

# Explosives Regulations



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**EXPLOSIVES REGULATIONS**  
**GOVERNMENT GAZETTE 3648 (NO R 1604) OF 8 SEPTEMBER 1972**

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The following extracts of the regulations are applicable to dealers in fireworks, marine pyrotechnics and rain making rockets.

**CHAPTER 1**  
**INTERPRETATION OF TERMS**

1.1 In these regulations –

“**local authority**” means the area declared under section 3 of the Local Authorities Act, 1992 (Act No 23 of 1992) **(as amended)** to be a municipality, town or village, as the case may be, or deemed to be so declared;

“**private use**” shall mean the use of explosives by individuals for a casual purpose not connected with any trade or business;

“**public building**” shall mean a church, university, college or school, hospital public institution, town hall, court of justice, covered market, theatre, concert or recreation hall, office building, work shop, sports ground stand and erections of a like nature where persons are accustomed to assemble: Provided that the buildings and erections shall not be regarded as public buildings if they are vacated by order of the Chief Inspector of Explosives during periods specified by him.

**CLASSIFICATION OF EXPLOSIVES**

Class 7. - Fireworks class.

1.10 The term “**firework**” shall comprise firework composition and manufactured fireworks.

The fireworks shall consist of two divisions:

Division 1 shall comprise firework composition, which term shall mean any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosives, and also any star and any coloured fire composition that is not included in Division 2.

Division 2 shall comprise manufactured fireworks, which term shall mean an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines, rockets, serpents, shells, rocket distress signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding 500 grams enclosed in a substantially constructed, hermetically closed metal case.

**Note** – Manufactured fireworks that are not liable to explode violently and which do not contain their own means of ignition shall be classed as “Shop Goods” , such as firework showers, flashlight powders, fountains, golden rain, gerbs, lawn lights, pin wheels, devil-among-tailors, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed 80 millimetres and the diameter 15 millimetres, and mines, Jack-in-the-boxes and Feu de Joie, not exceeding 500 grams gross mass and rockets not exceeding 120 grams.

## **CHAPTER 9 STORAGE AND SALE OF BLASTING MATERIALS AND FIREWORKS BY LICENSED DEALERS**

### **GENERAL**

- 9.1 For the purpose of the regulations of this Chapter –
- “fireworks” shall mean explosives of Class 7, Division 2, shop goods only;
- “premises” shall mean any building or room in which explosives are stored, kept or handled for the purpose of sale; when a building is divided into more than one room, each room so used shall be considered to be separate premises;
- “retail dealer” shall mean a person or concern that, for the purposes of trade, supplies explosives to any person for use or consumption by that person and not for resale;
- “wholesale dealer” shall mean a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale.
- 9.2 No person, other than the manufacturer, shall sell or deal in blasting materials and fireworks unless he is in possession of a licence issued by an inspector, and except in accordance with the conditions of that licence.
- 9.3 Application for the licence referred to in regulation 9.2 shall be made to the Chief Inspector of Explosives. In the application shall be stated :
- (a) the full name under which the business is to be carried on;
  - (b) the full name(s) of the proprietor(s). several partners, or in the case of a company, the full name of the local secretary and manager;
  - (c) the type of explosive it is desired to trade in; and
  - (d) the full address (erven number, street and town) at which the business is to be carried on.
- 9.4 Every dealer shall keep records in a manner and form as may be prescribed by the Chief Inspector of Explosives and shall make such returns as may be required by him.

