



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

An Act to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other Explosive Substances. [14th June 1875]

Editorial Information

X1 This Act is not necessarily in the form in which it has effect in Northern Ireland.

Modifications etc. (not altering text)

- C1 Act extended by [Hovercraft Act 1968 \(c. 59\)](#), [Sch. para. 2](#); excluded by [Road Traffic Act 1974 \(c. 50\)](#), [s. 18](#)
- C2 Whole Act (except ss. 30–32, 80 and 116–121) extended by [S.I. 1988/1222](#), [regs. 3, 4](#)
- C3 Act amended by [S.I. 1990/1380](#), [art. 3](#)
- C4 Act except ss. 30 to 32, 80 and 116 to 121 saved by virtue of Health and Safety at [Work Act 1974 \(c. 37, SIF 43:3\)](#), [s. 53](#), [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), [Sch. Pt. VII](#), [s. 62](#)
- C5 Act except ss.30 to 32, 80 and 116 to 121 saved by virtue of Health and Safety at [Work etc. Act 1974 \(c. 37, SIF 43:3\)](#), [s. 53](#), [Sch. 1](#) and [Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. xii\)](#), [s. 61\(1\)\(f\)](#)
- C6 Act restricted (27.2.1997) by [1997 c. 7, s. 4\(1\)](#), [Sch. para. 1](#) (with [s. 11\(2\)](#))

Commencement Information

II Act wholly in force at 1.1.1876.

PRELIMINARY

1 Short title.

This Act may be cited as “The Explosives Act 1875.”

2 F1

Status: Point in time view as at 26/04/2005.

Changes to legislation: Explosives Act 1875 is up to date with all changes known to be in force on or before 08 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 S. 2 repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

3 Substances to which this Act applies.

This Act shall apply to gunpowder and other explosives as defined by this section.

The term “explosive” in this Act—

- (1) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and
- (2) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

PART I.—LAW RELATING TO GUNPOWDER

Modifications etc. (not altering text)

C7 Power to grant exemption from provisions of Pt. I (except ss. 30–32) and Pt. II conferred by [S.I. 1979/1378, art. 2](#)

General Law as to Manufacture and Keeping of Gunpowder

F24 Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

F25 Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises. E+W+S

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

5 **Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises.** **N.I.**

Gunpowder shall not be kept at any place except as follows; that is to say,

- (1) Except in the factory (either lawfully existing or licensed for the same under this Act) in which it is manufactured; or
- (2) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Act for keeping gunpowder, or
- (3) Except in premises registered under this Act for keeping gunpowder.

Provided that this section shall not apply—

- (1) To a person keeping for his private use and not for sale gunpowder to an amount not exceeding on the same premises [^{F134}15 kilograms]; or
- (2) To the keeping of any gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised place.

[^{F135}Where any gunpowder is kept in an unauthorised place, the occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be guilty of an offence.]

Extent Information

- E1** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

Textual Amendments

- F134** Words substituted by [S.I. 1984/510](#), reg. 2, [Sch. 1](#)
F135 Words substituted by [S.I. 1974/1885](#), [Sch. 2 para. 2](#)

Licensing of Factories and Magazines for Gunpowder

F26 Application for license for new factory or magazine.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F27 Application for assent of local authority to site of new factory or magazine.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F28 Grant and confirmation of license.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

Regulation of Factories and Magazines for Gunpowder

F29 Regulation of factories and magazines for gunpowder.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F210 General rules for factories and magazines.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

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F²11 Special rules for regulation of workmen in factory or magazine.

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

Supplemental as to Factories and Magazines for Gunpowder

F²12 Alteration of terms of license and enlargement of factory or magazine.

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

F²13 Devolution and determination of license.

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

Application of Act to existing Factories and Magazines for Gunpowder

F²14 Continuing certificate for existing factories and magazines.

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

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Consumers Stores for Gunpowder Licensing and Regulation of Stores

F²15 Store license to be obtained from local authority.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F²16 Order in Council prescribing situation and construction of stores.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F²17 General rules for stores.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F²18 Non-transferability, renewal, and forms of store licenses.

