit inspection report issued by the inspector pertaining to the availability of storage space, in the case of imports.

(6) The original documents with regard to the import or transshipment of explosives must be submitted to the Chief Inspector as soon as they become available.

(7) The original issued permit must accompany the consignment from the port of entry to its final destination or port of exit, whichever the case may be.

Application for export permit

22. (1) An application for an export permit must be made on the form as prescribed in Annexure "V" Form B and shall contain the following information:

(a) the full name and the physical address of the applicant;

(b) the name, exact description and the quantity of the explosives to be exported and the place of export;

(c) the UN Number, Class and proper shipping name of the explosives;

(d) the name and the address of the person to whom the explosives are to be exported;

(e) the final destination of the explosives; and

(f) the detailed particulars of the conveyance.

(2) A permit to export explosives may be issued on receipt of –

(a) a completed application form contained in Annexure "V" Form B;

(b) a copy of the relevant declaration of dangerous goods;

(c) an undertaking that an import permit will be available at the final destination or a copy of such permit; and

(d) an end-user certificate in the format of Annexure "V" Part 1.

(3) *(a)* Exporters who regularly export explosives may be issued with continuous export permits, valid for a period determined by the Chief Inspector, but not exceeding five years, of which the permit numbers must be reflected on original consignment notes or other supporting documents accompanying consignments.

(b) Written notification of the intention to use such a continuous export permit must be given by an exporter to the Chief Inspector at least five working days prior to dispatch, indicating the relevant permit number and particulars as required in subregulation (1).

(c) A copy of the export or continuous export permit must accompany the consignment from the consignor to the place of exit.

Notification and inspection regarding explosives destined for import, export or transit

23. (1) An importer or his or her representative or broker must notify the relevant inspector whose name appears on the import permit –

(a) within 72 hours prior to the arrival of any imported consignment of explosives at the port, harbour, airport or other place of entry; and

(b) upon arrival of the consignment at its final destination.

(2) Before dispatching explosives for export, the exporter in question must notify both inspectors whose names appear on the relevant export permit of his or her intention to convey the consignment indicated on such permit, to the port, harbour, airport or other place of exit within 72 hours prior to the consignment being packaged for shipment.

(3) Without derogating from the powers of an inspector assigned in section 5 of the Act, an inspector may upon receipt of a notification contemplated in this regulation, or for purposes of ensuring compliance with the Act and after ordering discontinuation of any handling of such consignment –

(a) open and inspect any consignment of explosives in the Republic, whether it is in a container or not, whether destined for the Republic or not, at a place and a time determined by the inspector; and

(b) remove such samples for the purpose of analysis and testing as contemplated in regulation 70.

(4) The provisions of subregulations (1) and (2) are both applicable to transit permits with the necessary changes required by the context.

CHAPTER 6

HARBOUR AND AIRPORT REGULATIONS

Harbour regulations

24. (1) Ships with explosives on board may not enter any port in the Republic except when the explosives are packaged, marked and being conveyed in accordance with the IMDG Code.

(2) Without derogating from any other obligation under other legislation applicable to harbours, a shipmaster with explosives on board intending to enter any port in the Republic, must give 72 hours written notice to the Chief Inspector prior to arrival at the port and submit a copy of the dangerous goods list or manifest as prescribed in the IMDG Code.

(3) No explosives may be unloaded or loaded except –

(a) when authorised by the harbour master; and

(b) on production of a permit.

(4) The explosives cargo must be loaded last and this cargo may only be brought to the harbour immediately prior to loading.

(5) *(a)* Where loading or unloading of non-containerised explosives will take place, the person responsible for stevedoring services or the shipmaster, as the case may be, or a person authorised by him or her, must demarcate the area immediately adjacent to such place.

(b) No person, other than those actually engaged in or supervising the work of loading or unloading of explosives, must be allowed within the demarcated area.

(c) Reasonable precautions must be taken with regard to the safety of the explosives being loaded or unloaded from the vessel.

(6) Explosives may only be loaded and unloaded during daylight hours, except with the prior written permission of the harbour master, in consultation with the inspector, and subject to any condition which he or she may impose.

(7) In the event of any packages of explosives being found to be leaking or damaged, either before or after being unloaded, the fact must immediately be reported to the harbour master, the inspector and SAMSA, and such packages may not be handled, unloaded or disposed of without the permission of an inspector.

(8) Any expenses incurred in the supervision, provision of guards, or any other service or facility in connection with the handling, loading and unloading or destruction of explosives must be borne by the owners, importers, exporters or their representative.

(9) Subject to any condition which may be set by the harbour master, a ship not destined for a port within the Republic with explosives on board, requiring bunkers, provisions or water, may be brought alongside a specified quay if –

(a) the explosives are stowed on the ship in accordance with the IMDG Code;

(b) the bunkers, provisions or water, are taken on board as expeditiously as possible; and

(c) the holds or containers containing explosives are not opened, moved, worked in or entered in a manner other than directed by an inspector.

(10) The harbour master may, after consultation with the Chief Inspector, exempt ships of war, other than visiting forces as contemplated in section 98 of the Defence Act, 2002 (Act No 42 of 2002) from any or all of the provisions of this chapter.

(11) The harbour master must report any refusal in terms of these regulations, to a ship carrying explosives, to the Chief Inspector.

(12) The handling, loading or unloading of explosives is subject to such further requirements and restrictions as may be imposed by –

(a) the harbour master, in relation to the harbour operations;

(b) SAMSA in relation to maritime safety; or

(c) the Chief Inspector in relation to the safety and security of any person or property.

(13) The harbour master must cause a risk assessment to be conducted for the loading, unloading and storage of explosives in his or her harbour and put in place such procedures as may be necessary to ensure the safety and security of the Republic.

(14) If any undeclared or misdeclared explosives are detected, the harbour master must immediately inform the inspector.

(15) The harbour master must ensure that explosives awaiting transportation are stored in accordance with the compatibility tables of the IMDG Code.

Airport regulations

25. (1) No aircraft with explosives on board, may land at or depart from any airport in the Republic, unless such explosives are packaged, marked and transported in accordance with the Technical Instructions for the Safe Transport of Dangerous Goods by Air, published by the ICAO, and the Civil Aviation Regulations of 2011.

(2) Aircraft with explosives on board for importation into or exportation from the Republic may only land at, or depart from, an airport in the Republic, on condition that –

(a) the airport is authorised to handle the importation and exportation of goods in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964);

(b) the explosives are limited to those that may be transported by air in terms of the ICAO Technical Instructions mentioned in subregulation (1) and the Civil Aviation Regulations, 2011; and

(c) a representative in the Republic appointed in terms of regulation 20(2) submits details of the explosives contained in the aircraft's shipper's declaration, to the Chief Inspector and to the airport manager at least 72 hours before the expected time of arrival of the explosives in the Republic.

(3) The pilot of every aircraft having explosives on board must, before landing, inform the airport manager of the nature, quantity and destination of the explosives and must park at a terminal assigned to the aircraft by the airport manager.

(4) No explosives may be loaded onto or unloaded from an aircraft except –

(a) under the direction and supervision of the air service operator or an entity operating on its behalf;

(b) on production of a permit as referred to in section 17*(a)* of the Act; and

(c) in an area as determined by the airport manager and in accordance with the specified method of operation which he or she may determine.

(5) No explosives may be dispatched from, unloaded at, or be brought to any terminal or place at an airport except at such terminal or place that the airport manager may direct.

(6) The airport manager must ensure that procedures are in place for the safe loading and unloading of explosives into and from aircraft.

(7) If any packages of explosives are leaking or damaged, either before or after being loaded or unloaded, it must immediately be reported to the airport manager, air service operator and inspector by the person discovering such condition, and such packages may not be handled, unloaded or disposed of, without the permission of the inspector.

(8) The air service operator must immediately inform the airport manager who shall inform the Chief Inspector, the Commissioner for Civil Aviation and the inspector, as soon as practicably possible, about any non-compliance in relation to these regulations.

(9) The Commissioner for Civil Aviation or a person authorised by him or her may impound any aircraft if he or she believes such aircraft has been contaminated with explosives, or if explosives are transported illegally and must report, in writing, such action to the Chief Inspector as soon as practicably possible.

(10) Should it become apparent that an aircraft is contaminated with explosives, the air service operator or representative must immediately notify the airport manager who shall inform the Commissioner for Civil Aviation and the inspector as soon as practicably possible; and the latter shall determine which decontamination and disposal procedures to follow.

(11) The aircraft may not be released until such decontamination and disposal procedures are completed, and must be continuously guarded.

(12) The handling, loading or unloading of explosives are subject to such further requirements and restrictions as the airport manager, the Commissioner for Civil Aviation or the Chief Inspector may impose.

(13) Aircraft carrying no explosives other than their own supply of signalling and life-saving equipment, as required by any other legislation, or international requirements, are exempt from the requirements of these regulations.

(14) The airport manager or his delegated official must arrange for a safe and secure area at every airport where explosives can be handled, and must ensure that explosives are kept as required in the compatibility table, published by ICAO and as documented in the South African Civil Aviation Technical Standards: Dangerous Goods.

(15) If any undeclared or misdeclared explosives are detected, the air service operator must immediately inform the airport manager, who shall inform the inspector as soon as practicably possible.

(16) Any expense incurred in the supervision, provision of guards, or use of any other facility in connection with the handling, loading, unloading, decontamination, disposal or destruction of explosives, must be borne by the owners, importers, exporters or their representative.

CHAPTER 7

TRANSPORT OF EXPLOSIVES

General transport

26. (1) Provided that no public roads or railways are crossed or used, the licensee of an explosives magazine is exempt from the requirements of section 10(2)*(a)* of the Act when explosives are transported from an explosives magazine to the workings operated by the same owner of such explosives magazine.

(2) In the case of a delivery of either incorrect, damaged or defective explosives, a vehicle break-down or any other instance which necessitates the return of explosives to the supplier, permission must be obtained from the inspector prior to the further conveyance thereof and the responsible person of the consignor must –

(a) complete a return transport permit application as contained in Annexure "D" Form C and submit such to the inspector within 24 hours of the event; and

(b) submit a written report providing the reasons for the incident as required in terms of regulation 62.

(3) No person may dispatch explosives by mail.

(4) Transport of explosives by ship or other vessel, or the use of any harbour, quay, wharf, loading, beach, sea or inland waters or any other place for transporting, loading or unloading of explosives, may take place only -

(a) if a valid permit has been issued; and

(b) in accordance with the requirements of regulation 24; or

(c) in accordance with the conditions of a valid permit.

(5) The transport of explosives by air, where any airport, landing strip, helicopter pad or any other place is used for loading or unloading explosives from an aircraft, may only take place –

(a) if a valid permit has been issued; and

(b) in accordance with the requirements of regulation 25; or

(c) in accordance with the conditions of a valid permit.

(6) No person may open a vehicle or container of explosives or accessories for inspection of any sort, without the permission of an inspector and in the presence of such an inspector.

(7) The mode of transport must comply with all relevant legislation relating to explosives.

(8) The on-site manufacture in vehicles from which explosives are transferred directly to drill holes, are exempt from subregulation (9) whilst on a site requiring the service of such a vehicle, but substances used for such manufacture may not be stored in such a vehicle overnight.

(9) All consignments must, on arrival at the authorised destination, be unloaded from the vehicle as soon as practicably possible and no explosives may be stored or kept in any vehicle.

(10) The conveyance of personal signalling and lifesaving equipment required by any other legislation is exempt from this regulation.

Application for transport permit

27. (1) An application for a transport permit must be made on the form as prescribed in Annexure "D" and shall contain the following information:

(a) the quantity and types of explosives to be transported per consignment;

(b) the total number of consignments;

(c) the name and address of the supplier and magazine number, if applicable;

(d) the purpose for which the explosives are to be transported;

(e) the physical address where the explosives are to be transported to, or in instances where an exact address is not available, the area and relevant GPS coordinates;

(f) the period for which the permit is required;

(g) the mode of transport to be used for transporting the explosives;

(h) particulars of the transporter;

(i) registration number of the vehicle, if applicable; and

(j) the distance involved.

(2) A temporary transport permit is issued for a maximum of six consignments of explosives and may only be renewed once, where after application must be made for a continuous transport permit.

(3) The conditions of subregulation (2) may be waivered by an inspector upon receipt of a written application by the applicant referred to in subregulation (1).

(4) An inspector may issue a continuous transport permit to regular users or dealers who acquire their explosives from suppliers within the Republic and may prescribe the conditions thereof.

Responsibilities of consignors, operators drivers and consignees

28. (1) All consignors, operators, drivers and consignees must comply with the provisions of SANS 10231.

(2) The magazine master of the consignor shall be responsible –

(a) to supervise the loading;

(b) to personally count the number of packages loaded onto the vehicle, and endorse this number on the consignment note;

(c) to ensure that the correct grade, size, type, length and packaging or other requirements, of the explosives that are specified on the consignment note, is loaded;

(d) to ensure that the cargo containment area of the vehicle is locked or sealed and the number of the seal, where applicable, is endorsed on the consignment note; and

(e) to hand the consignment note over to the driver of the vehicle.

(3) The driver of the vehicle or person responsible for the mode of transport must, when receiving the consignment note –

(a) ensure that the number of the seal is correct and intact or that the cargo containment area is locked, whichever the case may be, prior to proceeding with the journey;

(b) ensure that the vehicle proceeds with due diligence and care directly to its authorised destination;

(c) prevent any unauthorised access to, or removal of all, or part of the explosives;

(d) on arrival at the destination, personally count the number of packages unloaded, and enter this number on the consignment note; and

(e) if more than one consignment is carried in the cargo containment area for two or more authorised destinations, no re-sealing is required for the remainder of the journey after opening at the first destination, but the cargo containment area must be kept locked between destinations.

(4) Should the driver be the consignor, he or she shall be responsible for the requirements of subregulation (1).

(5) The original transport permit must accompany a consignment of explosives throughout the entire journey, except that in the case of a continuous transport permit, a copy thereof must accompany the consignment note, and the number of that permit must be endorsed on the consignment note.

(6) The consignee, on receipt of a consignment of explosives, must immediately inform the inspector of any discrepancy or defect in the consignment.

(7) The consignee of the explosives or his or her representative must ensure that the explosives are placed in an explosives magazine or place of storage approved by an inspector, without delay, and in the case of a blast site, the blaster or, in the case of more than one blaster, the foreman blaster, shall personally accept and sign for the consignment.

(8) In the case of a delivery to a mine, the explosives controller referred to in regulation 34(5) must ensure that the explosives delivered conform to the provisions of Annexure “P” and that such explosives are either put to use as soon as practicably possible or secured in accordance with regulation 122.

(9) Explosives must be transported in accordance with SANS 10228 and 10229.

(10) The Chief Inspector may authorise the transportation of explosives in Compatibility Group B with explosives in Compatibility Group D, the conditions of which shall be stipulated on the licence issued in terms of regulations 5(1) and 30(1).

(11) Explosives packed in metal drums or wooden crates may not be loaded in the same vehicle, rail wagon or freight container as explosives packed in soft packaging unless authorised by an inspector.

(12) The consignor or operator must ensure that –

(a) response teams which are adequately trained and equipped to respond to any safety related incidents which may occur during the transportation of his or her product are available; and

(b) procedures to be followed during security related incidents are available, stipulating the response to such incidents within the shortest time possible, taking into account the relevant circumstances.

Rail transport

29. (1) The train operator is responsible for the safety and security of explosives transported by rail and must ensure that the provisions of the Act, these regulations and SANS 10405 are complied with.

(2) The train operator may allocate fixed days for the acceptance of explosives for transport by rail and the Chief Inspector must be notified thereof.

(3) *(a)* The consignor must give the train operator at least 10 working days' notice, in writing, of the proposed dispatch of explosives.

(b) Prior to dispatch, the consignor must furnish the train operator with a copy of the transport permit, in terms of section 10(2)*(a)* of the Act, together with a dangerous goods declaration and ensure that the consignee has been advised of the proposed dispatch of the consignment of explosives.

(c) The train operator referred to in subregulation (1) may not accept explosives quantities larger than those allowed by the permit, irrespective of whether such permit is a continuous transport permit or not.

(4) Explosives may not be transported in a passenger train, except consumer fireworks as referred to in regulation 82.

(5) Explosives may be transported on a special explosives train or ordinary goods train in quantities determined by the Railway Safety Regulator in consultation with the Chief Inspector.

(6) No intervening rail wagons are necessary within the danger area of an explosives manufacturing site.

(7) Except in the case of trains loaded with ammonium nitrate, rail wagons with end-of-wagon cushioning devices must not form part of a train conveying explosives.

(8) Rail wagons containing explosives may not be detached from a train until the train has been brought to a complete stop.

(9) *(a)* Explosives transported by rail must be transported in a rail wagon or freight container which is closed and locked with a locking device determined by the Railway Safety Regulator in consultation with the Chief Inspector.

(b) Access to rail wagons is limited to persons necessarily engaged in the process of loading or unloading explosives, and as soon as the rail wagon is loaded, it must be securely locked.

(c) Rail wagons with explosives may only be loaded or unloaded under the supervision of a competent person appointed by the train operator.

(10) All exposed iron and steel inside a rail wagon must be covered with wood, cloth or other suitable material, or the bags or cartons of explosives must be completely enveloped in a covering that will prevent bags or cartons containing the explosives from coming into contact with any metal.

(11) *(a)* No person may carry matches or any other means of producing ignition, or wear boots or shoes with exposed steel or iron heels, tips or nails of any kind while handling explosives on a train.

(b) Explosives may not be loaded or unloaded within 30 metres of a fire, uncovered light or flame, nor may any person light a fire or bring an uncovered light or flame within that distance of a rail wagon which is loaded or being loaded with explosives, or from which explosives are being unloaded.

(12) Explosives may only be loaded into or unloaded from a rail wagon or freight container during daylight hours, unless written permission is obtained from the inspector and it is conducted in accordance with the conditions of the permission.

(13) Special explosives trains may only transport explosives, but the rail wagons used for separation purposes, as stipulated in SANS 10405, may convey goods not listed in SANS 10228.

(14) Trains transporting explosives must be dispatched as soon as practicably possible and without any unnecessary delay en route, subject to the necessary detention for examination.

(15) *(a)* The train operator must notify the consignee of the expected time of arrival as well as the actual arrival of the consignment.

(b) The consignee shall take immediate delivery of the consignment.

(c) If the train operator is unable to contact the consignee or the consignee fails to take immediate delivery after being advised of the arrival of the consignment of explosives, the train operator must immediately report the fact telephonically to the inspector, and the Chief Inspector must be notified by the train operator in writing, in terms of regulation 62.

(d) If an inspector deems it necessary for the security of explosives transported by rail, the train operator must, when instructed by the inspector, place a security officer on guard over the rail wagons containing the explosives.

(16) The train operator must during the time explosives are on railway premises, take every precaution to ensure the safety and security of rail wagons containing explosives.

(17) *(a)* Explosives may only be unloaded at the destination, unless authorised by an inspector.

(b) When explosives are unloaded at a siding, the consignee must –

(i) supervise the unloading of explosives;

(ii) comply with the relevant regulations;

(iii) ensure that the correct consignment of explosives is removed from the rail wagon; and

(iv) immediately ensure that any explosives remaining in the rail wagon for any other destination, are properly stowed and secured.

(c) The train operator must oversee the processes mentioned in subparagraphs *(b)*(iii) and (iv).

(18) No person other than an inspector, whether acting on behalf of the customs authorities or otherwise, may open any package of explosives or rail wagon containing explosives unless under the authority of and in the presence of an inspector.

(19) *(a)* Any person who, while travelling on a train transporting explosives, commits or attempts to commit any act likely to affect the safe operation of the train, commits an offence.

(b) The train driver or assistant must take the necessary steps to have such person removed.

(c) Any such incident referred to in paragraph *(a)* or *(b)* must be reported as soon as practicable to an inspector.

(20) *(a)* An inspector may inspect consignments of explosives and the rail wagons, freight containers or train in which they are being transported.

(b) If, during this inspection, a seal on the rail wagon or freight container is broken, the inspector must reseal the rail wagon or freight container and make an endorsement on the consignment note that the seal was broken for inspection purposes and the number of the new seal must be placed on the consignment note.

(c) Officials of the train operator must give an inspector all information, documents and assistance required.

(21) *(a)* A train driver or other official of the train operator must at all times be present on the train whilst the explosives are being conveyed.

(b) A consignment of explosives must not be left unattended and an operational system of communication between the train driver and the train control office must be available for the duration of the journey.

Road transport

30. (1) No person may transport explosives, or cause or permit it to be transported on public roads or at blasting sites, in a vehicle, unless -

(a) in accordance with the following South African National Standards –

(i) SANS 1157;

(ii) SANS 1518;

(iii) SANS 10231;

(iv) SANS 10232-1;

(v) SANS 10232-4;

(vi) SANS 10187-8; and

(b) the vehicle has been converted for that purpose in accordance with specifications contained in Annexure “E" Part 1 to these regulations, and licensed by the Chief Inspector as an explosives vehicle.

(2) The requirements referred to in subregulation (1) do not apply to –

(a) an inspector in the execution of his or her duties; and

(b) exempt quantities as per Annexure “F” to these regulations.

(3) Subject to regulation 82, no explosives may be transported in a vehicle used for public transport.

(4) *(a)* Vehicles transporting explosives by road must comply with the specifications contained in Annexure “E” Part 1 to these regulations.

(b) Truck tractors used to draw a licensed semi-trailer or a combination of semi-trailers, are exempted from being licensed in terms of regulation 30(1) but must have satellite tracking and fully comply with applicable legislation.

(5) Explosives, in quantities not exceeding 400 kilograms net mass, may be transported by a vehicle, with a loading body of internal length not exceeding three metres and on condition that the explosives are carried in receptacles specially manufactured for the purpose in accordance with specifications contained in Annexure “E” Part 2 to these regulations.

(6) *(a)* No person may smoke within 30 metres of where explosives are being loaded or unloaded from a vehicle.

(b) Explosives may not be loaded or unloaded within 30 metres of a fire, uncovered light or flame.

(c) No person may light a fire or bring an uncovered light or flame within 30 metres of a vehicle which is loaded or being loaded with explosives, or from which explosives are being unloaded.

(d) Except as provided for in paragraph *(e)* a person who handles explosives, or who travels on a vehicle carrying explosives, may not smoke or carry any means of producing ignition, during the period in which explosives are handled or carried.

(e) A blaster or pyrotechnician travelling to a work site, where a source of ignition is required, may carry a reasonable supply of matches or other means of producing ignition.

(7) *(a)* The vehicle operator may only employ drivers who are suitable persons and registered with the Chief Inspector.

(b) The vehicle operator must ensure that every consignment of explosives is under the constant supervision and control of the driver throughout the journey.

(c) The driver must be in possession of a copy of this chapter throughout the journey.

(d) The driver must be conversant with the contents of this chapter and may be assessed by an inspector.

(e) The magazine master must ensure that the name of the driver is recorded on the dangerous goods declaration, consignment note, delivery note or waybill, whichever the case may be.

(8) A person in charge of an explosives magazine or other place of storage from which explosives are removed –

(a) is responsible for the loading of the vehicle and must ensure that explosives are loaded only onto a vehicle which is compliant with subregulation (1) and in a roadworthy condition;

(b) must ensure that the loading of the explosives on vehicles is done in accordance with these regulations; and

(c) must ensure that the load is secured in accordance with SANS 10187-8.

(9) *(a)* The driver of a vehicle transporting explosives by road must comply with all directives given by any local authority along the route.

(b) The driver of a vehicle transporting explosives by road may only halt during a journey when reasonably necessary and then as far away as possible from inhabited buildings.

(c) The driver must inform his or her supervisor whenever a routine halt, as for a vehicle inspection or personal hygiene break, is made and must ensure that the consignment is not left unattended.

(d) In all other cases where a vehicle is halted the driver must immediately notify an inspector of the reasons for the halting and the vehicle operator must submit a written report to the Chief Inspector within seven days after being notified.

