

LEAD DEBATE ON EXPLOSIVE ACT (REPEAL AND RE-ENACTMENT) BILL 2018 (SB. 227).

Sponsor: Senator Danjumah Laa'h (*Kaduna South*)

Mr. President, Distinguished Colleagues, permit me to lead the debate on the Explosives Act (Repeal and Re-Enactment) Bill, 2018, which was read for the first time on Wednesday, 23rd March, 2016.

This Bill seeks to repeal the Explosives Act No. 34 1967 CAP E 18 Laws of the Federation of Nigeria 2004 and re-enact explosives Bill, 2018 to make comprehensive provisions for the use and control of explosives for the purpose of securing public safety in Nigeria.

Mr. President, my highly respected colleagues the essence of this of this Bill is to broadened the existing legislation, the Explosives Act NO 34 1967 to meet the needs of a modern and complex society of today.

The introduction of the Explosives Act (Repeal and Re-enactment) Bill, 2018 is expected to align Nigeria's explosives regulations with global best practices which was lacking in the existing Explosives Act of 1967.

The Bill requires users of explosives to adhere to United Nations (UN) regulations in terms of classification, marking, transport and packaging. The current 1967 Explosives Act is outdated, owing to inadequate penalties, a classification system that is inconsistent with the standards of the international community and the failure to regulate pyrotechnicians, black powder users, model rocket hobbyists and on-site manufacturing of explosives.

Mr. President, my highly respected colleagues among the revised aspects of the new Act is the need for importers and suppliers to obtain authorisation for explosives before these are sold to the end-users. The process entails the authorisation of all explosives by the Chief Inspector of Explosives appointed under section 4 of the Bill, based on UN and international criteria, which requires that explosives shipments be properly named, have UN classification and packaging, and performance and compliance testing certificates.

However, users, manufacturers, importers, exporters, suppliers, transporters and brokers must first be authorized as legal entities by the CIE before any licence, permit, certificate or authorisation of explosives may be issued. Each legal entity is obligated to appoint a responsible person or persons to be responsible for any

actions regarding explosives, such as applying for permits, record keeping and ensuring explosives safety and security.

The Bill Further makes new provisions to compel explosives to be packed, marked and labelled in accordance with international best practices in line with:

- (a) The identification and classification of dangerous goods for transport;
- (b) Transport of dangerous goods – packaging and large packaging for road and rail transport; and
- (c) The International Maritime Dangerous Goods Code and the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

The Bill also makes adequate provisions for all modes of transport, with all vehicles transporting explosives on public roads needing to be licensed by the CIE. Transport, import, export or transit permits must be applied for when explosives are being moved between suppliers, explosives storage magazines and workplaces.

Mr. President, my highly respected Colleagues, Section 12 of the Bill deals with the manufacturing of ammonium nitrate blasting agents or emulsion explosives at blasting sites. This require the mixing equipment to be licensed by the CIE, while the application for a manufacturing permit must include documents that cover risk assessment, the physical location of the manufacturing site and a description of the substances used in the manufacturing process.

Mr President, my highly respected Colleagues, provisions for the regulations affecting the licensing and construction of explosives magazines are adequately provided for in this Bill and the general requirements include fencing, lightning protection and drainage. An application for permission to construct an explosives storage magazine, including the provision for certain scales for the magazine plans and safety distances, must be submitted to the CIE.

All companies that handle explosives, including importers, exporters, manufacturers and users, must appoint magazine masters to take full responsibility for the secure storage of explosives, as well as stock control.

The Bill also enforces a wide range of penalties commensurate with the seriousness of offences. In the first place, the law, enacted in 1967, did not anticipate some of the trends of offences that are now beginning to emerge under the rubric of

explosives. Secondly, the penalties contained in the existing Act are weak, consequently offenders continue to get away with light sentences and then return to jeer at the system and to resume their nefarious business hence the new provision.

Section 26 provides a wide range of offences for failure to comply with any provision or conditions of a licence, permit, authorisation, written permission, certificate or requirement of a notice issued or granted. While section 27 deals with penalties, extreme contraventions of the explosives legislation are punishable with imprisonment of between 5 years and 25 years this is because the stricter system will improve explosives control and safety in Nigeria, as the new Act and regulations will assist the local explosives industry in achieving overall higher standards.

Mr. President, my highly respected colleagues as already indicated in the existing legislation, the Explosives Act No. 34 of 1967 is inherently inaccurate. It simply does not meet the needs of a modern society hence the need to review the Act.

I therefore recommend this Bill for second reading

Thank you.