

BILLS SUPPLEMENT

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Bill No. 23*Explosives Bill***2023****EXPLOSIVES BILL, 2023****MEMORANDUM****1. Object**

The object of this Bill is to repeal the Explosives Act, Cap. 298; to provide for the establishment of a National Explosives Committee and the designation of the Chief Explosives Inspector; to provide for restrictions on the manufacture, storage, use, dealing, import, export and transportation of explosives; to provide for the appointment of explosives inspectors; to provide for safety and precaution measures in the use and handling of explosives; and for related matters.

2. Defects in existing law

The Explosives Act Cap. 298 was enacted in 1936 to regulate the manufacture, storage, sale, transportation, importation, exportation and the use of explosives in Uganda. However, the Act has not been amended to address the developments in technology in the use, storage and manufacture of explosives. Currently, the misuse of explosives is largely caused by the inadequate provisions in the Explosives Act Cap. 298 which pose a security threat to the country.

The absence of major reforms in the existing law on explosives has made it difficult to regulate the use, storage and manufacture of explosives resulting into unauthorised access to explosives.

3. Remedies

The Bill therefore seeks to regulate the manufacture, storage, use, dealing, import, export and transportation of explosives for purposes of averting any security threats relating to explosives.

The Bill also seeks to repeal the Explosives Act, Cap. 298; provide for the establishment of a National Explosives Committee; the designation of the Chief Explosives Inspector and the appointment of explosives inspectors for purposes of ensuring safety and precaution measures in the use and handling of explosives.

4. Provisions of Bill

The Bill consists of five parts and four Schedules.

PART I – PRELIMINARY

This Part deals with the commencement of the Act, interpretation of key words and phrases used within the context of the Bill, and the application and declaration of explosives.

PART II – NATIONAL EXPLOSIVES COMMITTEE AND CHIEF EXPLOSIVES INSPECTOR

Part II of the Bill provides for the establishment of the National Explosives Committee, its composition, functions, removal of members of the committee and meetings of the committee. Part II of the Bill further, provides for the appointment of the Chief Explosives Inspector and for his or her functions, powers as well as the appointment of Explosives Inspectors.

PART III – LICENSING OF MANUFACTURE, STORAGE AND DEALING IN AUTHORISED EXPLOSIVES

Part III deals with the manufacture of authorised explosives (clauses 14 to 17 of the Bill), explosives' magazines and dealers' licences (clauses 18 to 21 of the Bill) and the consideration of applications and grant of licences (clauses 22 to 27 of the Bill).

PART IV-REGULATION OF POSSESSION, USE AND TRANSPORTATION OF EXPLOSIVES

Part IV of the Bill deals with permits to possess or use explosives (clauses 28 to 30 of the Bill), import and export of authorised explosives (clauses 31 to 33 of the Bill), transportation of explosives (clause 34 of the Bill) and blasting permits (clauses 35 to 39 of the Bill).

PART V- GENERAL

This Part deals with general matters relating to explosives, including offences committed by a legal entity, duty of care, precaution against fire or explosion, reporting of explosive incidents, safety measures, power of Minister to make regulations, power of Minister to amend Schedule, repeal and savings. (Clauses 40 to 47 of the Bill).

MAJ. GEN (RTD) KAHINDA OTAFIIRE
Minister of Internal Affairs.

THE EXPLOSIVES BILL, 2023

ARRANGEMENT OF CLAUSES

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3. Application
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PERSON WITH PERMIT

A Bill for an Act

ENTITLED

THE EXPLOSIVES ACT, 2023

An Act to repeal and replace the Explosives Act, Cap. 298, to provide for the establishment of a National Explosives Committee and the designation of the Chief Explosives Inspector; provide for restrictions on the manufacture, storage, use, dealing, import, export and transportation of explosives; to provide for the appointment of explosives inspectors; to provide for safety and precaution measures in use and handling of explosives; and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

- “authorised explosive” means an explosive listed in Schedule 2 to this Act as an authorised explosive;
- “blaster” means a person registered and certified under section 36 to be in charge of and responsible for the loading and firing of explosives or explosives materials;
- “blasting material” means a material or mixture consisting of fuel or oxidizer that is intended for the purpose of blasting;
- “committee” means the National Explosives Committee established under section 5;
- “controlling interest” means any person who has the power to directly or indirectly influence the direction of the management of the person, whether through the ownership of shares or securities, voting, partnership or other ownership interests, agreement or otherwise;
- “currency point” has the meaning assigned to it in Schedule 1 to this Act;
- “dealer” means a person licenced under this Act to trade in explosives specified in Schedule 4;
- “explosive” means—
- (a) a substance, or a mixture of substances, in a solid or liquid state, which is capable of producing an explosion;
 - (b) a pyrotechnic 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;

