

Unvalidated References:
Explosives Act 1953

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 January 2003.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 308.

Explosives Regulation 1956

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SCHEDULE 1

Explosives Regulation 1956

MADE under the *Explosives Act 1953*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**magazine**” means the premises in relation to which a licence is granted.

2. EXEMPTIONS.

Where the Chief Inspector is of the opinion that the possession, storage and use of explosives by a person is not likely to be dangerous to human life or safety, he may at any time in writing, on such conditions and for such period or periods as he thinks fit, exempt that person from compliance with all or any of the provisions of this Regulation.

PART II. – CONSTRUCTION OF MAGAZINES.**3. GENERAL.**

(1) A magazine must be a separate building or structure not within or forming part of or attached to any other building or structure unless in any special case the Chief Inspector, subject to such conditions as he thinks necessary, otherwise approves.

(2) A magazine must have the word “Explosives” in large capital letters at least 75 mm high clearly and conspicuously painted on the outside of the exterior door of, and on or above all other sides of the magazine.

4. SITE.

(1) A magazine must–

- (a) be approved by an Inspector; and
- (b) be sited in such a manner that the possibility of–
 - (i) trees or portions of trees; or
 - (ii) large rocks; or
 - (iii) portions of cliff face; or
 - (iv) chimneys; or
 - (v) heavy objects; or
 - (vi) overhead electrical conductors,

falling on the magazine during storms or fires or from any other cause is avoided.

(2) The area surrounding a magazine for a distance of at least 6 m must be kept cleared of grass, undergrowth and combustible material to the satisfaction of an Inspector.

(3) The site of a magazine must be well drained to the satisfaction of the Chief Inspector.

5. LIGHTNING PROTECTION.

A magazine must be protected against lightning to the satisfaction of the Chief Inspector.

6. CONSTRUCTION.

(1) The walls of a magazine must be constructed of–

- (a) steel plate at least 3.15 mm thick or of 0.56 mm corrugated iron riveted or otherwise securely fastened to the satisfaction of the Chief Inspector; or
- (b) concrete at least 130 mm thick; or

(c) brick or stone 230 mm thick set in cement mortar.

(2) Notwithstanding Subsection (1), part or all of the walls of a magazine may be constructed by excavation in solid ground when approved by the Chief Inspector.

(3) The roof of a magazine must be constructed of steel plate at least 3.15 mm thick or of 0.56 mm corrugated iron riveted or otherwise securely fastened to the satisfaction of the Chief Inspector, or of reinforced concrete at least 105 mm thick.

(4) The exterior door of a magazine must fit tightly into an angle-iron frame and fit snugly into the root of the angle, and must be constructed of—

(a) steel plate at least 3.15 mm thick mounted on a metal frame and lined with wood 13 mm thick so attached that no iron or steel is exposed to the interior of the magazine; or

(b) wood solidly and substantially constructed and sheathed on the outside with flat iron of not less than 0.56 mm thick with the edges turned round the edges of the door.

(5) The exterior doors of a magazine must be furnished with a lock of the mortice or rimlock type.

(6) Exterior hinges of metal substantially made to the satisfaction of the Chief Inspector must be riveted, welded or bolted to the doors and walls of the magazine.

(7) Bolts must have plain, counter-sunk heads or cup heads, and must be securely fastened so that they cannot be unscrewed from the outside.

(8) Unless otherwise approved by the Chief Inspector, a magazine must be lined throughout with close-fitting tongued and grooved wooden lining at least 13mm thick secured by wooden or non-ferrous metal fastenings or by secret nailing with ordinary nails, and in such a manner that there is no exposed iron or steel work within the magazine.

(9) The lining of the floor of a magazine must consist of tongued and grooved boards at least 28 mm thick supported on joists spaced at not more than 535 mm centres.

(10) Unless a magazine constructed of steel plate is protected with a shade roof, asbestos milled board of a type approved by the Chief Inspector at least 3.15mm thick or other insulating material approved by the Chief Inspector must be provided between the lining and the steel wall.

