

chapter E-22

ACT RESPECTING EXPLOSIVES

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REPEAL SCHEDULE

1. In this Act, unless the context indicates a different meaning the following words mean:

(a) “Minister” : the Minister of Public Security;

(b) “permit” : a permit issued under this Act;

(c) “regulation” : any regulation made by the Government under this Act.

In this Act, the word “explosive” includes all detonators.

1970, c. 13, s. 1; 1986, c. 86, s. 41; 1988, c. 46, s. 24.

2. No person shall have explosives in his possession unless he holds a permit for such purpose.

1970, c. 13, s. 2.

3. It is prohibited to deliver explosives to, or procure explosives for, any person who does not hold a permit authorizing him to have explosives in his possession.

1970, c. 13, s. 3.

4. No person shall have in his possession a greater quantity of explosives than that authorized by his permit.

1970, c. 13, s. 4.

5. It is prohibited to deliver to or procure for any person a greater quantity of explosives than that authorized by his permit.

1970, c. 13, s. 5.

6. Every person who delivers explosives to or procures explosives for the holder of a permit must indicate on such permit his name and address, the quantity of explosives delivered and the date of the delivery.

1970, c. 13, s. 6.

7. Every person who has explosives in his possession upon the expiry of his permit must forthwith destroy such explosives in accordance with the regulations or deposit them with his supplier; if the latter no longer holds a permit, such person must then deposit them with any other vendor of explosives who holds a permit.

1970, c. 13, s. 7.

8. Every person who has explosives in his possession must, when not using them, keep them in a building or a container which complies with the regulations, or deposit them with his supplier; if the latter no longer holds a permit, such person must then deposit them with any other vendor of explosives who holds a permit.

1970, c. 13, s. 8.

9. Every vendor with whom explosives are deposited in accordance with section 7 or 8 must accept the deposit thereof upon the conditions determined by regulation.

1970, c. 13, s. 9.

10. Every person who has explosives in his possession must forthwith notify an inspector of explosives, appointed under section 17, of every theft, loss or disappearance of such explosives.

1970, c. 13, s. 10.

11. Any person who wishes to obtain a permit authorizing him to have explosives in his possession must apply therefor in writing, in accordance with the regulations, to any member of the Sûreté du Québec authorized in writing by its Director General.

1970, c. 13, s. 11; 1977, c. 5, s. 14.

11.1. Where the person who is required to hold a permit is a legal person, the issue or maintenance of the permit shall be subject to the requirement that, in addition to the legal person, each of the directors and each of the shareholders holding 10% or more of the shares with full voting rights also fulfil all the conditions.

1997, c. 51, s. 4.

12. A member of the Sûreté du Québec may issue a permit if the applicant fulfils the conditions prescribed by regulation and pays the prescribed fees and, where the applicant's permit has been withdrawn under section 15 within the five years preceding the application, if he furnishes the security prescribed by regulation.

1970, c. 13, s. 12; 1997, c. 51, s. 5.

13. The member of the Sûreté du Québec must refuse to issue the permit if an applicant, within the five years preceding the application, has been convicted of

- (1) an indictable offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);
- (2) an offence under Part II, III or IX or under any of sections 430 to 437 of the Criminal Code other than an offence punishable on summary conviction only;
- (3) an offence under section 48 of the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) or an offence under paragraph *b* of subsection 2 of section 3 or any of sections 3.1 to 6 of the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1);
- (4) an offence referred to in paragraph *3a* or *4a* of section 4, paragraph *3a* or *3b(i)* of section 5, paragraph *3a* or *3b(i)* of section 6, paragraph *2a*, *2b* or *2c(i)* of section 7, paragraph *2a* of section 8 or paragraph *2a* of section 9 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);
- (5) *(subparagraph repealed)*;
- (6) *(subparagraph repealed)*.

Such grounds do not, however, apply if the applicant has obtained a pardon in respect of that offence or indictable offence.

