

Explosives (Manufacturing)

GOVERNMENT NOTICE NO. 422 published on 24/5/2019

THE EXPLOSIVES ACT
(CAP.45)

REGULATIONS

(Made under section 55)

THE EXPLOSIVES (MANUFACTURING) REGULATIONS 2019

PART 1
PRELIMINARY PROVISIONS

Citation and
commence-
ment

1. These Regulations may be cited as the Explosives (Manufacturing) Regulations, 2019 and shall come into operation on the date of publication.

Application

2. These Regulations apply to manufacturing of explosives.

Interpretation
Cap.45

3. In these Regulations unless the context otherwise requires-
“Act” means the Explosives Act.
“factory” means the plant and area where the explosives are manufactured;
“Licence” means the Manufacturing Licence.
“Commissioner” means the Commissioner for Minerals appointed under section 20 of the Mining Act;
“Minister” means the Minister responsible for minerals;
“technical person” means a person with a certificate, diploma or degree in explosives or mining studies.

Cap.123

PART II
MANUFACTURING OF EXPLOSIVES

Application
for licence to
manufacture

4.-(1) An application for licence to manufacture explosives pursuant to section 8 of the Act shall be made in Form No MF. 1 accompanied by a prescribed fee, and the manufacturing licence shall be issued in Form EML as specified in the First Schedule and shall be accompanied by the following-

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561 of 1964

- (a) the documents that show the land ownership of the area where the explosives manufacturing factory is to be constructed;
- (b) an environmental certificate of the factory or site conducted for the explosives operations to be carried out;
- (c) a factory site and area plan that show the topography of the site, layout sketches, diagrams or drawings which shall show-
 - (i) the workplace areas, storage areas and emergency exits of every process unit, factory magazine, raw material storage facility and every building or structure that contains such a unit, magazine or facility;
 - (ii) the distance in meters between each process unit, factory magazine, raw material storage facility, building and structure as specified in the Third Schedule to the Explosives Regulations;
 - (iii) the equipment to be used in each process unit, including piping and instrumentation diagrams and equipment layout drawings, and
 - (iv) the manufacturing operations to be carried out, including process flow sheets or process schematic drawings;
- (d) the information about the factory such as-
 - (i) the size of, and construction materials used for, each building at the site and all lighting, heating, ventilation and air conditioning systems, electrical installations, grounding and measures for protection from fire and lightning;
 - (ii) a description of site and building security features (for example, fencing, barriers and warning signs);
 - (iii) a description of the principal manufacturing equipment to be used;
 - (iv) a description of each mobile process unit to be used;
 - (v) a description of any other mobile equipment, including transport units, to be used and how the equipment will be powered; and
 - (vi) a description of any safety features at the site to be put in place to minimize the likelihood of harm to people or property (for example, lighting, sumps, blowout panels, means of blast containment, barriers, alarms or pressure relief and control systems);
- (e) information about manufacturing operations such as-
 - (i) a description of the operations to be carried out in each process unit and factory magazine;
 - (ii) a description of the explosives, and any other thing that is flammable, liable to spontaneously combust or otherwise

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- dangerous, which will be stored in each process unit, factory magazine, raw material storage facility, building or structure;
- (iii) the results of a quantified risk assessment or hazard operability review of any manufacturing operation to be used to manufacture an explosives;
 - (iv) the maximum quantity of explosives and raw material that will be in each process unit, factory magazine, raw material storage facility, building and structure at any one time;
 - (v) the maximum number of people who will be in each process unit, factory magazine, raw material storage facility, building and structure at any one time, and
 - (vi) minimum distance in metres that must be maintained between each process unit, factory magazine and raw material storage facility and each vulnerable place shown on the area plan, as set out in the Third Schedule to the Explosives Regulations; and
- GN No. 561 of 1964
- (f) a security plan which shall provide for-
 - (i) assessment of the security risks resulting from the presence of the explosives at the factory or mine;
 - (ii) a description of the mitigation measures that will be taken to minimize those risks.
- Construction approval
5. The applicant of the explosive manufacturing licence shall, before the commencement of construction, seek for an approval from the Minister.
- Prohibition of some activities
6. No activities that could increase the likelihood of an ignition are to be carried out at the explosives manufacturing site unless there is a document approved by the Commissioner for Minerals that sets out the rules governing those activities.
- Approval of destruction
7. Where explosives are to be destroyed, a document that sets out the method of destruction to be used shall be submitted and approved by the Inspector of Explosives.
- Identification
8. Every process unit, factory magazine, raw material storage facility, building and structure that is shown on the site plan and every vulnerable place that is shown on the area plan must be identified by a number, letter or distinctive name.