(10) *(a)* Explosives may not be unloaded from a vehicle en route, except in the event of a breakdown of the vehicle in which case the driver or operator must notify the inspector immediately thereof.

(b) In the event of a breakdown referred to in paragraph *(a)*, the explosives may only be transferred to another vehicle that is licensed for the transportation of explosives in terms of regulation 30(1).

(c) The journey must continue as soon as possible.

(d) During loading and unloading of explosives, all possible care must be taken to protect the explosives from any reasonably foreseen risk.

(e) The driver of the vehicle must take all reasonable precautions to prevent persons from loitering near the explosives.

(11) *(a)* No person, other than an inspector, may delay any vehicle transporting explosives, to ascertain whether the Act and these regulations are being complied with.

(b) Where an explosives vehicle, including a vehicle transporting ammonium nitrate, is stopped at a roadblock, weighbridge or border post to ascertain whether the provisions of any other Act, regulation or ordinance are complied with, the person in charge of the roadblock, weighbridge or border post must ensure that –

(i) preference is given to the examination of the explosives vehicle above other traffic;

(ii) wherever possible the explosives vehicle is moved away from buildings and other vehicles;

(iii) the provisions of subregulation (7) of these regulations are complied with; and

(iv) the consignment of the vehicle is not interfered with unless an inspector is present.

(c) An inspector must be informed by the driver of the reasons for detention of an explosives vehicle at the roadblock when the delay could, in the opinion of the driver, cause a risk to life and property.

(12) *(a)* Only a driver, co-driver and an assistant, may travel on an explosives vehicle.

(b) When transporting explosives where the duration of the trip can be reasonably expected to exceed five hours continuous driving, there must be at least two drivers on the vehicle.

(c) No person under 18 years may travel on an explosives vehicle whilst the vehicle is carrying explosives.

(13) Vehicles used for the manufacturing of explosives at a blasting site must be compliant with the requirements for vehicles in these regulations.

(14) The regulations of this chapter are also applicable to the transportation of regulated substances.

CHAPTER 8

CONSTRUCTION AND LICENSING OF EXPLOSIVES MAGAZINES

Application for permission to construct explosives magazine

31. (1) The design for an explosives magazine and the materials used in its construction must –

(a) be approved by the Chief Inspector; and

(b) in the case of an outdoor explosives magazine –

(i) be efficiently protected against lightning in accordance with the specifications contained in SANS 10313, except when the Chief Inspector is satisfied that an exemption may be made after consideration of a hazard identification and risk assessment;

(ii) provide for efficient drainage of the immediate area surrounding the magazine; and

(iii) be surrounded by a fence in accordance with the specifications in Annexure “H”.

(2) Any person intending to design and construct an outdoor magazine for the purpose of storing the following quantities of explosives, must ensure that –

(a) for the storage of explosives not exceeding 50 kilograms as specified in Annexure "R" Part 1, is complied with;

(b) for the storage of up to 2 000 kilograms net mass of explosives, a 20 to 80 case magazine as specified in Annexure "R" Part 2, is complied with;

(c) for the storage of between 2 500 and 12 500 kilograms net mass of explosives, a 100 to 300 case magazine as specified in Annexure "R" Part 3, is complied with;

(d) for the storage of greater than 12 500 kilograms net mass of explosives, Annexure “R” Part 4, is complied with; or

(e) for the storage of consumer fireworks exceeding 10 000 kilograms gross mass, outdoor magazines as specified in Annexure “R” Part 5, is complied with.

(3) Any person intending to design and construct a warehouse or silo for the purpose of storing ammonium nitrate, must ensure that the provisions of the industry guidelines and South African National Standards, as listed in Annexure “R” Part 6, are complied with.

(4) Any person intending to utilise an indoor magazine for the purpose of storing explosives in quantities not exceeding 250 kilograms net mass must ensure that –

(a) for the storage of explosives not exceeding 20 kilograms net mass, Annexure “R” Part 7*(a)* is complied with; and

(b) for the storage of explosives not exceeding 250 kilograms net mass, Annexure “R” Part 7*(b)* is complied with.

(5) Any person intending to store safety devices must ensure that Annexure “R” Part 8, is complied with.

(6) Any person intending to store consumer fireworks for retail or wholesale as referred to in regulation 85(14), must ensure that Annexure “R” Part 9, is complied with.

(7) Indoor magazines do not require lightning protection or fencing, but additional security measures are required as stipulated in the relevant annexures.

(8) Applications for permission to construct explosives magazines must be made to the Chief Inspector on the form attached as Annexure “S” Form A and must be accompanied by –

(a) four copies of a plan drawn to a scale of either 1:500, 1:1 000, 1:2 000, 1:2 500 or 1:5 000, according to the size of the property, showing the site of the proposed explosives magazine and fence in relation to neighbouring roads, the access road to the explosives magazine, railways, buildings and boundaries of properties, as well as the contour of the land on which the explosives magazine is to be erected and the plan must indicate, with the site as centre, circles with radii proportionate to the separation distances prescribed for the quantity of explosives in the tables contained in Annexure “G” and –

(i) the safety circles on the plans must be measured from the centre of the magazine with the greatest net explosives quantity; or

(ii) in the case of a fireworks magazine, the safety circles must be measured in accordance with the provisions of Annexure “R” Part 5;

(b) a plan or plans, in triplicate, drawn to a scale of 1:25, 1:50 or 1:100, showing the design and specifications of the proposed explosives magazines and mounds;

(c) a layout plan of the proposed explosives magazines showing the separation distances between magazines as well as between the magazines and the fence, as specified in Annexure “H”;

(d) a risk assessment, addressing significant risks relevant to the safety and security of the magazines; and

(e) zoning and land use plan approved by the local authority, if applicable.

(9) When the application is approved, one set of approved plans shall be returned to the applicant, and the building of the explosives magazines and mounds may not be commenced with until the approved plans have been received.

(10) The permission granted for the construction of explosives magazines lapses if the explosives magazines have not been completed within six months of the date of approval of the construction plans, but may be extended by the Chief Inspector in writing, for a similar period provided that an application therefore is made no less than 30 days before the expiry date and the Chief Inspector is informed of any changes to the original application and plans, and that he or she approves such changes.

(11) On completion of the magazine, an inspection must be conducted by the inspector who must provide the applicant with a copy of the inspection report and the original inspection report shall be forwarded by the inspector, with recommendations, to the Chief Inspector for consideration of the issuing of a magazine licence.

(12) *(a)* The separation distance between two buildings is the shortest distance between the nearest walls of such buildings, whether mounded or unmounded.

(b) Where the mound is an integral part of the building, the distance must be taken from the inner wall.

(13) When an explosives magazine is erected in the vicinity of a power line, the explosives magazine must be separated from the vertical of the closest outermost line by a horizontal distance of not less than 30 metres.

(14) The prescripts of subregulation (1)*(a)*, and *(b)* shall, with the necessary changes, apply to shaft delivery bays and rapid reloading sites.

(15) Additional documentation or plans may be requested by the Chief Inspector, dependent upon local conditions.

(16) The magazine may not be used before an original licence is issued in terms of section 2*(c)* of the Act and has been received by the applicant and posted in the magazine in accordance with regulation 36.

(17) No end user magazine is required where the supplier of blasting explosives is situated within a 150 kilometre radius from a workplace.

Application for explosives magazine licence

32. (1) Application for a licence to store explosives must be made on Annexure "S" Form B, and be submitted with the following information to the Chief Inspector –

(a) name and address of the applicant;

(b) exact address of the magazine;

(c) purpose for which the explosives are required;

(d) total type, classification and quantities to be stored; and

(e) detailed description of magazine.

(2) The following additional information must be submitted with Annexure "S" Form B, except that for an applicant who has applied for permission to construct a magazine in terms of regulation 31 need not provide the additional information referred to in subregulation (2)*(a)* to *(d)* –

(a) four copies of a plan drawn to a scale of either 1:500, 1:1 000, 1:2 000, 1:2 500 or 1:5 000, according to the size of the property, showing the site of the explosives magazine and fence in relation to neighbouring roads, the access road to the explosives magazine, railways, buildings and boundaries of properties, as well as the contour of the land on which the explosives magazine is to be erected and the plan must indicate, with the site as centre, circles with radii proportionate to the separation distance prescribed for the quantity of explosives in the tables contained in Annexure "G";

(b) a plan or plans, in triplicate, drawn to a scale of 1:25, 1:50 or 1:100, showing the design and specifications of the explosives magazines and mounds;

(c) a layout plan of the explosives magazines showing the separation distances between magazines as well as between the magazines and the fence, as specified in Annexure “H”;

(d) a risk assessment, addressing significant risks relevant to the safety and security of the magazines;

(e) a copy of a pre-licensing inspection report issued by the inspector;

(f) written consent from the local authority confirming that the applicant complies with all relevant legislation, including but not limited to fire safety, building regulations, zoning and land use planning;

(g) a copy of the appointment of the magazine master and, where relevant, deputy magazine master, as stipulated in regulation 34(1);

(h) a copy of the compliance certificate issued in terms of SANS 10313; and

(i) application for a transport permit as stipulated in regulation 27(1) and (4).

(3) Applications for indoor magazines must be accompanied by a floor plan of premises (in triplicate) indicating all entrances, exits, fire extinguishers, storage and retail areas.

Compatibility Groups for storage of explosives

33. (1) Storage of explosives, with respect to compatibility, must be done in accordance with the requirements of Annexure “A”.

(2) Igniter cord classified as Group G may be stored in magazines licensed for the storage of Groups B.

(3) An explosives magazine for the storage of explosives in Group B and Classes 1.4G and 1.4S, of which the net explosives content does not exceed 20 kilograms, may, subject to the permission of the Chief Inspector and under conditions prescribed by him or her in writing, be placed closer to an explosives magazine for the storage of explosives in Groups C, D and E, as prescribed in Annexure “G” Part 2.

(4) Where explosives of different hazard divisions are in one magazine, the total quantity of explosives must be treated as belonging to the hazard division which would require the greatest separation distance.

CHAPTER 9

STORAGE OF EXPLOSIVES

Appointment of magazine masters and mine explosives controllers

34. (1) The responsible person of a company licensed to run an explosives magazine must appoint a suitable person, who must meet the requirements specified in Annexure "T" Part 1, as magazine master, to be solely in charge of the explosives magazine and to be responsible for compliance with the Act and these regulations.

(2) The appointment referred to in subregulation (1) must be made in writing and the original letter of appointment, bearing the signature of the licensee making the appointment, as well as the signature of the appointee, accepting the appointment, must immediately be sent to the Chief Inspector and a copy thereof must be displayed in the lobby of the explosives magazine.

(3) Where the responsible person fails to appoint a magazine master, as referred to in subregulation (1), he or she shall be considered legally liable for the responsibilities of the magazine master as required in terms of these regulations.

(4) *(a)* A suitable person who must meet the requirements of Annexure "T" Part 1, and who is thoroughly acquainted with these regulations, may be appointed as the deputy magazine master to assist the magazine master in operating the explosives magazine and such person has the same responsibilities under these regulations as the magazine master, but the appointment does not relieve the magazine master of his or her responsibilities under these regulations.

(b) The appointment referred to in paragraph *(a)* must be made in writing and the original letter of appointment, bearing the signature of the licensee making the appointment, as well as the signature of the appointee, accepting the appointment, must immediately be sent to the Chief Inspector and a copy thereof must be displayed in the lobby of the explosives magazine.

(5) *(a)* In the case of a shaft delivery bay, rapid reloading site, bench or down-the-hole service, a suitable person, who must meet the requirements of Annexure "T" Part 1, must be appointed as the explosives controller to receive and control explosives deliveries at every such shaft delivery bay, rapid reloading site, bench or down-the-hole service and the appointment shall be made on Annexure "T" Part 3, of these regulations.

(b) A suitable person who must meet the requirements of Annexure "T" Part 1, and who is thoroughly acquainted with these regulations may be appointed to assist the person appointed in paragraph *(a)* and such person has the same responsibilities under these regulations as the explosives controller, but the appointment does not relieve the explosives controller of his or her responsibilities under these regulations and the appointment shall be made as required in Annexure "T" Part 3.

(c) The appointments referred to in paragraphs *(a)* and *(b)* must be made in writing and the original letter of appointment, bearing the signature of the responsible person making the appointment, as well as the signature of the appointee accepting the appointment, must be sent to the Chief Inspector and a copy thereof must be displayed prominently within the confines of the shaft delivery bay or rapid reloading site and in the case of bench deliveries or down-the-hole services, be available on request.

(d) An appointed person must be evaluated in terms of Annexure "T" Part 1, as well as ensure compliance thereto.

Responsibilities of licensee of explosives magazine and mine manager

35. (1) The licensee of an explosives magazine must ensure that at all times –

(a) tools and equipment necessary to enable the magazine master to comply with these regulations, are provided;

(b) two sets of keys are available for all explosives magazine doors and gates of the fence surrounding the explosives magazine, of which one set is available for use by the magazine master, and the other set to be kept in such manner as to be immediately available at any time for emergency use or for inspection of the magazine;

(c) whenever the magazine master is away from the place of work due to illness or for any other reason whatsoever, a suitable person must be appointed to act in this position;

(d) the explosives magazine, including the mound, drainage system, lightning protection system and fence, is kept in a good condition;

(e) no new building or structure is erected or constructed within the outer danger zone applicable to the explosives magazine, prescribed in the table of separation distances in Annexure "G" of these regulations and shown on the approved site plan for the explosives magazine, without the prior written approval of the Chief Inspector;

(f) the lightning protection system is examined in accordance with the requirements of SANS 10313, and the results of the examination and test are also recorded in the register as prescribed in regulation 37(3) in addition to any other requirements;

(g) the words "EXPLOSIVES MAGAZINE" in capital letters, not less than 100 millimetres in height, in English and another official language are marked on the outer surface of the outside door of the explosives magazine in contrasting colours;

(h) the official registered number of the explosives magazine is marked on the outer face of the outside door of the explosives magazine;

(i) during September of each year a certificate as contained in Annexure "I" to these regulations is completed and sent to the inspector; and

(j) the magazine is kept clean, dry, organised and free of grit.

(2) The mine manager of a shaft delivery bay, must ensure that, at all times –

(a) tools and equipment necessary to enable the explosive controller to comply with these regulations, are provided;

(b) two sets of keys are available for the gates of the fence surrounding the shaft delivery bay, of which one set is available for use by the explosive controller and the other set to be kept in such manner as to be immediately available at any time for emergency use or for inspection of the shaft head delivery bay;

(c) whenever the explosive controller is away from the place of work due to illness or for any other reason whatsoever, a suitable person must be appointed to act in this position, as stipulated in regulation 34(5)*(b)*; and

(d) the shaft delivery bay, including the fence, is kept in a good condition.

Mandatory documents, tools and equipment

36. (1) *(a)* In every explosives magazine, the following must be displayed in a conspicuous place where it can be easily read:

(i) a copy of chapter 9 of these regulations in English and another official language;

(ii) the original licence issued in respect of the explosives magazine, which must be laminated or framed with wood or aluminium and attached to the wall using a non-sparking material such as aluminium or brass; and

(iii) a copy of the original letter of appointment of the magazine master and deputy, where applicable, which must be laminated or framed with wood or aluminium and attached to the wall using a non-sparking material such as aluminium or brass.

(b) As soon as the documents become defaced, illegible or destroyed, it must be replaced without delay.

(2) In every explosives magazine or the lobby or passage thereof, the following must be kept:

(a) tools necessary for opening bags or cartons of explosives, which may be only of non-sparking, non-static material;

(b) a soft brush and a broom with no metal fittings or non-sparking material, for sweeping the explosives magazine;

(c) in the case of black powder, it must be placed in an aluminium pan to prevent spillage on the floor of the magazine; or

(d) in the case where ANFO is stored in a magazine lined with wood, the bags must be stacked on an aluminium tray and all reasonable measures must be taken to prevent spillage and contamination.

Stock control

37. (1) An explosives magazine may not be used for the storage of any goods, substances or articles not mentioned in the licence, except the tools and equipment necessary to comply with these regulations.

(2) A quantity of explosives greater than that stipulated in the licence may not be stored in an explosives magazine, except when prior permission has been granted by the Chief Inspector, and no explosives may be stored in its lobby or passage.

(3) A register must be kept in every explosives magazine in the format contained in Annexure "Q", Part 1, Form C and in accordance with the prescripts thereof.

(4) *(a)* The explosives in an explosives magazine must be kept in the original packaging as received from the supplier and may not be opened in the magazine.

(b) Explosives issued from a magazine in quantities less than that supplied in the original packaging may be opened in the lobby or outside the magazine.

(c) Packaged explosives in an explosives magazine must be packed to height determined by the certification of the packaging, but may not be stacked more than 1 900 millimetres high.

(d) Stacks of blasting explosives must be so arranged that the markings prescribed in regulation 19(2) on all packaging are easily visible.

(e) Explosives in an explosives magazine must be issued in the same rotation as they are received.

(5) *(a)* Explosives packed onto pallets for the purpose of transport or storage shall comply with the following –

(i) The pallet shall be constructed of wood or non-static plastic without exposed iron and shall not exceed 1 200 x 1 200 millimetres in size.

(ii) The net quantity of explosives on any one pallet may not exceed 625 kilograms.

(iii) Explosives shall not be stacked more than 1 300 millimetres high, measured from the loading platform of the pallet to the top of the stack.

(iv) No part of any explosives may protrude beyond the pallet.

(v) Explosives must be securely strapped to the pallet.

(vi) Pallets may only be stacked on top of one another if they are sturdy, certified to hold the weight of the pallets to be stacked and do not come into contact with the explosive on the pallet below.

(vii) A stack may not exceed more than two pallets.

(b) Palletised packaged explosives are exempt from the requirements of subregulation (4)*(d)* on condition that the pallet contains only one type of explosive and is marked as required in terms of chapter 4 of these regulations.

(c) Magazines in which pallets are to be stacked must have level smooth concrete or wooden floors with no obstructions.

(d) A suitable level platform must be provided for the off-loading of pallets.

(e) The distance between the sidewalls and row of pallets must be at least 500 millimetres and the distance between rows of pallets must be at least 1 400 millimetres.

(f) Pallet moving equipment may not be stored in a magazine, but a hand operated pallet jack or stacker may be kept in the lobby of the magazine.

(6) *(a)* No explosives which have been issued from a magazine may be returned to a magazine or any other place of storage without the consent of an inspector.

(b) If an inspector approves a request referred to in paragraph *(a)*, the applicant must submit a completed Annexure "D" Form C, within 24 hours to the inspector who authorised the return.

(7) *(a)* Damp, soiled or defective explosives, or explosives of which the packaging, has become damp, soiled or are damaged, returned from a place of use or received in such condition from suppliers, must be placed on a protective sheet in a separate place in an explosives magazine until such time as they can be disposed of, unless the hazard warrants immediate disposal in which case the disposal may not be proceeded with until the inspector has authorised the disposal.

(b) When defective explosives are received from the supplier or when explosives become damp, soiled or damaged, the inspector, and where applicable, the supplier, must be contacted by the magazine master without delay and informed of such occurrence.

(c) Particulars of any explosives returned to an explosives magazine in terms of either paragraph *(a)* or *(b)* must be entered into the explosives magazine register in red ink.

(8) Explosives may not be kept in a magazine for longer than the period approved by the Chief Inspector in terms of regulation 72(2) unless otherwise authorised by him or her in writing.

(9) Explosives may be issued from an explosives magazine when required –

(a) by the licensee for use in the adjacent workings, only upon receipt of the written order of a person authorised, in writing, by the licensee; and

(b) for any other purpose, only upon the production of a written order and of a valid permit issued by an inspector.

General safety and security

38. (1) *(a)* The Chief Inspector may approve the security arrangements after receipt of the risk assessment, referred to in regulation 32(1)*(d)*, for each explosives magazine or request changes thereto; and

(b) the inspector must inform the Chief Inspector if the arrangements become inadequate and the inspector must immediately take steps to ensure safety and security.

(2) *(a)* Every licensee of an explosives magazine must place a sufficient number of guards outside the fenced area or take other measures acceptable to the Chief Inspector to protect the magazine from unauthorised access.

(b) The guard or guards referred to in paragraph *(a)* must at all times be within 50 metres of the magazine fence.

(3) An explosives magazine must be kept locked at all times except when necessary to place explosives in, or remove explosives from the explosives magazine, or to perform any other necessary operation.

(4) *(a)* Radio transmitters and cellphones must be placed into the lockable container mentioned in subregulation (6) before entering an explosives magazine or magazine area.

(b) In the case of indoor magazines, a lockable container is not required but the prohibited items must be left outside the strongroom, room or office in which the magazine is located.

(5) *(a)* No person may –

(i) smoke, make or have a fire or flame within the fenced area surrounding an explosives magazine;

(ii) except when authorised, be within the fenced area surrounding an explosives magazine; or

(iii) take any smoking material, matches or any means of making a flame into the fenced area of the explosives magazine or allow such material, matches or means to be taken into the explosives magazine, except where such a flame is required for repairs to the structure or building and such exception is subject to any precautions specified by the licensee as well as the conditions as stipulated in terms of subregulation (12).

(b) No person entering an explosives magazine may wear boots or shoes having any exposed metal which is reasonably likely to create a spark.

(6) Clear signs, as depicted in SANS 1186-1, indicating an explosion warning as well as items or actions prohibited in terms of subregulations (4) and (5) must be posted at the gate of a fenced area surrounding an outdoor explosives magazine, or on a wall near or on the door of an indoor magazine.

(7) A lockable container must be securely attached to the outer fence or other structure near the gate or entrance for securing prohibited items.

(8) Reasonable measures must be taken to ensure that the floor of an explosives magazine is kept dry and clean.

(9) *(a)* Every explosives magazine must be effectively protected from veld fires.

(b) Grass within the fence surrounding an explosives magazine must be kept as short as possible, but no longer than 100 millimetres.

(c) The fenced area must be kept free of combustible material such as timber, bush, dry grass, papers, boxes and cartons.

(10) When it is suspected for any reason whatsoever that explosives have deteriorated or are not suitable for use, such explosives may not be used, and full particulars thereof must immediately be reported to the inspector and the explosives must be disposed of in terms of regulation 7.

(11) *(a)* An inspector may order the disposal of any explosives which he or she considers to be unsafe for storage or use.

(b) The owner of the explosives, referred to in paragraph *(a)*, is responsible for the disposal of the explosives and for any expenses incurred in connection with such disposal.

(12) Explosives in an explosives magazine may only be handled during the hours of daylight, except –

(a) with the temporary authorisation of an inspector, in writing, and under conditions determined by him or her; or

(b) with permanent authorisation of the Chief Inspector, in writing, and under the conditions determined by him or her.

(13) *(a)* Repairs to an explosives magazine may not be carried out unless written permission is obtained from the inspector and under conditions determined by him or her.

(b) Whenever any repairs are made to an explosives magazine, including the mound, full particulars thereof must, on completion, be reported immediately to the inspector and Chief Inspector by the magazine master.

(14) *(a)* It is the responsibility of the magazine master and his or her deputy to ensure that persons working at or in an explosives magazine, do so in a safe manner.

(b) Any person who fails to obey any order given in the interests of safety by the magazine master or deputy is guilty of an offence.

(15) *(a)* Where the Chief Inspector has approved an alternative to a guard at an explosives magazine as permitted in subregulation (2), the magazine must be visited by the magazine master or his or her deputy at least once every 24 hours to ascertain whether the explosives magazine has been interfered with.

(b) A register reflecting the visits referred to in paragraph *(a)* must be kept by the magazine master and be available for inspection by an inspector.

(c) When the security of an explosives magazine is compromised in any way, the matter must be reported immediately to the inspector, the Chief Inspector as well as the nearest South African Police Service Community Service Centre.

Termination, contamination and abandonment

39. (1) *(a)* No person may cease to use or abandon an explosives magazine without prior written notification to and approval, in writing, by the Chief Inspector.

