

Rwanda

Ministerial Order on Explosives Used in Mining, Quarrying and Infrastructure Activities

Ministerial Order 1 of 2012

Legislation as at 16 January 2012

FRBR URI: /akn/rw/act/mo/minister-of-natural-resources/2012/1/eng@2012-01-16

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PDF created on 21 February 2024 at 12:34.

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Published in Official Gazette 3 on 16 January 2012

Assented to on 3 January 2012

Commenced on 16 January 2012

[This is the version of this document from 16 January 2012.]

The Minister of Natural Resources,

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Organic Law n° 04/2005 of 08/4/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda, especially in Article 11;

Pursuant to Law n° 53/2010 of 25/01/2011 establishing Rwanda Natural Resources Authority (RNRA) and determining its responsibilities, organization and functioning;

Pursuant to Law n° 37/2008 of 11/8/2008 on mining and quarry exploitation, especially in Article 9;

After consideration and adoption by the Cabinet, in its session of 04/11/2011;

HEREBY ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order determines the requirements for importing and exporting, manufacturing, transporting, trading and using explosives and their accessories used in mining and quarrying activities and civil engineering works.

Article 2 – Definition

In this Order, the following terms shall have the following meaning:

- 1° **dynamite:** civil explosives used in mining and quarry activities as well as in civil engineering works;
- 2° **accessories of explosives:** all materials facilitating the use of explosives in mining and quarry exploitation, as well as in civil engineering works;
- 3° **Decibel:** unit of noise caused by explosion;
- 4° **MINADEP:** Ministry of Defense;
- 5° **MINICOM:** Ministry of Trade and Industry;
- 6° **MININFRA:** Ministry of Infrastructure;
- 7° **MININTER:** Ministry of Internal Security;
- 8° **National store:** Site in which explosives and their accessories are stored at the national level;

- 9° **RBS:** Rwanda Bureau of Standards;
- 10° **RDF:** Rwanda Defense Forces;
- 11° **REMA:** Rwanda Environment Management Authority;
- 12° **RNP:** Rwanda National Police.

Article 3 – List of explosives used in mining and quarrying activities and in civil engineering works

In this Order, explosives and their accessories are those used in mining and quarry activities and in civil engineering works with the speed beyond 2000m/s.

- 1° Imported explosives manufactured in Rwanda used in mining and quarry exploitation and civil engineering works are the following:
 - a) Nitrate fuel with a speed of 3500m/s;
 - b) Emulsion with a speed of 5000 m/s;
 - c) Dynamite with a speed of 6500m/s;
 - d) Pentrite with a speed of 8000m/s.
- 2° electric detonators;
- 3° non-electric detonators;
- 4° detonating cordons;
- 5° fireworks.

Article 4 – Principle of environmental protection and security safeguard

Any person who imports or exports, transits, transports, uses, manufactures explosives and their accessories or trades in Rwanda, has the obligation to abide by legislation relating to the environment and security preservation.

Chapter II

Importation of explosives and their accessories

Article 5 – Persons authorized to import explosives

Importation of explosives and their accessories may be authorized to an individual, a company, an association or an entity having the legal personality subject to the conditions provided for in this Order,

Article 6 – Licence for importation of explosives and their accessories

An importer of explosives and their accessories must have an importation license issued by the Minister in charge of security.

The license for importation of explosives and their accessories shall mention:

- 1° the date and place of issue;
- 2° the date of expiry;
- 3° the country of import;

- 4° end-users;
- 5° the nature and quantity of explosives;
- 6° transit countries of explosives.

The license to import explosives and their accessories shall be used only once. Its use shall be proved by the seal of the National Store of explosives.

Article 7 – Requirements for the importation of explosives and their accessories

A person who wants to import explosives and their accessories shall fulfil the following conditions:

- 1° to address an application letter requesting to import explosives and their accessories to the Minister in charge of mining and quarries, who, after verifying the quantity of the required explosives, their accessories and their necessity, makes a written request for authorisation from the Minister in charge of security;
- 2° to hold a trade license;
- 3° be at least twenty-one (21) years of age;
- 4° have a medical certificate issued by an authorized medical doctor, stating that he/she has no mental illness;
- 5° for a former licence holder, to provide a report of the use of the precedent explosives and their accessories and the quantity of those which remain;

Points 3° and 4° of this Article apply only to natural persons.

Article 8 – Inspection of the imported explosives and their accessories

Imported explosives and their accessories to be used inside the country shall be kept in the National Store subject to the inspection of their conformity to those of which the importation license has been issued.

If it is proved that the imported elements differ from those for which the importation license was granted, they shall be confiscated by the State, if so decided.

Article 9 – Transit of explosives and their accessories in Rwanda

The explosives and their accessories that are in transit in Rwanda to a foreign country shall be escorted by the Rwanda National Police until they reach the exit border.

The expenses paid to the Rwanda National Police shall be calculated according to the distance made.

RURA shall fix the cost per kilometer.

Article 10 – Taxes and custom duties on imported explosives and their accessories

Inspection of taxes and custom duties of explosives and their accessories shall be carried out in National store.

