



March 19, 2008

Subject: Amendments to the *Explosives Act*

Dear Madam/Sir,

The Government of Canada announced on March 19, 2008, that new Regulations for restricted chemicals, known as explosives precursors, will be implemented under the *Explosives Act*. Through these new Regulations, the Government is committed to improving public safety and security while minimizing disruption to the lives of Canadians and possible impacts on businesses.

The new Regulations are based on expert security and scientific analyses and were developed through extensive consultation with various stakeholder groups to ensure that they provide adequate security while minimizing business impact for vendors, manufacturers, distributors and purchasers of restricted chemicals. Canada's approach is consistent with the directions being taken in the United States, Australia and the European Union, among others.

This notice is to inform you that some provisions of the *Public Safety Act, 2002* come into force as of June 1, 2008. The provisions include the regulation-making for the Restricted Components and, more importantly to you, also the bringing into force of amendments to the *Explosives Act* that have an impact on the explosives community.

Specifically, these provisions make amendments to sections 14(1), 14.1, 14.2, 14.4, 14.5, 14.6, 20, 21, 22(1), 23(1), 24, 26 and 29 and a new section (s.21.1) is also added.

Amendments that affect the explosives community are:

- s. 14(1) before paragraph (a) now adds the testing and the sale of explosives;
- s. 14.2 now adds the sale of explosives;
- s. 21 now adds the acquiring, storing, using, exporting and transporting of explosives (see also below);
- s. 24 now adds subsection (2) to include further precision on the certifying of the day (see also below);
- s. 26 now adds the acquiring, transporting, exporting, delivering of explosives, illicit manufacturing and illicit trafficking under an amended subsection (1); and
- s.29 is now split into part (a) and part (b) and now adds the acquisition and delivery of explosives.

These amendments result also in the following changes to the penalties:

Acting Likely to Cause Explosion or Fire

It is an offence under section 20 of the *Explosives Act* to abandon explosives or to commit an act that would likely cause an explosion or fire at or near a factory, magazine or vehicle conveying explosives.

The penalties for this offence have been increased to:

a fine of up to \$250,000 and/or imprisonment of up to 2 years on summary conviction, or
a fine of up to \$500,000 and/or imprisonment of up to 5 years on indictment.

Acquisition, Possession, Sale, Offering for Sale, Manufacture, Making, Storage, Using,
Transporting or Delivery of Explosive

Under section 21 of the *Explosives Act*, the illegal acquisition, possession, sale, offering for sale, manufacture, making, storing, using, importing, exporting, transporting or delivery of explosive carries the following new penalties:

a fine of up to \$250,000 and/or imprisonment of up to 2 years on summary conviction, or
a fine of up to \$500,000 and/or imprisonment of up to 5 years on indictment.

General Punishment

For all other contraventions of the *Explosives Act* or its Regulations, section 22(1) provides for the following increased penalties:

a fine of up to \$50,000 for the first offence, and
a fine of up to \$100,000 for each subsequent offence.

Continuing Offence

Under the new section 21.1 of the *Explosives Act*, if a person commits or continues an offence for more than one day, that person can be convicted for a separate offence for each day of the commission or continuation of the offence.

Limitation Period

Section 24 of *Explosives Act* has been amended so that the “clock” for the 12-month limitation period within which proceedings must be initiated, no longer starts at the time when the offence was committed but instead at the time when the Minister of Natural Resources Canada becomes aware of the offence.

If you require further information, please consult our Web site at:
<http://www.nrcan.gc.ca/mms/explosif/index.htm> or you may contact your regional office.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Watson', written in a cursive style.

Chris Watson, Ph.D.
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