

1977/144



THE EXPLOSIVES REGULATIONS 1959, AMENDMENT NO. 2

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 7th day of June 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 62 of the Explosives Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Explosives Regulations 1959, Amendment No. 2, and shall be read together with and deemed part of the Explosives Regulations 1959* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Carriage of explosives—The principal regulations are hereby amended by revoking the proviso to regulation 49.

3. Detonators to be marked—The principal regulations are hereby further amended by inserting, after regulation 67, the following regulation:

“67A. No person shall import into or distribute within New Zealand any detonators unless they are conspicuously and durably marked with the name of the item followed by the word ‘Explosive’ or by an equally effective word or words of warning.”

4. Restrictions on fireworks—(1) Regulation 69 (g) of the principal regulations is hereby amended by omitting the words “explosion of the firework.”, and substituting the words “explosion of the firework; or”.

*S.R. 1959/126

Amendment No. 1: S.R. 1967/182

(2) Regulation 69 of the principal regulations is hereby further amended by adding the following paragraphs:

- “(h) The firework, being a rocket, has a sharp pointed rigid nose cone; or
- “(i) The firework contains a composition containing either wholly or in part an arsenical mixture, or any other chemical composition of a highly poisonous nature; or
- “(j) The firework possesses such other features which, in the opinion of the Chief Inspector, makes it unsafe.”

5. Metric amendments—(1) The principal regulations are hereby further amended in the manner indicated in the First Schedule to these regulations.

(2) In relation to facilities constructed before the commencement of these regulations, the principal regulations shall be read as if subclause (1) of this regulation had not been made in relation to those facilities.

6. Fees—The principal regulations are hereby further amended by revoking the Second Schedule (as substituted by regulation 3 of the Explosives Regulations 1959, Amendment No. 1), and substituting the Second Schedule set out in the Second Schedule to these regulations.

7. Revocations—(1) Regulation 21 of the principal regulations is hereby revoked.

(2) Regulation 3 of the Explosives Regulations 1959, Amendment No. 1 and the Schedule to those regulations are hereby consequentially revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 5 (1)

METRICATION OF PROVISIONS OF EXPLOSIVES REGULATIONS 1939

Regulation Amended	Amendment
8 (2) (a)	By omitting the expressions “300 ft” and “1 lb”, and substituting respectively the expressions “100 m” and “0.5 kg”.
8 (2) (b)	By omitting the expressions “1,000 ft” and “7 lb”, and substituting respectively the expressions “100 m” and “1 kg”.
8 (2) (c)	By omitting the expression “5 lb”, and substituting the expression “2 kg”.
19B (d) (as added by regulation 2 of the Explosives Regulations 1959, Amendment No. 1)	By omitting the expression “150°F”, and substituting the expression “61°C”.
19B (i) (as so added)	By omitting the expressions “200 lb”, “100 ft”, “50 ft”, and “50 lb”, and substituting respectively the expressions “100 kg”, “30 m”, “15 m”, and “25 kg”.

FIRST SCHEDULE—*continued*

Regulation Amended	Amendment
19B (1), 19c (as so added in both cases)	By omitting the expression "50 ft", and substituting the expression "15 m".
22 (2)	By omitting the expression "100 lb", and substituting the expression "50 kg".
38 (1) (a)	By omitting the expression "75 ft", and substituting the expression "23 m".
39 (2) (a)	By omitting the expressions "200 lb" and "100 lb", and substituting respectively the expressions "100 kg" and "50 kg".
39 (2) (b)	By omitting the expressions "150 lb" and "75 lb", and substituting respectively the expressions "75 kg" and "38 kg".
39 (2) (c)	By omitting the expressions "100 lb" and "50 lb", and substituting respectively the expressions "50 kg" and "25 kg".
39 (2) (d)	By omitting the expression "30 lb", and substituting the expression "15 kg".
39 (4)	By omitting the expressions "2 lb" and "1 lb", and substituting respectively the expressions "2 kg" and "1 kg".
45 (4)	By omitting the expression "30 ft" from both places where they appear, and substituting in each case the words "10 m".
48 (2)	By omitting the expression "100 lb", and substituting the expression "50 kg".
49 (as amended by regulation 2 of these regulations)	By omitting the expressions "12,000 lb", "4,000 lb", and "50,000 lb", and substituting respectively the expressions "7.5 tonnes", "2 tonnes", and "25 tonnes".
50	By omitting the expressions "4,000 lb" and "100 yards", and substituting respectively the words "2 tonnes" and "100 m".
53	By omitting the expression "100 lb", and substituting the expression "50 kg".
54	By omitting the words "40 miles per hour", and substituting the expression "65 km/h".
56 (1)	By omitting the expression "500 lb", and substituting the expression "250 kg".
56 (2)	By omitting the words "50 yards" and "300 yards", and substituting respectively the expressions "50 m" and "300 m".
57 (2)	By omitting the words "300 yards", and substituting the expression "300 m".
59 (1)	By omitting the expressions "100 lb" and "6 in.", and substituting respectively the expressions "50 kg" and "150 mm".