- (c) any article or device containing one or more substances contemplated in paragraph (a);
- (d) any plastic explosive; or
- (e) any other substance or article declared by the Minister to be an explosive under section 4;

“explosives incident” means any of the following events involving an explosive where—

- (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) unexpected damage to property; and
- (e) an event, including a misfire, with the potential to cause any of the events mentioned in paragraphs (a) to (d), other than an event that usually happens when handling or using an explosive;

“explosives magazine” means any building or part of a building or any structure licenced under this Act for the storage of explosives or explosives material;

“manufacture” means the making or processing of any explosive and includes the division of any explosive into components by any process, the conversion of any kind of explosive into another kind and the alteration, testing or reworking of any explosive;

“Minister” means the Minister responsible for internal affairs;

“premises” means any land, place, road, harbour, open water, river, building, structure, tent, ship, boat, aircraft, railway truck, cart, van or other vehicle or vessel;

“recognised institution” means an academic or technical training institution approved by the Minister to offer a course of study or training in the handling of explosives;

“security agency” includes the Uganda Peoples’ Defence Forces, the Uganda Police Force and a security organisation established under the Security Organisations Act.

3. Application

(1) This Act applies to authorised explosives used for commercial purposes including explosives for use in the mining sector, and the construction and entertainment industry.

(2) For the avoidance of doubt, this Act does not apply to—

(a) the importation, exportation, storage, use, manufacture or transportation of explosives by the Uganda Peoples’ Defence Force, the Uganda Police Force or to explosives used in warfare by a security agency; and

(b) the importation, exportation, storage, use, manufacture or transportation of explosives by a defence force or police force of any country or any multinational or international defence force or policing agency used in warfare.

4. Declaration of explosives

(1) The Minister may by statutory instrument declare any substance or article to be an explosive for purposes of prohibiting the importation, exportation or any other dealing in such explosives.

(2) The Minister may by statutory instrument amend Schedule 2 and declare any other explosive to be an authorised explosives.

PART II—NATIONAL EXPLOSIVES COMMITTEE AND
CHIEF EXPLOSIVES INSPECTOR

5. Establishment of committee

There is established a National Explosives Committee which shall be responsible for implementing the provisions of this Act.

6. Composition of committee

(1) The committee shall be constituted of the following persons—

- (a) the Permanent Secretary of the Ministry responsible for internal affairs who shall be the Chairperson of the committee;
- (b) the Chief Explosives Inspector who shall be the Secretary to the committee;
- (c) a representative of the Ministry responsible for works;
- (d) a representative of the Ministry responsible for minerals;
- (e) a representative of the Uganda Peoples Defence Forces;
- (f) a representative of the Uganda Police Force;
- (g) a representative of the National Environmental Management Authority;
- (h) a representative of the Internal Security Organisation; and
- (i) a representative of the External Security Organisation.

(2) The members referred to under subsection 1 (c), (d), (e), (f), (g), (h) and (i) shall be appointed by the Minister.

(3) A person shall not be appointed to be a member of the committee unless he or she is of high moral character and proven integrity with substantial experience in handling explosives or any other relevant experience.

(4) The members of the committee shall hold office on terms and conditions specified in their instruments of appointment.

7. Functions of committee

(1) The National Explosives committee shall—

- (a) review applications for licences and permits and recommend the issuance of licences or permits to the applicant;
- (b) develop and enforce guidelines on the safe manufacture, storage, transportation and use of explosives;
- (c) provide guidance on the safe handling of explosives;
- (d) carry out due diligence to determine the suitability of applicants for licences or permits under this Act;
- (e) carry out inspection and approve sites or premises proposed for the storage and manufacture of explosives;
- (f) carry out inspection and approve designs and construction of explosives factory, magazine, vans and vehicles for the transportation of explosives;
- (g) advise the Minister on regulations necessary for the better implementation of this Act;
- (h) advise revenue, customs, airport, railway and border post authorities on the classification of explosives and the packaging, storage and transportation of explosives; and
- (i) any other function as the Minister may assign to the committee.

(2) The committee may in discharging its functions co-opt a person to advise the committee on any matter relating to Explosives.

(3) A person co-opted under subsection (2) shall not be a member of the committee.

8. Removal of member of committee

(1) A member of the committee may resign his or her office in writing under his or her hand addressed to the Minister and the resignation shall take effect after thirty days from the date of receipt of the letter of resignation by the Minister.