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Textual Amendments

F2 Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), **Sch. 6** (with regs. 3, 27)

F²19 Special rules for regulation of workmen in stores.

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

Application of Act to existing Stores for Gunpowder

F2 20 **Definition of and continuing certificate for existing stores which are to be subject to this Act.**

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

Retail Dealing with Gunpowder Registration and Regulation of Registered Premises

21 **F2 Registration of premises with local authority.**

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

22 **F2 General rules for registered premises.**

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Textual Amendments

- F2** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(2), [Sch. 6](#) (with regs. 3, 27)

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Supplemental Provisions

[^{F3}23 Precautions against unauthorised access

- (1) The occupier of every premises at which gunpowder is manufactured or stored shall take all due precaution for preventing unauthorised persons having access to the premises or to the gunpowder therein.
- (2) In the event of any breach (by any act or default) of subsection (1), the occupier shall be guilty of an offence.
- (3) In this section, “premises” has the meaning given in section 53 of the Health and Safety at Work etc. Act 1974.]

Textual Amendments

F3 S. 23 substituted (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(2\)](#) (with [reg. 3](#))

Modifications etc. (not altering text)

C8 S. 23 extended by [Explosives Act 1923 \(c. 17\)](#), [s. 1](#)

[^{F4}24 Explanation as to quantities of gunpowder allowed in buildings.

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Textual Amendments

F4 S. 24 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(3\)](#) (with [reg. 3](#))

25 ^{F5}

Textual Amendments

F5 Ss. 25, 37 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

[^{F6}26 Fees for licenses.

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Textual Amendments

F6 Ss. 26-29 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(3\)](#), [Sch. 6](#) (with [reg. 3](#))

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F627 Adjoining places occupied together to be one place.

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Textual Amendments

- F6** Ss. 26-29 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

F628 Register of store licenses and registered premises to be kept by local authority.

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Textual Amendments

- F6** Ss. 26-29 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

F629 Provision in case of death, &c. of occupier of store or registered premises.

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Textual Amendments

- F6** Ss. 26-29 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

Sale of Gunpowder

30 Restriction on sale of gunpowder in highways, &c.

Gunpowder shall not be hawked, sold, or exposed for sale upon any [^{F7}highway, street, public thoroughfare, or][^{F7}road or in any] public place.

If any gunpowder is hawked, sold, or exposed for sale in contravention of this section—

- (1) The person hawking, selling, or exposing for sale the same, shall be liable to a penalty not exceeding [^{F8}£2] ; and
- (2) All or any part of the gunpowder which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section, may be forfeited.

Textual Amendments

- F7** Words “road or in any” substituted (S.) for words “highway, street, public thoroughfare, or” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 7\(3\)](#)

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F8 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

31 Penalty for sale of gunpowder to children.

Gunpowder shall not be sold to ^{F9}any person apparently under the age of sixteen] years; and any person selling gunpowder in contravention of this section ^{F10}shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale]

Textual Amendments

F9 Words substituted by [Explosives \(Age of Purchase etc.\) Act 1976 \(c. 19\), s. 10\(1\)](#)

F10 Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), ss. 41\(2\), 47\(1\)\(2\), 48, Sch. 4 para. 1](#)

32 Sale of gunpowder to be in closed packages labelled.

All gunpowder exceeding ^{F11}500 grams] in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and (except when the same is sold to any person employed by or on the property occupied by the vendor for immediate use in the service of the vendor or on such property,) the outermost receptacle containing such gunpowder shall have affixed the word “gunpowder” in conspicuous characters by means of a brand or securely attached label, or other mark.

If any gunpowder is sold or exposed for sale in contravention of this section—

- (1) The person selling or exposing for sale the same shall be liable to a penalty not exceeding ^{F12}£2] ; and
- (2) All or any part of the gunpowder so exposed for sale may be forfeited.

Textual Amendments

F11 Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)

F12 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

Conveyance of Gunpowder

^{F13}**33 General rules as to packing of gunpowder for conveyance.**

The following general rules shall be observed with respect to the packing of gunpowder for conveyance:

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^{F15}In the event of any breach (by any act or default) of any general rule in this section, the person guilty of such breach shall be guilty of an offence.]]

