



Jersey

EXPLOSIVES (JERSEY) LAW 1970

Official Consolidated Version

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Jersey

EXPLOSIVES (JERSEY) LAW 1970¹

A **LAW** to regulate the importation, manufacture, storage, use, conveyance, sale, purchase, transfer, acquisition and possession of explosives and for purposes connected therewith²

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

- “explosives” has such meaning as prescribed, and shall include fireworks;
- “fireworks licence” means a licence issued under Article 8(1);
- “importation licence” means a licence issued under Article 2(1);
- “licence” means a licence issued under this Law;
- “magazine licence” means a licence issued under Article 4(1);
- “manufacturing licence” means a licence issued under Article 3(1);
- “Minister” means the Minister for Home Affairs;
- “officer of the Impôts” shall be construed in accordance with Article 4 of the [Customs and Excise \(Jersey\) Law 1999](#);
- “prescribe” means prescribe by Order;
- “transfer licence” means a licence issued under Article 6(1).

2 Importation of explosives

- (1) No person shall import any explosives into Jersey except in accordance with a licence granted to the person by the Minister.
- (2) Before granting a licence under this Article, the Minister shall consult with the Minister for Economic Development, Tourism, Sport and Culture to ensure that adequate arrangements have been made in relation to the disembarkation of the explosives to be imported.³

- (3) In considering whether to grant or refuse to grant an importation licence, the Minister shall have regard to the public safety and to the need or apparent need in Jersey for the explosives which are to be imported.
- (4) The Minister may attach such conditions as the Minister thinks fit to the grant of an importation licence.
- (5) Every importation licence shall specify the quantity of explosives to be imported and the date on which such importation is likely to occur.
- (6) Subject to the provisions of this Law, the Minister may at any time where the Minister considers it right and proper to do so cancel an importation licence or vary any conditions attached to such licence.
- (7) Copies of every importation licence shall be sent by the Minister to the Chief Agent of the Impôts and to the Harbour Master.
- (8) Any person to whom an importation licence has been granted shall maintain a register which shall contain the following details –
 - (a) the quantity and description of explosives imported;
 - (b) the quantity and description of explosives sold or transferred;
 - (c) the persons to whom explosives have been sold or transferred.

3 Manufacture of explosives

- (1) No person shall, whether or not by way of business, manufacture any explosives except in accordance with a licence granted to the person by the Minister.
- (2) In considering whether to grant or refuse to grant a manufacturing licence, the Minister shall have regard to the public safety and, where applicable, to the need to conduct scientific experiments.
- (3) The Minister may attach such conditions as the Minister thinks fit to the grant of a manufacturing licence.
- (4) Any manufacturing licence may authorize the manufacture of specified quantities of explosives, specified quantities of specified explosives or any quantity of specified explosives and may be limited in duration to such period as the Minister may determine.
- (5) Subject to the provisions of this Law, the Minister may, at any time, where the Minister considers it right and proper to do so, cancel a manufacturing licence or vary any conditions attached to such licence.

4 Storage of explosives

- (1) No person shall keep or store any explosives except in a magazine duly licensed by the Minister.
- (2) Every magazine licence shall expire on the 31st December next following the date on which it is granted and may be renewed annually on application being made to the Minister.
- (3) In considering whether to grant or refuse to grant, or renew or refuse to renew a magazine licence, the Minister shall have regard to the public safety and to the prevention of unwarranted explosions and, in particular, shall have regard to the

situation and manner of construction of the magazine and the method of storage of explosives therein.

- (4) The Minister may attach such conditions as the Minister thinks fit to the grant or renewal of a magazine licence, including a condition as to the maximum quantity of explosives, or of specified explosives, which may be stored at any time in the magazine.
- (5) Any person to whom a magazine licence has been granted shall maintain a register which shall contain the following details –
 - (a) the quantity and description of explosives purchased or acquired by the person;
 - (b) the quantity and description of explosives used by the person or any person employed by him or her;
 - (c) the quantity and description of explosives sold or transferred to any other person.
- (6) Subject to the provisions of this Law, the Minister may, at any time, where the Minister considers it right and proper to do so cancel a magazine licence or vary any conditions attached to such licence.
- (7) The provisions of this Article shall not apply to the keeping or storage of fireworks in a place from which such fireworks are to be sold by retail.