(b) Whenever the licensee of an explosives magazine ceases to store explosives, whether temporarily or permanently, the licensee must immediately notify the Chief Inspector thereof in writing and render a return of all explosives, if any, in the explosives magazine.

(c) All explosives must be removed and the explosives magazine must be decontaminated to the satisfaction of an inspector.

(2) The explosives as referred to in subregulation (1)*(b)* must be disposed of in terms of Annexure "B" Part 1 or in a manner approved by an inspector in writing.

(3) Explosives may not be stored in an explosives magazine by any person other than the licensee, except with the written permission of the Chief Inspector.

(4) *(a)* Whenever an inspector has reason to believe that an explosives magazine or other building or structure has become contaminated with explosives, he or she must instruct the licensee or the owner of the explosives magazine, building or structure, to decontaminate it to the satisfaction of the inspector; and

(b) The licensee or owner is responsible for any expenses incurred in connection therewith.

(5) When an explosives magazine ceases to be used or is abandoned without prior approval by the Chief Inspector, or when there is reasonable suspicion that an explosives magazine or building contains explosives in contravention of the Act and these regulations, and reasonable enquiry has failed to locate the owner, an inspector must take the steps that may be deemed necessary to gain entrance to such explosives magazine or building, and any explosives found there must be dealt with in accordance with sections 7 and 8 of the Act.

Delivery, storage, control and destruction of explosives at mines

40. (1) For purposes of regulation 40, **"employer"** and **"mine"** have the meanings ascribed to them in section 102 of the Mine Health and Safety Act, 1996 (Act No 29 of 1996).

(2) The employer at every mine must ensure that only explosives ordered by him or her, in writing, are received at the mine.

(3) *(a)* The receipt, storage, issuing, transportation and destruction of explosives on mine premises must be done in accordance with the provisions of the Mine Health and Safety Act, 1996.

(b) These regulations do not exempt an employer from any of his or her duties under any other legislation.

(4) On receipt of incorrect deliveries or delivery of damaged or defective explosives, the explosives controller must comply with the requirements of regulation 26(2).

(5) *(a)* Any employer who intends to have explosives delivered directly to a shaft or bench from an explosives supplier or manufacturer, must adhere to the guidelines, as referred to in Annexure "P" and must apply in writing for a transport permit to the Chief Inspector.

(b) (i) The employer must provide the Chief Inspector, in writing, with a risk assessment dealing with measures to prevent persons not authorised by the employer from gaining access to explosives, being in possession of explosives, and removing or attempting to remove explosives from a mine, before the Chief Inspector will consider issuing a transport permit.

.

(ii) Should the measures referred to in subparagraph *(b)*(i) be inadequate or not adhered to, the transport permit in question shall immediately be dealt with in terms of regulation 5.

(6) The applicant must supply the information required in regulation 27(1) and state whether the shaft, bench, rapid reloading or down-the-hole service site is within a 150 kilometre radius of the supplier or manufacturer, or if explosives magazine facilities, licensed to the mine or supplier and maintained in accordance with chapters 8 and 9 of these regulations, are available.

(7) The application must be accompanied by three copies of a plan showing the position of the shaft delivery bay, bench, rapid reloading or down-the-hole service site as well as major access routes used for delivery of explosives from the supplier.

(8) The inspector must after receipt of the application referred to in subregulation (6)*(a)*, visit the site to establish whether such site is suitable for the delivery and receiving of explosives, paying due regard to the safety of employees, the public, and the security arrangements at the site.

(9) All relevant regulations remain applicable to all explosives being delivered at a shaft, bench, rapid reloading or down-the-hole service site until a person referred to in subregulation (13)*(a)* has accepted delivery of such explosives.

(10) In addition to any other requirements, the following conditions apply at any shaft delivery bay where explosives are delivered by a supplier:

(a) Deliveries to the shaft, bench, rapid reloading or down-the-hole service site must be considered as temporary storage and as such the provisions of regulation 33 must be complied with.

(b) Explosives must be lowered into the shaft without delay after receipt at the shaft as stipulated on the approved delivery schedule; and

(c) Only explosives packaged in terms of chapter 4 of these regulations may be received at the shaft, bench or rapid reloading site.

(11) *(a)* Explosives destined for another shaft or bench at another mine, may not be transported to a shaft delivery bay with that shaft's supply of explosives, except where the employer, after a risk assessment, which addresses significant risk relevant to safety and security, indicates in writing that he or she has no objection to such arrangement.

(b) The risk assessment referred to in paragraph *(a)* must be submitted to the office of the Chief Inspector.

(c) The Chief Inspector may instruct that the risk assessment referred to in paragraph *(a)* be submitted to an inspector.

(12) *(a)* The employer must appoint one or more suitable and competent persons in terms of regulation 34(5) who shall be responsible for ensuring compliance with the provisions of these regulations.

(b) The employer must immediately in writing notify the Chief Inspector of all persons appointed in terms of subregulation (13)*(a)* and of any changes to the persons appointed.

(13) No person may remove explosives from a mine premises unless it is conducted in accordance with the provisions of these regulations.

(14) The employer must ensure that –

(a) explosives that are not being transported or prepared for use are stored in explosives stores, silos or containers which are designed so as to facilitate the safe and secure receipt, storage and issuing of explosives by a person appointed by the employer as stipulated in regulation 34(5);

(b) explosives are only transported in vehicles approved for that purpose by the employer, after consultation with the explosives manufacturer or supplier; and

(c) when a mine intends to close or is abandoned, it may not be closed or abandoned until it has been declared free from explosives by the employer who shall immediately notify the Chief Inspector in writing, of -

(i) the type, quantities and location of such explosives;

(ii) under whose control the explosives are; and

(iii) the methods envisaged to dispose of such explosives.

(15) Any explosives destined for destruction off the mine premises may only be removed and destroyed in accordance with the Act and regulations.

(16) Explosives in excess of –

(i) in Compatibility Group B, 1 000 items;

(ii) in Compatibility Groups C and D, 50 kilograms net mass; and

(iii) in Compatibility Groups G and S, five kilograms gross mass, or 1 000 items, whichever is the lesser;

may only be destroyed with the written permission of an inspector.

(17) Deliveries to magazines may only take place if they are erected, licensed, maintained and managed in accordance with chapters 8 and 9 of the regulations.

(18) The employer must take measures to ensure that accurate records of all blasting explosives received, stored, issued, used and destroyed at the mine as contemplated in regulation 122(7), 122(8) and Annexure Z Part 1, are kept for at least ten years.

CHAPTER 10

STORAGE AND SALE OF EXPLOSIVES BY LICENSED DEALERS

Application for licence to deal and record keeping

41. (1) An application for a licence to deal in explosives as contemplated in section 13(1) of the Act, must be done in accordance with Annexure "N".

(2) A dealer's licence is only valid for the name and address as it appears on such licence and changes in ownership or address must be amended in terms of regulation 4.

(3) The original dealer's licence must be laminated or framed and displayed in a conspicuous place on the premises where it can be easily read.

(4) Every dealer referred to in subregulation (1) must keep records in the manner and form as specified in Annexure "Q" and must submit such returns as required by the Chief Inspector.

(5) Every dealer referred to in subregulation (1) must furnish a properly executed, signed and dated invoice or delivery note with each sale, and a copy thereof must be kept for three years.

Storage of explosives

42. A dealer in explosives must keep his or her supply of explosives in explosives magazines that are erected, licensed and maintained in accordance with the provisions of the Act and regulations, unless exempt under regulations 14(4), 14(5), 16(3), 16(4), 85(13), 85(14), 108(3) and 113(3).

Supply of explosives

43. (1) A dealer may not supply explosives to any person who is unable to produce a permit or, where a permit is not required in terms of these regulations, a licence, issued to him or her by, or under the authority of the Chief Inspector and such permit or licence number must be recorded in the register as prescribed in regulation 6.

(2) *(a)* Any explosives which are in any way damaged or defective may not be sold but must be handled in accordance with regulation 7.

(b) Any explosives which have expired must be disposed of in accordance with regulation 7, unless written authorisation has been obtained from the Chief Inspector after completion of functionality testing conducted at an independent facility registered in accordance with regulation 68.

(c) An application must be made to an inspector prior to the commencement of any functionality testing referred to in paragraph *(b)* and the application must be accompanied by a completed Annexure "D" Form B.

(d) Any explosives in possession of a dealer which are damp, exude liquid, or for any reason whatsoever, are suspected of being defective or unsafe, may not be sold, but the licensee must report the circumstances immediately to an inspector and the explosives must be disposed of as instructed by the inspector.

(3) Subject to subregulation (5), before being supplied or handed to any person, explosives must be packaged in accordance with the provisions of chapter 4 of these regulations.

(4) Packaged explosives of the same type, grade and size, may be palletised.

(5) *(a)* Inner packaging may not be opened for any dealing in the contents thereof except that in the case of blasting explosives, inner packaging may be opened to supply small quantities of explosives for use on the same day.

(b) Blasting explosives so obtained, must be placed in specially constructed receptacles as specified in Annexure “E" Part 2 to these regulations.

(6) No explosives may be sold, supplied or handed to any person under the age of 18 years except where provided for in the Act or regulations.

(7) The responsible person of the dealer must furnish each employee engaged in selling explosives with a copy of regulations relevant to the type of explosives being supplied and ensure that each employee is acquainted with the contents thereof.

(8) The dealer must provide the end user with a safety data sheet as contemplated in SANS 10234, SANS 11014 or the GHS.

CHAPTER 11

USE OF BLASTING EXPLOSIVES

Authorisation of learner blaster

44. (1) Any person who intends to become a blaster must –

(a) apply for registration as a learner blaster;

(b) submit to an assessment on his or her theoretical knowledge relevant to explosives as required by the Chief Inspector and contained in Annexure “W”;

(c) after being authorised to conduct blasting activities as a learner blaster, arrange to obtain sufficient practical experience in blasting techniques; and

(d) produce verifiable proof of such experience and submit to a further evaluation before being authorised to conduct blasting activities as a blaster.

(2) *(a)* Application for authorisation to conduct blasting activities as a supervised learner blaster must be made in writing to the Chief Inspector or inspector and is subject to the applicant –

(i) being a suitable person;

(ii) submitting personal information as required in regulation 3; and

(iii) convincing the Chief Inspector of his or her competence and knowledge with regard to blasting activities as required in Annexure “W”.

(b) The Chief Inspector, if convinced of the competence and knowledge, may authorise the applicant to conduct blasting activities as a learner blaster and allocate a temporary authorisation number.

(c) When a learner blaster obtains practical experience under the supervision of a blaster, the blasting manager where the learner blaster is employed, must –

(i) advise the inspector in writing of where the learner blaster is employed, quoting the temporary authorisation number to conduct blasting activities allocated by the Chief Inspector to the learner blaster referred to in paragraph *(b)*;

(ii) ensure that the learner blaster is working under the supervision of an experienced blaster and gains practical experience on all aspects of surface blasting, including marking and drilling of holes, blast patterns, charging, stemming, initiation methods, testing of circuits, precautionary measures, examination after a blast, misfires, disposal and destruction as prescribed in Annexure "W"; and

(iii) keep a record of the number of shifts worked by the learner blaster and the type of work carried out as required in Annexure "W" Part 3.

(d) The Chief Inspector may recognise prior learning: practical experience and relevant training, locally or in other countries may be taken into account.

(e) Condonation with regards to the number of shifts to be performed, as stipulated in Annexure "W", may be granted by the Chief Inspector, but the minimum number of shifts shall not be less than 25.

(3) The blasting manager must immediately inform the Chief Inspector in writing –

(a) of the termination of the employment of a learner blaster before his or her practical experience is completed;

(b) the reasons for such termination; and

(c) submit the record kept in respect of the learner blaster referred to in subregulation (2)*(e)*(ii) to the Chief Inspector.

(4) Training may not be interrupted for more than 12 months, and must be completed within 24 months after authorisation to conduct blasting activities as learner blaster.

Authorisation of blaster

45. (1) Competency evaluation for the authorisation to conduct blasting activities as a blaster, required by the Chief Inspector, must be conducted by an inspector who may request the assistance of external assessors.

(2) The applicant must submit the record or certified copy thereof, kept in terms of regulation 6(2) which must contain the temporary authorisation number allocated by the Chief Inspector and be signed by the blaster or blasting manager as referred to in regulation 44(2)*(c).*

(3) The Chief Inspector may determine any additional training and experience required, for the specific use of new products or the application of new blasting techniques, and relevant training and experience in other countries may be taken into account.

(4) After evaluation, the inspector may recommend the application for authorisation as a blaster to the Chief Inspector, who may approve and allocate a permanent authorisation number to the applicant.

(5) *(a)* A blaster who has been inactive for two years or longer must be interviewed by an inspector on his or her theoretical knowledge on the Act and regulations to establish whether he or she still has a thorough understanding thereof.

(b) Should a blaster, after conclusion of the interview referred to in paragraph *(a),* not be found to have a satisfactory knowledge of the Act and regulations, he or she must be re-evaluated in accordance with Annexure "W" Part 1.

(c) A blaster who has been inactive for five years or longer must be re-evaluated on his or her knowledge on the Act and regulations as referred to in Annexure "W" Part 1.

(6) The Chief Inspector may determine the requirements of a qualification for blasters registered with a recognised South African qualifications authority and may require persons applying for a permit in terms of section 15(1)*(a)* of the Act to obtain this qualification by a pre-determined date in order to continue conducting blasting operations within the Republic.

Issuing of blasting permit

46. (1) A person who is authorised with the Chief Inspector as a blaster or blasting manager may apply for a blasting permit for general construction blasting activities.

(2) An application for a blasting permit referred to in subregulation (1) must be submitted by the persons referred to in subregulation (1) on the application form contained in Annexure "D".

(3) The application must be accompanied by the following documents –

(a) a hazard identification and risk assessment as prescribed in regulation 52(3)*(a);*

(b) a site plan indicating the exact location of the proposed blasting activities;

(c) all letters of appointment pertaining to the required blasting services, specifying the nature of service and indicating the location thereof; and

(d) where the application referred to in subregulation (1) is made by the blasting manager, written confirmation of acceptance by the blaster.

(4) If convinced of the need to use explosives, an inspector may issue a blasting permit, which is valid only for the activities, place and period stipulated on the permit.

Specialised blasting

47. (1) Specialised blasting activities including, but not limited to –

(a) the demolition of buildings and structures;

(b) underwater blasting;

(c) explosive forming;

(d) explosive welding;

(e) furnace blasting; and

(f) blasting and initiation techniques identified as specialised by the Chief Inspector;

may require additional theoretical and practical experience.

(2) The Chief Inspector may determine any additional training and experience required for the specific use of specialised products, or the application of specialised blasting techniques, and relevant training and experience in other countries may be taken into consideration.

(3) All applications to be authorised as a specialised blaster in a specific field, as mentioned in subregulation (1), must conform to the requirements of Annexure "W" Part 2, and include a complete curriculum vitae with contactable references and qualifications, where applicable.

(4) Such applications, as mentioned in subregulation (3), must be accompanied by verifiable proof of relevant training and experience which shall be assessed by the Chief Inspector who shall make a decision as to the category of authorised blaster to which the applicant shall be assigned.

Responsibilities of chief executive of a blasting company

48. (1) A blasting company must be authorised with the Chief Inspector in accordance with regulation 3.

(2) The chief executive of a juristic person involved with blasting, must ensure continued compliance with the requirements of other legislation regulating such company, and more specifically –

(a) appoint blasting managers as are necessary to carry out the blasting activities of the company;

(b) ensure that the blasting manager, blaster and assistants are supplied with all the assistance, means, protective clothing, equipment, instructions and continued maintenance thereof to carry out their duties safely and in accordance with the Act and these regulations;

(c) in relation to the risk associated with the blasting activities and the endangerment of life and property, obtain comprehensive public liability insurance;

(d) take all reasonable steps to ensure that the provisions of the Act and these regulations are adhered to by every employee who performs any work in relation to explosives;

(e) together with the blasting manager, foreman blaster and blasters, enforce compliance with these regulations in the areas where the blasting company is in operation;

(f) ensure that all employees of the blasting company are instructed in writing with regard to the scope of their authority and responsibilities and that continuous adequate training is provided to all employees;

(g) supply the necessary means to the blasting manager to maintain equipment in good and proper condition and obtain all information required for safe blasting activities;

(h) appoint sufficient blasting managers to supervise and ensure that blasting activities are conducted safely and efficiently; and

(i) ensure that all records, recommendations, plans and any other information relating to blasting activities are kept in accordance with regulation 6(2).

(3) Where a blaster performs the functions of a chief executive, whether as owner or manager, this regulation shall, with the necessary changes, apply.

Blasting manager

49. (1) Where the chief executive of a blasting company requires the services of a blasting manager, he or she must appoint such manager who must be authorised with the Chief Inspector in terms of regulation 3.

(2) A blasting manager must have thorough knowledge of the Act and regulations as well as of any other legal requirements regarding the safety of the public and workers on or near a blasting site.

(3) A blasting manager must –

(a) ensure that foreman blasters, blasters and assistants, carry out their work in a safe and responsible manner;

(b) ensure that all equipment is maintained in a good and proper working condition;

(c) ensure that records kept in accordance with these regulations regarding the storage, transport and use of explosives used in blasting activities, are properly kept and after completion of a particular activity, are submitted to the chief executive or representative;

(d) immediately reprimand any person who behaves in a manner detrimental to the safety of life and property or compromises security at a blasting site, and if necessary remove or have such person removed by the South African Police Service; and

(e) immediately report any incident and action taken in terms of paragraph *(d)* to an inspector.

(5) *(a)* The blasting manager must instruct a blaster, in writing, of the scope of his or her duties which must be signed by both parties and the original must be kept by the blasting manager.

(b) A blaster may refuse to carry out instructions given by the blasting manager if he or she considers such instructions to be outside his or her competency, or if there may be additional risks associated to the blasting activities.

(6) Where no blasting manager is appointed, the blaster shall assume the responsibilities of the blasting manager where mentioned in these regulations.

Foreman blaster

50. (1) At a site where more than one blaster is employed, the blasting manager must appoint one of the blasters to act as the foreman blaster, who shall be solely responsible for the operations on the blast site.

(2) The appointment referred to in subregulation (1) must be made in writing in the form of a letter signed by the foreman blaster and the blasting manager, and the original letter of appointment must be submitted along with the application for a blasting permit and a copy must kept by the foreman blaster and blasting manager.

(3) The name of the foreman blaster shall be reflected on the blasting permits of blasters under whose authority they resort, for a specific blast site.

(4) The foreman blaster must –

(a) during charging activities, ensure that one blaster, with his or her supply of explosives, does not approach closer than 20 metres to another blaster and his or her supply of explosives; and

(b) personally supervise the initiation or firing of all explosive charges.

Blasting adviser

51. (1) A blasting manager may appoint a blasting adviser if required.

(2) A blasting adviser must –

(a) be in possession of a relevant engineering or science degree or diploma;

(b) submit his or her personal particulars as referred to in regulation 3 and proof of his or her educational qualifications;

(c) be registered with an internationally recognised engineering body; and

(d) show proof of practical experience in the field of explosives and blasting

to be authorised with the Chief Inspector.

(3) A blasting adviser must –

(a) evaluate the possible consequences and implications of any advice he or she may give regarding blasting methods and techniques;

(b) thereafter submit any advice in writing to the blasting manager of a blasting company; and

(c) inform blasters –

(i) of the effect and advisability of introducing different or new blasting methods and techniques;

(ii) of the envisaged application of such blasting methods and techniques to be applied; and

(iii) of the effects that such blasting methods and techniques may have on the safety of the blasters, assistants, members of the public and property.

(4) A blasting adviser, on detecting any method of work or blasting practice, which in his or her opinion has the potential to cause injury to persons or damage to property must –

(a) immediately order the blaster to stop the work in progress;

(b) inform the blasting manager of the reason for his or her opinion;

(c) advise on remedial steps to be taken immediately; and

(d) where such remedial steps are not implemented, submit a detailed written report to the inspector, who shall refer the matter, with recommendations, to the Chief Inspector for a decision.

Blasting record and hazard identification and risk assessment

52. (1) A blaster must keep a written record as prescribed in Annexure "U", of every blast he or she sets off, which must be completed prior to initiation.

(2) Where more than one blaster is employed at a blast site and where only one blaster initiates the entire blast, all records must be consolidated on one form as referred to in subregulation (1).

(3) Before any blasting activities are conducted, the blasting manager must –

(a) prepare a hazard identification and risk assessment, hereinafter referred to as the assessment, which must address –

(i) the identification of significant internal and external risks relevant to safety and security;

(ii) any additional safety measures to be taken including relevant controls;

(iii) measures to mitigate any harmful effects which may be caused by the blasting operation; and

(iv) arrangements for stand-by services, temporary closures, and emergency repairs;

(b) ensure that the assessment referred to in paragraph *(a)* is co-signed by the blaster;

(c) keep the assessment in accordance with regulation 6;

(d) by using recognised formulae or by employing the services of experts in the field, determine the effects, if any, of the air blast and blast vibration and ensure that controls are in place to mitigate these effects; and

(e) supply the blasting foreman, if applicable, and each blaster concerned with a copy of the documents required in paragraph *(a)*.

Handling and storage of explosives at blasting site before use

53. (1) Explosives must not be drawn from any explosives magazine or supplier and taken to a blasting site until all the holes for the blasting have been drilled, physically inspected and found to be suitable for charging activities to commence.

(2) The blaster must make a realistic estimate of his or her requirements of explosives for the blasting and ensure that the correct quantities, sizes and types are ordered from the explosives magazine or supplier, in writing.

(3) The person collecting the explosives must ensure that the correct quantities, sizes and types, as stated on the order, are obtained from the explosives magazines or supplier.

(4) *(a)* No person may handle explosives at or near a blasting site, unless he or she is acting under the instructions and direct and constant supervision of a blaster.

(b) Once explosives are on site, a blaster may utilise only those blaster assistants absolutely necessary to comply with these regulations and ensure that all other persons have withdrawn to a safe place.

(c) Where a blasting operation is of such a size or nature as to require charging up over more than one day, prior written permission must be obtained from an inspector, and the blasting manager must arrange before such an operation for the guarding of the site to the satisfaction of the inspector.

(5) A blaster assistant must comply with the following requirements –

(a) be a suitable person;

(b) ensure that he or she is fully aware of his or her duties and of the risks involved;

(c) be capable of performing his or her duties safely;

(d) wear appropriate protective equipment; and

(e) comply with all instructions issued by the blaster.

(6) *(a)* Every blaster at blasting sites must have at least two receptacles, as specified in Annexure “E” Part 2, in his or her possession.

(b) Where quantities of explosives required for immediate use during charging are less than a full case or box, those quantities must be kept in the receptacles mentioned in paragraph *(a)* in accordance with their compatibility groups.

(c) The receptacles must be kept securely locked at all times, except when empty, when it is necessary to place explosives therein, during charging activities or the contents are being inspected.

(d) The keys of the receptacles must be kept by the blaster or foreman blaster, if applicable.

(e) The receptacles, when containing explosives, must be kept in a safe and dry place and must be kept at least 10 metres from each other or from a hole that is being charged and at least 20 metres from any other blasting activities in progress.

(f) As soon as explosives arrive at a blast site, no other activities not directly related to the blasting operation may be performed within 50 metres of the blast site.

(g) The blaster may not place or allow any other materials or any implements or tools to be placed in the receptacles.

(h) When explosives in Compatibility Group D, in excess of 250 kilograms, are delivered to a blast site they may not be kept together at one point on the blasting site, but must be distributed in stacks of unopened bags or cartons of not more than 250 kilograms each, placed under continuous guard and kept dry.

(i) The stacks referred to in paragraph *(h)* may not be less than 20 metres from each other or from a drill hole being charged, not less than 50 meters from any other work in progress and at least 150 meters from any inhabited buildings.

(j) Where the distances to inhabited buildings referred to in paragraph *(i)* are not achievable, the distances may be reduced to 75 metres, but the maximum quantity of explosives in Compatibility Group D, referred to in paragraph *(h)*, must be reduced to 100 kilograms per stack.