The Secretary of State may from time to time make, and when made, repeal, alter, and add to, rules for the purpose of rescinding, altering, or adding to the general rules

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contained in this section, and the rules so made by the Secretary of State shall have the same effect as if they were enacted in this section.

Textual Amendments

F13 S. 33 repealed (E.W.S.) (1.3.1992) by [S.I. 1991/2097](#), [reg. 14\(2\)](#)

F14 Rules rescinded by S.R. & O. 1904/1221 (1904, p. 137)

F15 Words substituted by [S.I. 1974/1885](#), [Sch. 2 para. 13](#)

[^{F16}34] Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.

Every harbour authority shall, with the sanction of the [^{F17}Secretary of State], make byelaws for regulating the conveyance, loading and unloading of gunpowder within the jurisdiction of the said authority and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

- (1) Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and
- (2) Regulating the navigation and place of mooring of such ships and boats; and
- (3) Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder on board any such ship or boat, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
- (4) Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and
- (5) Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, trains, or carriages; and
- (6) Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
- (7) Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading or unloading; and
- (8) Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
- (9) Providing for the publication and supply of copies of the byelaws; and
- (10) Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
- (11) Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding [^{F18}£100] for each offence,

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and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws; and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section; and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the [^{F17}Secretary of State] may, if [^{F17}he thinks] it expedient, make byelaws under this section for that part or water as if it were a harbour and [^{F17}he] were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the [^{F17}Secretary of State] ; and [^{F17}he] may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area; and every such authority and officer shall for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.]

Textual Amendments

- F16** S. 34 repealed (E.W.S.) by [S.I. 1987/37](#), [reg. 47\(1\)\(a\)](#)
- F17** Words substituted by virtue of [Ministry of Transport Act 1919 \(c. 50\)](#), s. 2, [Sch. 1 para. 1](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919, p. 849), 1941/654 (Rev. XV, p. 228: 1941, p. 1221), arts. 2, 3, 1946/375 (Rev. XV, p. 229: 1946, p. 1009), art. 2(1)(3), [S.I. 1953/1204](#) (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793) art. 3(2) and 1970/1681, arts. 2(1), 6(3)
- F18** Words substituted by [Criminal Justice Act 1967 \(c. 80\)](#), s. 92, [Sch. 3 Pt. II](#)

Modifications etc. (not altering text)

- C9** S. 34 amended by [Explosives Act 1923 \(c. 17\)](#), s. 4

^{F19}35 Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.

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Textual Amendments

- F19** S. 36 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(3\)](#), [Sch. 6](#) (with [reg. 3](#))

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Changes to legislation: Explosives Act 1875 is up to date with all changes known to be in force on or before 08 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F19}^{F20}**36]Byelaws as to wharves in which gunpowder is loaded or unloaded.**

.....

Textual Amendments

- F19** S. 36 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)
- F20** S. 36 repealed (E.W.S.) (only in so far as that section applies within harbours and harbour areas) by [S.I. 1987/37](#), [reg. 47\(1\)\(a\)](#)

37 ^{F21}

Textual Amendments

- F21** Ss. 25, 37 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

^{F22}**38 Confirmation and publication of byelaws.**

.....

Textual Amendments

- F22** S. 38 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

PART II.—LAW RELATING TO OTHER EXPLOSIVES

Modifications etc. (not altering text)

- C10** Power to grant exemption from provisions of Pt. I (except ss. 30–32) and Pt. II conferred by [S.I. 1979/1378](#), [art. 2](#)

Application of Part I. to other Explosives

39 Part I. relating to gunpowder applied to other explosives.

Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

^{F23}**40 Modification of Part I. as applied to explosives other than gunpowder.**

.....

Status: Point in time view as at 26/04/2005.

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Textual Amendments

F23 S. 40 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with regs. 3, 27(17)(18))

F24 41 Exception of safety cartridges **E+W+S**

.....

Textual Amendments

F24 S. 41 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

41 Exemption of making and carrying safety cartridges for private use. **N.I.**

Nothing in this Act shall apply to the filling or conveying for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use.

Extent Information

E2 This version of this provision extends to Northern Ireland only; separate version has been created for England and Wales and Scotland only.