5 Use of explosives⁴

- (1) No person shall use any explosives for any purpose except in accordance with a licence granted by the Minister.
- (2) Subject to the provisions of this Law, the Minister may refuse to grant a licence to use explosives if the Minister deems that it is in the best interests of the community so to do.
- (3) The Minister may attach such conditions as the Minister thinks fit to the grant of a licence to use explosives.
- (4) Subject to the provisions of this Law, the Minister may, at any time, where the Minister considers it right and proper to do so, cancel a licence to use explosives or vary any conditions attached to such a licence.
- (5) The Minister may, from the time notice is given in pursuance of Article 11(1) of his or her intention to cancel a licence to use explosives or to attach any condition to such a licence or to vary any condition attached to such a licence, as the case may be, prohibit or restrict the use of explosives by the holder of the licence or by any person authorized by him or her, and such prohibition or restriction shall, notwithstanding the provisions of Article 12(2), continue to take effect until any appeal under Article 12 against the cancellation of the licence or the condition attaching thereto or the variation of any condition attached thereto, as the case may be, is abandoned or determined.
- (6) The provisions of this Article shall not apply to fireworks.
- (7) Nothing in this Article shall be taken to prohibit the use of any explosives by any person in the employ of the Crown or any administration of the States or any police officer, acting in the course of his or her duty as such.

6 Sale or transfer of explosives

- (1) No person shall purchase, acquire or have in his or her possession any explosives unless he or she is the holder of a licence granted to the person by the Minister authorizing such purchase, acquisition or possession.
- (2) In considering whether to grant or refuse to grant a transfer licence, the Minister shall have regard to the public safety, to the character of the applicant for the transfer licence and to the use which is to be made of the explosives.
- (3) The Minister may attach such conditions as the Minister thinks fit to the grant of a transfer licence.
- (4) Subject to the provisions of this Law, the Minister may at any time where the Minister considers that it is right and proper to do so cancel a transfer licence or vary any conditions attached to such licence.
- (5) No person shall sell or transfer any explosives to any person, other than a person specified in paragraph (6), who does not hold a transfer licence authorizing him or her to purchase or acquire such explosives.
- (6) The provisions of paragraph (1) shall not apply to any person who has been granted an importation licence or magazine licence.
- (7) The provisions of this Article shall not apply to the sale, purchase, transfer, acquisition or possession of fireworks.
- (8) Nothing in this Article shall be taken to prohibit the possession of any explosives by any person in the employ of the Crown or any administration of the States or any police officer, acting in the course of his or her duty as such.

7 Conveyance of explosives⁵

- (1) No person shall convey explosives except in accordance with a licence granted by the Minister.
- (2) Subject to the provisions of this Law, the Minister may refuse to grant a licence to convey explosives if the Minister deems that it is in the best interests of the community so to do.
- (3) The Minister may attach such conditions as the Minister thinks fit to the grant of a licence to convey explosives.
- (4) Subject to the provisions of this Law, the Minister may, at any time, where the Minister considers it right and proper to do so, cancel a licence to convey explosives or vary any conditions attached to such a licence.
- (5) The provisions of this Article shall not apply to fireworks.
- (6) Nothing in this Article shall be taken to prohibit the conveyance of any explosives by any person in the employ of the Crown or any administration of the States or any police officer, acting in the course of his or her duty as such.

8 Fireworks

- (1) No person shall sell fireworks by retail except in accordance with a licence granted to the person by the Connétable of the parish in which the place from which the fireworks are sold is situated.

- (2) Every fireworks licence shall expire on the 31st December next following the date on which it is granted and may be renewed annually on application being made to the appropriate Connétable.
- (3) In considering whether to grant or refuse to grant, or renew a fireworks licence, a Connétable shall have regard to the public safety, to the fitness of the applicant to sell fireworks and to the suitability of the premises from which the fireworks are to be sold and shall consult with the Chief Officer of the States of Jersey Fire and Rescue Service regarding the application generally.⁶
- (4) A Connétable may attach such conditions as he or she thinks fit to the grant or renewal of a fireworks licence.
- (5) Subject to the provisions of this Law, a Connétable may, at any time, where he or she considers it right and proper to do so, cancel a fireworks licence or vary any conditions attached to such licence.

9 Application forms, licences and registers

Application forms, licences and registers required for the purposes of this Law shall be in such form and shall, in addition to the particulars required by virtue of any other provision of this Law to be contained therein, contain such particulars as the Minister may from time to time determine.

10 Fees

There shall be payable on the grant or renewal of a licence such fees as the Minister shall prescribe.