Chapter III Transport of explosives and their accessories

Article 11 – Mode of transportation of explosives and their accessories

Explosives and their accessories may be transported by vehicle, boat, ship, aircraft or by train duly authorised.

Article 12 – General rules of transport

The transport of explosives and their accessories shall respect the following modalities:

- 1° Necessary care shall be taken so that, while carrying explosives and their accessories, they are not likely to move from their position or to be subjected to shocks or frictions;
- 2° explosives and their accessories shall be protected within their original packages or any other appropriate package until they are stored in the National Store;
- 3° explosives and their accessories must be protected from risks of sparks or against any inflammable object;
- 4° explosives and their accessories of a different kind shall not be carried in the same container.

Article 13 – Convoy of vehicles carrying explosives and their accessories

A convoy of vehicle transporting explosives shall be separated from a vehicle carrying accessories, by two hundred meters (200 m) at least and not exceed the speed of fifty kilometers per hour (50km/h).

A vehicle carrying explosives and their accessories shall be provided with a suitable fire protection device and signals identifying it from others and shall have a clearly visible warning: dangerous products.

Chapter IV Storage of explosives and their accessories

Article 14 – National Store

Explosives and their accessories shall be kept in a suitable National Store.

The national authority in charge of mines may establish the National Store.

Private persons who fulfil the requirements listed in Article 22 of this Order may establish a public store pursuant to a contract with Minister in charge of mines and quarries.

Notwithstanding the provisions of paragraph 1 of this article, a person carrying out activities requiring the use of explosives and their accessories may own a small stock of explosives and the latter shall not exceed the needed quantity for a period of one month.

Article 15 – Description of the National Store

The National Store may be built under ground or on the ground and must fulfil the following standards:

- 1° to be built so that explosives and their accessories are not exposed to moisture or heat likely to cause their deterioration or an accident;
- 2° to have the fire extinguishers;
- 3° to be far away from residential areas or the places where various activities take place;
- 4° to be far away from a place where fire can not easily reach;
- 5° to be built so that the robbery is not easy.

Article 16 – Storage of explosives and their accessories in the National Store

Explosives and their accessories shall be properly arranged in the store according to their nature.

They shall be kept on appropriate fixtures.

Article 17 – Cleanliness of the National Store

There shall be the signs showing that the place is dangerous and necessitates cleanliness near the National Store, in order to fight against accidents.

It is prohibited to smoke nearby the store, to enter with matches or mobile phones.

The conditions required for the safety of the National Store are the same for the holder of a small stock mentioned in Article 22 of this Order.

Article 18 – Registry for entries and exits in the National Store

The National Store shall keep a registry to record the entries and exits, the name of the person who puts them in or gets them out, the type of the vehicle and the number plate of the vehicle used to carry them, the date and time of their entry or exit.

This registry shall have its known identification sign, its numbered pages and regularly checked by inspectors who put their signatures whenever they come.

Article 19 – Staff of the National Store

The staff of the National Store shall be qualified in the field of explosives and their accessories.

Article 20 – Security of the National Store

The National Store shall be permanently protected under tight security and shall have signs prohibiting all the activities likely to cause accidents. It must be fenced and equipped with devices against thunderstorm.

Article 21 – Fees payable for the National Store

RURA shall determine the costs paid to the National Store, based on the quantity of explosives and the duration of their storage.

Article 22 – Small private store of explosives and their accessories

A person allowed to use explosives and their accessories may have a private small store near his/her site of operation.

Before its opening he/she shall inform the Permanent Inspection Committee as provided for in Article 37 of this Order for approval.

Requirements to a person who wants to open a private small store, description, storage of explosives and their accessories, cleanliness, registry for the entries and the exits, the staff and the security are the same as those required for a National Store.

Chapter V

Use of explosives and their accessories

Article 23 – Person who can use explosives and their accessories

A person who uses the explosives and their accessories may be the beneficiary authorized to use explosives and their accessories or any another person hired for that purpose and who has the authorization of the Minister in charge of security.

Article 24 – Plan of using explosives and their accessories

Prior to operating them, a person who uses explosives and their accessories, shall have a use plan showing *inter alia*: the number of the holes, their nature and their direction, their diameter, the distance between these holes, their depth, the type, number and volume of explosives and their accessories.

The use plan of explosives and their accessories shall be annexed to the letter of request.

Article 25 – Certificate and training for the users of explosives and their accessories

A person who uses explosives and their accessories shall be trained in that domain, have a certificate and regularly attend courses related to this field.

The technical committee mentioned under Article 29 of this Order shall verify the existence of conditions envisaged in the first paragraph of this Article.

Article 26 – Warning the community before using explosives

A person, who uses explosives, shall warn the community and the local authority at least two (2) days in advance before the use of explosives blast.

Article 27 – Scale of the quakes caused by the use of explosives

A person who uses explosives and their accessories shall have an appropriate apparatus to show scale of the quake generated by the explosion and shall not exceed the following standards:

- 1° four (4) millimeters per second (4mm/s) for blasting explosive close to residential centers and infrastructure;
- 2° ten (10) millimeters per second (10mm/s) for blasting in the open space far from residential centers and infrastructure and underground blasting.