(k) When explosives in Compatibility Groups B, G or S, which are not contained in the receptacle referred to in paragraph *(b)*, arrive at a blast site, it must be stacked together, kept dry and be kept at least 25 metres from explosives referred to in paragraph *(h)* or any other activity.

Drilling and charging of holes

54. (1) A blaster must ensure that holes are drilled at the places marked by him or her.

(2) Immediately after a hole has been drilled to the desired depth, the person responsible for the drilling, must plug it effectively and the plug may not be removed, except for inspection, or until the hole is required to be charged.

(3) No person may deepen or be permitted to deepen any hole which has been left unplugged.

(4) Only a blaster, or a learner blaster working under the direct and constant supervision of the blaster, may use explosives or prepare them for use.

(5) Explosives which have deteriorated or are not suitable for use may not be used in the charging of a drill hole, but must immediately be reported to the inspector and the explosives must be returned to the supplier or disposed of in terms of regulation 7.

(6) All drill holes must be large enough to allow the free insertion of explosives.

(7) All drill holes charged with explosives may only be stemmed with fine sand, clay, sifted earth, water, 17 to 19 millimetres chip stone, quick dry stemming or any other material approved by the Chief Inspector.

(8) *(a)* Stemming may not be allowed to come between blasting cartridges charged into a blast hole, except when detonating cord or shock tube assemblies are used for initiating the charges in the same blast hole.

(b) Tamping may only be done with properly constructed wooden or other non-metallic rods.

(c) The rods referred to in paragraph *(b)* must –

(i) fit easily into the drill holes to be charged;

(ii) be kept clean and free from grit or other foreign material;

(iii) be static free; and

(iv) have flat ends.

(d) No excessive force may be used during tamping activities and explosives may not be subjected to excessive impact.

(e) No person may extract or attempt to extract explosives from a drill hole once it is charged unless it is absolutely necessary to do so and then only after permission has been granted by an inspector and under the conditions prescribed by him or her.

(9) *(a)* Primed cartridges may be made only as required for immediate use for each round of blasting and in their making, a detonator may not be inserted into the explosives without first having made a hole of sufficient diameter and depth in the cartridge, with a pricker manufactured from a non-static material.

(b) The detonator must be securely fastened to the cartridge in such a manner that it cannot pull out from the cartridge when lowered into the hole.

(10) *(a)* A blaster may charge only the drill holes that he or she intends firing at the next blast and he or she may not start preparing the charges until all persons not directly involved in the charging have withdrawn to a safe place.

(b) During the preparation of charges and the charging process, no more than two assistants are permitted within 50 metres of the blast site.

(c) The charges must be fired as soon as reasonably practical after charging activities are completed.

(11) When blasting in any built-up area, a blaster must –

(a) (i) use electric or electronic detonators; or

(ii) use shock tube assemblies of suitable design; and

in all cases with detonating cord which must extend down the full length of each hole, for initiating the charge;

(b) cover the drill holes effectively by means of suitable material so as to prevent any debris being projected into the air; and

(c) ensure that, at a blast site where people are likely to gather, the site is completely boarded up to a height of at least two metres on all sides facing the streets unless specifically exempt in writing by an inspector.

(12) Not more than 25 kilograms of blasting explosives and one reel of detonating cord, may at any time, be at a drill hole being charged.

(13) *(a)* In all drill holes deeper than three metres, the charges must be initiated by means of detonating cord unless pumpable emulsion, in a single column, is utilised in conjunction with a primer cartridge.

(b) The end of the detonating cord must be firmly attached to the primer cartridge and the cartridge pushed down until it rests at the bottom of the drill hole.

(c) Before any further blasting cartridges are charged, the detonating cord referred to in paragraph *(a)* must be cut off from the reel at a point not less than 150 millimetres beyond the collar of the hole and the reel must be removed to a safe place not less than two metres from the drill hole.

(d) The cut end of the detonating cord must be firmly anchored to prevent it from slipping down the drill hole.

(14) When blasting pole holes, and in other similar work where the drill holes have no free face to which the rock can break except the surface, detonating cord must be used down the entire length of the hole.

(15) When deck loading, detonating cord must be used, in conjunction with other explosive charges, down the entire length of the hole.

(16) The detonator or other initiators needed for setting off the blast, must be kept at least 25 meters from charged holes and shall not be brought into the blast area until all holes have been charged with the necessary connections having been made.

Use of electric or electronic initiation

55. (1) A blasting manager, blaster or foreman blaster must ensure that where any form of electric or electronic initiation is used –

(a) a shot exploder conforming to SANS 1717-2 and SANS 53763-26, an electronic initiating system conforming to SANS 1717-1, or a controlled blasting system conforming to SANS 1717-3, is available and is securely kept so that it cannot be used prematurely;

(b) the key, link or other device, isolating the power source, is kept on the person of the blaster or foreman blaster in charge, and only installed when ready to fire;

(c) a suitable apparatus conforming to SANS 60079-11 for testing the continuity or resistance of the circuit or both such continuity and resistance of the circuit, as the case may be, is available and in proper working order;

(d) individual electronic or electric detonators or other electrically initiated articles must be tested for continuity or resistance, or both such continuity and resistance at least 15 metres from other explosives prior to a blast; and

(e) immediately after a blast, the key, link, or other device isolating the power source, is removed and kept with the blaster or foreman blaster.

(2) When using electric detonators or other electrically initiated articles, a blaster must –

(a) use only a firing cable which is in good condition and of sufficient length to provide for the firing of charges from a safe distance and also ensure that the cable cannot come into contact with any other cable or electrical apparatus;

(b) ensure that the ends of the firing cable are shorted at all times except when they are connected to the shot exploder;

(c) personally connect the firing cable to the detonator or other electrically initiated articles of any charge or charges, only after he or she has completed all firing preparations;

(d) not connect the firing cable to the terminals of the shot exploder until immediately before firing of charges;

(e) ensure, by using appropriate equipment, or by employing the services of experts in the use of explosives, that, at the place where he or she intends using them, such detonators or other electrically initiated articles cannot be initiated by any electromagnetic waves or other force field which may be generated from any radar, power line, radio, television, or other transmitter, or in any other manner; and

(f) ensure that no electric detonators or other electrically initiated articles, including blasting cables, are used within 25 meters of high speed rotational devices such as helicopters, air intake fans or similar devices.

Precautions before firing charges

56. (1) Before firing a charge, a blaster must –

(a) take every precaution, including the use of covering materials to control fly-rock, to prevent possible injury to persons or damage to property;

(b) at all access points to the blasting site at a distance beyond the probable range of flying debris, as indicated in the assessment mentioned in regulation 52(2)*(a)*, place –

(i) a notice board on which the following words: "DANGER - BLAST AREA - KEEP OUT" in English and another official language appear in capital

letters not less than 100 millimetres in height, on a contrasting background. Provided that the other official language must be representative of a provincial language policy, practice or legislation of a province as approved by a Provincial Language Committee of the province where the blasting area is situated;

(ii) a trained employee carrying a red flag with minimum dimensions of 600 millimetres by 600 millimetres;

(c) ensure that all persons are withdrawn from the danger zone to a place well beyond the probable range of flying debris or to a safe shelter; and

(*d*) give audible warning with a siren, greater than 104 decibels, at least thirty seconds before a blast is fired and the blast must be fired immediately after the warning.

(2) A blaster may not fire a charge while any person is within the probable range of flying debris.

(3) A person within the danger zone must withdraw to a place beyond the probable range of flying debris or to a safe shelter immediately upon hearing the siren referred to in subregulation (1)*(d)*.

(4) A person who, after being warned in accordance with subregulations 1*(b),*1*(d)* and (3) and who does not comply with the warning, is guilty of an offence.

Responsibilities of blaster after firing charges

57. (1) A blaster, after charges have been fired as referred to in regulation 54(11)*(c)* –

(a) may not allow or permit any persons except those necessary to assist him or her in making the blasting site safe, to enter or approach such blasting site until he or she has personally made an examination of the blasting site for misfires, exposed explosives or dangerous ground and has taken all reasonable steps to make the blasting site safe;

(b) must carefully examine the blasting site for misfires while the debris is being cleared and must personally instruct the persons engaged in clearing the broken rock to report immediately to him or her the discovery of any explosives, electrical wires, cords, fuses or tubing that may indicate a misfire and he or she must carefully trace such wires, cords, fuses, or tubing to determine whether a misfire occurred;

(c) must clean and examine the site where blasting has taken place with a view to locate drill holes and must examine every exposed drill hole to determine whether it is a misfire or a socket;

(d) must place a guard or guards to prevent any person who is not under his or her direct control or supervision from entering the blasting site until the debris has been cleared and the provisions of paragraph *(c)* have been complied with; and

(e) must, if the debris cannot be cleared on the same day of the blast, ensure that a guard is placed until such clearance can be done and notify the inspector accordingly.

(2) *(a)* No explosives found amongst the debris after a blast may be charged into a blast hole, but must be collected by the blaster immediately and placed in two separate explosives receptacles for old explosives as specified in Annexure “E" Part 2, prior to destruction.

(b) Recovered blasting accessories in Compatibility Groups B, G and S must be kept in one receptacle, and recovered explosives in Compatibility Group D in the other receptacle and must be dealt with as referred to in regulation 59(8)*(c).*

(3) At any blasting site where explosives have been used, the blaster must –

(a) after examining and cleaning exposed drill holes, plug the sockets with plugs, painted red;

(b) ensure that the plugs referred to in paragraph *(a)* are not removed except temporarily for the purpose of inspection, until all other drill holes in the immediate vicinity are charged, or until all work in connection with the excavation is completed;

(c) remove or cause to be removed, all loose rock or ground to a distance of at least two metres around the place where a hole is to be drilled with the purpose of locating misfires and sockets;

(d) clearly mark the holes to be drilled, indicating the position of the drill holes and the direction in which they must be drilled; and

(e) before allowing the use of a breaker, remove all loose rock or ground to a distance of at least two metres around the place where the breaker is to be used, with the purpose of locating misfires and sockets.

(4) Should any explosives remain after the conclusion of the day’s blasting operation, the blaster must, after obtaining permission from an inspector, either –

(a) destroy the explosives in accordance with the requirements of regulation 7;

(b) dispose of the explosives as instructed by the inspector; or

(c) in the case of unforeseen circumstances and where the explosives are in the same condition as supplied, apply for a transport permit to return the consignment to the supplier.

Handling of misfires

58. On locating a misfire, a blaster must immediately withdraw all persons from the site, except those necessary to assist him or her, and thereafter the blaster must –

(1) *(a)* remove the stemming carefully with an instrument of non-sparking material, preferably with the use of water, to expose the charge;

(b) place a fresh primed cartridge on top of the charge which he or she must initiate subject to the provisions of regulation 56; or

(2) *(a)* cause a hole to be drilled under his or her personal supervision, parallel to, at least 150 millimetres deeper than, and not closer than one metre to the misfire;

(b) charge and initiate the drill hole; and

(c) recover any explosives exposed or thrown from the misfire and place it in the old explosives receptacles as referred to in regulation 57(3).

(3) Should the methods described in subregulations (1) and (2) not be suitable, the blaster must seek approval from the inspector before using any other method.

General safety and security at a blasting site

59. (1) On the approach of or during a thunderstorm, a blaster must suspend all blasting activities and ensure that no person remains within an area where he or she may be injured by the accidental initiation of explosives.

(2) Explosives may only be used during daylight hours except with the written permission of an inspector and under conditions determined by the inspector.

(3) *(a)* No person may –

(i) keep, carry, handle, or use any explosives within 30 metres of a fire or flame;

(ii) produce a flame or smoke closer than 30 metres to any place where explosives are being kept, transported, handled or used; or

(iii) produce a flame within 30 metres from explosives, except that on a confined site in built-up areas near streets, the distance referred to in sub-paragraph (ii) may be reduced to 10 metres, but warning notices with prominent warning signs, warning persons against smoking or producing a flame, must be displayed on the site.

(b) Every person on a blasting site or at any other place where explosives are being used or prepared for use, must refrain from any action which may cause a fire or explosion and any person who fails to comply with an instruction given in the interests of safety by a blasting manager, foreman blaster or blaster, is guilty of an offence.

(4) *(a)* No person suspected of using any intoxicating substances or narcotics or being under the influence of intoxicating substances or narcotics, may handle or attempt to handle explosives, or enter a site where explosives are handled, manufactured or stored.

(b) The blasting manager, foreman blaster or blaster must take all reasonable steps to prevent a person referred to in paragraph *(a)* from handling, approaching or remaining within the vicinity of explosives.

(5) *(a)* A blaster must take all reasonable measures to safeguard all persons who may be at or within the area of his or her blasting site.

(b) (i) No person may do work or allow work to be done which involves excavating, drilling or the use of a breaker or other similar instruments at any place where explosives were used, unless the blaster is in attendance.

(ii) The chief executive or the blasting manager must advise the blaster of the activities involving explosives previously carried out on the site and make any documentation pertaining thereto available to such blaster.

(6) Any person who obstructs or hinders any blasting manager, foreman blaster or blaster in the execution of his or her duties, or who fails to comply with any lawful instructions given in terms of these regulations, is guilty of an offence.

(7) *(a)* No person may bury, submerge, hide, abandon or tamper with explosives or any receptacle containing explosives, in any way.

(b) No person in charge of explosives may –

(i) relinquish control over such explosives until another suitable person lawfully accepts control thereof, or until such explosives are placed in an explosives magazine as provided for in these regulations and such explosives magazine has been securely locked; or

(ii) leave explosives unattended.

(8) *(a)* All explosives receptacles used for storage and transport, must be kept securely locked whilst containing explosives, except when it is necessary to remove explosives therefrom, place explosives therein or when their contents are being inspected.

(b) The keys must be kept in the possession of the blaster.

(c) Old explosives receptacles must be cleared at least once at the end of each day, and the contents disposed of in terms of regulation 7.

Responsibilities of inspector and blasting manager to ensure safety

60. (1) An inspector may prohibit or restrict the use of explosives in places where he or she reasonably believes that the blasting activities may endanger life or property, taking into account any of the following factors –

(a) the risk assessment;

(b) the location of the intended blasting operation, including close proximity of buildings or other works;

(c) historic record of safety at similar blasting operations; or

(d) any other factor which the inspector deems to be appropriate including reasonable steps to mitigate the immediate risk.

(2) If an inspector has reason to believe that a blaster executes his or her duties in a manner that endangers the safety of life or property or suffers from any disorder likely to hamper the discharging of his or her duties, the inspector must immediately suspend the permit as referred to in regulation 5(4) unless the suspension is likely to cause danger to life or property.

(3) *(a)* If the chief executive or a blasting manager terminates the services of a blaster or restrains a blaster from carrying out his or her duties as a blaster, such executive or blasting manager must notify the inspector immediately of such termination or restraint, and the reasons therefore.

(b) The notification referred to in paragraph *(a)* must be confirmed in writing.

(c) The blasting permit issued to the blaster referred to in paragraph *(a),* must be surrendered to an inspector within 24 hours.

Additional provision

61. Any authorised explosives for the use of which provision is not made in the regulations of this chapter, may be used only in such a manner and under such conditions as may be determined, in writing, by the Chief Inspector.

CHAPTER 12

INCIDENTS

Incidents

62. (1) A person in charge of –

(a) an explosives magazine;

(b) the transporting of explosives; or

(c) any premises or site where explosives are –

(i) manufactured, stored, handled, used, disposed of or dealt with in terms of the Act or these regulations; or

(ii) dealt with or used in terms of the Firearms Control Act, 2000,

must report any explosives incident immediately to the inspector, regardless of whether the incident caused the death of, or injury to persons or damage to property or not, and must report, in writing, the full particulars of such incident to the Chief Inspector, within 24 hours.

(2) The place where an incident occurred may not be disturbed before the arrival, or without the consent of the inspector, unless such disturbance is unavoidable to prevent further incidents, or to remove persons from immediate danger, or to assist injured persons.

(3) An investigation of any incident must be held as soon as practicably possible, but within 48 hours, by the employer after which a report must be submitted to the inspector.

(4) Where, during the use of explosives, the unsatisfactory functioning of explosives is observed, the user must submit a full written report regarding the circumstances of such functioning to the Chief Inspector.

(5) No attempt shall be made to fight a fire that cannot be contained or controlled before it reaches explosives other than Hazard Division 1.4S.

CHAPTER 13

ACCESS CONTROL

Definition

63. For the purpose of this chapter –

"explosives manager" means a person appointed in terms of regulation 12(1) of the Explosives Regulations, 2003 of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993).

Unauthorised entrance to certain premises

64. (1) No person may enter any explosives magazine, fenced in area or mound of an explosives magazine, except with the permission of the magazine master or licensee of the explosives magazine.

(2) No person may enter any premises where, under the Act or these regulations, explosives are kept, stored, used, manufactured or disposed of, except with the permission of the occupier, or the person in control of the premises, as the case may be.

Access control at explosives manufacturing sites

This regulation shall only be applicable to manufacturing sites licensed in terms of the Occupational Health and Safety Act, 1993, to enhance security at such sites as referred to in section 12 of the Explosives Act.

65. (1) No person may be within the fenced in area of any explosives manufacturing site, danger building, or group of danger buildings, and may not approach within 50 metres of the danger building or danger buildings, as defined in the Occupational Health and Safety Act, 1993, unless he or she is authorised thereto by the licensee, appointed explosives manager or other delegated official of such explosives manufacturing site.

(2) In every explosives manufacturing site, the explosives manufacturing and storage sections and so much of the land surrounding them as are shown on the approved site plan, must be fenced in and is the danger area of the explosives manufacturing site.

(3) Entrance to a danger area may be made only through gates designated by the explosives manager.

(4) The gatekeeper, security guard or other person authorised by the explosives manager must record the entrance and exit of any person entering, leaving or found in the danger area.

(5) All persons entering or leaving a danger area must, when requested by the gatekeeper, security guard or other person authorised thereto by the explosives manager, subject themselves to searching.

(6) The gatekeeper, security guard or other person authorised thereto by the explosives manager must keep record of all explosives entering or leaving the danger area and must receive adequate training to understand the hazards of what he or she is protecting as well as to be able to recognise the explosives that may enter or leave such danger area.

CHAPTER 14

APPEAL BOARD

Appeal board

66. (1) An Appeal Board is hereby established.

(2) The functions of the Appeal Board shall be to –

(a) consider any appeal provided for in section 12(5)*(b)* of the Act, in respect of the revocation of a licence by the Chief Inspector to run an explosives magazine; and

(b) consider any appeal in respect of a decision or instruction by the Chief Inspector.

(3) The seat of the Appeal Board is in Pretoria.

(4) The Appeal Board comprises the Chief Inspector or his or her delegate, who shall have the authority of the Chief Inspector, and at least three additional persons appointed on an ad hoc basis to consider any appeal or any number of appeals provided for in the Act.

(5) The remuneration, allowances and other terms and conditions of office of the members of the Appeal Board are determined by the Minister after consultation with the Minister of Finance.

(6) The Minister may at any time withdraw the appointment of a member of the Appeal Board if the member is incapacitated or not able to fulfil his or her functions.

(7) A member of the Appeal Board may resign after giving 30 days' notice, in writing, to the Minister.

(8) Whenever a member of the Appeal Board is absent due to illness or for any other reason, the Minister may appoint another member.

(9) The Minister must nominate a member of the Appeal Board as chairperson.

(10) The chairperson must have a recognised legal qualification, be in the employ of the State and must have practised as an attorney or an advocate for at least five years.

(11) Additional members of the Board, as referred to in subregulation (4), may be appointed on the basis of expertise relating to explosives but, other than the Chief Inspector, his or her delegate or the Chairperson, may not be members of the SAPS.

(12) *(a)* The chairperson determines the dates and times when the Appeal Board meets and the procedures to be followed at such meetings.

(b) All appeals must be concluded within 3 months.

(13) *(a)* For the purposes of a meeting of the Appeal Board, the chairperson and two members will constitute a quorum.

(b) The Appeal Board must determine the rules to govern its proceedings.

(c) A comprehensive written record of proceedings must be kept by the chairperson.

(d) The decision of the majority of the members present at a meeting of the Appeal Board constitutes a decision of the Appeal Board and the chairperson shall have a casting vote.

(14) A member of the Appeal Board may abstain from voting, which must be noted.

(15) Additional evidence may be adduced by the chairperson of the Appeal Board in order to come to a just and equitable finding.

(16) The administrative work relating to the functioning of the Appeal Board must be performed by employees or persons employed by the State and shall be appointed by the chairperson.

(17) Any member or chairperson who has a vested interest in the outcome of an appeal must make this known to the board and must excuse themselves from participation of that specific appeal.

CHAPTER 15

EXPLOSIVES TESTING, AUTHORISATION, CLASSIFICATION AND QUALITY MANAGEMENT

Certifying and competent authority

67. The Chief Inspector is the certifying and competent authority where these terms are used in any specification, code or recommendation on explosives.

Approval of testing facility

68. (1) Unless otherwise provided for, explosives may only be analysed or tested at –

(a) the Forensic Science Laboratory (FSL) of the South African Police Service; or

(b) a facility approved in writing by the Chief Inspector.

(2) A facility may consist of one or more laboratories, testing ranges or similar facilities.

(3) To apply for approval, the owner or chief executive must submit to the Chief Inspector –

(a) information required in terms of regulation 3;

(b) the name under which the facility will operate;

(c) the physical address of the facility;

(d) a description of each part of the facility, together with such facility and construction plans as the Chief Inspector may require;

(e) the nature of tests to be carried out;

(f) the types of substances and articles to be tested; and

(g) the number of persons present at the facility.

(4) If the facility, or part thereof, is of a mobile nature, such further information as required by the Chief Inspector must be submitted.

(5) Where a facility is part of an explosives manufacturing site, the owner is exempt from subregulation (3) if a copy of each of the approved plans and the applicable schedule licences of the testing facility is submitted to the Chief Inspector.

(6) All facilities which intend analysing explosive articles or substances must be SANS 17025 certified and such certificate must be submitted to the Chief Inspector annually.

(7) The person conducting the testing referred to in subregulation (6) must be a qualified scientist or technologist holding a recognised and relevant qualification.

(8) When the Chief Inspector is satisfied with the information submitted, he or she shall notify the applicant, in writing, of the outcome of the application and whether the facility may analyse or test explosives, or both, subject to such restrictions in respect of the quantities of explosives which may be kept at the facility after approval of such storage facility in accordance with chapter 9.

(9) The Chief Inspector, an inspector or an official of the Forensic Science Laboratory of the South African Police Service, designated by the Chief Inspector, may inspect the approved facility at any reasonable time.

Application to authorise explosives

69. (1) Any person who intends to –

(a) have a new explosive substance or article listed as an authorised explosive;

(b) modify an existing authorised explosive;

(c) change the chemical or physical properties of an authorised explosive or both; or

(d) re-register an existing authorised explosive under another UN Number or Class,

must submit a written application to the Chief Inspector.

(2) In his or her application to the Chief Inspector, the applicant must state –

(a) whether it is intended to manufacture such explosive article or substance in the Republic or to import such article or substance, and –

(i) in the case of a local manufacturer, the full address of the explosives manufacturing site; or

(ii) in the case of import, the official number allocated to the explosives magazine where the explosives will be stored and the name and physical address of the licensee of the explosives magazine.

(b) particulars of –

(i) the composition of the explosive;

(ii) the intended use of the explosive;

(iii) the trade name of the explosive;

(iv) any UN certification, if available;

(v) the limiting percentages of each of the ingredients of the explosive;

(vi) any substitutes for any specific ingredient; and

(vii) in the case of an article, a drawing thereof, including its dimensions;

(c) where the explosive is encapsulated in a cartridge, tube, shell or the like, a description of the material in which the explosive is to be encapsulated, its size and the quantity of explosives in each article; and

(d) details of the packaging suggested to be used for the substance or article which must comply with the requirements of chapter 4.

(3) Application must be made on the form as referred to in Annexure "J".