42 **F25**

Textual Amendments

F25 S. 42 repealed by [Merchant Shipping Act 1894 \(c. 60\)](#), [Sch. 22](#)

Specially dangerous Explosives

43 Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.

Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit ^{F26}..., or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such order:

Status: Point in time view as at 26/04/2005.

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[^{F27}A person who manufactures, keeps or conveys any explosive in contravention of any such Order shall be guilty of an offence and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974.]

[^{F28}If any explosive is imported or sold in contravention of any such Order, the owner or master of the ship in which it was imported, the person to whom it was delivered and the person selling the same shall each be guilty of an offence and liable to the penalties specified in section 33(3) of the ^{M1}Health and Safety at Work, etc. Act 1974.]

[^{F29}The Commissioners of Customs and Excise] and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to [^{F30}customs or excise], and the ship containing the same, and the enactments for the time being in force relating to [^{F30}customs or excise] and any such article or ship shall apply accordingly.

Textual Amendments

- F26** Words in s. 43 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(4\)\(a\)](#), [Sch. 6](#) (with reg. 3)
- F27** Words in s. 43 substituted (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(4\)\(b\)](#) (with reg. 3)
- F28** Words substituted by [S.I. 1974/1885](#), [Sch. 2 para. 15](#)
- F29** Words substituted by virtue of [Customs and Excise Act 1952 \(c. 44\)](#), s. 318(1), [Sch. 10 Pt. I](#)
- F30** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), reg. 2, [Sch. 4 para. 12](#)

Modifications etc. (not altering text)

- C11** Power to extend s. 43 conferred by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), s. [3\(2\)](#)

Marginal Citations

- M1** [1974 c. 37](#).

Provisions in favour of certain Manufacturers and Dealers

^{F31}44 Provision in favour of makers, &c. of blasting cartridges.

.....

Textual Amendments

- F31** Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with reg. 3)

Status: Point in time view as at 26/04/2005.

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F31 45 Provision in favour of makers of new explosive for experiment.

.....

Textual Amendments

F31 Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(5), [Sch. 6](#) (with reg. 3)

F31 46 Provision in favour of gunmakers, &c. making cartridges.

.....

Textual Amendments

F31 Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(5), [Sch. 6](#) (with reg. 3)

F31 47 Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.

.....

Textual Amendments

F31 Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(5), [Sch. 6](#) (with reg. 3)

F31 48 Provision in favour of small firework manufacturer who may obtain a license from the local authority.

.....

Textual Amendments

F31 Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(5), [Sch. 6](#) (with reg. 3)

F31 49 †Licensing by local authority and regulation of small firework factories.

.....

Status: Point in time view as at 26/04/2005.

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Textual Amendments

F31 Ss. 44-49 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with reg. 3)

Modifications etc. (not altering text)

- C12** A dagger appended to a marginal note means that it is no longer accurate
- C13** Power to amend s. 49 conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5(1), [Sch. 3 para. 4](#)
- C14** S. 49 amended by [Fireworks Act 1951 \(c. 38\)](#), s. 7(1)(2)

^{F32}50 Keeping without a license and conveyance of percussion caps, &c.

.....

Textual Amendments

F32 S. 50 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with regs. 3, 27(18))

Existing Factories, Magazines, and Stores

^{F33}51 Application of Part I. of the Act to existing factories and magazines.

.....

Textual Amendments

F33 S. 51 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with reg. 3)

52 **^{F34}**

Textual Amendments

F34 S. 52 repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

Status: Point in time view as at 26/04/2005.

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PART III.—ADMINISTRATION OF LAW

Government Supervision

Inspection

53— ^{F35}
57.

Textual Amendments

F35 Ss. 53–57, 59, 62, 65, 66 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

^{F36}**58** **Inspection by railway inspectors or inspectors of Board of Trade.**

.....

Textual Amendments

F36 S. 58 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with [reg. 3](#))

59 ^{F37}

Textual Amendments

F37 Ss. 53–57, 59, 62, 65, 66 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

^{F38}**60** **License and special rules certified by Government inspector to be evidence.**

.....