(2) A member of the committee may be removed from office by the Minister if he or she—

- (a) becomes of unsound mind or is incapable of performing the duties of his or her office;
- (b) fails, omits or neglects to carry out his or her responsibilities as a committee member;
- (c) becomes bankrupt or suspends payment or compounds with his or her creditors;
- (d) is convicted of an offence punishable by more than three months imprisonment or is convicted of an offence involving fraud or dishonesty;
- (e) ceases to be an employee of the entity that he or she represents; or
- (f) fails to attend, without lawful excuse, three consecutive meetings of the committee or is absent from four committee meetings for a consecutive period of six months.

9. Meetings of committee

The meetings of the committee shall be conducted in the manner prescribed in Schedule 3 to this Act.

10. Appointment of Chief Explosives Inspector

(1) The Minister shall designate a serving officer within a security agency as the Chief Explosives Inspector.

(2) A person appointed and designated as the Chief Explosives Inspector shall have expertise and knowledge of handling explosives.

11. Functions of Chief Explosives Inspector

(1) The Chief Explosives Inspector shall perform the following functions—

- (a) issue permits for the import, transport, export and to dealing in explosives;
- (b) maintain an explosives licence and permit database;
- (c) monitor and oversee safety in the use and handling of explosives;
- (d) register, certify and issue to a blaster a certificate of registration and blasting permits;
- (e) maintain a register of blasters of explosives;
- (f) inspect any premises used for the manufacture or storage of explosives; or
- (g) perform any other function as the minister may assign to him or her from time to time.

(2) The Chief Explosives Inspector may delegate any of his or her functions and powers to an Explosives Inspector.

12. Powers of Chief Explosives Inspector

(1) The Chief Explosives Inspector shall have power to—

- (a) enter, inspect, investigate and examine any factory, magazine, or store of any explosives, at any time during day or night to ensure that the terms and conditions of a licence are being complied with;

- (b) make inquiries as to the observance of this Act and all matters relating to the safety of the public or of persons employed in a factory, magazine or store;
- (c) require a licenced or permitted person to provide samples of an explosive or an ingredient of an explosive which the inspector believes to be an explosive or such ingredients or substance for investigations;
- (d) search any premises used for the storage, manufacture or transportation of explosives and seize any unauthorised explosives or any authorised explosives endangering the safety and security of the public; and
- (e) any other power as may be prescribed by the Minister.

(2) The Minister may, by regulations, prescribe the procedure for the exercise of the powers of the Chief Explosives Officer referred to in subsection (1).

13. Appointment of Explosives Inspectors

(1) The Minister shall, on the recommendation of the committee, designate a serving officer within a ministry, department or agency of Government to serve as an explosives inspector.

(2) A serving officer designated under subsection (1) shall have knowledge and expertise in handling explosives.

(3) An Explosives Inspector designated under subsection (1) shall perform the functions and exercise the powers delegated to him or her by the Chief Explosives Inspector.

PART III—LICENSING OF MANUFACTURE, STORAGE AND DEALING IN
AUTHORISED EXPLOSIVES

Manufacture of authorised explosives

14. Establishment of explosives factory

(1) A person shall not establish or operate an explosives factory or manufacturing plant unless the person is licenced by the Minister, on the recommendation of the committee, to establish or operate an explosives factory or manufacturing plant.

(2) A person shall not be licenced to establish or operate an explosives factory or manufacturing plant unless the explosives factory or manufacturing plant is owned by a government entity or partly owned by a government entity, with the government entity having the majority shares and the controlling interest.

(3) A person who establishes an explosives factory or manufacturing plant without a licence commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for life.

(4) Subsection (2) shall not apply to an explosives factory or a manufacturing plant in existence before the coming into force of this Act, operating under a Joint venture with a government entity, until the joint venture agreement lapses.

15. Application for licence to establish explosives factory

(1) Subject to section 14, a person who wishes to establish an explosive factory or manufacturing plant shall apply in writing to the Minister.

(2) The application under subsection (1) shall be accompanied by—

- (a) a certified copy of the certificate of incorporation, in the case of a company;
 - (b) the diagrams or plans of the proposed factory or plant, on such scale or scales as the Minister may prescribe by regulations;
 - (c) the fees prescribed by Regulations; and
 - (d) any other document as the Minister may prescribe by regulations.
- (3) A licence to establish an explosive factory or manufacturing plant shall be valid until revoked by the Minister.

16. Manufacture of explosives

(1) A person shall not manufacture any category of authorised explosive unless the person is licensed to manufacture that category of explosives from an explosives factory or manufacturing plant licenced by the Minister under this Act.

(2) The Minister may, by regulations, prescribe the categories of commercial explosives including explosives for use in the mining sector, construction and entertainment industry.