Article 28 – Decibel

The noise of the activity of use of explosives and their accessories shall not exceed eighty (80) decibels.

Article 29 – Distance limit of the stones ejected during blasting of explosives and their accessories

The stones shall not go beyond the perimeter of the prescribed zone during blasting of explosives.

Article 30 – Report for the use of explosives and their accessories

The report of use of explosives and their accessories as well as fireworks shall immediately be submitted to the Minister in charge of Security, the Minister in charge of mining and quarrying, the Inspector General of Rwanda National Police, the Rwanda Natural Resources Authority, the mayor of District as well as the administrative authority of the Sector and the Cell of the area of dynamiting works.

Chapter VI

Manufacture of explosives and their accessories

Article 31 – Authorization of manufacturing explosives and their accessories

A person who wants to manufacture explosives and their accessories shall request the authorization, delivered by the Minister in charge of security after approval by the Cabinet.

The file to be submitted to the Cabinet shall be examined by the Technical Consultative Committee to the Minister in charge of security and composed of experts from the following Institutions: REMA, RBS, RDF, NISS, RNP, RURA and RNRA.

Article 32 – Requirements for the manufacturer of explosives and their accessories

Any person who wants to start an industry of explosives and their accessories shall fulfil the following:

- 1° to present the project proposal study with Investment Plan, Action Plan and Environmental Impact Assessment;
- 2° to have qualified staff;
- 3° to hold a trade license;
- 4° to be at least twenty-one (21) years of age;
- 5° to have a medical certificate issued by an authorized medical Doctor stating that he/she has no mental illness.

Items 4° and 5° of this Article apply only to natural persons.

Chapter VII

Trade of explosives and their accessories

Article 33 – Licence to trade explosives and their accessories

A person who wants to start the trade of explosives and their accessories shall have the authorization delivered by the Minister in charge of Security after consultation with the Technical Committee composed by institutions mentioned in Article 31 of this Order.

Article 34 – Requirements for trading the explosives and their accessories

A person who requests for the authorization to start the trade of explosives and their accessories shall fulfil the following:

- 1° to hold a trade license;
- 2° to be at least twenty-one (21) years of age;
- 3° to have a medical certificate issued by an authorized medical doctor stating that he/she has no mental illness.

Items in points 2° and 3° of this Article apply only to natural persons.

Article 35 – Quantity of explosives and their accessories exhibited in an authorised trader’s shop

An authorized dealer of explosives and their accessories displays one specimen for each type of explosives and their accessories which he (she) sells and the remaining quantity shall be stored in the National Store.

The dealer of explosives and their accessories must also account for the remaining explosives.

Article 36 – Termination of trading of explosives and their accessories

An authorized dealer of explosives and their accessories shall inform the Minister in charge of security of the termination his/her business within fifteen (15) days.

Article 37 – Informing security officers about the theft and the loss of explosives and their accessories

An authorized trader of explosives and their accessories shall inform in writing the Rwanda National Police or any other Security Organ of the theft or the loss of explosives and their accessories in a period not exceeding twenty-four (24) hours.

Chapter VIII

Monitoring of the national store and remediation of the site where explosives and their accessories have been used

Article 38 – Committee in charge of inspection of factories and the National Store of explosives and their accessories

There is hereby established a Permanent Inspection Committee on explosives and their accessories, manufacturing factories and National Store. The Inspection Committee shall be composed of experts from the following Institutions: RNRA, RDF, RNP, RBS, REMA and the Office of Attorney General.

The inspection referred to in the previous paragraph of this Article shall be carried out every three (3) months and always when necessary.

The report of the inspection shall be submitted to the Minister in charge of security with a copy to the Minister in charge of mines and quarries.

Article 39 – Destruction of expired or faulty explosives and their accessories and remediation of destruction site

The Minister in charge of security, on the basis of a report of the inspection shall order the destruction of faulty or expired explosives and their accessories.

The owner of the explosives and their accessories bears the cost of destroying faulty and expired explosives and their accessories and remediation of the destruction site.

Chapter IX

Damages related to the use of explosives and their accessories

Article 40 – Persons liable for the effects of the use of explosives and their accessories

A person who uses explosives and their accessories is responsible for all the effects resulting from the use of explosives which may endanger human health, their property, their infrastructure or environment.

Article 41 – Role of the local administrative entities in the evaluation of the effects of the use of explosives and their accessories

In case of damages referred to under Article 40 of this Order, in the evaluation of effects, an authority of the cell in which effects have occurred shall request assistance from all relevant authorities for evaluation of such damages caused by the use of explosives and their accessories and inform the owner of damages for compensation.

Article 42 – Settlement of dispute relating to the payment of damages related to the use of explosives and their accessories

In case of a dispute between persons who suffered the effects of the use of explosives and their accessories, on one hand and the persons who used them, on the other, the disagreement shall be settled by a competent court.

Chapter X

Final provisions

Article 43 – Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 44 – Commencement

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.