(11) Materials used for the construction of a magazine must comply with the following standards:—

(a) concrete must consist of 1 part of Portland cement, 2 parts of clean sand and 4 parts of hard aggregate of 20 mm maximum size; and

(b) cement mortar must consist of 1 part of cement and 3 parts of clean sand; and

(c) timber must be timber that is naturally resistant to, or is treated to the satisfaction of the Chief Inspector against, termite attack.

7. VENTILATION.

A magazine must be ventilated to the satisfaction of the Chief Inspector in such a manner that there is no direct access to the inside through the ventilators.

8. INTERNAL FITTINGS.

Locks, hinges or fittings inside a magazine must be of non-ferrous metal, and tools or implements kept in a magazine must be of wood or non-ferrous metal.

9. SIZE.

(1) A magazine must be so constructed as to allow air to circulate freely about the stacked explosives, and the explosives must be so stacked as to allow an excess of at least 40% of the volume of the explosives.

(2) A magazine must be of such size as to allow easy access to all containers and in the case of a magazine for the storage of more than 250 kg of explosives must be at least 1.85 m in interior height.

(3) A magazine must not be constructed to have a capacity of more than 2,000 kg of explosives.

10. LIGHTING.

A licensee who installs or causes to be installed in a magazine a system of permanent or temporary lighting that has not first been approved by the Chief Inspector is guilty of an offence.

Penalty: A fine not exceeding K200.00.

11. CONFORMITY WITH PART II.

(1) A licence shall not be issued in relation to any premises that do not comply with any of the provisions of this Part.

(2) A licensee who keeps or uses, or causes or permits to be kept or used, as magazine any premises that do not comply with this Part is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART III. – STORAGE OF EXPLOSIVES.

12. EXPLOSIVES FOR PRIVATE USE.

A person in possession of explosives in respect of which a licence is not required under the Act who fails to store them, until they are required for use, in a locked receptacle in a cool dry place is guilty of an offence.

Penalty: A fine not exceeding K100.00.

13. STORAGE OF EXPLOSIVES.

(1) Subject to the Act and this Regulation, a person must not store or keep, or cause or permit to be stored or kept, any explosive in any premises other than a magazine.

(2) Without prejudice to Section 38(2), Subsection (1) does not apply to the keeping of explosives during an operation involving the use of explosives.

(3) A person who stores or keeps, or causes or permits to be stored or kept, in a magazine any matter or thing other than—

- (a) explosives; and
- (b) the receptacles or packages in which explosives are contained; and
- (c) tools or implements for work connected with the keeping of explosives,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(4) A licensee who stores or keeps, or causes or permits to be stored or kept, more than 2,000 kg of explosives in a magazine is guilty of an offence.

Penalty: A fine not exceeding K200.00.

14. CONSTRUCTION AND MARKING OF PACKAGES OF EXPLOSIVES.

(1) A licensee who causes or permits explosives to be contained in packages or cases other than packages or cases of such strength, construction and character that they will not break open or open accidentally is guilty of an offence.

(2) A licensee who fails to mark or cause to be marked on the outside of every package or case containing explosives that is to be stored in a magazine kept by him—

- (a) the word “Explosives”, in conspicuous capital letters; and
- (b) the nature, weight and date of manufacture of its contents; and
- (c) the date of its receipt into the magazine,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

15. STORAGE OF CERTAIN EXPLOSIVES.

(1) The Chief Inspector may, by written order exhibited in every police station and District Office, prohibit the storage of any kind of explosive in the same magazine or compartment of a magazine with any other kind of explosive.

(2) A licensee, and a person in charge of a magazine, who fails to comply with an order made under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

16. STORAGE OF DETONATORS.

(1) A licensee, and a person in charge of a magazine, must store detonators or cause them to be stored in a separate locked receptacle in a place approved by the Chief Inspector, unless the Chief Inspector, on such conditions as he thinks necessary, otherwise in writing permits.