Textual Amendments

F38 S. 60 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with [reg. 3](#))

61 †**Keeping and carriage of samples by Government inspector.**

[^{F39}An inspector appointed by the Health and Safety Executive under section 19 of the ^{M2}Health and Safety at Work etc. Act 1974] , and any other person authorised by him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform

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his duties under this Act, and be kept and carried with all due precautions to prevent accident; and such inspector or person shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

Textual Amendments

F39 Words substituted by virtue of [S.I. 1974/1885](#), [Sch. 2 para. 5](#)

Modifications etc. (not altering text)

C15 Unreliable marginal note

Marginal Citations

M2 [1974 c. 37](#).

62 **F40**

Textual Amendments

F40 Ss. 53–57, 59, 62, 65, 66 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

Accidents

^{F41}63 **Notice to be given of accidents connected with explosive.**

.....

Textual Amendments

F41 S. 64 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with reg. 3)

^{F41}64 **Reconstruction of buildings destroyed by accident.**

.....

Textual Amendments

F41 S. 64 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(5\)](#), [Sch. 6](#) (with reg. 3)

65, 66. **F42**

Status: Point in time view as at 26/04/2005.

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Textual Amendments

F42 Ss. 53–57, 59, 62, 65, 66 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

Local Supervision

Definition and Powers of Local Authority

67 Definition of local authority.

The local authority for the purposes of this Act, shall be—

(1) In the city of London, ^{F43}... the court of the Lord Mayor and aldermen of the said city; and

[^{F44}(1A) In a London borough, the council of the borough; and]

^{F45}(2)

[^{F46}(3) Outside Greater London [^{F47}and a metropolitan county]] , the council of a county [^{F48}or county borough]; and

[^{F46}(3A) In a metropolitan county, the [^{F49}fire and rescue authority];]^{F50}...

^{F50}(4)

^{F51}(5)

Textual Amendments

F43 Words in s. 67(1) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(6\)\(a\)](#), [Sch. 6](#) (with reg. 3)

F44 S. 67(1A) inserted (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(6\)\(b\)](#) (with reg. 3)

F45 S. 67(2) repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

F46 S. 67(3A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 37, [Sch. 11 para. 3](#)

F47 Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 37, [Sch. 11 para. 3](#)

F48 Words in s. 67(3) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 3](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

F49 Words in s. 67(3A) substituted (1.10.2004 except in relation to W.; 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 1](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F50 S. 67(4) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(6\)\(c\)](#), [Sch. 6](#) (with reg. 3)

F51 S. 67(5) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Modifications etc. (not altering text)

C16 S. 67 explained by [London Government Act 1963 \(c. 33\)](#), [s. 50\(1\)\(3\)](#)

C17 Functions of court of Lord Mayor and aldermen of city of London under this Act now exercisable by common council: [Local Government Act 1888 \(c. 41\)](#), [s. 41\(1\)\(a\)](#)

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68 F52

Textual Amendments

F52 S. 68 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

69 †**Duty of local authority and power of officer.**

It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act.

... F53

Textual Amendments

F53 Words repealed by [S.I. 1974/1885](#), [Sch. 1](#)

Modifications etc. (not altering text)

C18 A dagger appended to a marginal note means that it is no longer accurate

^{F54}70 **Expenses of local authority.**

.....

Textual Amendments

F54 Ss. 70-72 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(7\)](#), [Sch. 6](#) (with reg. 3)

Power of Local Authority to provide Carriages and Magazines

^{F54}71 **Undertaking of carriage by harbour authority and canal company.**

.....

Textual Amendments

F54 Ss. 70-72 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(7\)](#), [Sch. 6](#) (with reg. 3)

^{F54}72 **Provision of magazines by local authority.**

.....

Status: Point in time view as at 26/04/2005.