(4) Applications to authorise detonators, initiators and initiation systems used in mining and civil blasting applications must be accompanied by –

(a) an electronic copy of the technical construction file prescribed in ARP 1717; and

(b) a certified copy of a valid inspection authority approval certificate.

Testing of explosives

70. (1) The Chief Inspector may require the substance or article to be subjected to any or all of the recommended tests laid down in the UN Test Manual, and to any other standard, test or analysis included in Annexure "K" to these regulations, of which the cost involved in such tests or analyses will be borne by the applicant.

(2) Any tests or analyses must be carried out by –

(a) the Forensic Science Laboratory (FSL) of the South African Police Service; or

(b) a facility registered with the Chief Inspector.

(3) The Chief Inspector may require the tests or analyses to be carried out in the presence of an inspector, an official of the Forensic Science Laboratory (FSL) or an expert designated by the Chief Inspector.

(4) *(a)* The results of the test and analysis must be submitted to the Chief Inspector together with any recommendation by the testing facility regarding the UN Number, Class and proper shipping name of the substance or article.

(b) On receipt of the results and the recommendations, the Chief Inspector may request the applicant to submit further information which he or she may require.

(5) The Chief Inspector may accept the results obtained which have led to the acceptance of the UN Classification of a substance or article, by the competent authority of another country, on condition that the tests have been carried out in accordance with the UN Test Manual or other method acceptable to the Chief Inspector.

Authorisation of explosives

71. (1) After deciding on the application, the Chief Inspector will notify the applicant in writing of his or her decision, and if the application is approved, of the UN Number, Class and proper shipping name he or she allocated to the substance or article in the form of a ZA-X certificate as set out in Annexure "L".

(2) *(a)* The Chief Inspector will allocate ZA-X numbers to authorised explosives.

(b) If, in accordance with regulation 70(5), a substance or article is classified by the competent authority of another country, the reference number issued by that competent authority and the date of issue must be recorded on the ZA-X certificate.

(c) The Chief Inspector will maintain an electronic register of all authorised explosives.

(d) The register must form the basis of the List of Authorised Explosives, as set out in Annexure "M".

(e) The list contemplated in paragraph *(d)* may also contain regulated explosive and non-explosive substances and articles which, based on their properties, are not classified as Class 1 in terms of SANS 10228, but classified in other classes of dangerous goods.

(3) The Chief Inspector may issue written permission under conditions as he or she may deem necessary, to carry out pre-authorisation trials with unauthorised explosives referred to in section 14(2)*(a)* of the Act.

Shelf-life of explosives

72. (1) Manufacturers and importers of explosives must determine a period based on tests, analyses, industry norms and standards for which their products may be safely stored and used.

(2) The Chief Inspector will, if convinced by a fully motivated application, that the period referred to in subregulation (1) is realistic and does not compromise safety or security in any way, approve such period.

(3) If any information comes to the attention of the Chief Inspector, convincing him or her that the period referred to in subregulation (1) is compromising safety or security in any way, he or she may revoke the approval in subregulation (2).

Compliance and quality management

73. (1) The Chief Inspector may require a manufacturer or importer to conduct or have such tests or analyses conducted as the Chief Inspector may deem necessary to ensure that the authorised explosives manufactured or imported by them, still qualify for the UN Number, Class and proper shipping name allocated to it.

(2) The results of such tests or analyses must be furnished in writing to the Chief Inspector.

(3) An inspector may take samples of any authorised explosive, at any place, to enable the Chief Inspector to ascertain whether the explosive still qualifies for the UN Number, Class and proper shipping name allocated to it.

(4) *(a)* The Chief Inspector may withdraw or amend an authorisation –

(i) on written request of the manufacturer or importer; or

(ii) when the Chief Inspector is satisfied that analyses or test results show that the explosive no longer complies with the requirements for the specific authorisation.

(b) The Chief Inspector will inform the manufacturer or importer in writing of the withdrawal or amendment and must amend the List of Authorised Explosives accordingly.

(5) *(a)* Manufacturers and importers must ensure that all substances and articles manufactured or imported by them are subject to quality management practices in accordance with SANS/ISO 9001 or similar quality management systems.

(b) Manufacturers and importers must keep a written record of substances and articles manufactured or imported by them, containing the following:

(i) the test and analysis methods used for quality management;

(ii) the frequency at which such tests and analyses will be carried out;

(iii) the arrangements made for carrying out such tests and analyses; and

(iv) the results of all such tests and analyses.

(c) The Chief Inspector, an inspector or an official of the Forensic Science Laboratory of the South African Police Service, designated by the Chief Inspector, may inspect such records and the premises where the tests or analyses are carried out at any reasonable time.

(6) *(a)* An inspector may take samples of any explosive, substance or article suspected of being an explosive, or explosive component at any place to enable the Chief Inspector to ascertain whether such explosive, substance or article is indeed an explosive in terms of the Act.

(b) The cost of any tests or analysis carried out under these regulations must be borne by the manufacturer or importer.

Authorised packaging database

74. The database as referred to in section 18(2) of the Act, kept by the Chief Inspector, shall contain the following information:

(1) digital images or photographs or both digital images and photographs of the inner and outer packaging, the explosive itself as well as the manner in which the explosive is packed in the inner packaging;

(2) description and dimensions of the inner and outer packaging and any other wrapping or containing materials;

(3) description and dimensions of logos and markings as well as the colour and specific warnings appearing on all packaging material and the position thereof; and

(4) the ZA-X certificate indicating the authorised explosive which will be contained within the packaging referred to in subregulation (3).

CHAPTER 16

FIREWORKS AND PYROTECHNICS FOR ENTERTAINMENT

Application of this chapter

75. No provision of this chapter derogates from any regulation regarding the use of consumer fireworks in terms of any by-law of any local authority.

Definitions

76. For the purpose of this chapter –

"amorce" means a consumer firework which is a cap designed for use in toys, which comprises of a covering containing a dot of impact-sensitive pyrotechnic composition which shall not exceed 10 milligrams of explosives per dot;

"cake" means a consumer firework in Class 1.4G, UN Number 0336, consisting of a maximum total per cake of 500 grams of pyrotechnic composition, contained in 8 - 100 small diameter cylindrical tubes of ≤ 50.8 mm (2 inch) that are chain fused to fire in sequence after a single ignition and eject projectiles into the air, with or without a report;

"cap" means a consumer firework, designed for use in toys pistols which comprises of a non-metallic envelope or cup containing a dot of impact-sensitive pyrotechnic composition and which produces a report on impact, and includes **"amorce"**;

"consumer fireworks" means fireworks in Class 1.4G, UN Number 0336 and 1.4S, UN Number 0337, approved for consumer use by the Chief Inspector, and **"shop goods fireworks"** and **"domestic fireworks"** have a similar meaning;

"cracker snap" means a consumer firework –

(i) which comprises of two overlapping strips of cord or paper with less than 1.6 grams of friction-sensitive pyrotechnic composition in contact with an abrasive surface; and

(ii) which produces a report when pulled apart;

"display fireworks" means fireworks intended for professional use by authorised pyrotechnicians, and include all fireworks exceeding the limits placed on consumer fireworks, approved for professional use by the Chief Inspector;

"fireworks rocket" means an article consisting of a tube charged with compacted black powder as rocket motor, which is attached to a stick or other means of stabilisation, but excludes a model or high power rocket;

"gasometer" means any large reservoir in which gas as specified in Class 2 of SANS 10228, is stored for distribution by pipes or otherwise, and also includes any vessel for holding gas and any place where vessels are filled with gas, but excludes containers holding liquefied petroleum gas for domestic purposes;

"importer" means any person for the purpose of distribution to wholesale dealers, imports authorised fireworks, display fireworks and pyrotechnics after obtaining the necessary import permit and who stores the fireworks and pyrotechnics in licensed magazines;

"licensed premises" means any structure in which consumer fireworks are stored, kept or handled for the purposes of sale and excludes residential premises;

"novelty match" means a consumer firework comprising of a match with a dot of pyrotechnic composition which is designed to be held in the hand while functioning and which functioning involves a report or the production of visual effects, or both;

"organiser" means any person who engages in organising an event for purposes of public entertainment, whether in a public place or for stage, film, television, video, or otherwise, where explosives are used;

"party popper" means a consumer firework comprising of an article –

(i) which is designed to be held in the hand while functioning;

(ii) which is operated by a pull-string with an abrasive surface in contact with a friction-sensitive pyrotechnic composition or fuse; and

(iii) which functioning involves a report with the ejection of streamers or confetti, or both;

"public fireworks display" means an event where any consumer or display fireworks are used in a public place by a registered pyrotechnician for a display;

"pyrotechnic composition" means a substance in a solid or liquid state or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative, self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;

"pyrotechnician" means a suitable person who is authorised with the Chief Inspector as competent to produce or present a public fireworks display, stage or special effect production;

"retail dealer" means a person that for the purposes of trade, supplies consumer fireworks to any member of the public, who is 18 years or older, from a licensed premises;

"sparkler" means a consumer firework, comprising of a rigid wire partially coated with slow-burning pyrotechnic composition, which functioning involves the emission of sparks without a report;

"special effects" means special effects created for entertainment through the use of pyrotechnic or explosive substances and articles, including any pyrotechnic composition or explosives used with other fuels to produce an effect for a special purpose;

"sponsor" means a person that partakes, financially or otherwise, in the presentation of a public fireworks display or the use of special or stage effects during a production;

"stage pyrotechnics" means any electrically initiated pre-manufactured indoor fireworks or pyrotechnic articles or compositions meant for use by an authorised pyrotechnician in stage productions whether it be for theatre, film, television or video and **"stage effects"** has a similar meaning;

"throwdown" means a consumer firework comprising of paper balls filled with an impact-sensitive pyrotechnic composition which produces a report when thrown on a hard surface**;** and

"wholesale dealer" means any person who for the purposes of trade, only supplies consumer fireworks to another licensed dealer in consumer fireworks for resale, from licensed premises.

Prohibited consumer firework compositions

77. (1) The following chemicals or mixtures thereof are prohibited for use in consumer firework compositions, except as authorised by the Chief Inspector:

(a) arsenic sulphide, arsenates and arsenites;

(b) boron;

(c) mixtures of chlorates with either ammonium salts, sulphur, phosphorus, copper or copper sulphate;

(d) gallic acid and gallates;

(e) magnesium, except the alloy of magnesium and aluminium alloy known as magnalium;

(f) compositions containing heavy metals such as mercury and lead;

(g) white phosphorus;

(h) picric acid and picrates;

(i) thiocyanates;

(j) titanium; and

(k) zirconium.

(2) Notwithstanding anything contained in subregulation (1) –

(a) mixtures of chlorates, sulphur and red phosphorus may be used in any amorce; and

(b) titanium may be used in any firework composition on condition that the particle size is larger than 100 mesh.

Prohibited consumer fireworks

78. The following types of consumer fireworks are prohibited:

(1) fireworks that are used as trick devices, booby traps, or as a joke;

(2) hand-held fireworks other than Christmas crackers, party poppers, novelty matches and sparklers;

(3) firecrackers containing >1 gram of flash composition or >10 grams of black powder;

(4) table bombs and table rockets;

(5) fireworks with fuses that burn less than three seconds or longer than eight seconds after lighting the fuse;

(6) fireworks with electric initiation;

(7) subject to subregulation (2), fireworks with a friction sensitive fuse or which are activated by friction;

(8) fireworks not marked in accordance with these regulations; and

(9) firework rockets which exceed an operating height of 300 metres.

Restriction on use of fireworks in conjunction with other dangerous goods

79. No person may use fireworks in conjunction with any dangerous goods as specified in SANS 10228 as –

(1) Class 1 - explosives, except fireworks;

(2) Class 2 - gases;

(3) Class 3 - flammable liquids; or

(4) Class 4 - flammable solids, except safety matches,

unless otherwise authorised in writing by the Chief Inspector.

Fireworks approved for indoor use

80. No fireworks may be used indoors, except –

(1) stage and theatrical pyrotechnics, used by a pyrotechnician;

(2) amorces or caps, used in toy pistols;

(3) Christmas crackers;

(4) sparklers;

(5) party poppers; and

(6) throwdowns.

Approved consumer fireworks

81. Consumer fireworks consist of –

(1) fireworks in Class 1.4G as provided for in the UN Default Fireworks Classification Table, listed in Annexure "K" and UN Number 0337, classified as Class 1.4S, approved for consumer use by the Chief Inspector;

(2) amorces and toy pistol caps;

(3) Christmas crackers containing a pull-type cracker or cracker snap; and

(4) throwdowns.

Transport of consumer fireworks

82. Consumer fireworks marked, labelled and packaged in terms of regulation 84(2) and conveyed in accordance with Annexure "F" may be transported -

(1) in a private vehicle, if –

(a) no person smokes in the vehicle;

(b) no goods of a flammable or highly combustible nature, apart from that required to propel the vehicle, are carried at the same time; and

(c) all exposed consumer fireworks containers are covered by tarpaulin or otherwise.

(2) on public transport, if all reasonable precautions are taken to avoid activation of the fireworks;

and all reasonable precautions are taken to prevent theft or unauthorised access to the fireworks whilst being transported.

(3) Quantities exceeding 500 kg gross mass must only be transported in accordance with the requirements contemplated in chapter 7 of these regulations.

Use and storage of fireworks

83. (1) No person may allow any person under the age of 18 years to acquire, transport, keep, handle or use consumer fireworks except under the direct supervision of a person 18 years and older.

(2) Unless authorised by the Chief Inspector, no person may use fireworks –

(a) within one kilometre from any airport, explosives facility, fuel depot, liquefied petroleum gas (LPG) depot, gasometer, hospital, old age home or home caring for the aged and frail;

(b) within 500 metres from any industrial premises, nature reserve, kennels, animal shelter, stables, zoo, any filling station or retail premises where flammable gas containers are used, stored or filled;

(c) within 500 metres from a South African Police Service Community Service Centre; or

(d) in any public building or thoroughfare.

(3) No person may use fireworks at any public place unless written permission has been obtained from the local authority.

(4) *(a)* A person intending to use fireworks must apply for a permit in terms of section 15(1)*(a)* of the Act.

(b) Paragraph *(a)* may not prohibit the use of fireworks during a period determined by the Minister in accordance with section 15(2)*(a).*

(c) The period for which the exemption referred to in paragraph *(b)* is valid, shall be –

(i) the duration of the Chinese New Year, commencing at 08:00 on the first day and ending at 01:00 on the day after;

(ii) the duration of Diwali, commencing at 08:00 on the first day and ending at 01:00 on the day after; and

(iii) the duration of 31 December and ending at 01:00 on 2 January.

(5) *(a)* No more than 150 kilograms gross mass of consumer fireworks may be kept on any premises for use as contemplated in subregulation (4)*(c)*.

(b) Consumer fireworks may not be stored on any premises more than 10 days prior to the dates stipulated in subregulation (4)*(c)* and any fireworks remaining after the exemption period must be disposed of within three days.

(c) All consumer fireworks must be kept out of reach of persons under the age of 18 years unless under supervision of a person at least 18 years of age.

(6) *(a)* Annexure "O" Part 2, should be consulted for the safe use of consumer fireworks.

(b) A dealer in consumer fireworks must supply the user with either a copy of Annexure "O" Part 2, or a document that includes the same information.

Authorisation, marking and packaging of fireworks and pyrotechnics

84. (1) *(a)* The manufacturer or importer of any fireworks or pyrotechnics must advise the Chief Inspector, in detail, of the pyrotechnic composition of any fireworks or pyrotechnics he or she intends to manufacture or import.

(b) The manufacturer or importer of any fireworks or pyrotechnics must complete the application form contained in Annexure "J" with regard to all articles or substances and submit such application with at least five samples per type to the Chief Inspector for authorisation.

(c) The Chief Inspector may utilise the UN Default Fireworks Classification Table listed in Annexure "K", or may require additional tests or analyses referred to in chapter 15 to authorise any firework or pyrotechnic.

(d) Tests approved by foreign competent authorities may be accepted.

(2) All fireworks or pyrotechnics which are manufactured or imported into or exported from the Republic or are offered for sale must be marked, labelled and packaged in accordance with the provisions of chapter 4.

(3) All consumer fireworks must be marked with –

(a) a description showing the principal effect of the firework and concise instructions for use;

(b) name of the importer or local manufacturer;

(c) UN Number and Class of the article;

(d) safety precautions to be taken; and

(e) trade name of the firework.

(4) If consumer fireworks are too small to bear the markings required by subregulation (3), the outer packaging of such article must bear such markings.

(5) Consumer fireworks must be packaged by a manufacturer or importer, which must be sealed and ready for sale to the public before dispatch to a dealer.

(6) A dealer in consumer fireworks may not interfere with the inner packaging of any consumer fireworks or permit any person to interfere with such packaging.

(7) Subject to subregulation (8), consumer fireworks must be packaged in sealed inner packaging such as cardboard boxes, cellophane or similar packaging, when offered for sale and may not be opened on a dealer's premises.

(8) An importer may repack consumer fireworks, only in a building licensed for that purpose by the Chief Inspector, sealed in a similar type of inner packaging mentioned in subregulation (7) and in addition to all other markings required, such inner packaging must bear a label stating the name under which the importer's dealer licence has been issued, or a code approved by the Chief Inspector identifying such importer.

(9) All repacked fireworks must be packed in outer packaging complying with SANS 10229.

(10) Fireworks bearing UN Number 0333, Class 1.1G, UN Number 0334, Class 1.2G and UN Number 0335, Class 1.3G, must also be marked with the following words in English and one other official language –

(a) EXPLOSIVE - IF FOUND REPORT TO POLICE; and

(b) DANGEROUS - NOT FOR PUBLIC USE.

Dealers

85. (1) No person may sell or deal in fireworks unless it is done in accordance with a licence issued in terms of section 13 of the Act by the Chief Inspector and in accordance with the conditions thereof, and must display the original licence in a prominent place on the premises where fireworks are traded, where it is clearly visible.

(2) A person must apply to the Chief Inspector for a licence to deal in consumer fireworks and the application must contain the information required in Annexure "N".

(3) A manufacturer of, or wholesale dealer in, consumer fireworks must furnish a properly executed, signed and dated invoice or delivery note with each sale of consumer fireworks, and a copy thereof must be kept for three years.

(4) A dealer in consumer fireworks, when purchasing consumer fireworks, must demand from the seller a properly executed, signed and dated invoice or delivery note which he or she must retain in accordance with regulation 6 and such invoice must be produced to an inspector when so requested.

(5) A manufacturer or wholesale dealer may only sell fireworks to a fireworks dealer who is in possession of a valid licence issued in terms of section 13 of the Act, and the number of such licence must be quoted on the invoice.

(6) The manufacturer or wholesale dealer must keep a register as specified in Annexure "Q" Part 1 Form E.

(7) *(a)* Fireworks kept in any premises must be kept in such a way that it does not in any way obstruct the exit or passage thereto.

(b) A safe exit must be possible in case of an emergency.

(8) Every retail dealer must affix signage which is visible from the outside of the premises, in prominent positions adjacent to every entrance thereto, notices in English and another official language, reading "DEALER IN FIREWORKS" in red letters not less than 100 millimetres high on a white background.

(9) Every dealer and every person employed in or about the premises in which consumer fireworks are handled must take all due precautions for the prevention of accidents by fire and for preventing persons from gaining access to the consumer fireworks.

(10) Goods of a dangerous nature such as flammable liquids, oxidising agents, acids, alkalis and safety matches must be kept at least five metres away from the consumer fireworks.

(11) No person may smoke in, produce or take a flame or fire into premises where consumer fireworks are kept or being handled.

(12) Clear signs, as depicted in SANS 1186-1, indicating an explosion warning as well as actions prohibited in terms of subregulation (11) must be posted in prominent positions within the dealer's premises.

(13) Any person on premises where consumer fireworks are kept or handled, who fails to comply with a lawful request made by the licensee or his or her employees in the interests of safety, is guilty of an offence.

(14) *(a)* Subject to approval by the local authority, a dealer in consumer fireworks may keep the maximum quantities of Hazard Division 1.4 fireworks on the licensed premises as specified in Annexure "R" Part 9.

(b) The consumer fireworks must be kept on the premises in a place not accessible to the public or customers.

(c) A total mass exceeding 10 000 kilograms quantity may be stored only in an explosives magazine licensed in terms of chapter 8.

(15) Fireworks in excess of 1 000 kilograms gross mass may not be kept on any dealer premises located within a residential zone.

(16) A dealer in fireworks may not be located within 300 metres of a premises trading in, or storing for trade, any bulk quantity of flammable articles or substances unless authorised by the local authority.

(17) The responsible person of a retail dealer, as mentioned on the licence –

(a) must ensure that consumer fireworks are only sold to the public in the sealed inner packaging as received from the manufacturer or wholesale dealer which is in good condition; and

(b) must furnish each employee engaged in selling consumer fireworks with a copy of the regulations contained in this chapter, a copy of the licence and ensure that each employee is acquainted with the contents.

(18) No retail dealer may display or sell any consumer fireworks to any member of the public except during a period starting 10 days before the period exempt by the Minister, as referred to in regulation 83(4)*(c)* and published annually in the Gazette, unless a permit to obtain and use consumer fireworks is issued by an inspector.

(19) Low hazard fireworks and novelties such as Christmas crackers, sparklers, amorces or caps, used in toy pistols, party poppers and throwdowns are excluded from regulation 85(18) and may be acquired from local suppliers, used, supplied, transported and kept without a licence or a permit.

Authorisation of learner pyrotechnician

86. (1) Any person who intends to become a pyrotechnician must –

(a) apply for authorisation as a learner pyrotechnician

(b) submit to an assessment on his or her theoretical knowledge relevant to explosives as required by the Chief Inspector and contained in Annexure "O";

(c) after being authorised to conduct activities as a learner pyrotechnician, arrange to obtain sufficient practical experience in one of the following categories -

(i) fireworks pyrotechnician;

(ii) stage effects pyrotechnician; or

(iii) special effects pyrotechnician;

in accordance with Annexure “O”; and

(d) produce verifiable proof of such experience and submit to a further practical evaluation before being authorised to conduct activities as a pyrotechnician.

(2) *(a)* Application for authorisation to conduct activities as a supervised learner pyrotechnician must be made in writing to the Chief Inspector via an inspector and is subject to the applicant -

(i) being a suitable person;

(ii) submitting personal information as required in regulation 3; and

(iii) convincing the Chief Inspector of his or her competence and knowledge with regard to activities as required in Annexure “O”.

(b) The Chief Inspector, if convinced of the competence and knowledge, may authorise the applicant to conduct activities as a learner pyrotechnician in a specific category and allocate a temporary authorisation number.

(c) When a learner pyrotechnician obtains practical experience under the direct supervision of a pyrotechnician, the pyrotechnician must –

(i) advise the inspector in writing of where the learner pyrotechnician is employed, quoting the temporary authorisation number to conduct such activities allocated by the Chief Inspector to the learner pyrotechnician referred to in paragraph *(b)*;

(ii) ensure that the learner pyrotechnician gains practical experience in accordance with Annexure “O” on all aspects of pyrotechnical activities relevant to the specific field, including planning, site plan sketches, firing patterns, charge placement, fusing, initiation methods, testing of circuits, precautionary measures, examination after an event, misfires, disposal and destruction as prescribed in Annexure “O”; and

(iii) keep a record of the number of shifts worked by the learner pyrotechnician and the type of work carried out as required in Annexure “O” Form A.

(d) The Chief Inspector may recognise prior learning and practical experience and relevant training and experience locally or in other countries may be taken into account.

(e) Condonation with regards to the number of shifts to be performed, as stipulated in Annexure “O”, may be granted by the Chief Inspector, but the minimum number of shifts shall not be less than 25.

(3) The pyrotechnician must immediately inform the Chief Inspector in writing –

(a) of the termination of the employment of a learner pyrotechnician before his or her practical experience is completed;

(b) the reasons for such termination; and

(c) submit the record kept in respect of the learner pyrotechnician referred to in subregulation (2)*(c)*(ii) to the Chief Inspector.

