

CONSOLIDATION OF EXPLOSIVES USE ACT
R.S.N.W.T. 1988,c.E-10

(Current to: November 8, 2012)

AS AMENDED BY:

S.N.W.T. 1996,c.9

In force April 16, 1996

S.N.W.T. 1998,c.5

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2007,c.15,s.177

s.177 in force April 1, 2008: SI-003-2008

S.Nu. 2010,c.4,s.22

s.22 in force March 23, 2010

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Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in-1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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EXPLOSIVES USE ACT

INTERPRETATION

Definitions

1. In this Act,

"Commission" means the Workers' Safety and Compensation Commission; (*Commission*)

"deputy inspector" means a person appointed as a deputy inspector under section 11;
(*inspecteur adjoint*)

"explosive" means gunpowder, blasting powder, nitroglycerine, gun-cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or of other metals and every other substance made, manufactured or used with a view to producing a violent effect by explosion; (*explosif*)

"Inspector" means the person appointed as Inspector under section 11; (*inspecteur*)

"permit" means a permit issued under section 6. (*permis*) S.N.W.T. 1996,c.9,Sch.I,s.6;
S.Nu. 2007,c.15,s.177.

USE OF EXPLOSIVES

Exploding explosives

2. Subject to section 4, no person shall explode or cause to be exploded any explosives in Nunavut unless he or she is the holder of a permit issued under this Act.
S.Nu. 2010,c.4,s.22(2).

Handling and placing explosives

3. Subject to section 4, no person, other than the holder of a permit or a person under the supervision and control of a holder of a permit, shall handle or place an explosive for the purpose of arranging, preparing or causing an explosion.

Exception

4. Sections 2 and 3 do not apply to explosives that are exploded, handled or placed in accordance with the regulations made under the *Mine Health and Safety Act*.
S.N.W.T. 1998,c.5,s.14.

PERMITS

Form of application

5. (1) An application for a permit must be made on the prescribed form.

Statement of experience

(2) An application must be accompanied by a statement from a holder of a permit or from the employer or a former employer of the applicant to the effect that the applicant has had at least six months experience as an assistant to a holder of a permit or other person authorized by law to explode explosives.

Exception

(3) Subsection (2) does not apply to an applicant who holds a licence or permit under a law of a province or territory that the Commission has declared to be similar in nature to this Act. S.Nu. 2007,c.15,s.177; S.Nu. 2010,c.4,s.22(3).

Age limitation

(4) A permit shall not be issued to a person who is under the age of 19 years. S.N.W.T. 1996,c.9,Sch.I,s.7.

Examination

6. (1) Every applicant for a permit shall be examined by the Inspector or a deputy inspector as to the applicant's knowledge of commercial explosives, blasting accessories and the transportation, storage, handling and use of explosives.

Issue of permit

- (2) The Inspector may issue a permit to an applicant
- (a) on being satisfied that the applicant is a qualified person; or
 - (b) on receiving a recommendation from a deputy inspector.

Temporary permits

- (3) Where
- (a) a permit has not been issued under subsection (2), and
 - (b) a deputy inspector is satisfied that the applicant is a qualified person,

the deputy inspector may issue a permit to the applicant, but the permit shall be valid only for a period of 90 days.

Report to Inspector

(4) A deputy inspector issuing a permit under subsection (3) shall, as soon as possible, report the issuing of the permit to the Inspector.

Form of permit

7. A permit issued under section 6 must be in the prescribed form and may contain such limitations or conditions as the Inspector or deputy inspector, as the case may be, considers fit under the circumstances.

Production of permit

8. A holder of a permit shall, when requested to do so by the Inspector or a deputy inspector, produce his or her permit for inspection.

Cancellation or suspension by Inspector

9. (1) The Inspector may for any reason that the Inspector considers sufficient, cancel or suspend a permit.

Suspension by deputy inspector

(2) A deputy inspector may for any reason the deputy inspector considers sufficient, suspend a permit but the deputy inspector shall, as soon as possible, report the suspension to the Inspector.

Appeal

(3) A person whose permit is suspended by a deputy inspector may apply to the Inspector within 60 days after the suspension for reinstatement of his or her permit.

REPORT OF ACCIDENT

Report of accident

10. (1) Where a person is injured or killed as a result of an explosion of explosives, the holder of a permit in charge or the employer of that person shall immediately notify the Inspector of the incident, and the Inspector may make an investigation or direct a deputy inspector to make an investigation.

Inspection

(2) The Inspector or a deputy inspector may at any time enter any premises for the purpose of determining whether this Act or regulations are being complied with.

INSPECTOR AND DEPUTY INSPECTORS

Appointment of Inspector and deputy inspectors

11. The Commission may appoint an Inspector and one or more deputy inspectors for the purpose of carrying out the provisions of this Act. S.N.W.T. 1996,c.9,Sch.I,s.7; S.Nu. 2007,c.15,s.177.

OFFENCE AND PUNISHMENT

Offence and punishment

12. (1) Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or, in default of payment, to imprisonment for a term not exceeding six months.

Application of fines

(2) Every fine imposed under this Act shall, when collected, be paid over to the Commission and form part of the Workers' Protection Fund as defined in subsection 1(1) of the *Workers' Compensation Act*. S.N.W.T. 1996,c.9,Sch.I,s.8; S.Nu. 2007,c.15,s.177.

REGULATIONS

Regulations

13. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing the form of an application for a permit under subsection 5(1);
- (b) prescribing the form of a permit under section 7;
- (c) prescribing the examination for permits; and
- (d) for carrying out the purposes and provisions of this Act.