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Textual Amendments

- F54** Ss. 70-72 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(7), [Sch. 6](#) (with reg. 3)

General Power of Search

73^{F55}

Textual Amendments

- F55** Ss. 73, 75 repealed by [S.I. 1974/1885](#), [reg. 2\(a\)](#) Sch. 1, but by virtue of amendments to that S.I. by [S.I. 1974/2166](#), [reg. 2](#), s. 73 was saved in so far as relating to the powers of a constable and s. 75 was saved in so far as relating to the powers of officers of police

74 Seizure and detention of explosives liable to forfeiture.

Where any of the following officers, namely, any [^{F56}inspector appointed by the Health and Safety Executive under section 19 of the ^{M3}Health and Safety at Work etc. Act 1974], or any constable, or any officer of the local authority, has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect:

- (1) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he is [^{F56}an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974], or is authorised by an order from [^{F56}an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974] or a justice of the peace, or from a superintendent or other officer of police of equal or superior rank, cause the same to be destroyed or otherwise rendered harmless; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the time of the seizure; and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of [^{F56}an inspector appointed by the Health and Safety Executive under section 19 of the ^{M4}Health and Safety at Work etc. Act 1974], or in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof which are at the time of the offence in his possession or under his control at the said place:

Status: Point in time view as at 26/04/2005.

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- (2) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure; and
- (3) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and
- (4) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of summary jurisdiction, and to be recovered in like manner as penalties under this Act; and
- (5) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and
- (6) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

Textual Amendments

F56 Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 5](#)

Marginal Citations

M3 [1974 c. 37.](#)

M4 [1974 c. 37.](#)

75 **F57**

Textual Amendments

F57 Ss. 73, 75 repealed (E.W.S.) by [S.I. 1974/1885, reg. 2\(a\)](#) Sch. 1, but by virtue of amendments to that S.I. by [S.I. 1974/2166, reg. 2](#), s. 73 was saved in so far as relating to the powers of a constable and s. 75 was saved in so far as relating to the powers of officers of police; and in so far as saved s. 75 amended (1.4.1998) by [1997 c. 50, s. 134\(1\), Sch. 9 para. 1](#); [S.I. 1998/354, art. 2\(2\)\(ay\)](#) S. 75, so far as it is saved, is amended (1.4.2006) by the Serious Organised Crime and Police Act 2005 [c. 15, Sch. 4, para. 1\(2\)\(a\)\(b\)\(3\)](#); [S.I. 2006/378, art. 4\(1\), Sch. 10](#) Words in s. 75 repealed (N.I.) (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. VII.](#)

76 **F58**

Status: Point in time view as at 26/04/2005.

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Textual Amendments

F58 S. 76 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

PART IV.—SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS

Supplemental Provisions

^{F59}77 Penalty on and removal of trespassers.

.....

Textual Amendments

F59 S. 77 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(7\)](#), [Sch. 6](#) (with reg. 3)

^{F60}78 Arrest without warrant of persons committing dangerous offences.

.....

Textual Amendments

F60 S. 78 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(7\)](#), [Sch. 6](#) (with reg. 3)

79 ^{F61}

Textual Amendments

F61 S. 79 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

80 Penalty for throwing fireworks in thoroughfare.

If any person throw, cast, or fire any fireworks in or into any [^{F62}highway, street, thoroughfare,]^{F62}[^{F62}road] or public place, he [^{F63}shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale]

Textual Amendments

F62 Word “road” substituted (S.) for words “highway, street thoroughfare,” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 7\(4\)](#)

Status: Point in time view as at 26/04/2005.

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F63 Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 41(2), 47(1)(2), 48, [Sch. 4 para. 1](#)

Modifications etc. (not altering text)

C19 S. 80 explained as to meaning of public place (S.) by [Countryside \(Scotland\) Act 1967 \(c. 86\)](#), s. 27(6)

81 **F64**

Textual Amendments

F64 S. 81 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

F65 **82** † **Punishment for defacing notices.**

Textual Amendments

F65 S. 82 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(7\)](#), [Sch. 6](#) (with reg. 3)

Modifications etc. (not altering text)

C20 A dagger appended to a marginal note means that it is no longer accurate

83 **Provisions as to Orders in Council and orders of Secretary of State.**

Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be authorised, directed, regulated, prescribed, or done by Order in Council.

[^{F66}Every Order in Council or order of the Secretary of State, which purports to be made in pursuance of this Act shall be presumed to have been duly made and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.]