(2) Where the Chief Inspector permits detonators to be stored in a magazine with other explosives—

- (a) the detonators may be stored in packages, cases or tins; and
- (b) electric detonators must be stored in their original cases; and
- (c) if paper packages containing tins of detonators are broken open, the remaining separate tins must not be replaced in the packages but must be placed on shelves provided in the magazine for that purpose; and
- (d) the permission is subject to such other conditions as the Chief Inspector imposes.

(3) A licensee, and a person in charge of a magazine, who stores, or permits or causes to be stored, detonators in a magazine with other explosives otherwise than in accordance with Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

17. STORAGE OF FUSES, LIGHTERS, ETC.

A licensee, and a person in charge of a magazine, must store or cause to be stored safety fuses, capped fuses, fuse lighters or fuse igniters in a separate locked receptacle in a cool dry place approved by the Chief Inspector, unless the Chief Inspector, on such conditions as he thinks necessary, otherwise in writing permits.

Penalty: A fine not exceeding K100.00.

18. ISSUE AND SALE OF EXPLOSIVES.

A licensee who sells or issues, or causes to be sold or issued, from a magazine kept by him explosives of the required type otherwise than in the order in which they are received as indicated by the date of receipt shown on the packages or receptacles containing the explosives in accordance with Section 14(2) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

19. EXPLOSIVES STOCK-BOOK.

(1) A licensee who fails to keep or cause to be kept an explosives stock-book in respect of each magazine maintained or operated by him is guilty of an offence.

(2) A licensee who fails to record or cause to be recorded in an explosives stock-book particulars of—

- (a) the quantity, nature and value of explosives purchased or sold by him; and
- (b) the date of the purchase or sale; and
- (c) the name and address of the vendor or purchaser,

together with a running balance of the quantities and types of explosives on hand in the magazine, is guilty of an offence.

(3) A purchaser, from a licensee, of explosives who, before taking delivery of the explosives, fails to sign the explosives stock-book is guilty of an offence.

(4) A licensee or a person in charge of a magazine who delivers explosives to a purchaser before the purchaser has first signed the explosives stock-book is guilty of an offence.

(5) A licensee who fails to check, or cause to be checked, the balance shown in the explosives stock-book against the stock on hand in the magazine at least once in each week is guilty of an offence.

Penalty: A fine not exceeding K100.00.

20. LOSS, ETC., OF EXPLOSIVES.

A person who fails to report without delay to the nearest police station any loss, theft or shortage of stock of explosives kept by him is guilty of an offence.

Penalty: A fine not exceeding K100.00.

21. OPENING AND REMOVAL OF PACKAGES OF EXPLOSIVES.

A person who—

- (a) opens, or causes or permits to be opened, in or within a distance of 15.5 m from a magazine a package or receptacle containing explosives; or
- (b) removes, or causes or permits to be removed, from a magazine at any one time more than one package or receptacle containing explosives,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

22. MAINTENANCE AND REPAIR OF MAGAZINES.

(1) A licensee must maintain or cause to be maintained a magazine kept by him in thorough repair and in a weatherproof and water-tight condition to the satisfaction of an Inspector.

Penalty: A fine not exceeding K100.00.

(2) An Inspector may at any time, by written order, require a licensee to carry out such repairs to or maintenance of a magazine as the Inspector thinks necessary.

(3) Before any repair to or maintenance of a magazine is carried out, the licensee must, as far as practicable, remove or cause to be removed from the magazine all explosives.

Penalty: A fine not exceeding K200.00.

(4) A licensee who causes any repairs to or maintenance of a magazine to be carried out except under the supervision of the person in charge of the magazine is guilty of an offence.

Penalty: A fine not exceeding K100.00.

23. WEARING OF SHOES IN MAGAZINES.

(1) A person must not enter a magazine unless—

- (a) he is wearing clean shoes, overshoes or galoshes, specially constructed without any external iron or steel; or
- (b) he has removed his shoes.

Penalty: A fine not exceeding K100.00.

(2) A person in charge of a magazine must keep, or cause to be kept, overshoes or galoshes in the magazine adjacent to the door.