(3) For the avoidance of doubt, a manufacturer may be granted a licence to manufacture two or more categories of commercial explosives including explosives for use in the mining sector, construction and entertainment industry in one licence, as the minister may by regulations prescribe.

(4) A person who manufactures any category of explosive without a licence commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand currency points or to imprisonment for life or both.

17. Application for licence to manufacture explosives

(1) A person licenced to establish an explosives factory or manufacturing plant who wishes to manufacture a specific category of authorised explosive shall apply to the Minister for a licence in accordance with regulations made by the Minister.

(2) An application for a licence to manufacture a specific category of authorised explosives shall be accompanied by—

- (a) a copy of the licence granted to establish an explosive factory or manufacturing plant;
- (b) the specifications of the category of the authorised explosives intended to be manufactured;
- (c) the fees prescribed by regulations; and
- (d) any other document as the Minister may prescribe by regulations.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a licence to manufacture a specific category of authorised explosives.

*Explosives magazines and dealer's licence***18. Establishment of explosives magazine**

(1) A person shall not establish or operate an explosives magazine unless the person is licenced by the Minister, on the recommendation of the committee to establish or operate the explosives magazine.

(2) A person shall not store explosives in any place other than an explosives magazine licenced under this Act.

(3) A person who stores explosives in other place other than an explosives magazine licenced under this Act, or who establishes or

operates an explosives magazine without a licence commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

19. Application for licence to establish explosives magazine

(1) A person who wishes to establish, operate or erect explosives magazine for the storage of explosives shall apply to the Minister for a licence to establish or operate an explosive magazine.

(2) The application under subsection (1) shall be accompanied by—

- (a) the diagrams or plans of the proposed explosive magazine, on such scale or scales as the Minister may prescribe by regulations;
- (b) the fees prescribed by regulations; and
- (c) any other document as the Minister may prescribe by regulations.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a licence to establish or operate an explosives magazine.

20. Dealing in authorised explosives

(1) A person who wishes to deal or trade in authorised explosives shall apply to the Minister for a dealers licence to carry on trade in authorised explosives specified in schedule 4.

(2) The application under subsection (1) shall be accompanied by—

- (a) the diagrams or plans of the proposed explosive shop or warehouse, on such scale or scales as the Minister may prescribe by regulations;

- (b) a copy of the licence to establish an explosives magazine;
- (c) a certificate of good conduct of the applicant or its directors and shareholders in case of a company;
- (d) the fees prescribed by regulations; and
- (e) any other document as the Minister may prescribe by regulations.

(3) The Minister may, by regulations, prescribe the procedure and requirements for the application for a dealers licence.

21. Explosives for trial or experiments

(1) A person who wishes to manufacture, use, transport, store or possess explosives for trial, experiment, research or examination may apply to the Minister for a licence to undertake such activities.

(2) The Minister may, on the advice and recommendation of the committee, issue to a person a licence to manufacture, use, transport, store or possess unauthorised or prohibited explosive for trial, experiment, research or examination.

(3) The licence issued under this section shall be for a specified period of time as the Minister may direct.

Consideration of application and grant of licence

22. Consideration of application for licence

(1) Where an application for licence is made to the Minister under this Act, the Minister shall forward the application to the committee to conduct inquiries into the suitability of the application and the applicant and make a recommendation to the Minister.

(2) The committee may conduct the following inquiries to ascertain the suitability of the application and the applicant—

- (a) identity, character, mental and physical health of the applicant in the case of an individual, or the directors and principal officers in the case of a company;
- (b) whether the applicant has the relevant experience and expertise in handling explosives;
- (c) whether the applicant or directors in the case of company have ever been convicted of an offence;
- (d) whether the applicant is not insolvent;
- (e) whether the applicant has the adequate facilities for handling explosives;
- (f) whether the applicant has experienced and skilled employees to handle explosives; and
- (g) whether the applicant has in place adequate safety measures.

(3) The committee may, in the process of conducting the inquiries under section require any person, department or agency of government to furnish information to it regarding the suitability of the applicant for a licence under this Act.

(4) The committee shall consult with the local authorities of the place where the applicant seeks to undertake the activities as to the suitability of the proposed site or premises.

(5) The Chairperson of the committee may, by written notice, require an applicant for a licence to furnish to the committee additional information to enable the committee make a decision on the application.

23. Grant of licence

(1) The Minister shall, upon receiving the recommendation of the committee, consider the application and may, if satisfied that the applicant meets the requirements, grant a licence to the applicant.

(2) The Minister may grant a licence subject to such conditions as the Minister may consider necessary and may, from time to time, add, vary or substitute the conditions as he or she deems appropriate.