1970, c. 13, s. 13; 1977, c. 5, s. 14; 1984, c. 46, s. 18; 1990, c. 4, s. 419; 1997, c. 51, s. 5; 1997, c. 69, s. 1.

13.1. The member of the Sûreté du Québec may refuse to issue the permit if the applicant, within the five years preceding the application, has been convicted of an offence under this Act, the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations thereunder unless the applicant has obtained a pardon in respect of that offence.

The member of the Sûreté du Québec may also refuse to issue a permit where he is of the opinion

- (1) that a permit should not be issued to the applicant on grounds of public security;
- (2) that the application is being made on behalf of another person.

1984, c. 46, s. 18; 1986, c. 95, s. 140; 1990, c. 4, s. 419; 1997, c. 51, s. 5; 1997, c. 69, s. 2.

13.2. The member of the Sûreté du Québec may require that the applicant provide any information or document pertinent to the examination of the application.

1997, c. 51, s. 5.

14. The member of the Sûreté du Québec must, when he refuses to issue a permit, notify the applicant in writing of his decision, stating the reasons on which it is based, and send a copy of his decision to the Minister who may review it at the request of the interested person. In the last mentioned case, if the Minister confirms the decision, he must also notify the applicant in writing of his decision.

1970, c. 13, s. 14; 1977, c. 5, s. 14; 1984, c. 46, s. 19; 1997, c. 51, s. 6.

15. The Minister may cancel a permit and require that it be surrendered

- (1) if he considers that the permit holder no longer fulfils the conditions of issue of the permit;
- (2) if the permit holder does not comply with the provisions of this Act, of the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or of the regulations thereunder;
- (3) for any of the reasons set out in section 13.1.

The Minister must cancel the permit and require that it be surrendered

- (1) if the permit was obtained by fraud or on false representations;
- (2) if the permit holder has been convicted of an offence or of an indictable offence referred to in section 13, except if he has obtained a pardon in respect of the offence or indictable offence.

The Minister shall, before making a decision under the first or second paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow him at least 10 days to present observations.

The permit holder must, where the Minister withdraws his permit, surrender such permit to any member of the Sûreté du Québec who requests it and produces a copy of the decision of the Minister.

1970, c. 13, s. 15; 1977, c. 5, s. 14; 1997, c. 51, s. 7; 1997, c. 43, s. 246.

15.1. Where an offence under this Act, the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations thereunder is in issue for the purposes of the first paragraph of section 13.1, section 14 or the first paragraph of section 15, the member of the Sûreté du Québec or the Minister shall consider, where applicable, such factors as

- (1) the nature, gravity and frequency of the offence;
- (2) the harm caused or that could have been caused as a result of the offence;
- (3) the risk of serious harm involved in allowing the applicant or permit holder to engage in an activity authorized under the permit, given the attitude denoted by the offence committed;
- (4) the fact that the applicant or permit holder associates or fraternizes without justification with persons of notorious criminal reputation.

1997, c. 69, s. 3.

16. The revocation of a permit shall entail seizure and confiscation by the Sûreté du Québec of the explosives which are in the possession of the holder of the revoked permit, without judicial proceedings being necessary for such confiscation.

1970, c. 13, s. 16; 1977, c. 5, s. 14; 1997, c. 51, s. 8.

17. To see to the carrying out of this Act, the Director-General of the Sûreté du Québec shall appoint inspectors of explosives from among the members of the Sûreté du Québec.

1970, c. 13, s. 17; 1977, c. 5, s. 14.

18. Every inspector of explosives may, in the performance of his duties, at any time enter any place where he has reason to believe that there are explosives and inspect it; he may also require any person who has explosives in his possession to show him his permit and provide him with any information respecting the carrying out of this Act and the regulations.

1970, c. 13, s. 18.