11 Notice of refusal, cancellation etc.

- (1) The Minister or a Connétable as the case may be shall not –
 - (a) refuse an application for a licence or the renewal of a licence;
 - (b) attach any condition to a licence, other than a condition attached on the grant or renewal of a licence or vary any such condition; or
 - (c) cancel a licence,unless the Minister or the Connétable, as the case may be, has given to the applicant or the holder of the licence, as the case may be, not less than 7 days notice in writing, of the intention so to do and the reasons for so doing, and every such notice shall contain an intimation that if, within the period of such notice, the applicant or the holder of the licence informs the Minister or the Connétable in writing that he or she desires to do so, the Minister or the Connétable, before refusing or cancelling the licence or attaching or varying the condition, will afford the applicant or licence holder an opportunity of being heard in person or by a representative, against such refusal or cancellation or the attachment to the licence of such condition.
- (2) If, after affording an applicant or a holder of a licence, as the case may be, an opportunity of being heard, the Minister or the Connétable decides to refuse the application, to attach or vary the condition, or to cancel the licence, notice in writing of the decision shall be given to the applicant and, if so requested in writing

by him or her, the Minister or the Connétable shall, within 7 days of receiving such a request give to him or her a statement in writing of the reasons for the decision.

12 Right of appeal

- (1) Any person aggrieved by –
 - (a) the refusal of an application for a licence or for the renewal of a licence;
 - (b) the variation of any condition attached to a licence; or
 - (c) the cancellation of a licence,

may, within the 15 days next following the day on which notice of the decision of the Minister or the Connétable, was given to the person under Article 11(2) or in the case of a condition attached on the grant or renewal of a licence, within 15 days next following the day on which the person was notified of the grant or renewal of the licence, appeal to the Inferior Number of the Royal Court, in term or in vacation, on the ground that the decision of the Minister or the Connétable was unreasonable having regard to all the circumstances of the case, and the decision of the Inferior Number of the Royal Court shall be final and without further appeal, but without prejudice to the right of the Inferior Number to refer the matter to the Superior Number of the Royal Court.

- (2) Where any person appeals against the cancellation of a licence or against a condition attaching to a licence, the cancellation of the licence, or, as the case may be, the condition attached, shall not take effect until the appeal is abandoned or determined.

13 Inspection

- (1) Any officer in an administration of the States for which the Minister is assigned responsibility may, subject to the production by the officer, if so required of evidence of the officer's authority, enter and inspect any premises which are used for the keeping or storage of explosives, or which that officer has reasonable cause to believe contain explosives or on which explosives have been used or are being used or are about to be used, and to require any person in occupation thereof or employed therein to furnish to the officer such information in relation to the premises or to any explosives therein or to the use of any explosives thereon as may be reasonably necessary for the enforcement of the provisions of this Law.⁷
- (2) Any officer of the Committee, any officer of the Impôts and any officer in an administration of the States for which the Minister for Economic Development, Tourism, Sport and Culture is assigned responsibility may, subject to the production by the officer of evidence of the officer's authority, board and inspect any ship or aircraft, or enter and inspect any premises, in a harbour or at an airport, which the officer has reasonable cause to believe contain explosives or on which explosives have been used or are being used or are about to be used and to require any person in charge thereof, employed therein or in occupation thereof, to furnish to the officer such information in relation to the premises or to any explosives therein or to the use of any explosives thereon as may be reasonably necessary for the enforcement of the provisions of this Law.⁸
- (3) Every person who –

- (a) obstructs or impedes an officer in the exercise of any of the powers conferred by this Article;
 - (b) fails or refuses to give an officer on demand any information which it is in his or her power to give and which such officer is entitled to demand under this Law; or
 - (c) wilfully gives to an officer information which is false or misleading in a material particular,
- shall be liable to a fine not exceeding level 3 on the standard scale.⁹

14 Power to grant exemptions

- (1) The Minister may, at his or her absolute discretion, grant exemption from the operation of any of the provisions of this Law, other than Article 8; and may attach conditions to any exemption so granted and any conditions so attached may at any time be varied or withdrawn.
- (2) Where any condition attached to any exemption granted under this Article is contravened or not complied with, the exemption shall be of no effect.