(3) A licensee shall not manufacture, in case of a manufacturer or store, in case of an operator of an explosives magazine, a category of an explosive that is not specified in its licence.

(4) A licence granted under this Act, other than a licence to establish an explosives factory or manufacturing plant, shall be valid up to the 31st day of December of the year in which it is issued.

24. Refusal to grant licence

(1) The Minister may, where he or she is satisfied, after conducting an inquiry, that the applicant is not a fit and proper person to hold a licence, refuse to grant a licence.

(2) Where the Minister refuses to grant a licence in accordance with subsection (1), he or she shall issue notice of his or her refusal to the applicant, stating the reasons within the time specified by regulations.

25. Transfer of licence

(1) A person issued with a licence under this Act may transfer the licence issued to another person with the prior approval and consent of the Minister, if that other person is suitable to be issued with a licence under this Act.

(2) The Minister shall, before granting his or her approval and consent to transfer a licence seek, for the guidance of the committee.

(3) The committee shall conduct a due diligence on the person to whom a licence is sought to be transferred to ascertain whether the person is a fit and proper person to hold the licence.

26. Renewal of licence

(1) A licence issued under this Act is renewable upon satisfying the Minister that the terms and conditions of the expired licence were complied with.

(2) An application for renewal of a licence shall be made to the Minister at least three months before the expiry of the licence.

27. Suspension and revocation of licence

(1) The Minister may suspend or revoke a licence issued under this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may suspend or revoke a licence if satisfied that the holder of a licence—

- (a) gave false or misleading information at the time of applying for the licence;
- (b) is not complying with the terms and conditions of the licence;
- (c) has become an unfit and improper person to hold a licence;
- (d) the holder of a licence or its principal officers have committed an offence under this Act;
- (e) has become insolvent or is under administration; or
- (f) poses or their activities pose, a security threat to national security and the surrounding community.

(3) The Minister may, by regulations, prescribe additional grounds for suspension or revocation of a licence and the procedure for suspending or revoking a licence.

(4) A person aggrieved by the decision of the Minister may appeal against the decision of the Minister to the High Court within sixty days from date receipt of the decision.

(5) Where a licence or permit is suspended or revoked under this section, the holder shall return the licence to the Minister in accordance regulations made by the Minister.

PART IV—REGULATION OF POSSESSION, USE AND
TRANSPORTATION OF EXPLOSIVES

Permit to possess or use explosives

28. Prohibition of possession or use of explosives

(1) A person other than a person licenced to manufacture, deal or operate an explosives magazine shall not possess, deal or use authorised explosive unless the person has a licence or permit issued under this Act.

(2) For the avoidance of doubt, no person other than a person licenced to manufacture or deal in authorised explosives or a holder of a permit to import explosives shall be issued with a licence or permit to sell authorised explosive under this Act.

(3) A person who possess, deals in, uses or sells explosives without a licence or permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

29. Application for permit to possess or use explosives

(1) A person who wishes to possess or use authorised explosives shall apply to the Chief Explosives Inspector for a permit to possess or use authorised explosives.

(2) The application referred to in subsection (1) shall be in a form prescribed by the Minister by regulations.

(3) An application for a permit to possess or use authorised explosives shall be accompanied by—

- (a) a copy of a certificate of incorporation or registration, in the case of an applicant who is a non-individual;
- (b) a copy of the national identification card or passport of the applicant in the case of an applicant who is an individual;
- (c) the specifications of the authorised explosives intended to be possessed or used by the applicant;
- (d) the fees prescribed by regulations; and
- (e) any other document as the Minister may prescribe by regulations.

(4) The Minister may, by regulations prescribe the procedure and requirements required to issue a permit to possess or use authorised explosives.

30. Grant of permit to possess or use explosives

(1) The Chief Explosives Inspector shall, upon receiving the application under section 29, consider the application and may, if satisfied that the applicant meets the requirements, grant a permit to possess or use to the applicant.

(2) The Chief Explosives Inspector may grant a permit subject to such conditions as the Chief Explosives Inspector may consider necessary and may, from time to time, add, vary or substitute the conditions as he or she deems appropriate.

(3) A permit to possess or use granted under this section shall be valid for a period specified in the permit.

(4) The Minister may, by regulations, prescribe the terms and conditions for the holder of a permit.

*Import and export of authorised explosives***31. Prohibition of import and export of explosives**

(1) A person shall not import into or export authorised explosives from Uganda or cause an explosive to be imported into or exported from Uganda, unless the person is qualified to be licenced as a manufacturer of explosives and—

- (a) he or she is in possession of an import or export permit issued by the Chief Explosives Inspector; and
- (b) in the case of the export of explosives, he or she is in possession of a relevant authorisation of end user by the relevant authority in the country of export.