19. An inspector of explosives may seize the explosives in respect of which he has reasonable cause to believe that the standards applicable to them under this Act or the regulations are not complied with.

1970, c. 13, s. 19; 1986, c. 95, s. 141.

19.1. The seizer is entrusted with the custody of the explosives seized under this Act, even when they are submitted in evidence in penal proceedings.

A judge may order the sale of such explosives on the application of the person having custody thereof. The sale is carried out on such conditions as the judge may determine, and the proceeds of the sale are deposited with the Bureau général de dépôts pour le Québec.

In no case may the seized explosives or the proceeds of their sale be detained for more than 90 days unless proceedings are brought within that time or a judge issues an order to prolong, by no more than 90 days, the time prescribed for detention.

Upon conviction for an offence under a provision of this Act, a judge may, on the application of the prosecutor, order the confiscation of the explosives or, as the case may be, the proceeds of their sale or order, subject to the conditions he determines, that they be returned to the person entitled thereto. The Minister shall prescribe the manner of disposing of the confiscated explosives.

Prior notice of the application for sale or confiscation shall be given, as the case may be, by the seizer or the prosecutor to the person from whom the explosives were seized, to the defendant and to the persons who claim to be entitled to the explosives, except where they are in the presence of the judge.

1986, c. 95, s. 141; 1992, c. 61, s. 304; 2016, c. 7, s. 26.

19.2. Notwithstanding section 19.1, an inspector who has reasonable cause to believe that the keeping or handling of an explosive presents immediate danger to human health or to the safety of persons or property may destroy the explosive without obtaining the authorization of a judge.

1986, c. 95, s. 141.

20. It is prohibited to hinder a member of the Sûreté du Québec authorized under section 11 or an inspector of explosives in any way in the performance of the duties assigned to him by this Act, to mislead him by concealment or false declarations or to refuse to provide him with any information which he is entitled to obtain under this Act.

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Every inspector of explosives must, if so required, show a certificate signed by the Minister attesting his authority.

1970, c. 13, s. 20; 1997, c. 51, s. 9.

21. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable to a fine of \$500 to \$1,500 in the case of a natural person and \$2,500 to \$5,000 in the case of a legal person.

For a second offence, the fines are doubled; for a third or subsequent offence, the fines are tripled.

1970, c. 13, s. 21; 1986, c. 58, s. 36; 1990, c. 4, s. 420; 1991, c. 33, s. 39; 1997, c. 69, s. 4.

22. The Government may make regulations:

(1) to classify explosives;

(2) to withdraw from the application of this Act, in whole or in part, any class of explosives which it indicates;

(3) to determine the conditions that must be fulfilled by any person applying for a permit or a renewal of a permit, the information which he must furnish, the fees which he must pay and, pursuant to section 12, the security he is required to furnish;

(4) to establish classes of permits and to determine the form of permits and applications for permits and the term of permits;

(5) to compel holders of permits to keep registers and to indicate what such registers must contain;

(6) to fix the conditions for the use, destruction, handling, storage, sale and conveyance of explosives;

(7) to determine the steps to be taken in cases of theft or loss of explosives;

(8) to fix the conditions upon which a vendor is bound to accept the deposit of explosives under sections 7 and 8.

Such regulations shall come into force on the date of their publication in the *Gazette officielle du Québec* or on such later date as may be fixed therein.

1970, c. 13, s. 22; 1997, c. 51, s. 10.

23. The Minister of Public Security shall have charge of the carrying out of this Act.

1970, c. 13, s. 23; 1986, c. 86, s. 41; 1988, c. 46, s. 24.

24. This Act shall not apply to explosives under the control of the Minister of National Defence of Canada, as long as they are under his control.

1970, c. 13, s. 24.

25. (*This section ceased to have effect on 17 April 1987.*)

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 13 of the statutes of 1970, in force on 31 December 1977, is repealed, except sections 25 and 27, effective from the coming into force of chapter E-22 of the Revised Statutes.