Every Order in Council made in pursuance of this Act [^{F66}shall take effect as if it were enacted in this Act, and shall be published in the London Gazette, and] shall be laid before both Houses of Parliament [^{F66}within one month after it is made, if Parliament be then sitting, or if not, within one month after the commencement of the then next session of Parliament.]

Her Majesty may by Order in Council ^{F67}... from time to time revoke, add to, or alter any previous Order in Council ^{F68}... under this Act.

^{F69}

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Textual Amendments

- F66** Words in S. 83, as it applies to Great Britain, repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)
- F67** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(a\)](#), [Sch. 6](#) (with reg. 3)
- F68** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(b\)](#), [Sch. 6](#) (with reg. 3)
- F69** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(c\)](#), [Sch. 6](#) (with reg. 3)

^{F70}84 Publication of byelaws, notices, &c.

.....

Textual Amendments

- F70** S. 84 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(9\)](#), [Sch. 6](#) (with reg. 3)

85 ^{F71}

Textual Amendments

- F71** S. 85 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

^{F72}86 Construction of enactments referring to powers of searching for gunpowder.

.....

Textual Amendments

- F72** S. 86 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(9\)](#), [Sch. 6](#) (with reg. 3)

Legal Proceedings

87, 88. ^{F73}

Status: Point in time view as at 26/04/2005.

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Textual Amendments

F73 Ss. 87, 88 repealed by S.I. 1974.1885, Sch. 1

^{F74}**89 Supplemental provisions as to forfeiture of explosive.**

Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture; and where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court after hearing the owner or any person on his behalf (who may be present), may order all or any part of such explosive or ingredient to be forfeited.

Textual Amendments

F74 S. 89 repealed except for the purposes of ss. 30, 32 and 73 of this Act by [S.I. 1974/1885](#), [Sch. 1](#) and [S.I. 1974/2166](#), [reg. 2](#)

90 Jurisdiction in tidal waters or on boundaries.

For all the purposes of this Act—

- (1) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2) Any tidal water not included in the foregoing descriptions and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

^{F75}**91 Prosecution of offences either summarily or on indictment.**

Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in manner directed by the Summary Jurisdiction Acts.

^{F76}
...

All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

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A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding six months.

Textual Amendments
F75 S. 91 repealed except for purposes of ss. 30, 32 of this Act by S.I. 1974/1885, Sch. 1
F76 Words in s. 91 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by The Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082), Sch. 5 para. 1(10), Sch. 6 (with reg. 3)

92 F77

Textual Amendments
F77 S. 68 repealed by Local Government Act 1972 (c. 70), Sch. 30

F78 93

Textual Amendments
F78 S. 93 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. VII.

F79 94

Textual Amendments
F79 S. 94 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.VII.

95 Distress of ship.

Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

96 Application of penalties and disposal of forfeitures.

..... F80

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the

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Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, detaining, keeping, or conveying, or otherwise dealing with the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, detaining, keeping, conveying, selling, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal upon payment of a reasonable compensation for the same, to be determined in case of dispute by a court of summary jurisdiction; and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some, or one of them, shall destroy the same accordingly, and if the court or Secretary of State so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Secretary of State is satisfied that default has been made in complying with any such direction by him or by a court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, so used or dealt with.

Textual Amendments

F80 Words repealed by [S.I. 1974/1885, Sch. 1](#)

Exemptions and Savings

97 Exemption of Government factories, &c. from the Act.

This Act shall not apply—

- (1) To any factory, magazine, store, premises, wharf, place, or explosive under the control of the Secretary of State, . . . ^{F81}, or other department of the Government or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or
- (2) To any of Her Majesty's ships, boats, or carriages; or
- ^{F82}(3)
- ^{F82}(4)

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^{F83}[(5) To the conveyance of any explosive under the control of a Secretary of State, . . . ^{F81}, or other department of the Government or to the conveyance of any explosive otherwise held for the service of the Crown when the same is being conveyed in accordance with the regulations of a Secretary of State of . . . ^{F81} other department of the Government:
^{F84} ...]