(2) Notwithstanding subsection (1), the Chief Explosives Inspector may issue an import permit to a person, other than a person qualified to be licenced as a manufacturer of explosives, for the category of explosives specified in Schedule 4 to this Act.

(3) The Minister may by statutory instrument vary, add or substitute the category of explosives specified in Schedule 4 of this Act.

(4) A person who imports or exports explosives without an import or export permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

32. Application for import or export permit

(1) Subject to section 31, a person who wishes to import or export authorised explosives shall apply to the Chief Explosives Inspector for an import or export permit in a manner prescribed by regulations.

(2) An applicant under subsection (1) shall inform the Chief Explosives Inspector of any change of circumstances relating to the import or proposed importation of the explosives to which the application relates, within twenty-four hours of becoming aware of the change.

(3) The Minister, may by regulations, prescribe the procedure and requirements required to issue an import or export permit to the applicant.

33. Grant of import or export permit

(1) The Chief Explosives Inspector shall, if satisfied that the applicant meets the requirements of this Act, issue an import or export permit stating the conditions for the import or export of the authorised explosives and specifying the point of entry to be used.

(2) An importer or exporter shall present the consignment and accompanying documents to the Explosives Inspector for inspection at the point of entry or exit.

(3) An import or export permit issued under this section shall be for a single consignment of importation or exportation of explosives.

(4) The Minister may, by regulations, prescribe the procedures for handling, packaging and safety during the importation or exportation of explosives.

Transportation of explosives

34. Transportation of explosives

(1) A person shall not transport explosives by any means unless he or she holds a valid permit to transport explosives issued in accordance with this Act.

(2) A permit issued under subsection (1) shall be for a single consignment transported in accordance with the terms and conditions specified in the permit.

(3) The Minister may by, notice published in a newspaper of wide circulation, prohibit the transportation of explosives in certain places to ensure safety and security.

(4) The Minister may, by regulations, prescribe the procedure for handling, packaging and safety measures during the transportation of explosives.

(5) A person who transports explosives without a valid permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years or both.

Blasting permits

35. Blasting of explosives

(1) A person shall not use explosives or a blasting materials for purposes blasting explosives unless he or she is in possession of—

- (a) a blasting certificate issued by a recognised institution;
- (b) a blasting certificate issued by the Chief Explosives Inspector or any other authorised person; and
- (c) a blasting permit.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

36. Registration and certification of explosives blaster

(1) The Chief Explosives Inspector shall register and certify persons qualified to be blasters of explosives.

(2) A person who intends to register and be certified as a blaster of explosives shall apply to the Chief Explosives Inspector for a certificate of registration.

(3) The Minister may, by regulations, prescribe the procedure and requirements required to register and certify blasters of explosives.

37. Blasting permits

(1) The Chief Explosives Inspector may issue blasting permits to persons qualified under this Act to blast explosives.

(2) A permit issued under subsection (1) shall not be transferable to another person.

(3) The procedure and requirements necessary for a blasting permit may be prescribed by the Minister by regulations.

(4) The Chief Explosives Inspector may, with the approval of the Committee, issue guidelines and procedures for the blasting of explosives in order to ensure safety and security.

38. Modification of licence or permit

(1) A licensee or holder of a permit under this Act, may apply to the Minister or Chief Explosives Inspector, as the case may be, to have the licence or permit amended or modified.

(2) The Minister may amend or modify a licence if satisfied that the amendment or modification is desirable in the interests of the effective administration of this Act.

(3) The Chief Explosives Inspector may amend or modify a permit issued under this Act if satisfied that the amendment or modification is desirable in the interests of the effective administration of this Act.

(4) The Minister or Chief Explosives Inspector shall consider the application and notify the licensee or permit holder of his or her decision within the time prescribed by regulations.

(5) Notwithstanding subsection (1), the Minister or Chief Explosives Inspector may amend or modify a licence or permit issued under this Act, on his or her volition, where he or she considers it necessary for the effective administration of this Act or in the interest of national security.

(6) Where the Minister or Chief Explosives Inspector amends or modifies a licence under subsection (5), he or she shall notify the licensee or permit holder of his or her decision within the time prescribe by regulations.

39. Appeal to Minister

A person aggrieved by the decision of the Chief Explosives Inspector may appeal to the Minister in accordance with regulations made by the Minister.

PART V—GENERAL

40. Offence committed by legal entity

Where an offence provided for under this Act is committed by a legal entity, a director or the executive head of the legal entity is deemed to have committed that offence.