(4) Training may not be interrupted for more than 12 months, and must be completed within 24 months after authorisation to conduct activities as learner pyrotechnician.

Authorisation of pyrotechnician

87. (1) Competency evaluation for the authorisation to conduct activities as a pyrotechnician, required by the Chief Inspector, must be conducted by an inspector who may request the assistance of external assessors.

(2) The applicant must submit the record or certified copy thereof kept in terms of regulation 6(2) which must contain the temporary authorisation number allocated by the Chief Inspector and be signed by the pyrotechnician as referred to in regulation 86(2)*(c)*.

(3) The Chief Inspector may determine any additional training and experience required, for the specific use of new products or the application of new techniques.

(4) After evaluation, the inspector may recommend the application for authorisation as a pyrotechnician to the Chief Inspector, who may approve and allocate a permanent authorisation number to the applicant.

(5) *(a)* A pyrotechnician who has been inactive for two years or longer must be interviewed by an inspector on his or her theoretical knowledge on the Act and regulations to establish whether he or she still has a thorough understanding thereof.

(b) Should a pyrotechnician, after conclusion of the interview referred to in paragraph *(a)*, not be found to have a satisfactory knowledge of the Act and regulations, he or she must be re-evaluated in accordance with Annexure “O”.

(c) A pyrotechnician who has been inactive for five years or longer must be re-evaluated on his or her knowledge on the Act and regulations as referred to in Annexure “O”.

(6) The Chief Inspector may determine the requirements of a qualification for pyrotechnicians registered with a recognised South African qualifications authority and may require persons applying for a permit in terms of section 15(1)*(a)* of the Act to obtain this qualification by a pre-determined date in order to continue operating as a pyrotechnician within the Republic.

Responsibilities of an organiser of a fireworks display, stage or special effect production

88. (1) Any organiser who intends to present –

(a) a public fireworks display;

(b) stage effects during a performance; or

(c) special effects at an event, or for a video, audio, film or digital recording of any television, radio or movie production;

must engage the services of a pyrotechnician and appoint such pyrotechnician in writing and furnish a copy of that appointment to the pyrotechnician.

(2) An organiser of a fireworks display, theatrical or special effect production referred to in subregulation (1), must –

(a) ensure that the pyrotechnician in charge is provided with all reasonable assistance to produce a safe display or production;

(b) adhere to all reasonable requests or instructions of the pyrotechnician;

(c) terminate the display or the production immediately if a situation arises where the safety of life and property might be endangered; and

(d) ensure that all persons neighbouring onto, or within 250 metres of the site are informed, in writing, at least 24 hours prior to the display or production where pyrotechnics which emit a report, are to be used.

Public fireworks display permit application

89. (1) A pyrotechnician who intends to present a public fireworks display must apply in writing to an inspector for a permit at least seven days before the date of the intended display.

(2) Applications referred to in subregulation (1) that are urgent may be considered by the inspector.

(3) An application for a public fireworks display permit must be made on the form as prescribed in Annexure "O" Form B and shall contain the following information –

(a) the name of the person organising the fireworks display;

(b) the name and registration number of the pyrotechnician in charge of the display;

(c) the date and time at which the display is to be held as well as an alternative date and time, within 72 hours of the date on which the display is to be held, in case the display has to be postponed;

(d) the exact location of the display;

(e) the name, explosives magazine number and address of the supplier of the display fireworks;

(f) the quantities and types of fireworks to be discharged;

(g) the manner and place of keeping of such fireworks prior to the display;

(h) a plan of the site on which the display is to be held, showing –

(i) the direction north;

(ii) the direction in which aerial fireworks are to be discharged;

(iii) the area to be kept clear of persons, which must extend at least 50 metres from the front and to the sides of the boundary of the site at which the fireworks are to be discharged;

(iv) the area to be kept clear on which falling residue from aerial fireworks is expected to drop, which must extend at least 100 metres to the rear of the firing area;

(v) the location of all buildings, roads, railways and parking areas within 200 metres of the firing site and of all telephone or power lines, trees and other overhead obstructions at or adjacent to the firing site;

(vi) the location of all restricted areas and sites as referred to in regulation 83(2); and

(vii) the point at which the fireworks are to be discharged;

(i) written approval of the local authority within whose jurisdiction the display will take place, as well as the consent of the owner or manager of the dwelling, building, site or structure;

(j) verifiable proof of comprehensive public liability insurance of a type specifically covering the use of fireworks in an amount proportional to significant risks relevant to safety and security, associated with the display;

(k) a letter of approval for the holding of the display from –

(i) the authority in charge of a harbour or navigable water where a display is to be held in such area; or

(ii) the airport authority, if the display is to be held within two kilometres from an international airport or within one kilometre from a commercial airport or private heliport, airport or landing strip;

(l) a letter from the organiser requesting the services of the pyrotechnician; and

(m) a hazard identification and risk assessment to address significant risks relevant to safety and security.

(4) A pyrotechnician may submit a motivated application to the Chief Inspector to waive any condition of the permit and authorise the use of specially designed fireworks and pyrotechnics in close proximity of buildings and spectators.

Stage effects permit application

90. (1) A pyrotechnician who intends to use pyrotechnics for stage effects, must apply in writing to an inspector for a permit, at least seven days before the date of the intended performance.

(2) Applications referred to in subregulation (1) that are urgent may be considered by the inspector.

(3) An application for a stage effects display permit must be made on the form as prescribed in Annexure “O” Form C and shall contain the following information –

(a) the name of the person organising the stage performance;

(b) the name and registration number of the pyrotechnician in charge of the performance;

(c) the date and time of the performance, including the dates and times of repeat performances that will take place at the same venue;

(d) the exact location of the performance;

(e) the name, explosives magazine number and address of the supplier of the pyrotechnics;

(f) the quantities and types of pyrotechnics to be discharged;

(g) the manner and place of storage of such pyrotechnics prior to the performance;

(h) a site plan showing –

(i) the proposed points at which the pyrotechnics will be discharged;

(ii) the proposed areas to which the audience will have access and which must be separated from the discharge area points by a safe distance; and

(iii) in the case of indoor performances, the position of all exits which must be kept unlocked during performances and must be freely accessible;

(i) verifiable proof of comprehensive public liability insurance of a type specifically covering the use of stage effects in an amount proportional to significant risks relevant to safety and security, associated with the performance;

(j) a written confirmation that furnishings, stage property or clothes used in close proximity of pyrotechnics at the performance are treated to be flame-retardant;

(k) a letter from the organiser requesting the services of the pyrotechnician;

(l) written approval of the local authority within whose jurisdiction the performance will take place, as well as the consent of the owner or manager of the dwelling, building, site or structure; and

(m) a hazard identification and risk assessment to address significant risks relevant to safety and security.

Special effects permit application

91. (1) A pyrotechnician who intends to use pyrotechnics or other explosives for special effects must apply in writing to the inspector for a permit at least seven days before the date of the event.

(2) Applications referred to in subregulation (1) that are urgent may be considered by the inspector.

(3) An application for a special effects permit must be made on the form as prescribed in Annexure “O” Form D and shall contain the following information –

(a) the name of the person organising the special effects production;

(b) the name and registration number of the pyrotechnician in charge of the special effects production;

(c) the proposed dates and times, or period during which pyrotechnics or other explosives are to be used;

(d) the exact location of the production;

(e) the name, explosives magazine number and address of the supplier of the pyrotechnics or other explosives;

(f) the quantities and types of pyrotechnics or other explosives to be discharged;

(g) the manner and place of storage of pyrotechnics or other explosives prior to the production;

(h) a site plan, if requested by the inspector;

(i) verifiable proof of comprehensive public liability insurance of a type specifically covering the use of special effects pyrotechnics in an amount proportional to significant risks relevant to safety and security, associated with the production;

(j) a letter from the organiser requesting the services of the pyrotechnician;

(k) written approval of the local authority within whose jurisdiction the performance will take place, as well as the consent of the owner or manager of the dwelling, building, site or structure; and

(l) a hazard identification and risk assessment to address significant risks relevant to safety and security.

Issuing of permit to pyrotechnician

92. (1) A pyrotechnician may only present a fireworks display, stage effects or special effects production, proportional to his or her experience and level of authorisation as referred to in Annexure “O”.

(2) If an inspector or the Chief Inspector is satisfied that an application complies with all the requirements of regulations 89, 90 or 91, he or she may issue a permit to acquire, transport, store and use the required explosives.

(3) The permit referred to in subregulation (2) is issued for a period of up to three days after the planned date for the event in accordance with the application, but the applicant referred to in regulations 89, 90 or 91, may request to extend the period, on written application.

(4) Where displays or performances are to be repeated at the same venue or a recording is to take place over a number of days, the permit may remain valid for the total period or part thereof, if full particulars of storage arrangements for the explosives, acceptable to the inspector, are submitted in writing.

Pyrotechnician assistants

93. (1) No more than two assistants shall be permitted to assist a pyrotechnician during the preparation, charging and initiation process.

(2) Where more than two assistants are required in terms of subregulation (1), additional pyrotechnicians must be appointed and one of those pyrotechnicians must be appointed as the pyrotechnician in charge as referred to in regulation 94.

(3) Each appointed pyrotechnician may have an additional two assistants.

(4) An assistant must comply with the following requirements –

(a) be at least 18 years of age;

(b) ensure that he or she is fully aware of his or her duties and of the risks involved;

(c) be capable of performing his or her duties safely;

(d) wear appropriate protective equipment; and

(e) comply with all instructions issued by the pyrotechnician in charge.

(5) Any assistant who does not comply with the instructions given by the pyrotechnician in charge or who fails to carry out the duties assigned to him or her relating to safety and security, shall be guilty of an offence.

General responsibilities of pyrotechnician in charge

94. (1) A pyrotechnician in charge of a display, performance or production referred to in regulations 89, 90 or 91 must, before setting up such display, performance or production -

(a) examine the site, to ensure that the proposed security and safety measures will be adequate;

(b) examine all the explosives to be used, for any signs of damage or fault in construction, and see to it that any damaged or faulty explosives are removed to a safe place for disposal at a later stage in accordance with regulation 7;

(c) examine all equipment such as stands, mortars and bases or set pieces, for any fault or defect and ensure they are not utilised until they have been repaired or replaced;

(d) ensure that all assistants comply with regulation 93(4) and are made aware of their responsibilities as referred to in regulation 93(5) and provide each with a copy of this chapter;

(e) assess all dangers which may arise during preparations before, during and after the display, performance or production;

(f) carry out actions to prevent or mitigate the dangers, and wear appropriate protective equipment; and

(g) ensure that the organiser or sponsor has complied with the provisions of regulation 88(2)*(d)*.

(2) A pyrotechnician in charge of a display, performance or production referred to in regulations 89, 90 or 91 must, while explosives are on site, ensure that the following safety measures are complied with:

(a) all activities must immediately be ceased in the event of an occurrence or incident that could endanger life or property;

(b) all explosives must be protected against adverse weather conditions;

(c) the fireworks, pyrotechnics or explosives must not be removed from the receptacles until required for setting up;

(d) no person, other than his or her assistants, may be allowed to enter or be within the barricaded or otherwise protected area;

(e) no person, whilst under the influence of, or in possession of liquor or any intoxicating substance may be within the area referred to in paragraph *(d)* and smoking or making any fire or naked flame within 15 metres of such area is forbidden;

(f) ensure, by means of a visual inspection, that the correct type of equipment is utilised;

(g) ensure that when the installation, testing, connecting or initiation of electrically initiated fireworks, pyrotechnics or explosives is carried out, regulation 55 (1) is complied with;

(h) firing of fireworks, pyrotechnics or explosives must be stopped immediately upon noticing a change in wind direction that endangers areas considered safe; and

(i) all fireworks displays must be electrically fired, unless the pyrotechnician in charge can satisfy the inspector that manual firing can be done safely.

(3) A pyrotechnician in charge of the display, performance or production must, within 60 minutes after the display, performance or production, ensure that the immediate surrounding area is searched for any debris, fall-out or materials created by a failure or partial failure of any fireworks, pyrotechnics or explosives, and collect such material for disposal at a later stage in accordance with the manufacturer's instructions.

(4) If a search is conducted under conditions of low visibility, the examination referred to in subregulation (3) must be repeated during daylight the following day.

(5) *(a)* No person may be allowed to enter the barricaded or otherwise protected area until it has been declared safe by the pyrotechnician in charge.

(b) Whilst persons are within the barricaded or otherwise protected area and are directly involved in any performance which requires them to be in close proximity to explosives, the pyrotechnician in charge must –

(i) inform such performers of the potential dangers to which they might be exposed; and

(ii) take all possible measures to ensure their safety.

(6) Any incident, which results in the death or injury of any person or damage to property, must be reported by the pyrotechnician in charge in accordance with regulation 62.

(7) A pyrotechnician in charge is responsible for the safe disposal and destruction of any fireworks, pyrotechnics or explosives left over, damaged or found in the debris and fall-out, in accordance with regulation 7.

(8) Where during a display, performance or production, unsatisfactory functioning of fireworks, pyrotechnics or explosives is observed, the pyrotechnician in charge must submit a full written report regarding the circumstances of such functioning to the Chief Inspector.

(9) Any person who obstructs or hinders a pyrotechnician in the execution of his or her duties in terms of these regulations, or who fails to comply with a lawful instruction given by a pyrotechnician in terms of these regulations, or whose behaviour endangers the safety of life and property, is guilty of an offence.

(10) *(a)* If, at a fireworks display, performance or production, a pyrotechnician is negligent in the execution of his or her duties or contravenes the regulations in this chapter, an inspector may immediately suspend the permit issued to the Pyrotechnician and instruct him or her to immediately surrender his or her permit.

(b) The inspector must as soon as possible after the suspension, notify a pyrotechnician referred to in paragraph *(a)* in writing of the reasons for such decision and inform him or her of the right to appeal under section 32(1) of the Act.

(11) Fireworks, pyrotechnics and explosives in Classes 1.1, 1.2 and 1.3, in respect of a permit issued in terms of regulation 92, may only be transported in vehicles which are licensed in terms of regulation 30(1).

(12) A detailed risk assessment must be conducted and documented by the pyrotechnician in charge and be available at the site of a display, performance or production for perusal by an inspector.

(13) The event organiser and pyrotechnician in charge shall ensure compliance with SANS 10366.

CHAPTER 17

HOBBY OR SPORT ROCKETRY

General

95. (1) No person may import, export, transport, store, deal, sell or use rocket motors and related igniters unless they are authorised in terms of regulation 3 and in possession of a valid permit or exempted in terms of Annexure “X” Part 1.

(2) *(a)* Any person wishing to import rocket motors must be authorised with the Chief Inspector and apply for an import permit in terms of regulation 20.

(b) The manufacturer or importer of rocket motors must ensure that, in addition to the requirements of chapter 4, the following information is provided on the rocket motor prior to importation:

(i) the date of manufacture and name and address of the manufacturer;

(ii) UN Number and Class; and

(iii) internationally recognised motor code.

(c) The manufacturer or importer of rocket motors must ensure that the following information is provided in the instructions for use:

(i) warning that it is flammable;

(ii) first aid measures;

(iii) storage methods;

(iv) method of disposal;

(v) information pertaining to performance data such as type of propellant, propellant weight, installed total impulse, time delay, maximum permissible payload-mass of the rocket motor and internationally recognised motor code;

(vi) measures to be taken in case of an incident;

(vii) safety precautions to be taken before, during and after launch; and

(viii) installation procedure for motors and igniters.

(d) The manufacturer or importer of rocket motors must ensure that instructions, as referred to in paragraph *(c),* are included in English.

(3) The payload of a rocket may not –

(a) exceed the mass recommended by the manufacturer of the motor; and

(b) contain any dangerous goods as specified in SANS 10228, apart from the rocket motor.

(4) A rocket motor must not be altered in any manner to change its factory specifications pertaining to performance, characteristics and dimensions.

(5) Any person who intends to launch a rocket must –

(a) comply with the prescripts of Annexure “X” Part 1;

(b) determine a suitable site for the launch in accordance with sub-regulations 97(6), or 98(7) and Annexure “X” Part 2;

(c) ensure that the instructions of the manufacturer are complied with;

(d) ensure that the rocket and the rocket motor are compatible and in a serviceable condition;

(e) ensure the presence of a range safety officer where a rocket is launched as part of an organised event;

(f) comply with all instructions issued by a competent person or range safety officer;

(g) take all reasonable precautions against injury to persons and damage to property;

(h) comply with the relevant safety code(s) of a reognised body; and

(i) be in possession of a relevant competency certificate issued by a recognised body.

(6) *(a)* No launching of rockets may take place –

(i) between sunset and sunrise without authorisation of an inspector;

(ii) if the wind speed is in excess of 30 kilometres per hour; or

(iii) if the cloud cover is of such nature that there is a reasonable possibility of the flight path of the rocket entering a cloud.

(b) No model or high power rocket may be launched as part of a fireworks display.

(7) *(a)* (i) A rocket must be launched from a launch pad by means of a stable device which holds the rocket vertically in a pre-launch position providing rigid guidance until a speed has been reached ensuring stable flight.

(ii) A launch device referred to in subparagraph (i) must be constructed and secured in such a way that, on firing the rocket, it does not move in such a manner as to cause injury to any person or damage to property.

(iii) A launch device referred to in subparagraph (i) must be installed in such a way that the angle of the launch of the rocket does not deviate by more than 30° from the vertical to counter for the wind, but may not be aimed at any target.

(b) All rockets must be fired using an electrical or electronic initiation system which must –

(i) have wires extending at least 10 metres; or

(ii) have a wireless remote control system which must be of the rolling code type;

(iii) contain a removable safety key or device which must be kept by the person responsible for launching the rocket and/or a range safety officer and must only be inserted when ready for system testing or firing, unless firing with a remote control, in which case the power supply to the igniter may only be connected immediately prior to the launch procedure; and

(iv) have the ability to abort the launch.

(c) Before preparing a launch of a rocket, the person responsible for preparing the launch or where such launch forms part of an organised event, a range safety officer must ensure that –

(i) spectators and any other non-participant must adhere to the recommended safety distances as indicated in Annexure "X" Part 2;

(ii) not more than two participants are at the launch pad during final preparations of the rocket motor(s) for launch; and

(iii) notwithstanding the requirements of subparagraph (ii), at any organised event under the control of a responsible organisation, in addition to two participants, one range safety officer and two competition judges shall be allowed to be present at the launch pad during final preparations of the rocket motor(s) for launch.

(d) Light-emitting diode (LED) countdown boards may be used in conjunction with the requirements of these regulations, but may not be part of the firing circuit.

(8) When ready to fire the rocket, the person responsible for the launch or where such launch forms part of an organised event, a range safety officer must ensure that –

(a) the safety distances as indicated in Annexure "X" Part 2 are maintained;

(b) the sky is clear of any air traffic for at least one minute before the launch;

(c) the launch is postponed or aborted if any air traffic is spotted or heard; and

(d) an audible countdown, for at least three seconds, is given.

(9) *(a)* After the launch of a rocket, its flight path must be monitored to detect any malfunction of the rocket and to aid in the recovery of the rocket and the safety key or device must be removed immediately from the firing circuit.

(b) In the event of a misfire and subject to regulation 97(7), the person responsible for the launch of a rocket must –

(i) immediately remove the safety key or device from the initiating system;

(ii) not allow any person to move towards the launch pad;

(iii) after waiting for at least one minute, personally approach the rocket without any assistants to examine the cause of the misfire;

(iv) remove the igniter from the rocket motor;

(v) remove the rocket motor from the rocket;

(vi) remove the rocket from the launch device and place it in safe storage; and

(vii) vacate the launch site after ensuring that it is safe.

(c) Notwithstanding the requirements of subregulation (9)*(b)*, if on inspection the cause of misfire is believed to be as a direct result of a faulty igniter, then the person responsible for the launch –

(i) may replace the igniter in the rocket motor; and

(ii) repeat the launch procedure.

(d) Where, in terms of subregulation (8), a person under the age of 16 years has charged, armed and attempted to launch a rocket, a competent person or range safety officer shall be responsible for carrying out the tasks of dealing with a misfire, as referred to in subregulation (9)*(b).*

(e) Before vacating a launch site, the person in charge of the launching of a rocket and the range safety officer, where applicable, must ensure that no debris is left on the launch site.

(10) Any person who is in process of obtaining a rocketry competency certificate or in the process of applying for authorisation as rocketeer by the Chief Inspector, may only use rocket motors and igniters applicable to the level of certification applied for, and then only under supervision of a competent person or range safety officer.

(11) Rocketry bodies, including learning institutions, that wish to organise, co-ordinate or present training on matters relating to rocketry must be authorised by the Chief Inspector.

Dealers in rocket motors and igniters

96. (1) Any person who intends to deal in rocket motors and igniters, must apply to the Chief Inspector for a dealer's licence issued in terms of section 13(1) of the Act.

(a) The application for a licence to deal in rocket motors and igniters must be done on the form as referred to in Annexure "N" and must include the following -

(i) a plan of the premises in triplicate showing the position of the fire extinguishers, entrances, exits and storage area of rocket motors; and

(ii) an application for a continuous transport permit, if rocket motors and igniters are to be acquired from a local importer or dealer.

(b) Rocket motors and igniters classified under Hazard Division 1.4 in quantities up to 250 kilograms net mass must be kept in a strongroom, safe or other approved storage facility on the licensed premises as specified in Annexure "R" Part 7 *(a)*, *(b)* and *(c)*.

(c) Rocket motors and igniters classified under Hazard Division 1.3 or in quantities exceeding 250 kilograms net mass must be kept in outdoor magazines as specified in Annexure "R" Part 2, Part 3, Part 4 or Part 5.

(d) A licensed dealer in rocket motors and igniters must comply with all the requirements of chapter 10 of these regulations.

(2) All applications to deal, import, export, transship or transport such rocket motors must be done in terms of regulation 3.

(3) *(a)* A dealer in rocket motors or igniters may supply such articles –

(i) on presentation of a membership certificate issued to model rocketeers: junior and learner by a recognised body;

(ii) on presentation of a relevant competency certificate issued by a recognised body to model rocketeers: level 1 and 2; or

(ii) on presentation of a permit issued by the Chief Inspector to rocketeers: level 1, 2 and 3.

(b) A dealer in rocket motors and igniters must keep a register of such sales in a format specified in Annexure "Q" Part 1 Form J1.

(c) Dealers must provide any person, who purchases model rocket motors and/or igniters with a proper receipt which contains full contact details of the dealer.

(5) The sale of quantities in excess of 100 units of rocket motors and/or igniters may only be concluded after presentation of a dealer's licence issued by the Chief Inspector.

(6) Transport of quantities exceeding 1 000 kilograms gross mass may only be done in accordance with regulation 30(1).

(7) *(a)* Model rocket motors and igniters may only be sold to persons in possession of a model rocket permit.

(b) High power rocket motors and igniters may only be sold to persons in possession of a high power rocket permit.

Model rockets

97. (1) A model rocket is any rocket, with a total impulse of less than 160.01 Newton-seconds that has been designed for hobby purposes and must –

(a) be constructed of substantially non-metallic, light-weight materials such as cardboard, plastic carbon fibre or wood;

(b) be propelled by means of a model rocket motor;

(c) be designed and constructed to include surfaces that will provide aerodynamic stabilising forces necessary to maintain a substantially true and predictable flight path;

(d) be capable of more than a single flight;

(e) include a suitable recovery device such as a parachute or streamer so that the structure is not substantially damaged upon landing; and

(f) be operated in line with the relevant safety code(s) of a recognised body.

