

## **CONSOLIDATION OF EXPLOSIVES USE ACT**

R.S.N.W.T. 1988,c.E-10

### **AS AMENDED BY**

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

In force April 16, 1996

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

This consolidation is not an official statement of the law. It is an office consolidation prepared by the Workers' Compensation Board of the NWT and Nunavut for convenience only. The authoritative text of statutes can be ascertained from *the Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories.

Any amendment to the Act not yet included in the Annual Volumes can be obtained through the Office of the Clerk of the Legislative Assembly.

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## Definitions (Section 1)

DEFINITIONS	INTERPRETATION
"deputy inspector"	1. (1) In this Act, "deputy inspector" means a person appointed as a deputy inspector under section 11;
"explosive"	"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;
"Inspector"	"Inspector" means the person appointed as Inspector under section 11;
"permit"	"permit" means a permit issued under section 6.

## Northwest Territories Explosives Use Act

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### Use of Explosives - Part I (Sections 2 - 4)

2.  
Exploding explosives  
Subject to section 4, no person shall explode or cause to be exploded any explosives in the Territories unless he or she is the holder of a permit issued under this Act.
3.  
Handling and placing explosives  
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.
4.  
Exception  
Sections 2 and 3 do not apply to explosives that are exploded, handled or placed in accordance with the regulations made under the *Mining Safety Act*.

### Permits - Part II (Sections 5 - 9)

5.  
Form of application  
5.(1) An application for a permit must be made on the prescribed form.
- Statement of experience  
5.(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 5.(3) Subsection (2) does not apply to an applicant who holds a licence or permit under a law of a province or the Yukon Territory that the Commissioner has declared to be similar in nature to this Act.

Age limitation 5.(4) A permit shall not be issued to a person who is under the age of 19 years.

6.

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 permit or 6.(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 6.(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 6.(4) A deputy inspector issuing a permit under subsection (3) shall, as soon as possible, report the issuing of the permit to the Inspector.

7.  
Form of permit  
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.

8.  
Production of permit  
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.

9.  
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  
9.(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  
9.(3) A person whose permit is suspended by a deputy inspector may apply to the Inspector within 60 days after the suspension for the reinstatement of his or her permit.

Report of Accident - Part III (Section 10)

10.  
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  
10.(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 - Part IV (Section 11)

11.

Appointment of  
Inspector and  
deputy  
inspectors

The Commissioner may appoint an Inspector and one or more deputy inspectors for the purpose of carrying out the provisions of this Act.

Offence and Punishment - Part V (Section 12)

12.

Offence and  
punishment

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

Regulations - Part VI (Sections 13)

13.

Regulations

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.