41. Duty of care

(1) A person conducting any activity involving explosives shall take reasonable precautions and care to avoid endangering the safety, health or property of any person.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

42. Precaution against fire or explosion

(1) A person in control, employed by or in occupation of an explosives factory, manufacturing plant, explosives magazine, vehicle transporting explosives, store, or premises, shall take due precaution to prevent an accident by fire or explosion by—

- (a) preventing unauthorised persons from accessing the factory, manufacturing plant, explosives magazine, vehicle transporting explosives, store, or premises; and
- (b) avoiding any activity which may cause fire or explosion.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years or both.

43. Reporting of explosive incidents

(1) Where an incident by explosion or fire in connection with an explosives factory, manufacturing plant, explosives magazine, vehicle transporting explosives, store, or premises occurs and causes loss of life, personal injury or damage to property, the licensee or permitted person shall immediately give notice of the accident and the loss occasioned to the Chief Explosives Inspector.

(2) The form of the notice referred to under subsection (1) shall be prescribed by the Minister by regulations.

(3) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years, or both.

44. Safety measures

(1) A licensee or a holder of a permit shall put in place measures to safeguard persons, property and the environment.

(2) The Chief Explosives Inspector, on the recommendation of the committee may, from time to time, issue guidelines relating to safety measures to be undertaken by a licensee or the holder of a permit.

(3) A person who fails to comply with the guidelines issued by the Chief Explosives Inspector referred to in subsection (2), commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding ten years or both.

45. Power of Minister to make regulations

(1) The Minister may make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations for—

- (a) the construction of explosives factory, manufacturing plants or explosives magazines;
- (b) the conditions under which the manufacture of explosives may be carried on;
- (c) the storage of explosives, whether in explosives magazines or elsewhere;
- (d) the use of explosives;
- (e) fees payable under this Act;
- (f) the packing, transport, importation and exportation of explosives, and the making of special rules governing the packing and transport at individual places and the landing and handling of explosives at entry and exit ports;
- (g) the issue of a permit to a dealer in explosives, the conditions of any such permit, the restrictions which may be placed upon the sale or disposal of explosives to particular classes of persons, and the quantity of any explosives which may be purchased by any person or company granted a permit;
- (h) the inquiry into the circumstances of explosions endangering or causing injury to persons or property or death, and for the giving of notice of all such explosions;

- (i) the prevention of trespass in or upon an explosives factory, or in or upon explosives magazines or other place where explosives are kept;
 - (j) the tests to which explosives, or the raw materials from which explosives are manufactured, are liable to be submitted;
 - (k) the manner in which appeals for refusal of licence or permits under this Act shall be notified and conducted;
 - (l) prescribing the statistics which manufacturers, dealers and users may be called upon to supply;
 - (m) prescribing the fees payable for any licence or permit issued under this Act, and generally for the protection of life and property and for better carrying out the objects and purposes of this Act;
 - (n) for the supervision of explosives work places; and
 - (o) any other matter for purposes of enforcing the provisions of this Act.
- (3) Regulations made under this section may prescribe in respect of a contravention of the regulations—
- (a) a penalty not exceeding a fine of five hundred currency points or imprisonment not exceeding five years or both;
 - (b) in the case of a second or subsequent contravention, a fine not exceeding one thousand currency points or imprisonment not exceeding seven years or both;
 - (c) in the case of a continuing contravention, an additional penalty not exceeding fifty currency points in respect of each day on which the offence continues; and
 - (d) that the court shall order the forfeiture of anything used in the commission of the offence.

46. Power of Minister to amend Schedule

The Minister may by statutory instrument, with the approval of Cabinet amend Schedule 1.

47. Repeal and savings

(1) The Explosives Act, Cap. 298 is repealed.

(2) A person who, before the commencement of this Act, obtained a licence, permit or written approval under the Explosives Act, Cap. 298, shall, within twelve months from the commencement of this Act apply for a licence or permit in accordance with this Act.

(3) Any statutory instrument made under the Explosives Act, Cap. 298, repealed under subsection (1) and which is in force immediately before the commencement of this Act, shall remain in force so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act.

SCHEDULE 1

Section 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2*Section 4***AUTHORISED EXPLOSIVES**

1. Ammunition of various kinds (cartridges)
2. Ammonium nitrate fuel oil
3. Booster
4. Detonators
5. Detonating cords
6. Dynamite
7. Emulsion
8. Fireworks
9. Fuse igniters or tshisa sticks
10. Gelatinous explosives (such as blasting gelatine, gelignite, gelatine dynamite, etc.)
11. Gunpowder
12. Nitrogen based
13. Nitro-cotton
14. Nongelatinous explosives (such as dynamite, ligdyn, farmers' dynamite, etc.)
15. Percussion caps
16. Perforating cartridges for the oil industry
17. Safety fuse
18. Source cartridge
19. Sporting powder.