Penalty: A fine not exceeding K40.00.

24. EXPOSED IRON, ETC., IN MAGAZINES.

A person who takes into or suffers to remain in a magazine any exposed iron, steel or other substance or article likely to cause fire or explosion is guilty of an offence.

Penalty: A fine not exceeding K200.00.

25. NAKED LIGHTS, ETC., IN MAGAZINES.

A person who—

- (a) displays, or causes or permits to be displayed, a naked light in a magazine; or

- (b) in or in the vicinity of a magazine smokes or has in his possession any article, material or appliance for or capable of producing fire or explosion,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

26. RUBBISH IN MAGAZINES.

(1) A person who leaves, or causes or permits to be left, in a magazine any empty package, loose paper, dirt, grit or rubbish of any description is guilty of an offence.

(2) A person in charge of a magazine who fails to keep the magazine floor, or cause the magazine floor to be, swept and thoroughly clean, or to keep a broom or, cause a broom to be kept, for that purpose in the magazine, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

27. MAGAZINES TO BE KEPT LOCKED.

A person in charge of a magazine who fails to keep the magazine, or cause the magazine to be kept, locked except during repair or maintenance or the receipt, issue or examination of explosives is guilty of an offence.

Penalty: A fine not exceeding K100.00.

28. MINORS IN MAGAZINES.

(1) A person under the age of 21 years who enters into or remains in a magazine, except in the presence and under the direct supervision and control of the person in charge of the magazine, is guilty of an offence.

(2) A licensee who employs a person under the age of 21 years in a magazine, unless, when in the magazine, he is in the presence and under the direct control and supervision of the person in charge of the magazine, is guilty of an offence.

(3) A person in charge of a magazine who causes or permits a person under the age of 21 years to enter, be in or remain in the magazine, except in his presence and under his direct control and supervision, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

29. INTOXICATED PERSONS IN MAGAZINES.

(1) An intoxicated or apparently intoxicated person who is in a magazine is guilty of an offence.

(2) A person in charge of a magazine who causes or permits an intoxicated or apparently intoxicated person to be in the magazine is guilty of an offence.

(3) A person who takes into, or permits to remain in, a magazine intoxicating liquor is guilty of an offence.

Penalty: A fine not exceeding K100.00.

30. MAGAZINES TO BE CLOSED DURING THUNDERSTORMS.

A person in charge of a magazine who fails to close the magazine and keep it closed during a thunderstorm is guilty of an offence.

Penalty: A fine not exceeding K100.00.

31. NOTICE TO BE DISPLAYED.

A person who fails to cause a notice specifying the requirements of Sections 21, 23 to 31(inclusive) and 45 to be posted in a conspicuous position in a magazine of which he is the licensee is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART IV. – USE OF EXPLOSIVES.

32. CARRIAGE OF EXPLOSIVES GENERALLY.

(1) A person who conveys explosives to or from a magazine except in original unopened cases or covered receptacles of a type prescribed by this Regulation and used solely for that purpose is guilty of an offence.

(2) Where a person transfers explosives from an original case to a covered receptacle, he must immediately return any explosives remaining in the case to the magazine from which the explosives were taken.

Penalty: A fine not exceeding K100.00.

33. RECEPTACLES FOR CARRIAGE OF EXPLOSIVES.

(1) A receptacle used for the conveyance of explosives must be–

- (a) conspicuously marked with the word “Explosives”; and
- (b) fitted with a lid or flap capable of being securely fastened; and
- (c) fitted with handles or bearing-straps of adequate strength; and
- (d) kept closed when not in use; and
- (e) kept thoroughly clean and dry.

(2) One receptacle only must be open and in use at any one time.

34. CARRIAGE OF LOOSE GRAIN EXPLOSIVES.

(1) Loose grain explosives must be carried in canisters of non-ferrous metal of a capacity of not more than 25 kg of the explosive.