## FIREWORKS

- 9.11.1 All fireworks manufactured in the Republic or Territory or imported into or which are offered for sale within the Territory shall be marked, labelled and packed in accordance with the provisions of Chapter III and Chapter IV, regulation 41, of these regulations and any person found in possession of fireworks not so marked and labelled shall be deemed to be in possession of “un-authorized explosives” and guilty of an offence.
- 9.11.2 Fireworks shall be packed by the manufacturer or importer in suitable cardboard cartons which shall be sealed ready for sale to the public, before dispatch to a dealer.
- 9.12.1 Premises in which fireworks are handled preferably should have at least two exits. Where premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- 9.12.2 The doors to the exit shall be kept unlocked and unbolted during trading hours and a clear passage shall exist between the counters holding the fireworks and the exits and no obstacles shall be placed in these passages.
- 9.12.3 Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- 9.13.1 Every retail dealer shall have affixed -
- (a) to the outside of his premises in a prominent position adjacent to every entrance, notices reading “Dealer in Fireworks” or “Handelaar in Vuurwerke”; and
  - (b) in prominent positions inside the premises “No Smoking” signs in both official languages.
- 9.13.2 These notices shall have red letters not less than four inches high on a white background.
- 9.14.1 Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and/or preventing un-authorized persons having access to the fireworks and shall abstain from any act whatever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkali and the like shall not be kept on the same premises together with fireworks and safety matches and Bengal matches shall be kept at least 5 metres away from the fireworks.
- 9.14.2 No person shall smoke in, or take a naked light or fire into premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so.
- 9.14.3 Every person on such premises shall abstain from any act whatever which tends to cause fire.
- 9.14.4 Any person on such premises who fails to comply with a request made by the licensee or his employees in the interests of safety, shall be guilty of an offence.

- 9.15.1 A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall retain for a period of at least two years for production on demand of an inspector.
- 9.15.2 A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.
- 9.16 A wholesale dealer in fireworks shall at no time have on his premises more than 1000 kilograms gross weight of fireworks, contained in the original outer packings as received from the manufacturer or other supply magazine.
- 9.17.1 A manufacturer or wholesale dealer shall supply fireworks only to a dealer who is in possession of a valid licence issued in terms of these regulations, and the number of such licence shall be quoted on the invoice.
- 9.17.2 The manufacturer or wholesale dealer shall keep a register in which full particulars of each transaction and the afore-mentioned licence number shall be recorded. This register shall be kept up to date and be available for inspection at any time and shall not be destroyed until after the lapse of two years from the date of the last entry in it.
- 9.18 A retail dealer in fireworks -
- (a) may keep on his premises not exceeding 500 kilograms gross weight of fireworks, provided the fireworks, contained in their inner and outer packings, are kept on shelves or other fittings separated from goods of an inflammable or combustible nature;
  - (b) shall not interfere with the inner packing of the fireworks, or allow or permit it to be interfered with;
  - (c) shall supply fireworks to the public only in the sealed inner packings as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition;
  - (d) shall not sell or allow or permit to be sold any firework to a child under the apparent age of 16 years;
  - (e) shall furnish each employee engaged in selling fireworks with a copy of the regulations of part "Fireworks" of this chapter and of the conditions attaching to his licence.
- 9.19 No person shall allow or permit any children under the age of 16 years to handle or use fireworks except under the supervision of an adult person

## **CHAPTER 10 USE OF BLASTING MATERIALS**

10.1 In these regulations –

“public display” means a show of exploding fireworks conducted for the public or a section of the public.

### **USE OR EXPLODING OF FIREWORKS**

10.34 It shall be unlawful for any person to use or explode fireworks in any place in a local authority area, except for the purpose of a public display operated in accordance with regulations 10.35.1, 10.35.2, 10.36 and 10.37 -

- (a) within 500 metres of any explosives magazine, explosives factory, petroleum depot or gasometer;
- (b) in any building or on any public thoroughfare; or
- (c) on any public place or resort, except with the prior written permission of the local authority.

10.35.1 No person shall operate a public display of fireworks on any premises without the written permission of the Chief Inspector of Explosives.

10.35.2 Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this regulation.

10.36 Application for permission to operate a public display of fireworks shall be made in writing and shall set forth –

- (a) the name of the person or organisation sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;
- (b) the date and time of the day at which the display is to be held;
- (c) the exact location planned for the display;
- (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
- (e) the numbers and kinds of fireworks to be discharged and the value of the display;
- (f) the manner and place of storage of such fireworks prior to the display; and
- (g) a diagram of the grounds on which the display is to be held showing -

- (i) the point at which the fireworks are to be discharged, which shall be at least 100 metres from the nearest building, road or railway, and at least 20 metres from the nearest telephone, telegraph or power line, tree or other overhead obstruction;
- (ii) the direction in which aerial fireworks, if any, are to be fired;
- (iii) the area to be kept clear of persons which shall extend at least 50 metres from the front and to the sides of the point 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 shall extend for at least 100 metres to the rear of the firing point; and
- (v) the location of all buildings and roads within 200 metres of the firing site and of all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.