SCHEDULE 3

Section 9

MEETINGS OF COMMITTEE

1. Meetings of Committee

(1) The Chairperson shall convene every meeting of the committee at a time and place as the Chairperson may determine, and the committee shall meet for the discharge of business at least once in every one month.

(2) The Chairperson may, at any time, convene a special meeting of the committee and shall convene a meeting within fourteen days, if requested to do so in writing by at least five members of the committee.

(3) Notice of a committee meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the committee and in the absence of the Chairperson, the members present shall appoint a member from among themselves to preside at that meeting.

2. Quorum

The quorum for a meeting of the committee shall be five members including the Chairperson of the Committee and the Chief Explosives Inspector.

3. Minutes of meetings

(1) The Secretary shall record and keep minutes of all meetings of the committee in a form approved by the committee.

(2) The minutes recorded under this paragraph shall be submitted to the committee for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary, in the presence of the members present at the latter meeting.

4. Power to co-opt

(1) The committee may invite any person who, in the opinion of the committee, has expert knowledge concerning the functions or a matter before the committee, to attend and take part in the proceedings of the committee.

(2) A person attending a meeting of the committee under subparagraph (1) may take part in any discussion at the meeting on which his or her advice is required.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the committee shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the committee, or in any other matter which falls to be considered by the committee, shall disclose the nature of his or her interest at a meeting of the Committee.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall—

- (a) not be present during any deliberation of the committee with respect to that matter; or
- (b) not take part in any decision of the committee with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Committee may regulate its procedure

Subject to this Act, the committee may regulate its own procedure or any other matter relating to its meetings.

SCHEDULE 4

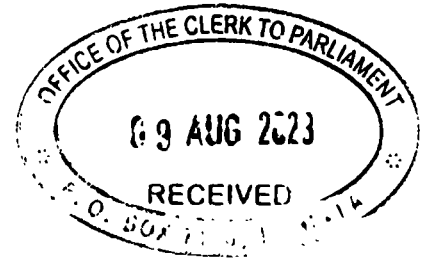
Section 20 (1) and 31 (2) (3)

**EXPLOSIVES THAT MAY BE IMPORTED BY
ANY PERSON WITH A PERMIT**

1. Assorted cakes, not exceeding 1.2 inches per consignment
2. Roman candle, not exceeding 2.5 inches per consignment
3. Assorted rockets, not exceeding 2 inches per consignment
4. Assorted fountains, not exceeding 3 inches per consignment
5. Ariel display shells, not exceeding 3 inches per consignment
6. Assorted pop pops
7. Assorted crackers
8. Assorted sparklers
9. Bumble bees and butterflies
10. Magical candles
11. Smoke tubes
12. Rubbing bang.

Cross reference

Security Organisation Act, Cap. 305



**CERTIFICATE
OF
FINANCIAL IMPLICATIONS**

THIS IS TO CERTIFY that the Explosives Bill, 2023 has been examined as required under section 76 of the Public Finance Management Act, 2015.

I wish to report as follows:

a) Objectives of the Bill.

The Bill seeks to repeal the Explosives Act, Cap.298; to provide for the establishment of a National Explosives Committee and the designation of the Chief Explosives Inspector; to provide for restrictions on the manufacture, storage, use, dealing, import, export and transportation of explosives; to provide for the appointment of Explosives Inspectors; to provide for safety and precaution measures in the use and handling of explosives; and for related matters.

b) Impact and outcome of the Bill.

- i. Enhanced safety and security of citizens, protection of citizens property and that of National Infrastructure and installations like dams, bridges, buildings etc. that are targets for terrorist.
- ii. Leverage Uganda as a safe and competitive investment destination by allowing different Sectors flourish in a peaceful environment.
- iii. Harmonized existing inconsistent or inadequate provisions under the current Law.

c) Expected Outputs.

The expected outputs are; Establishment of the National Explosives Committee, Designation of the Chief Explosives Inspector, Regulated use and management of explosives in the country and appointment of Explosives Inspectors.

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"

d) Funding and budgetary implications.

The proposed amendments have attendant costs relating to Establishment of a National Explosives Committee, Designation of the Chief Explosives Inspector, appointment of Explosives Inspectors, among others. These costs shall be accommodated within available resources in the implementing institutions.

e) Expected savings and/or Revenue to Government.

There are no direct savings or revenue envisaged other than the highlighted impact on the Economy.

Submitted under my hand this^{23rd}..... day of ...July..... 2023.


Matia Kasaija (MP)

MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT

Received by:

Date:

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"