(2) A canister must be provided with–

- (a) a funnel of non-ferrous metal for filling from the original packages and for charging purposes; and
- (b) a non-ferrous metal cap or cover of a capacity of approximately 450g of the explosive.

35. CARRIAGE OF EXPLOSIVE PLUGS AND CARTRIDGES.

(1) Explosives in the form of plugs or cartridges must be carried in receptacles made of wood, leather or waterproof fabric of a capacity of not more than 25kg of the explosive, and the fittings or fastenings of the receptacles must be of non-ferrous metal.

(2) Where any risk may be involved in the use of a wooden receptacle, leather or waterproof fabric bags must be used and must be fitted with loops or straps for fastening to the body in a manner that allows complete freedom of the hands and arms.

36. CARRIAGE OF DETONATORS AND FUSES.

Detonators and capped fuses must be carried in a separate receptacle or in a separate compartment of the receptacles used for the conveyance of other explosives.

37. RESTRICTIONS ON CARRIAGE OF EXPLOSIVES.

(1) A person who conveys more than 250 kg of explosives at any one time in a vehicle to or from a magazine is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) The Chief Inspector may, by written order exhibited in every police station and District Office, prohibit the carriage of any kind of explosive in the same vehicle, or in the same part of a vehicle, with any other kind of explosive.

(3) A person who fails to comply with an order made under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

38. PERMITTEE TO NOTIFY INSPECTOR.

(1) A permittee who fails—

(a) before commencing any operation involving the use of explosives, to notify an Inspector of the date, time, place and extent of the intended operation; or

(b) during such an operation, to comply with any conditions imposed by the Chief Inspector on the use of explosives,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A permittee who fails to return all unused explosives to a magazine or a place of storage at the conclusion of work each day during the operation, and at the conclusion of the operation, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

PART V. – LICENCES AND PERMITS.

39. LICENCE TO KEEP EXPLOSIVES.

(1) An application for a licence shall be in Form 1.

(1A)^{1 2}The fee for an application under Subsection (1) is, K50.00.

(2) A licence shall be in Form 2.

(3)^{3 4}The fee –

(a) for the issue of a licence is, K4000.00; and

(b) for the renewal of a licence is K2000.00; and

(c) for the issue of licence for the purpose of conveyance of explosives is, K500.00.

(4) A licence remains in force, unless sooner cancelled, for 12 months after the date of grant.

(5) A licence is subject to the Act and this Regulation and to such other conditions as the Chief Inspector thinks fit.

40. PERMITS.

(1) An application for a permit shall be in Form 3.

(1A)^{5 6}The fee for an application under Subsection (1) is, K50.00; and

(2) A permit shall be in Form 4.

(3)^{7 8}The fee –

(a) for the issue of a permit is, K1800.00; and

(b) for the renewed of a permit is, K900.00.

(4) A permit remains in force, unless sooner cancelled, for 12 months after the date of grant.

(5) A permit is subject to the Act and this Regulation and to such other conditions as the Chief Inspector thinks fit.

¹ Section 39 SubSection (1A) inserted by S.R. 2002, No. 19.

² Section 39 SubSection (1A) inserted by S.R. 2002, No. 19.

³ Section 39(3) amended by No. 21 of 1975, s2, amended by *Explosives (Amendment) Regulation 1987* (No. 8 of 1987), s1; Section 39(3) replaced by *Explosives (Amendment) Regulation 1998* (No 29 of 1998), s1; Section 39 SubSection (3) substituted by S.R. 2002, No. 19.

⁴ Section 39(3) amended by No. 21 of 1975, s2, amended by *Explosives (Amendment) Regulation 1987* (No. 8 of 1987), s1; Section 39(3) replaced by *Explosives (Amendment) Regulation 1998* (No 29 of 1998), s1; Section 39 SubSection (3) substituted by S.R. 2002, No. 19.

⁵ Section 40 SubSection (1A) inserted by S.R. 2002, No. 19.

⁶ Section 40 SubSection (1A) inserted by S.R. 2002, No. 19.

⁷ Section 40 SubSection (3) substituted by S.R. 2002, No. 19.