FIRST SCHEDULE—*continued*

Regulation Amended	Amendment
60, 61	By omitting the expression "100 lb", and substituting the expression "50 kg".
62 (1) (a)	By omitting the expressions "100 lb" and "3 ft", and substituting respectively the expressions "50 kg" and "1 m".
62 (1) (b)	By omitting the expressions "500 lb" and "3 ft", and substituting respectively the expressions "250 kg" and "1 m".
62 (1) (c)	By omitting the expression "4,000 lb", and substituting the words "2 tonnes".
62 (1) (c) (i)	By omitting the words "16 gauge", "12 in." and "6 in.", and substituting respectively the expressions "1.58 mm", "300 mm", and "150 mm".
62 (1) (c) (ii)	By omitting the expression "150°F", and substituting the expression "61°C".
62 (1) (c) (v)	By omitting the words "2 gallons", and substituting the words "9 litres".
62 (1) (d)	By omitting the expression "4,000 lb", and substituting the words "2 tonnes".
63 (2) (c)	By omitting the expression "50 ft", and substituting the expression "15 m".
63 (2) (l)	By omitting the words "300 yards", and substituting the expression "300 m".
69 (g)	By omitting the words "100 grains", "4 in.", and "1 in.", and substituting respectively the expressions "2.5 g", "26 mm", and "15 mm".
70 (1)	By omitting the expression "5 lb", and substituting the expression "2.5 kg".
70 (3)	By omitting the words "2 in.", "25 grains", "70 grains", and "25 grains", and substituting respectively the expressions "50 mm", "1.625 g", "4.5 g", and "1.625 g".
72 (2)	By omitting the expression "2,000 lb", and substituting the expression "1,000 kg".
74 (d)	By omitting the expression "50 ft", and substituting the expression "15 m".
74 (j)	By omitting the expression "3 ft", and substituting the expression "1 m".
First Schedule	By omitting the expressions "1 lb", "2 lb", "5 lb", "15 lb", "20 lb", "25 lb", "50 lb", "100 lb", "120 lb", "200 lb", and "0.5 in." wherever they appear, and substituting respectively the expressions "0.5 kg", "1 kg", "2.5 kg", "7.5 kg", "10 kg", "12.5 kg", "25 kg", "50 kg", "60 kg", "100 kg", and "13 mm".

Reg. 6

SECOND SCHEDULE

NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS

"SECOND SCHEDULE

Regs. 7 (1), 9, 19A (1), 20 (2), 35 (2), 42 (3), 76 (2), 77

"FEES

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1. Importation permit—	
For each 250 kg or portion of 250 kg of explosive up to 5000 kg	5.00
For each 1000 kg in excess of 5000 kg	10.00
2. Licence to manufacture explosives—	
For the manufacture of nitro-compounds and other explosives	40.00
For the manufacture of fireworks only	20.00
For the manufacture of safety fuse only	10.00
For the manufacture of small arms ammunition only where not more than 25 kg of propellant not made up into cartridges is present at any one time	5.00
Where more than 25 kg of propellant not made up into cartridges is present at any one time	15.00
For the manufacture of ammonium-nitrate explosive mixture	10.00
3. Licence to sell explosives	5.00
4. Licence to store explosives—	
Licence for a private magazine in which the quantity stored does not exceed 165 kg	5.00
Licence for a private magazine in which the quantity stored exceeds 165 kg but does not exceed 1025 kg	10.00
Licence for a private magazine in which the quantity stored exceeds 1025 kg but does not exceed 5000 kg	15.00
Licence for a private magazine in which the quantity stored exceeds 5000 kg but does not exceed 10,000 kg	25.00
Licence for a private magazine in which the quantity stored exceeds 10,000 kg	50.00
5. Licence to carry explosives—	
For the carriage of explosives in quantities not exceeding 50 kg	5.00
For any other licence	10.00
6. Inspection and analysis fees—	
For each sample of explosives submitted to the "Heat test" at the instance of the owner or importer	5.00
For the examination of the explosive submitted for authorisation	25.00
For the analysis of any explosive	20.00"

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Explosives Regulations 1959.

Regulation 2 revokes the proviso which limits the Chief Inspector's authority for the carriage of explosives on any road to 10,000 lb in any one vehicle.

Regulation 3 requires all detonators imported and distributed to be conspicuously and durably marked.

Regulation 4 extends the conditions under which the Chief Inspector may refuse to approve any fireworks as suitable for unrestricted sale to the public.

Regulation 5 metricates the provisions of the principal regulations, and also makes the following amendments:

- (a) Regulations 19B (d) and 62 (1) (c) (11) of the principal regulations prescribe a flash point for fuel oil. This flash point has been lowered to 61°c which is in accordance with the classification for fuel oil as scheduled in the Dangerous Goods Act 1974:
 - (b) In regulation 49 (a) of the principal regulations, the amount of 7500 kg represents an increase in the amount of explosives that can be carried by rail in any one carriage or wagon. This is the amount at present accepted under the Australasian Railways Code:
 - (c) In regulation 69 (g) of the principal regulations, the powder content and the length and diameter of banger types of fireworks have been reduced.
- Regulation 6 prescribes a new scale of licence fees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 June 1977.

These regulations are administered in the Department of Internal Affairs.