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Rights of holder of licence

9. Subject to the provisions of these Regulations, a manufacturing licence confers on the holder of the licence, the exclusive right to-

- (a) manufacture explosives;
- (b) store explosives;
- (c) export manufactured explosives; and
- (d) sale explosives to a holder of mineral right or authorized explosive dealer.

Obligations of holder of manufacturing licence

10. The holder of manufacturing licence shall-

- (a) carry out manufacturing activities in compliance with security, safety and environmental protection measures;
- (b) employ and train of Tanzanians;
- (c) implement security measures necessary to protect explosives ingredients and explosive falling to unauthorized persons;
- (d) submit a monthly report that contains information on the manufactured explosives, exported explosives, sale of explosives, purchase and use of raw materials and any other information as required by Commissioner; and
- (e) keep a register of manufactured explosives.

Suspension and cancellation

11.-(1) Subject to this regulation, where a holder of manufacturing licence-

- (a) fails in material respect to comply with any requirement of these Regulations which are binding on him;
- (b) fails to comply with condition(s) of licence;
- (c) fails to comply with a direction lawfully given under these Regulations; or
- (d) fails to comply with the obligations under these Regulations, the Commissioner may, by notice in writing served on the holder of the licence, suspend or cancel the manufacturing licence.

(2) The licensing authority shall not suspend or cancel a manufacturing licence on any ground referred to in subregulation (1) unless-

- (a) a default notice specifying the grounds on which the licence is liable to be suspended or cancelled, has first been served on a holder; and
- (b) the holder has failed, within a period of twenty one days from the date on which the default notice is served or such longer period as the Commissioner may allow, to remedy the default specified or, where such default is not capable of being

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remedied has failed to offer in respect thereof reasonable compensation or cancellation of the licence where such default is likely to cause major risk or danger.

Reports,
records and
information

12.-(1) The holder of a licence shall keep records within the manufacturing factory premises and at his registered office located in Tanzania for as long as the licence subsists, and shall submit reports and furnish such information as may be requested.

(2) The holder of licence shall maintain an address in Tanzania to which communications may be sent and shall issue a notice to the Commissioner of that address and any changes thereof.

(3) The Commissioner may direct the holder of a licence, at a time and place specified in the direction, to make available to, or to produce for inspection by himself, an authorized officer, or any public officer specified in the direction, any books, accounts, vouchers, documents or records of any kind concerning the licence and the manufacturing factory and the holder shall comply with the directions.

Scale

13. Every drawing, sketch or plan must be drawn to scale.

PART III
EXPORT OF EXPLOSIVES

Export permit
prohibition

14.-(1) No person shall-

- (a) apply and be issued an export permit of any explosives unless he is the manufacturer or otherwise importer of explosives;
- (b) export any explosives unless he has first applied and obtained an export permit from the Commissioner in respect of such explosives.

(2) An application for explosive export permit shall be in Form AEP.1 specified in the First Schedule and accompanied by application fee.

(3) Every export permit shall be in Form No. EP 1. specified in Schedule to these Regulations and shall state the following-

- (a) the nature and quantity of the explosives to be exported;
- (b) the place at which they shall be exported and mode of conveyance and route to the exit point;
- (c) the name, address, telephone number, fax number and email address of the person to whom each explosive will be delivered to;
- (d) the copy of a permit, or other proof, establishing that

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explosives have been authorized to enter the country of destination;

- (e) the address of a freight forwarder, if the applicant uses freight forwarder and shall include the name, address, telephone number, fax number, email address and the name of a contact person; and
- (f) such other conditions as the Commissioner may consider desirable in the interests of safety and security.

General
penalty

15. Any person who contravenes or fails to comply with the provisions of these Regulations commits an offence and on conviction is liable-

- (a) in case of an individual, to a fine not exceeding twenty millions shillings or to imprisonment not exceeding three years or to both;
- (b) in case of the body corporate, to a fine of not less than fifty million shillings.