⁸ Section 40 SubSection (3) substituted by S.R. 2002, No. 19.

41. FALSE INFORMATION.

A person who, in or in connection with an application under the Act or this Regulation, furnishes information that is to his knowledge false or misleading in any material particular is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART VI. – MISCELLANEOUS.

42. SMOKING, ETC.

(1) A person who, in the vicinity of an explosive or engaged in the handling, conveyance or use of any explosive—

- (a) smokes; or
- (b) has in his possession any article, material or appliance for or capable of producing fire or explosion; or
- (c) knowingly or negligently does, or causes or permits to be done, any act that is likely to cause fire or explosion,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) Subsection (1)(b) and (c) do not apply to a permittee engaged in operations involving the use of explosives in accordance with the Act and this Regulation.

43. TOOLS AND IMPLEMENTS IN MAGAZINES, ETC.

A person who uses any tools or implements other than tools or implements of wood or non-ferrous metal in or about a magazine or in connection with explosives is guilty of an offence.

Penalty: A fine not exceeding K200.00.

44. INTOXICATED PERSONS IN VICINITY OF EXPLOSIVES.

(1) An intoxicated or apparently intoxicated person who is in the vicinity of any explosive is guilty of an offence.

(2) A person in charge of any explosive who permits an intoxicated or apparently intoxicated person to be in the vicinity of the explosive is guilty of an offence.

Penalty: A fine not exceeding K100.00.

45. MINORS IN VICINITY OF EXPLOSIVES.

(1) A person under the age of 21 years who is in or remains in the vicinity of any explosive otherwise than in the presence of, and under the direct supervision and control of, the person in charge of the explosive is guilty of an offence.

(2) A person in charge of any explosive who permits a person under the age of 21 years to be in or remain in the vicinity of that explosive, otherwise than in his presence and under his direct supervision and control, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

SCHEDULE 1

PAPUA NEW GUINEA.

Explosives Act 1953.

Form 1 – Application for Licence.

Reg., Sec.39(1). Form 1.

To the Chief Inspector of Explosives.

I, . . . , of . . . , apply for a licence to keep, store and be in possession of explosives.

Amount intended to be kept:

Purpose for which to be kept:

Full description of premises on which to be kept:

Intended precautions against fire, theft, etc.:

Details of previous licences, permits or explosives permits:

I certify that the above particulars are true in every respect and undertake to abide by the terms and conditions of any licence granted to me and by the provisions of the *Explosives Act* and the *Explosives Regulation*.

Dated . . . 20...

(Signature of Applicant.)

PAPUA NEW GUINEA.

Explosives Act 1953.

Form 2 – Licence.

Reg., Sec. 39(2). Form 2.

No.

..., of ..., is licensed to keep, store and be in possession of explosives at his premises situated at ... for the purpose of ..., for the period ending ... 20...

This licence is granted subject to the *Explosives Act* and the *Explosives Regulation*, and to the following conditions:—

Dated ... 20...

Chief Inspector of Explosives.

PAPUA NEW GUINEA.

Explosives Act 1953.

Form 3 – Application for Permit.

Reg., Sec. 40(1). Form 3.

To the Chief Inspector of Explosives.

I, . . . of . . . , apply for a permit to use explosives.

Purpose:

Precautions to be taken:

Details of previous licences, permits or explosives permits:

I certify that the above particulars are true in every respect and I undertake to abide by the terms and conditions of any permit granted to me and by the provisions of the *Explosives Act* and the *Explosives Regulation*.

Dated . . . 20..

(Signature of Applicant).

PAPUA NEW GUINEA.

Explosives Act 1953.

Form 4 – Permit.

Reg., Sec. 40(2). Form 4.

No.
... , of ... , is permitted to use ... at ... for the purpose of ... for the period ending on ... 20...
This permit is granted subject to the provisions of the *Explosives Act* and the *Explosives Regulation*, and to the following conditions:—
Dated ... 20...

Chief Inspector of Explosives.

Explosives Regulation 1956