(2) A model rocket motor –

(a) means a solid fuel motor manufactured to specific standard, which is authorised as an explosive by the Chief Inspector and which is ready for use;

(b) consists only of solid fuels authorised by the Chief Inspector, which must be an ingredient or a mixture of ingredients that have been loaded into the casing in a manner that ensures that it cannot easily be removed or tampered with;

(c) must contain less than 125 grams of solid fuel;

(d) must have a thrust duration longer than 0,05 seconds;

(e) has an installed total impulse not exceeding 160 Newton-seconds;

(f) is classified as a Hazard Division 1.4 article as defined in Annexure "A";

(g) must be ignited electrically;

(h) must not expel from its nozzle pieces of any burning propellant and must be incapable of igniting a piece of paper or dry grass at a distance of three metres or more from the nozzle of the motor;

(i) must be so designed and constructed that it will not be likely to rupture its casing in the event of internal over pressure and any malfunction resulting in internal over pressure should dissipate its force along the longitudinal axis of the motor;

(j) must be designed and constructed so as to be incapable of ignition as a result of a physical shock under conditions that would reasonably be expected to occur during transport, storage or use, or when subjected to a temperature of 80° C or less;

(k) must not be attached to the body of the rocket by glue and must not be an integral part of the model's construction;

(l) means a device that is designed for single use only;

(m) casing must be made of non-metallic material of low thermal conductivity and the temperature of the external surface of the casing must not exceed 200°C during or after operation; and

(n) may be manufactured locally at an explosives manufacturing site or may be imported in accordance with regulation 20.

(3) No person may load or attempt to load a model rocket with a motor consisting of any other propellant or chemical mixture than a model rocket motor as referred to in sub-regulation (2).

(4) *(a)* Model rocketeers are divided into four categories as stipulated in Annexure "X" Part 1 –

(i) junior model rocketeer;

(ii) learner model rocketeer;

(iii) model rocketeer: level 1; and

(iv) model rocketeer: level 2.

(b) A junior model rocketeer may only use model rocket motors up to class C type.

(c) Learner model rocketeers may only use rocket motors up to class E type.

(d) No person under the age of 16 years may use a rocket motor greater than a class E type.

(e) The launch of a model rocket by a junior or learner model rocketeer must be conducted under the supervision of a competent person or a range safety officer.

(f) A range safety officer must have successfully completed a range safety officer's course with a recognised body.

(g) The range safety officer must be trained in the safety aspects and be conversant with the launching of rockets at the same or higher level than the class of rocket to be launched; and

(h) A high power rocket range safety officer may take charge of any model rocket launch.

(5) *(a)* Training and certification of model rocketeers must be done in accordance with Annexure "X" Part 1.

(b) No person may allow any person under the age of 16 years to use any rocket motor or igniter except under the direct supervision of a competent person or range safety officer.

(c) A model rocketeer: level 1 under the age of 16 years, may carry out his or her own charging, arming and launching of model rockets under the general supervision of a competent person or range safety officer.

(d) A junior or learner model rocketeer may carry out his or her own charging, arming and launching of model rockets under the direct and constant supervision of a competent person, a range safety officer, a model rocketeer: level 2 or high power rocketeer, who is at least 18 years of age.

(6) A launching site for a model rocket must comply with the following:

(a) There must be a launch pad on which a launch device is placed and which is cleared of all combustible vegetation and materials for a distance of not less than five metres from the launch device.

(b) The minimum launch site dimensions as specified in Annexure "X" Part 2 must be adhered to.

(c) There must be no buildings, public roads or railways within 100 metres of the launch pad.

(d) The launch pad may not be closer than –

(i) one kilometre from any airport or heliport;

(ii) one kilometre from any explosives manufacturing site, explosives magazine, fuel depot and gasometer;

(iii) 500 metres from any fuel filling station, retail premises where liquefied petroleum gas (LPG) containers are filled, industrial premises, animal shelter or an SAPS Community Service Centre; or

(iv) 100 metres from any residential premises.

(e) The site must be clear of any overhead power lines, telephone lines and obstructive trees.

(7) Model rocket motors and igniters for personal use may be stored on any premises without a magazine licence subject to the following:

(a) the total net explosive quantity of five kilograms of rocket motors and motor reloading kits may not be exceeded;

(b) a maximum of 20 loose igniters may be stored;

(c) articles must be stored in its original packaging; and

(d) reasonable precautions are taken to prevent theft or unauthorised access to the rocket motors and igniters.

High power rockets

98. (1) A high power rocket is any rocket, with a total impulse exceeding 160 Newton-seconds, but less than 40 960.01 Newton-seconds that has been designed for hobby or sport use and must –

(a) be constructed from one or more materials including paper, wood, plastic, phenolic resin, fiberglass, carbon fibre, other composite materials and/or alternative lightweight materials as may be available;

(b) be constructed in such a manner and with suitable materials to withstand the operating stresses and retain structural integrity under conditions expected or known to be encountered in flight;

;

(c) be propelled by means of a high power rocket motor;

(d) be designed and constructed to include surfaces that will provide aerodynamic stabilising forces necessary to maintain a substantially true and predictable flight path;

(e) be capable of more than a single flight;

(f) include a suitable recovery device such as a parachute or streamer so that the structure is not substantially damaged upon landing; and damaged upon landing; and

(g) be operated in line with the relevant safety code(s) of a recognised body.

(2) A high power rocket motor –

(a) means a solid fuel motor manufactured to a specific standard, which is authorised as an explosive by the Chief Inspector and which is ready for use;

(b) may only use solid fuels authorised by the Chief Inspector which –

(i) consist of an ingredient or a mixture of ingredients that have been loaded into the casing in a manner that ensures that it cannot easily be removed or tampered with; or

(ii) consist of one or more solid fuel grains that are designed to be inserted into a reloadable motor casing following the instructions of the manufacturer;

(c) has an installed total impulse greater than 160 Newton-seconds, but less than 40 960.01 Newton-seconds;

(d) is classified as a Hazard Division 1.3 or 1.4 article as defined in Annexure "A";

(e) may only be ignited electrically or via suitable electronic ignition circuit;

(f) must not expel from its nozzle pieces of any burning propellant and must be incapable of igniting a piece of paper or dry grass at a distance of five metres or more from the nozzle of the motor;

(g) must be so designed and constructed that it will not be likely to rupture its casing in the event of internal over-pressure and any malfunction resulting in internal over pressure should dissipate its force along the longitudinal axis of the motor;

(h) must be so designed and constructed as to be incapable of ignition as a result of a physical shock under conditions that would reasonably be expected to occur during shipment, storage or use, or when subjected to a temperature of 80° C or less;

(i) must not be attached to the body of the rocket by an adhesive and must not be an integral part of the construction;

(j) casing may include the use of machined aluminium or alternative suitable material to withstand the operating stresses and retain structural integrity of the motor;

(k) may be manufactured locally at an explosives manufacturing site or may be imported in accordance with regulation 20.

(3) *(a)* High power rocket motors and igniters may only be sold to persons authorised with the Chief Inspector and on production of high power rocket permit.

(b) Supply of high power rocket motors must be recorded in a dealer's register in accordance with Annexure "Q" Part 1 Form J2 and include the permit number.

(c) All high power rocketeers must be in possession of a permit authorising the possession of high power rocket motors and igniters.

(4) *(a)* High power rocketeers are divided into three categories as stipulated in Annexure "X" Part 1 –

(i) high power rocketeer: level 1;

(ii) high power rocketeer: level 2; and

(iii) high power rocketeer: level 3.

(b) Every launch of a high power rocket must be done under the supervision of a high power range safety officer.

(c) A high power range safety officer must have successfully completed a relevant high power range safety officer's course with a recognised body.

(d) A high power range safety officer must be trained in the safety aspects and be conversant with the launching of rockets at the same or higher level than the class of rocket motor to be launched.

(5) Only persons authorised with the Chief Inspector and who are in possession of a high power rocket permit may acquire, transport, store or use high power rocket motors and persons who wish to become high power rocketeers must –

(a) comply with the requirements of Annexure "X" Part 1;

(b) be at least 18 years of age; and

(c) submit proof of competency certification by a recognised body.

(6) A launch site for a high power rocket must comply with the following:

(a) Launch site dimensions and safety distances as specified in Annexure "X" Part 2;

(b) there must be a launch pad on which a launch device is placed and which is cleared of all combustible vegetation and materials for a distance of not less than 10 metres from the launch device;

(c) there must be no buildings, public roads or railways within 300 metres of the launch pad;

(d) the site may not be closer than –

(i) five kilometres from any airport or heliport for high power rockets with a total installed power not exceeding 1 280 Newton-seconds;

(ii) 15 kilometres from any airport or heliport for high power rockets with a total installed power exceeding 5 120 Newton-seconds;

(ii) five kilometres from any explosives manufacturing site, explosives magazine, fuel depot, fuel filling station, gasometer, retail premises where liquefied petroleum gas (LPG) containers are filled, industrial premises, animal shelter or an SAPS Community Service Centre; or

(iv) three kilometres from any residential premises; and

(e) The launch area must be clear of any overhead power lines, telephone lines and obstructive trees.

(7) The person(s) responsible for the launch of a high power rocket, a range safety officer, or the organisers of an event under the control of a recognised body, must ensure that approval for airspace use is obtained from the relevant authorities, where the ceiling height of a launch is expected to exceed 1 000 metres.

(8) High power rocket motors and igniters for personal use may be stored on any premises without a magazine licence subject to the following:

(a) the total net explosive quantity of five kilograms of rocket motors and motor reloading kits may not be exceeded;

(b) a maximum of 20 loose igniters may be stored;

(c) articles must be stored in its original packaging; and

(d) reasonable precautions are taken to prevent theft or unauthorised access to the rocket motors and igniters.

CHAPTER 18

AMMONIUM NITRATE

Packaging and marking

99. (1) Unless transported and stored in bulk, ammonium nitrate and ammonium nitrate emulsions, gels and suspensions intermediate for blasting, must be packaged and marked in accordance with the specifications of SANS 10229 and SANS 10233.

(2) Vehicles transporting ammonium nitrate and ammonium nitrate emulsions, gels and suspensions intermediate for blasting, in bulk, must be marked in accordance with SANS 10232-1.

Ammonium nitrate only supplied to authorised persons

100. (1) No person may supply to, or acquire ammonium nitrate from any person except in terms of a transport permit, issued in terms of regulations 26 and 27.

(2) Any person who intends to deal in ammonium nitrate must comply with regulation 3 and apply to the Chief Inspector for a dealer's licence issued in terms of section 13(1) of the Act.

(3) The application for a licence to deal in ammonium nitrate referred to in subregulation (2) must be done on the form as contained in Annexure "N".

(4) Any person who intends to obtain, transport, import, export, possess, store or use ammonium nitrate, must comply with regulation 3.

Transport by rail

101. (1) Ammonium nitrate transported by rail in accordance with the requirements of this chapter, is exempt from the requirements of regulations 29(9), 29(10) and 29(13) of these regulations, but must be transported in accordance with SANS 10405.

(2) When packaged in accordance with regulation 99(1), ammonium nitrate may be transported by rail provided that –

(a) in open rail wagons, it must be covered;

(b) in enclosed rail wagons, an open space of not less than 500 millimetres is maintained above the load;

(c) any damaged bags must immediately be placed in over-bags, of which a sufficient quantity must be supplied by the consignor; and

(d) it is transported in accordance with these regulations.

(3) Bulk ammonium nitrate must be transported in accordance with SANS 10405 and in a specially constructed tank provided that -

(a) the design of the tank is approved by the Railway Safety Regulator in consultation with the Chief Inspector;

(b) the tank is exclusively used for the purpose of transporting ammonium nitrate; and

(c) the tank is not filled to more than 90% of its volume.

(4) Any bulk handling equipment must be constructed and protected in such a way that it is highly unlikely to leak and all reasonable precautions must be taken to prevent the contamination of ammonium nitrate through spillage of any fuel or lubricant.

Transport by road

102. (1) When transported in accordance with the exempt quantities of Annexure “F”, ammonium nitrate are exempt from the requirements of regulation 30(1) provided that all due precautions are taken to prevent theft thereof.

(2) Subject to subregulation (1), ammonium nitrate may only be transported in a vehicle licensed in terms of regulation 30(1) provided that no wood, hardboard or other combustible material may be used inside the cargo containment area and no combustible material, organic or otherwise, may be transported with ammonium nitrate.

(3) Bulk ammonium nitrate, whether packaged or not, may only be transported by road in accordance with the relevant South African National Standards provided that there is proper access to the cargo containment area, and handling equipment of sufficient capacity necessary for easy loading and unloading is available.

(4) Any bulk handling equipment must be constructed and protected in such a way that it is highly unlikely to leak and all reasonable precautions must be taken to prevent the contamination of ammonium nitrate through spillage of any fuel or lubricant.

(5) The following South African National Standards are applicable to the conveyance of ammonium nitrate by road:

(a) SANS 1157;

(b) SANS 1518;

(c) SANS 10231;

(d) SANS 10232-1;

(e) SANS 10232-4; and

(f) SANS 10187.

Storage of ammonium nitrate

103. (1) Subject to subregulation (2)*(a),* ammonium nitrate may be stored only on a premises and in a facility licensed in terms of section 12(2) of the Act.

(2) The storage of ammonium nitrate must conform to industry best practices and standards as listed in Annexure "R" Part 6.

(3) *(a)* Ammonium nitrate in a quantity not exceeding 200 kilograms net mass and packed in accordance with regulation 99(1) may be stored on any premises provided that –

(i) the owner of the ammonium nitrate must ensure that no unauthorised persons have access thereto;

(ii) no smoking is permitted within five metres of the ammonium nitrate; and

(iii) no combustible material may be kept within five metres from the ammonium nitrate except where the ammonium nitrate is stored in properly closed glass bottles.

(4) Ammonium nitrate may be stored in specially constructed stores or silos, and when kept in silos, must conform to SANS 310 and industry best practices.

(5) Ammonium nitrate magazines must be constructed in accordance with regulation 31(3).

(6) Prescripts for the storage of ammonium nitrate not provided for in terms of these regulations must be obtained from the Chief Inspector.

(7) A register must be kept as prescribed in Annexure "Q" Part 1 Form F.

Application to erect storage facility

104. (1) Any person who intends to erect an ammonium nitrate store, silo or tank in terms of regulation 103(1), must apply for permission to the Chief Inspector on the form prescribed in –

(a) Annexure "S" Form A for intended facilities which are still to be constructed; and

(b) Annexure “S” Form B for existing or previously licensed facilities.

(2) The construction of the ammonium nitrate storage facility is determined by the quantities involved and the method of packaging of the ammonium nitrate.

(3) The quantity distance formulas mentioned in the best practice guides and standards referred to in regulation 103(2) must be utilised to determine the separation distances to be maintained and for this purpose, layout plans to the scale of either 1:500, 1:1 000, 1:2 000; 1:2 500 or 1:5 000, showing the position of the structure in relation to other structures, must be submitted, but the maximum permissible over pressure calculated, may not exceed 14 Kpa.

(4) The structure used for the storage of ammonium nitrate must be situated within a fenced security area and the fence must be constructed in accordance with Annexure “H”.

(5) Where ammonium nitrate is used for manufacturing blasting explosives at a place other than an explosives manufacturing site, the structure used for the storage of ammonium nitrate may be erected in the explosives magazine area provided that the explosives magazine separation distances, specified in Annexure “G”, are complied with.

(6) *(a)* The applicant must inform the inspector immediately after the completion of an ammonium nitrate storage facility.

(b) The ammonium nitrate storage facility referred to in subregulation (1) may not be used before a licence is issued in terms of section 12(2) of the Act.

Maintenance of storage facility

105. (1) The manager of a juristic person or representative, or the person to whom a licence is issued in terms of section 12(2) of the Act must ensure that at all times the structure, including the drainage system and fence, is kept in a condition determined by an inspector and that the lightning protection system is maintained in accordance with SANS 10313.

(2) *(a)* Any bulk handling equipment must be constructed and protected in such a way that it is highly unlikely to leak and all reasonable precautions must be taken to prevent the contamination of ammonium nitrate through spillage of any fuel or lubricant.

(b) Any spillage referred to in paragraph *(a)* must be cleaned immediately and the used cleaning material must be removed from the premises for disposal.

(3) Solidified ammonium nitrate may only be broken up by mechanical means.

CHAPTER 19

TERTIARY EDUCATIONAL INSTITUTIONS AND LABORATORIES

Tertiary educational institutions

106. (1) A written application to manufacture explosives in terms of section 14(2)*(a)* or 14(4)*(c)* of the Act must be made to the Chief Inspector by the departmental head of a tertiary educational institution and must contain the information required in terms of regulation 3 as well as the following additional information:

(a) The location and description of the specific building and laboratory or laboratories where the explosives are to be manufactured, including a floor plan;

(b) the type and quantities of explosives to be manufactured;

(c) the restrictions to be placed on the number of persons present –

(i) during the manufacturing of explosives; and

(ii) while the explosives are kept in a specific laboratory;

(d) the details of safety precautions to be taken;

(e) where storage is required, the maximum period for which and the place where the explosives are to be stored;

(f) the safe methods of disposing of the explosives;

(g) the security measures to be taken to prevent any unauthorised entry by persons to explosives manufactured and stored on the premises of the institution;

(h) the reasons for manufacturing the explosives; and

(i) a letter from the head of the institution consenting to the application.

(2) Explosives, other than those synthesized in terms of subregulation (1)*(b)*, may only be stored in accordance with chapter 9.

(3) A written application for a magazine licence in terms of section 12(2) of the Act, must be submitted on the form prescribed in Annexure “S” Form B.

Laboratories

107. (1) A written application to manufacture explosives in terms of section 14(2)*(a)* or 14(4)*(d)* of the Act, must be made by the manager of the laboratory, to the Chief Inspector and must contain the information required in terms of regulation 3 as well as the following information:

(a) the name under which the laboratory will operate;

(b) proof of a tertiary qualification in chemistry for the scientist in charge of the manufacture of explosives;

(c) the nature of the work carried out in the laboratory; and

(d) the information required in regulation 106(1)*(a)* to *(i)*.

(2) Explosives, other than those synthesized in terms of regulation 106(1)*(b)*, may only be stored in accordance with chapter 9.

(3) A written application for a magazine licence in terms of section 12(2) of the Act, must be submitted on the form prescribed in Annexure "S" Form B.

Inspection of tertiary educational institutions and registered laboratories

108. (1) Before the Chief Inspector considers the applications referred to in regulations 106 and 107, the applicant must arrange with the inspector for an inspection of the premises to determine its suitability with regards to safety and security.

(2) The Chief Inspector, an inspector or an official of the Forensic Science Laboratory of the South African Police Service, designated by the Chief Inspector, may inspect a tertiary educational institution or laboratory referred to in regulations 106 and 107 at any reasonable time.

CHAPTER 20

MISCELLANEOUS REGULATIONS

Training providers and authorisation of training material

109. (1) Any person who wishes to conduct any training related to explosives for persons who intends to be authorised in terms of these regulations, must comply with the prescripts of the National Qualifications Framework Act, 2008 (Act No 67 of 2008).

(2) *(a)* All such persons referred to in subregulation (1) must be authorised in accordance with regulation 3.

(b) An electronic copy of the training material must be submitted to the Chief Inspector including all relevant annexures and applicable forms.

(3) Proof of registration with SAQA of the training provider must be submitted to the Chief Inspector before any such training may be conducted.

(4) Any amendments to such training material, annexures or forms referred to in subregulation (1)*(b)* must be submitted to and approved by the Chief Inspector prior to use.

(5) The Chief Inspector may convene a panel of industry experts to evaluate and approve the material and proof of registration mentioned in subregulations (2)*(b)* and (3).

Ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000)

Dealers in ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000)

110. (1) Ammunition, cartridges and articles designed to be used in or fired from devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000), that contain any explosive, propellant, primer or pyrotechnic substances and that are not covered elsewhere in these regulations, may only be imported, exported, transshipped, sold and transported under a permit issued by the Chief Inspector.

(2) Any person who intends to deal in ammunition, cartridges or articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000, must comply with regulation 3 and apply to the Chief Inspector for a dealer's licence issued in terms of section 13(1) of the Act.

(3) The application for a licence to deal in ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000, must be done on the form as referred to in Annexure "N".

(4) A dealer in ammunition, cartridges or articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000, may supply such ammunition, cartridges or articles to any user, institution or organisation on condition that a sales register is kept in a format specified in Annexure "Q" Part 1 Form D.

(5) The sale of quantities in excess of 30 units may only be done under the authority of a permit issued by an inspector.

(6) When transported in quantities specified in Annexure "F", such ammunition, cartridges or articles are exempt from the requirements of regulation 30(1), provided that all due precautions are taken to prevent theft thereof and that such ammunition, cartridges or articles are kept in the original packaging or in specially constructed receptacles as specified in Annexure "E" Part 2.

(7) A dealer in such ammunition, cartridges or articles must comply with all the requirements of chapter 10 of these regulations.

(8) Ammunition, cartridges or articles mentioned in subregulation (1) may only be stored in in safe or strongroom as specified in Annexure R Part 7*(a)* and *(b)*, and in accordance with chapter 8.

(9) Disposal of ammunition, cartridges and articles mentioned in subregulation (1) may only be conducted by a person authorised with the Chief Inspector and in accordance with regulation 7.

Users of ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000)

111. (1) Any person who intends to obtain ammunition, cartridges or articles designed to be used in or fired from devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000) may only obtain such ammunition, cartridges or articles from a dealer licensed in terms of section 13(1) of the Act.

(2) A person obtaining ammunition, cartridges or articles in terms of subregulation (1) must furnish information required in Annexure “Q” Part 1 Form D, to the dealer or person representing the dealer.

(3) A person who intends to obtain, transport or keep 30 units or less of such ammunition, cartridges or articles for personal use at any one time, does not require any permit or authorisation in terms of these regulations.

(4) Ammunition, cartridges or articles stored in a dwelling must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorised by the user.

(5) Regular users, institutions and organisations requiring such ammunition, cartridges or articles for use in their daily business must be authorised as users of such in accordance with regulation 3.

(6) Regular users referred to in subregulation (5) who intend to store ammunition, cartridges and articles on business premises must apply in writing to the Chief Inspector for a magazine licence in terms of section 12(2) of the Act, on Annexure ”S” Form B.

(7) Regular users, institutions and organisations mentioned in subregulation (5) must –

(a) ensure that all persons tasked with the use of such devices are properly trained;

(b) keep a register of the issue of such ammunition, cartridges and articles as specified in Annexure “Q” Part 1 Form G;

(c) ensure that all such ammunition, cartridges and articles are stored in a safe or strongroom as specified in Annexure R Part 7*(a)* and *(b),* and licensed by the Chief Inspector; and

(d) take all reasonable precautions against unauthorised access or theft of such ammunition, cartridges and articles.

(8) Quantities exceeding 250 kilograms net mass must be stored in an approved outdoor explosives magazine constructed in accordance with chapter 8.

(9) When transported in quantities specified in Annexure “F”, such ammunition, cartridges or articles are exempt from the requirements of regulation 30(1), provided that all due precautions are taken to prevent theft thereof and that such ammunition, cartridges or articles are kept in the original packaging or in specially constructed receptacles as specified in Annexure “E" Part 2.

(10) Redundant or expired ammunition, cartridges or articles must be returned to the dealer from whom they were procured for disposal if no other safe and suitable means of disposal is available.

Safety devices

Dealers in safety devices

112. (1) Any person who intends to deal in safety devices, must comply with regulation 3 and apply to the Chief Inspector for a dealer’s licence issued in terms of section 13(1) of the Act.

(2) The application for a licence to deal in safety devices must be done on the form as referred to in Annexure “N”.

(3) The safety devices referred to in subregulation (1) must be kept in a safe, strongroom or other storage facility as specified in Annexure R Part 8.

(4) A dealer in safety devices must comply with all the requirements of chapter 10 of these regulations.

(5) A dealer in safety devices may supply such devices to any installer on condition that a sales register is kept in a format specified in Annexure “Q” Part 1 Form I1.

(6) The sale of quantities in excess of 20 units may only be done under the authority of a permit issued by an inspector.

Installers of safety devices

113. (1) Any person who intends to acquire more than a combined total of 20 units of safety devices for installation in any vehicle, aircraft or vessel must:

(a) comply with regulation 3;

(b) apply to the Chief Inspector, in accordance with subregulation (1), for a permit to import, export, transship, acquire, transport and store such safety devices;

(c) apply in writing to the Chief Inspector for a magazine licence in terms of section 12(2) of the Act, on Annexure ”S” Form B.

