



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

THE EXPLOSIVES ORDINANCE 1984

CHAPTER C.4

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Explosives Ordinance 1984 - Ordinance No.8 of 1984

As amended by:

Ordinance No.3 of 2008

Ordinance No.4 of 2016

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THE EXPLOSIVES ORDINANCE 1984

CHAPTER C.4

An Ordinance to make provision for the control of explosives and for matters connected therewith and incidental thereto.

Citation.

1. This Ordinance may be cited as the Explosives Ordinance 1984, ROBIOT c.C.4.

Definitions.

2. In this Ordinance, unless the context otherwise requires –

explosives means –

(a) gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powders, percussion caps, fuses, liquid oxygen, fulminate of mercury or of other metals, azide of lead and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce an explosion, but not including fog-signals, fireworks, rockets or ammunition as defined in the Firearms Ordinance 1970;

(b) any substance, whether specified in subsection (a) or not, which the Commissioner may by order declare to be an explosive for the purposes of this Ordinance;

manufacture includes the process of dividing into its component parts or otherwise breaking up or unmaking any explosive or remaking, altering or repairing any explosive.

Application.

3. (1) This Ordinance shall not apply to members of Her Majesty's Forces or of the armed forces of the United States of America while acting in their capacity as such.

(2) The Commissioner may by notice in the *Gazette* specify other countries to whose armed forces the provisions of subsection (1) shall apply.

Permits to import, possess or use explosives.

4. (1) No person shall import, manufacture, be in possession of or use explosives except in accordance with a permit granted by the Commissioner's Representative to do one or more of those things, or in the case of manufacture, possession or use, unless he is a person authorised by the holder of such a permit.

(2) A permit granted under this section may contain such conditions as the Commissioner's Representative may think fit and shall be subject to variation or revocation by him at his discretion.

(3) Every person applying for a permit for the importation of explosives shall notify the Commissioner's Representative of the quantity and nature of the explosives to be imported.

Notice of intended import.

5. Every person importing explosives shall, at least twenty-four hours before the expected arrival into the Territory of the ship or aircraft transporting his explosives, furnish the Commissioner's Representative with such particulars of the explosives as he may require.

Storage of explosives.

6. Explosives shall be stored or kept only in such magazine or other suitable place and in such quantities as shall be approved by the Commissioner's Representative.

Handling and care of explosives.

7. (1) Every person engaged in the handling or use of explosives, or in charge of or employed in or about any store or other place where explosives are stored, shall take all due precautions for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to such store, place or explosives.

(2) Without prejudice to the provisions of subsection (1) of this section, no person shall in the vicinity of any explosives smoke or do any act which tends to cause fire or explosion, or have in his possession any matches, detonators or other articles likely to cause fire or explosion:

Provided that nothing in the provisions of this subsection shall apply to the carrying out of blasting operations by or under the supervision of the holder of a permit granted under section 4 or by a person authorised by him.

Power to enter magazines.

8. The Commissioner's Representative or any person authorised by him in writing or any Police Officer may enter any magazine or other place approved

under section 6 with a view to seeing whether the provisions of this Ordinance or the conditions of a permit granted under section 4 are being complied with.

Power to enter and search.

9. Any Police Officer may without a search warrant enter any place or premises where he has reason to suspect that any explosive is concealed or deposited contrary to the provisions of this Ordinance, and may there search for and take possession of any such explosive which he finds.

Offences.

10. (1) Any person who –

(a) contravenes any of the provisions of section 4(1), 6, 7(1) or 7(2) shall be guilty of an offence and liable to imprisonment for one year or a fine of £5,000;

(b) contravenes any of the provisions of section 5 or any of the provisions of Regulations made under this Ordinance or any of the conditions of a permit granted under section 4 shall be guilty of an offence and liable to a fine of £1,000.

(2) Any explosives in respect of or in connection with which an offence has been committed under this Ordinance or any Regulations made thereunder may be forfeited.

Commissioner may make regulations.

11. The Commissioner may make Regulations for the better carrying out of the purposes and provisions of this Ordinance.