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SCHEDULES
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FIRST SCHEDULE

FORM No. MF 1

PART -A

(Made under regulation 4(1))

Forms

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



For Official use only
Permit No.
Date:

APPLICATION FOR MANUFACTURING LICENCE

1	Full name of applicant	
2	Address, email and mobile number of applicant	
3	Name, qualifications and contact information of the technical person to be responsible for explosives manufacturing and handling at the factory	
4	Type and description of explosives to be manufactured	
5	Type and quantity of explosives to be manufactured monthly	
6	Place and administrative district where explosives will be manufactured	
7	Distance from the proposed manufacturing area to the nearest sensitive area	
8	Statement of the purpose for which explosives are to be manufactured	

Date
applicant

Signature of

PART -B

FORM No. AEP.1

(Made under regulation 14(2))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



For Official use only
Permit No.....
Date

APPLICATION FOR EXPLOSIVE EXPORT PERMIT

1	Full name of applicant	
2	Name of the company and address	
3	Purpose for which explosives are required	
4	Name and address of consignee	
5	Point of exit	
6	Origin of the explosives	
7	The name and address of a freight forwarder, if the applicant uses freight forwarder	
8	Route to be followed to destination and means of transport	
9	Name, address and mobile phone of person responsible for the exported explosives	
10	Proof of authorization for importation of explosives from relevant authorities in the consignee country.	
11	State date of exportation of explosives.	
12	Type and quantity of explosives to be exported	
13	The product name and Batch number of each explosive to be exported	
14	Place where explosive is to be exported	

Date

Signature of applicant

PART -C
(Made under regulation 4(1))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



LICENCE TO MANUFACTURE EXPLOSIVES

Licence No.....

Licence is hereby granted to of to manufacture using S/NO. at.....

The permit is given subject to the following terms and conditions:-

1. The explosives shall be manufactured under the immediate supervision of a Technical person appointed in writing by the licensee.
2. The licensee shall not cause or knowingly permit any discharge, deposition or emission of gaseous, liquid, solid or particulate material, noise or vibration into the environment, which may cause pollution; except with written approval of the Commissioner for Minerals.
3. A record and account of explosives manufactured under this licence and used shall be kept; and the books or records shall be exhibited to any inspector authorized under the Explosives Act, Cap.45, whenever such officer may call upon the licensee to do so.
4. The licensee shall submit, on monthly basis, a return showing the raw materials received at the plant, quantity of explosive products manufactured, how and where the explosive products are stored or disposed during the same period, and any other information relating to explosives manufacturing process, so as to reach the Commissioner for Minerals by the tenth day of succeeding month.
5. The licence shall adhere to all other conditions and requirements as stipulated in the Explosives Act, Cap.45 and the Explosives Regulations of 1964.

This licence unless cancelled or suspended pursuant to provisions of the Explosives Act, Cap.45 or the conditions of this licence, shall be valid for period of..... from the date of grant.

IN WITNESS THEREOF, this licence is granted

This day of20.....

.....
MINISTER FOR MINERALS

PART -D

FORM No. CP

(Made under regulation 5)

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



For Official use only
Permit
No.....
Date

PERMIT FOR CONSTRUCTION OF THE EXPLOSIVES MANUFACTURING FACTORY

The permit is hereby granted to (full name) of (fully address)
to construct an explosives manufacturing factory at (premises)
in District.

The licence is subject to the following terms and conditions-

- (i) Construction of the magazines has to strictly adhere to the approved plans and specifications and other provisions of Explosives Act, Cap. 45 and the Explosives Regulations of 1964.
- (ii) After construction, the factory shall be inspected before the Explosives Manufacturing licence is granted.

Dated at..... this.....day of 20.....

.....
MINISTER FOR MINERALS

PART -E FORM No. AEP. 1

(Made under regulation 14(3))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



EXPLOSIVE EXPORT PERMIT

For Official use
only
Permit
No.....

Permit No.

Permission is hereby granted to:	(Name)
of:	(Address)
To Export the under-mentioned explosives from Tanzania at:	(Place of exit)
During the month or months of :	
Nature and quantity of explosives to be exported	
This permit is granted subject to the following conditions:	
The place at which they shall be exported and mode of conveyance and route to the exit point;	
Conditions as the Commissioner may consider desirable in the interests of safety and security.	
Issued at	
Date:	
Inspector of Explosives:	
Name	
Signature	

Dodoma
10th May, 2019

DOTO MASHAKA BITEKO,
Minister for Minerals