(d) ensure that all safety devices are stored in a storage facility as specified in Annexure R Part 8;

(e) keep a register as specified in Annexure “Q” Part 1 Form I2; and

(f) issue safety devices only to persons who are trained to install such devices according to the manufacturer’s instructions.

(2) Installers of airbags must comply with the requirements of ARP 065 and ARP 068.

(3) Installers who keep no more than 20 safety devices on a business premises must ensure that such devices are stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorised by the user.

Railway track signals

Acquisition, transport, storage and distribution of railway track signals

114. (1) A train operator or contractor who intends to acquire, transport, store and distribute railway track signals for use by its employees, must apply to the Chief Inspector for a permit in terms of section 10 of the Act.

(2) The application must in addition to the information required in terms of regulation 3, also include the following –

(a) application for a magazine licence in terms of section 12(2) of the Act, on Annexure ”S” Form B; and

(b) application for a continuous transport permit from the supplier to place of storage on the form as referred to in Annexure “D” Form B.

(3) Railway track signals must be stored in its original outer packaging in a safe or strongroom as specified in Annexure R Part 7*(a)* and *(b)* or other approved storage facility on the licensed premises.

(4) The responsible person of every distribution depot from where railway track signals are distributed, must appoint a person, in writing, who will be accountable for the safe keeping, issuing and receiving of the railway track signals.

(5) Unused railway track signals must be returned in the original inner packaging, stored in the storage facility referred to in subregulation (3) in a similar outer packaging and where such outer packaging is no longer available, in a receptacle as provided for in Annexure “E” Part 2.

(6) The person referred to in subregulation (3) must keep a register as specified in Annexure “Q” Part 1 Form H1.

Use of railway track signals

115. (1) *(a)* The manager, supervisor or station master of every place where railway track signals are issued for possible use, must appoint a person, in writing, who will be responsible for the safe keeping, issuing and receiving of the railway track signals.

(b) The manager or supervisor referred to in paragraph *(a)* may be appointed as the responsible person as prescribed in regulation 3(3)*(a)*.

(c) The appointed person referred to in paragraph *(a)* must keep registers as specified in Annexure “Q”, Part 1, Form H2 and (3), in which full particulars of all issues and receipts of railway track signals are recorded.

(2) Railway track signals kept on the premises for issuing must be be stored in its original packaging in a safe or strongroom as specified in Annexure R Part 7*(a)* and *(b)* or other storage facility on the licensed premises as approved by the Chief Inspector.

(3) Not more than 30 railway track signals in its original inner packaging may be issued to a person employed by the train operator.

(4) Railway track signals may only be issued to persons who have received training in the safe use of the railway track signals.

(5) A person to whom railway track signals are issued in terms of subregulation (3) must –

(a) be in possession of a valid identity card issued by the train operator authorising him or her to be in possession of railway track signals;

(b) take reasonable measures to safeguard the railway track signals issued to him or her against theft or unauthorised use;

(c) keep the railway track signals in a safe, dry place;

(d) return any expired, damaged or deteriorated railway track signals to the person referred to in subregulation (1)*(a)*; and

(e) only use it for the purpose as specified by the manufacturer.

Transport of railway track signals

116. (1) A person who is authorised to be in control or possession of railway track signals as referred to in regulations 114(4), 115(1) or 115(3), is exempt from a transport permit required by regulation 27(1) or from a vehicle licence required by regulation 30(1), for the quantities specified in Annexure "F".

(2) Any misfires or malfunctioning of railway track signals must immediately be reported to the inspector.

Pyrotechnic signals

Dealers in pyrotechnic signals

117. (1) Any person who intends to deal in pyrotechnic signals, must apply to the Chief Inspector for a dealer's licence issued in terms of section 13(1) of the Act.

(2) The application for a licence to deal in pyrotechnic signals must be done on the form as referred to in Annexure "N".

(3) Pyrotechnic signals, other than those in Hazard Division 1.1, in its original packaging as received from the supplier, may be stored in quantities not exceeding 250 kilograms net mass, in a safe or strongroom as specified in Annexure R Part 7*(a)* and *(b)* or other approved storage facility on the licensed premises.

(4) Any pyrotechnic signals in Hazard Division 1.1 must be stored in accordance with chapter 9.

(5) A dealer may supply approved pyrotechnic signals to users such as ship and boat owners, outdoor enthusiasts, mountaineers and hikers, on condition that a sales register is kept in a format specified in Annexure "Q" Part 1 Form D.

(6) A dealer must accept the return of pyrotechnic signals sold by them that have expired, for safe disposal in terms of these regulations.

Use of pyrotechnic signals

118. (1) No permit is required by persons referred to in regulation 117(5) to purchase, possess, store and use pyrotechnic signals, but the following must be complied with –

(a) it may only be obtained from dealers licensed in terms of section 13(1) of the Act;

(b) details such as identity number, full names, physical address and intended purpose of use must be stated in the register kept in terms of regulation 117(5);

(c) the identity document of the person procuring the signals must be produced before the dealer may conclude the sale; and

(d) only pyrotechnic signals free from any visible defects, and within the shelf-life date, may be used.

(2) Pyrotechnic signals may only be used in accordance with the manufacturer's specifications.

(3) No pyrotechnic signal may be used for any fireworks display, stage effects or special effects without a permit issued in terms of section 15(1)*(a).*

(4) Pyrotechnic signals stored in a dwelling must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorised by the user.

(5) Pyrotechnic signals of which the shelf-life have expired must be returned to the supplier where it was purchased or must be disposed of in accordance with regulation 7.

Inert, replica or deactivated and imitation explosives

119. (1) In the interests of safety and security, any person who intends to possess, use, manufacture, transport, import or export inert, replica, deactivated or imitation explosives, must be authorised with the Chief Inspector and must have a permit.

(2) Application for a permit referred to in subregulation (1) must be done in accordance with regulation 3 and accompanied with the following additional information:

(a) proof of origin of the inert, replica, deactivated or imitation explosives;

(b) detailed description and photographs thereof;

(c) any applicable research to support the application;

(d) the purpose for which the inert, replica or deactivated explosives is required; and

(e) a written declaration from a competent person stating that the inert, replica, deactivated or imitation article is free from explosives.

(3) After the application is received the inspector may inspect the premises where the inert, replica, deactivated or imitation explosives will be kept to determine the suitability thereof with regards to safety and security, as well as the inert, replica, deactivated or imitation explosives to ensure it is free from explosives.

(4) Inert, replica, deactivated or imitation explosives which are manufactured as movie props must be marked and a register shall be kept, in accordance with regulation 6(1), with regards to their usage and disposal.

(5) An inspector may inspect the premises and the inert, replica, deactivated or imitation explosives at a reasonable time.

(6) The Chief Inspector may refuse the issuing of the permit and the applicant must forfeit the inert, replica, deactivated or imitation explosives by handing it to an inspector.

(7) This regulation is not applicable to any process considered to be part of a manufacturing process of live ordnance or inert components of such live ordnance.

Rock breaking cartridges (RBC)

120. (1) Any person who intends to use rock breaking cartridges, including booster cartridges, must comply with the provisions of chapter 11.

(2) Rock breaking cartridges may only be used in accordance with the provisions of chapter 11, except for regulations 44, 53(1), 53(6), 54(8)*(a)*, 54(9), 54(11)*(a)*(i), (ii) and (iii), 54(12), 54(13), 54(14), 57(3)*(b)* and 58, which do not apply.

(3) Any person who intends to store rock breaking cartridges in limited quantities as referred to in subregulation (4), must apply in writing to the Chief Inspector for a magazine licence in terms of section 12(2) of the Act, on Annexure ”S” Form B.

(4) Rock breaking cartridges, classified as Class 1.4S articles, may be stored in accordance with the prescripts of regulation 31(5) in maximum quantities as follows –

(a) 250 kilograms net mass on a business premises; or

(b) 1 500 kilograms net mass on a construction site, industrial premises or mine

and must comply with the prescripts of chapter 9.

(5) Application to store more than 1 500 kilograms rock breaking cartridges or rock breaking cartridges not classified as 1.4S, must be submitted in terms of chapter 8.

(6) Rock breaking cartridges classified as Class 1.4S articles may only be transported in accordance with the provisions of chapter 7, except for regulation 30(1), which does not apply if transported in limited quantities as provided for in Annexure “F”.

(7) Rock breaking cartridges must be destroyed in accordance with regulation 7.

Chlorates and perchlorates

121. (1) The provisions of these regulations pertaining to the packaging, marking, supply, importation, acquisition and transport of ammonium nitrate are applicable to chlorates and perchlorates, with the necessary changes.

(2) Storage facilities for chlorates and perchlorates shall be in accordance with Annexure “R” Part 6.

Security, loss and discovery of explosives

Security of explosives

122. (1) Any person who has explosives under his or her control, or who handles or uses explosives, must be a suitable person as defined in section 1 and the control thereof includes the holder of the key or combination to a licensed storage facility or receptacle as referred to in Annexure “E” Part 2.

(2) All persons referred to in subregulation (1) must safeguard such explosives and may only relinquish control to another suitable person.

(3) A responsible person as referred to in regulation 3 must ensure that all explosives are at all times under the control of a suitable person when not secured in a magazine and must ensure that the key holder of the magazine is a suitable person.

(4) The driver of a vehicle carrying explosives must be a suitable person.

(5) Any person who has explosives under his or her control shall adopt, implement and comply with a security plan that addresses at least the following elements:

(a) specific allocation of responsibilities for security to competent and qualified persons with appropriate authority to carry out their responsibilities;

(b) records of explosives and regulated substances manufactured, imported, exported, transshiped, received, used, supplied, transported or destroyed;

(c) review of current operations and assessment of vulnerabilities, including inter-modal transfer, temporary transit storage, handling and distribution as appropriate;

(d) clear statements of measures, including training, policies (including response to higher threat conditions, new employee/employment verification etc), operating practices (eg choice/use of routes where known, access to explosives and regulated substances in temporary storage, proximity to vulnerable infrastructure etc), equipment and resources that are to be used to reduce security risks;

(e) effective and up to date procedures for reporting and dealing with security threats, breaches of security or security incidents;

(f) procedures for the evaluation and testing of security plans and procedures for periodic review and update of the plans;

(g) measures to ensure the security of the information contained in the plan; and

(h) measures to ensure that the distribution of the information is limited as far as possible.

(6) *(a)* A manufacturer of blasting explosives must, as soon as is practicable after manufacture and before such explosives are removed from the site where it is manufactured, mark each blasting explosive article with a unique identification in accordance with Annexure “Z” Part 1 by means of the following;

(i) a label;

(ii) direct printing; or

(iii) a passive inert electronic tag or related tag.

(b) The unique identification must –

(i) include the components as described in Annexure “Z” Part 1; and

(ii) be marked on or firmly affixed to the blasting explosive article in such a way so as to ensure that it is durable and clearly legible.

(c) Subparagraph *(a)* does not apply where the blasting explosives are manufactured for export and are marked with identification in accordance with the requirements of the importing country for allowing traceability of such blasting explosives.

(d) Subject to subparagrapgh *(e)* an importer of blasting explosives into the Republic must, as soon as is practicable after import and before further distribution, mark each blasting explosive article with a unique identification in accordance with Annexure "Z" Part 1 by means of the following;

(i) a label;

(ii) direct printing; or

(iii) a passive inert electronic tag or related tag.

(e) Subparagraph *(d)* does not apply where the blasting explosive articles are marked with a unique identification before importation.

(7) Manufacturers, importers, dealers and users of blasting explosives shall ensure that equipment and associated technology which are able to generate, scan, interpret, store and retrieve data relevant to the unique identification as contemplated in subregulation (6) on blasting explosive articles, inner packaging, outer packaging, pallets and other related means of containment, are available, used and maintained to enhance the tracking and tracing of such blasting explosives.

(8) The responsible person of each manufacturer, importer, dealer and user shall ensure that information pertaining to the tracking and tracing of blasting explosives are readily available upon request by the Chief Inspector or an inspector.

Loss of explosives

123. (1) Should the whereabouts of explosives under the control of a person referred to in 122(1) become unknown, this must, in terms of section 10(4)*(a)*, as soon as reasonably possible but within 24 hours of the whereabouts becoming unknown, be reported to an inspector telephonically and the form contained in Annexure "Z" Form A completed and forwarded to the inspector.

(2) All such losses must be reported to an SAPS Community Service Centre within 24 hours and the crime administration system number submitted to the inspector.

(3) After such loss has been reported, an inspector may take such steps as he or she deems necessary to secure the remaining or other explosives under the control of the person referred to in subregulation (1) which may include –

(a) the suspension of the licence, permit or other authority in terms of regulation 5;

(b) instructing the placement of guards where suitable storage is not available; or

(c) confiscating the explosives

and the costs thereof shall be borne by the owner of such explosives.

Discovery of explosives

124. (1) Any person who discovers explosives or who comes to know of the whereabouts of explosives must immediately report such whereabouts to the nearest SAPS Community Service Centre.

(2) A blaster who discovers explosives at a blast site which were not part of his or her blasting operations must immediately report the discovery to an inspector.

Negligent handling or handling of explosives whilst under the influence of liquor or any intoxicating substance

125. (1) No person may, whilst under the influence of liquor or other intoxicating substance, be in possession or control of explosives.

(2) Any person suspected of being under the influence or in possession of liquor or other intoxicating substance whilst handling or in control of explosives must immediately be relieved of his or her duties and such incident must be reported to the nearest SAPS Community Service Centre and the inspector.

(a) Any police official may take the necessary steps in terms of section 9(1) to establish whether an offence has been committed in terms of section 30(1)*(e)*; and

(b) The results of any steps taken must be reported to the inspector.

(3) Any person who handles explosives in a negligent manner which threatens or is likely to threaten the safety or security of any person must be reported to the nearest SAPS Community Service Centre or the inspector, by the person observing such negligence.

(4) Any explosives in relation to the incident referred to in subregulation (1) or (2) must be –

(a) taken control of by a person authorised to be in possession of such explosives in terms of these regulations; or

(b) disposed of as instructed by the inspector if no such authorised person is available.

Special provisions

126. (1) Any authorised explosives for which provision is not made in these regulations, may only be used, transported or stored in such a manner and under such conditions as may be determined, in writing, by the Chief Inspector.

(2) The Minister may promulgate any South African National Standard, not provided for in these regulations, and which shall be considered, by notice in the Gazette, to form part of these regulations.

CHAPTER 21

OFFENCES, PENALTIES, SHORT TITLE AND COMMENCEMENT

Offences

127. (1) It is an offence to contravene or fail to comply with –

(a) any provision of these regulations;

(b) any condition of a licence, permit, authorisation, written permission, certificate or requirement of a notice issued or granted by or under these regulations.

(2) It is an offence to –

(a) wilfully submit any false information in any application for any licence, permit, authorisation, written permission or certificate in terms of these regulations;

(b) wilfully enter any false information in any register or record which must be kept in terms of these regulations;

(c) fail to keep any register, record or statistics, or fail to submit such statistics required in terms of these regulations to the Chief Inspector;

(d) manufacture, acquire, transport, store, use, handle or dispose of explosives, or allows a person to manufacture, acquire, transport, store, use, handle or dispose of explosives, as referred to in any of these regulations, while under the influence or suspected to be, or in possession of liquor or any intoxicating substances; or

(e) wilfully perform any action at or near explosives that endangers the safety or security of persons or property.

Penalties

128. (1) A person who fails to comply with the prohibition, direction, warning or specified period in subregulations 9(1), (2) or (3), will –

(a) be liable to a fine not exceeding R1 000 for every day during which the failure continues to a maximum of R60 000 if convicted in a Magistrate's court and a maximum of R300 000 if convicted in a Regional court; or

(b) for a second or subsequent contravention or non-compliance, be liable to a fine not exceeding R10 000 for every day during which the failure continues to a maximum of R60 000 if convicted in a Magistrate's court and a maximum of R300 000 if convicted in a Regional court.

(2) A person who fails to furnish information or documents in relation to the records that must be kept in terms of the Act to the Chief Inspector or an inspector, when so required within the specified period, will –

(a) be liable to a fine not exceeding R1 000 for every day during which the failure continues to a maximum of R60 000 if convicted in a Magistrate's court and a maximum of R300 000 if convicted in a Regional court; or

(b) for a second or subsequent contravention or non-compliance, be liable to a fine not exceeding R10 000 for every day during which the failure continues to a maximum of R60 000 if convicted in a Magistrate's court and a maximum of R300 000 if convicted in a Regional court.

(3) Any person who contravenes regulation 127(2)*(a)*, or *(b)* shall upon conviction be liable to a fine or imprisonment of five years or to both such fine and imprisonment.

(4) Any person who contravenes regulation 127(2)*(c)*, shall upon conviction be liable to a fine or imprisonment of three years or to both such fine and imprisonment.

(5) Any person who contravenes regulation 127(2)*(d) or (e)*, shall upon conviction be liable to a fine or imprisonment of ten years or to both such fine and imprisonment.

(6) Any person who contravenes or fails to comply with the provisions of any other regulation shall, upon conviction be liable to a fine or imprisonment of five years or to both such fine and imprisonment.

Short title and commencement

129. These regulations are called the Explosives Regulations, 2019, and shall come into operation on the date of commencement of the Explosives Act, 2003.

130. List of annexures

Annexure	SAPS Document Control Number	Form/Part	Description
A	SAPS 587(a)		Classification and compatibility of explosives
B	SAPS 397	Part 1	Methods for the destruction of blasting explosives
	SAPS 397	Part 2	Methods for the disposal of empty explosives packaging
C	SAPS 587(c)		Conditions for acquisition, transport, storage and use of black powder for personal purposes or during public events
	SAPS 587(c)	Form A	Application to acquire, transport, store and use black powder for personal purposes
D	SAPS 408	Form A	Application for blasting and transport permit
	SAPS 408	Form B	Application for transport permit
	SAPS 408	Form C	Application for return transport permit
E	SAPS 392		Specifications for conversion and licensing of vehicles for transportation of explosives by road
	SAPS 409	Form A	Application for approval to convert a vehicle for transportation of explosives by road
	SAPS 398	Form B	Application for vehicle licence to transport explosives by road
F	SAPS 587(f)		Limited quantities of explosives exempt from explosives vehicle licensing requirements for road transport
G	SAPS 587(g)	Part 1	Standard explosives magazine separation distances
	SAPS 587(g)	Part 2	Reduced separation distances for movable explosives magazines
H	SAPS 412		Minimum specifications for fencing of explosives magazines
I	SAPS 399(a)		*Pro forma* certificate of condition for explosives magazines
J	SAPS 587(j)		Application for authorisation of an explosive
K	SAPS 587(k)		List of tests and standards
L	SAPS 587(l)		Explosives authorisation certificate
M	SAPS 587(m)		List of Authorised Explosives
N	SAPS 587(n)		Application for licence to deal in explosives
O	SAPS 587(o)	Part 1	Training and certification of pyrotechnicians
	SAPS 587(o)	Form A	Journal for apprentice pyrotechnician
	SAPS 587(o)	Form B	Application for public fireworks display permit
	SAPS 587(o)	Form C	Application for stage effects permit
	SAPS 587(o)	Form D	Application for special effects permit
	SAPS 587(o)	Part 2	Safe use of consumer fireworks

P	SAPS 587(p)		Requirements for approval of explosives deliveries at mines
Q	SAPS 587(q)	Part 1	Minimum requirements for keeping of registers
	SAPS 587(q)	Form A	Dealer's register for control of smokeless powder
	SAPS 587(q)	Form B	Dealer's register for control of black powder and sources of ignition
	SAPS 587(q)	Form C1	Magazine register: Compatibility Group C, D and E
	SAPS 587(q)	Form C2	Magazine register: Compatibility Group B, G and S
	SAPS 587(q)	Form D	Dealer's register for control of ammunition, cartridges or articles designed to be used in or fired from devices exempted in terms of section5 of the Firearms Control Act, 2000 (Act No 60 of 2000) and pyrotechnic signals
	SAPS 587(q)	Form E	Register for control of wholesale consumer fireworks sales to licensed retail dealers
	SAPS 587(q)	Form F	Magazine register: Ammonium nitrate and chlorates
	SAPS 587(q)	Form G	User's register for control of ammunition, cartridges and articles for use in devices exempted in terms of section 5 of the Firearms Control Act, 2000 (Act No 60 of 2000)
	SAPS 587(q)	Form H1	Register for control of explosive railway track signals at distribution depots
	SAPS 587(q)	Form H2	Register for control of railway track signals at places of use
	SAPS 587(q)	Form H3	Register for control of explosive railway track signals issued for use to employees
	SAPS 587(q)	Form I1	Dealer's register for control of safety devices
	SAPS 587(q)	Form I2	Installer's register for control of safety devices
	SAPS 587(q)	Form J1	Dealer's register for control of model rocket motors and igniters
	SAPS 587(q)	Form J2	Dealer's register for control of high power rocket motors and igniters
	SAPS 587(q)	Part 2	Requirements for keeping of certain forms in support of prescribed registers
	SAPS 587(q)	Form A	Application to purchase smokeless powder for reloading of ammunition
	SAPS 587(q)	Form B	Record of purchase of black powder

R	SAPS 411	Part 1	Specifications for movable steel magazines capable of storing 50 kilograms of explosives
	SAPS 411	Part 2	Specifications for movable steel magazines for the storage of up to 500 kilograms of explosives
	SAPS 411	Part 3	Specifications for movable steel magazines capable of storing between 2 500 and 12 500 kilograms of explosives
	SAPS 411	Part 4	Specifications for explosives magazines built of concrete, stone or brick *(Reserved pending further research and consultation of international standards and best practices)*
	SAPS 411	Part 5	Specifications for the storage of consumer fireworks exceeding 10 000 kilograms
	SAPS 411	Part 6	Industry guidelines and South African National Standards for the storage of ammonium nitrate and chlorates
	SAPS 411	Part 7*(a)*	Specifications for the indoor storage of small quantities of explosives, not exceeding 5 kilograms net mass
	SAPS 411	Part 7*(b)*	Specifications for the indoor storage of explosives greater than 5 kilograms, but not exceeding 20 kilograms net mass
	SAPS 411	Part 8	Specifications for the storage of safety devices
	SAPS 411	Part 9	Specifications for the storage of consumer fireworks for retail and wholesale
S	SAPS 407	Form A	Application for the construction of an explosives magazine
	SAPS 407	Form B	Application for the licensing of an explosives magazine
T	SAPS 587(t)	Part 1	Requirements for appointment as magazine master/ deputy magazine master
	SAPS 587(t)	Part 2	Appointment of magazine master/deputy magazine master
	SAPS 587(t)	Part 3	Appointment of explosives controller/deputy explosives controller
U	SAPS 587(u)	Form A	Daily blasting record required in terms of regulation 52(1)
	SAPS 587(u)	Form B	Blast layout plan
V	SAPS 587(v)	Form A	Application for import permit
	SAPS 587(v)	Form B	Application for export permit
	SAPS 587(v)	Form C	Application for transit permit
	SAPS 587(v)	Part 1	End-user certificate
W	SAPS 587(w)	Part 1	Assessment criteria for authorisation of blasters
	SAPS 587(w)	Part 2	Training and certification of blasters
	SAPS 587(w)	Part 3	Requirements - learner blaster shift records
	SAPS 587(w)	Form A	Learner blaster daily shift record
	SAPS 587(w)	Form B	Learner blaster shift record summary

X	SAPS 587(x)	Part 1	Training and certification of rocketeers
	SAPS 587(x)	Part 2	Minimum rocketry launch site dimensions and safety distances
Y	SAPS 587(y)	Form A	Change of Information: Person particulars
	SAPS 587(y)	Form B	Change of Information: Company particulars
Z	SAPS 587(z)	Part 1	Compulsory identification and marking of blasting explosives
	SAPS 587(z)	Form A	Loss of explosives