15 Surrender of licences

- (1) Subject to the provisions of Articles 11 and 12, any person to whom a licence has been granted shall deliver the licence to the Minister or to the Connétable as the case may be forthwith on notice being given to him or her of the cancellation of the licence or of the imposition of additional conditions on the licence.
- (2) Any person who fails to deliver a licence to the Minister or to a Connétable in accordance with paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale and to a further fine not exceeding level 1 on the standard scale for each day during which the failure continues.¹⁰

16 Orders

- (1) The Minister may by Order make provision for the purpose of carrying this Law into effect and, in particular but without prejudice to the generality of the foregoing, for prescribing any matter which is to be prescribed under this Law.
- (2) ¹¹

17 Code of requirements

- (1) The Minister shall prepare a code comprising such requirements and directions as appear to the Minister to be proper for the guidance of persons using or handling explosives and may from time to time revise the code in such manner as the Minister thinks fit.
- (2) The Minister shall cause the code and any revision thereof to be printed and shall present the same to the States for their information.

18 Offences¹²

Any person who contravenes or fails to comply with any provision of this Law for which no specific penalty is provided, or contravenes or fails to comply with any condition attached to any licence granted to the person shall be liable –

- (a) in the case of an offence in relation to the sale of fireworks, to a fine; or
- (b) in any other case, to imprisonment for a term of 2 years and to a fine,

and the Court may order the explosives to which the offence relates to be forfeited and destroyed or disposed of in such other manner as it thinks fit.

19 Forfeiture and destruction of explosives¹³

- (1) A police officer or any officer having a power of inspection under Article 13 may seize or detain any explosives which the police officer reasonably suspects have been or will be dealt with in any way contrary to this Law and such explosives shall be liable to forfeiture.
- (2) Any explosives seized or detained under this Article may be stored pending the determination of their liability to forfeiture and in such event, Article 4 shall not apply to such storage.
- (3) The Attorney General may, at the request of the Minister and after having given notice to the owner or other person who may have an interest in the explosives seized or detained, bring proceedings in the Royal Court for the forfeiture of those explosives.
- (4) Subject to paragraph (5), where proceedings have been brought under paragraph (3), the Court may order the explosives seized or detained to be forfeited and destroyed or disposed of in such other manner as it thinks fit.
- (5) No order shall be made under paragraph (4) unless the Court, having given an opportunity for the owner or other person who may have an interest in the explosives to show cause why the order should not be made, is satisfied that the explosives were or were to be dealt with in any way contrary to this Law.

20 Offences by corporation

Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

21 Notices

- (1) Any notice required by this Law to be given to a person being a body corporate shall be duly given if it is given or sent by post to the secretary or clerk of the body corporate.
- (2) Subject to the provisions of paragraph (1), any notice required by this Law to be given to any person may be given –

- (a) by delivering it to that person;
 - (b) by leaving it at the person's proper address;
 - (c) by registered post; or
 - (d) by recorded delivery service.
- (3) For the purposes of this Article and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#), the proper address of any person on whom any notice is to be given under this Law shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of the body corporate, and in any other case, be the last known address of the person in question.

22 Saving

The provisions of this Law are in addition to, and not in derogation of, the provisions of any other enactment.

23 Citation

This Law may be cited as the Explosives (Jersey) Law 1970.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Explosives (Jersey) Law 1970	L.1/1971	1 April 1971
Explosives (Amendment) (Jersey) Law 1978	L.1/1978	8 May 1978
Explosives (Amendment No. 2) (Jersey) Law 1997	L.34/1997	1 December 1997 (R&O.9174)
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	R&O.47/2005	9 December 2005
Fire and Rescue Service (Jersey) Law 2011	L.26/2011	1 March 2012 (R&O.27/2012)
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)

Table of Renumbered Provisions

Original	Current
1(2)	spent, omitted from this revised edition
2(9)	repealed by L.34/1997
4A	5
5	6
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
17A	19
18	20
19	21
20	22
21	spent, omitted from this revised edition

Original	Current
22(1)	23
(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Long title*
amended by L.1/1978
- ³ *Article 2(2)*
amended by R&O.158/2015
- ⁴ *Article 5*
inserted by L.1/1978
- ⁵ *Article 7*
substituted by L.1/1978
- ⁶ *Article 8(3)*
amended by L.26/2011
- ⁷ *Article 13(1)*
amended by L.1/1978
- ⁸ *Article 13(2)*
amended by L.1/1978, R&O.158/2015
- ⁹ *Article 13(3)*
amended by L.34/1997
- ¹⁰ *Article 15(2)*
amended by L.34/1997
- ¹¹ *Article 16(2)*
deleted by L.8/2021
- ¹² *Article 18*
substituted by L.34/1997, amended by L.1/2016
- ¹³ *Article 19*
inserted by L.34/1997