10.37 At a public display of fireworks it shall be an offence –

- (a) for any person wilfully to enter on or remain in that area reserved for receiving falling residue from aerial fireworks; and
- (b) for any unauthorised person wilfully to proceed beyond the area demarcated by the organisers of the display for spectators.

#### **PENALTY**

Any person who by any act or omission commits a breach of any of the regulations of this chapter, shall be guilty of an offence and liable, on conviction, to a fine not exceeding **N\$600.00** or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment and the explosives, if any, in respect of which the contravention or non-compliance has taken place, may be confiscated.

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**INTERNATIONAL STANDARDS TO APPLY WHEN SETTING OFF FIRE WORKS**



If this is the first display that you have organised you will find these notes very valuable. If you have had experience in organising previous displays, please use them as a checklist.

### **CHOOSING A VENUE**

Always choose your venue in daylight. Make sure that it is large enough to accommodate your firing area and the number of spectators expected. Ensure that you can achieve the minimum safety distances required..

Ensure that the site has plenty of unobstructed access and exit points. You will need at least one vehicle access point for emergency vehicles.

Ensure that noise from the display will not cause distress or disturbance to nearby hospitals, rest homes, animal sanctuaries, etc.

To some extent the choice of venue will determine what kind of fireworks you buy. If your site is level (i.e. Sports Field) you would be well advised to use a larger number of Multi shot fireworks, so the spectators at the back can see. If your firing area is elevated, ground level fireworks can be used to good effect.

### **THE FIRING SITE**

Remember that the spectators should be placed with their backs to the prevailing wind so that any smoke or debris blows away from the crowd. Be prepared for a sudden change of wind direction and have a reserve firing area available.

The firing area needs to be at least 60 metres wide and 30 metres deep with a fall out area at the back of at least 60 metres, preferably 100 metres plus.

The area should be away from overhanging trees or overhead wires and cleared of any combustible materials, including long grass and undergrowth.

Spectators should view from the front of the display only and not from the sides or back.

Spectators should be at least 30 metres from the nearest firework --- More if possible.

### **WHO SHOULD BE INFORMED**

**THE POLICE.** They need to know of any large gathering of people and possible traffic congestion.

**THE FIRE BRIGADE AND AMBULANCE SERVICE.** They need to be notified of the display and the emergency vehicle access point to the site.

### **PERMISSION FROM YOUR LOCAL AUTHORITY**

Discuss the display with your local authority/Municipality who will advise you to apply in writing stating:

- a) The name of the person or institution who intends to hold the display within the Municipal area.
- b) The date and time of the display.
- c) State the reason for holding the display.
- d) State the full address where the display will be held.
- e) Give details of the fireworks to be discharged, i.e. a copy of the programme.
- f) The names, age and qualifications of the persons who shall be in charge of the firing of the display.
- g) And the manner and place of storage of the fireworks prior to the event.

### **FIRING PROCEDURES**

The number of the operators firing the display should be kept to a minimum and preferably should have some experience. Each operator should have a particular firing job allocated and should familiarise him or herself beforehand.

All fireworks with aerial effects should be angled away from spectators so debris falls where it cannot cause injury or damage.

### **NEVER ANGLE FIREWORKS OVER HEADS OF SPECTATORS.**

### **PORTFIRES**

These are specially designed for lighting fireworks and are supplied with each display. Only use port fires to light your fireworks. Do NOT carry port fires in your pockets. Leave them in a convenient place on the firing site in a closed box.

### **PERSONAL SAFETY**

It is vital to wear the right protective clothing when firing a display. Protect your head, eyes and ears and eliminate places on your clothing where falling sparks can lodge. Be cautious at all times.