Textual Amendments

- F81** Words repealed by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)
- F82** S. 97(3)(4) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(11\)](#), [Sch. 6](#) (with reg. 3)
- F83** S. 97(5) repealed (E.W.S.) by [S.I. 1989/615](#), [reg. 19\(1\)](#)
- F84** Words in s. 97 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(11\)](#), [Sch. 6](#) (with reg. 3)

Modifications etc. (not altering text)

- C21** S. 97 extended by [S.I. 1965/1536](#), [Sch. 3](#)
- C22** Reference to ships to be construed as including reference to aircraft: [S.R. & O. 1918/548 \(Rev. I, p. 896: 1918 I, p. 50\)](#)
- C23** References to departments of Government except second reference in s. 97(5) to be construed as including references to United Kingdom Atomic Energy Authority: [Atomic Energy Authority Act 1954 \(c. 32\)](#), [Sch. 3](#)
- C24** S. 97(5) extended as to explosives certified as conveyed in connection with execution of contract with Government department or with service authorities of visiting force or with a designated headquarters or defence organisation by [Emergency Laws \(Miscellaneous Provisions\) Act 1947 \(11 & 12 Geo. 6 c. 10\)](#), [Sch. 2 para. 4](#)

^{F85}**98 Saving for rocket and fog stations.**

.....

Textual Amendments

- F85** S. 98 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(12\)](#), [Sch. 6](#) (with reg. 3)

99 ^{F86}

Textual Amendments

- F86** S. 99 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XI](#)

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100 Saving for master of ship and carrier in case of emergency.

Nothing in this Act shall render liable to any penalty or forfeiture the owner or master of any ship or boat, or any carrier or warehouseman, or the person having charge of any carriage, for any act done in breach of this Act, if he prove that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was, under the circumstances, necessary and proper.

^{F87} **101 Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.**

.....

Textual Amendments

F87 S. 101 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(12), [Sch. 6](#) (with reg. 3)

102 Saving clause as to liability.

This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise, which might but for the provisions of this Act, have been brought against him.

This Act shall not exempt any person from any indictment or other proceeding for a nuisance, or for an offence which is indictable at common law, or by any Act of Parliament other than this Act, so that no person be punished twice for the same offence.

When proceedings are taken before any court against any person in respect of any offence under this Act, which is also an offence indictable at common law or by some Act of Parliament other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for indicting such person at common law or under some Act of Parliament other than this Act.

^{F88}

Textual Amendments

F88 Words in s. 102 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(13), [Sch. 6](#) (with reg. 3)

^{F89} **103 Powers of Act cumulative, with power to make provisional order for repealing local Acts.**

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, but the Secretary of State may, on the application of [^{F90}the Health and Safety Commission or of] any local authority, or of any council of a borough, or any [^{F91}district council], or on the application of any persons making, keeping, importing, exporting, or selling any

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explosive within the jurisdiction of any local authority, council, or [^{F91}district council], after notice to [^{F90}the said Commission or to] such authority, make an order for repealing, altering or amending all or any of the provisions of any Act of Parliament, charter, or custom respecting the manufacture, keeping, conveyance, importation, exportation, or sale of an explosive, or the powers of such council or authority for regulating the same, or otherwise in relation to an explosive.

Notice of the draft of every such order shall be advertised not less than one month before the order is made, and the Secretary of State shall consider all objections to such draft order sent to him in writing during the said month, and shall, if it seem to him necessary, direct a local inquiry into the validity of any such objections.

Any such order shall be of no force unless confirmed by Parliament, but when so confirmed shall have effect, with such modifications or alterations as may be therein made by Parliament.

If while a Bill confirming any such order is pending in either House of Parliament, a petition is presented against such order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose the same as in the case of a Bill for a private Act.

An order under this section may also be made for revoking or altering an order under this section previously made and confirmed by Parliament.]

Textual Amendments

- F89** S. 103 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), [Sch. 6](#) (with reg. 3)
- F90** Words inserted by [S.I. 1974/1885](#), [Sch. 2 para. 23](#)
- F91** Words substituted by virtue of [Local Government Act 1894 \(c. 73\)](#), [s. 21\(1\)](#) and [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)

Definitions

104 Extension of definition of explosive to other explosive substances.

Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

^{F92}**105 Persons carrying on certain processes to be deemed manufacturers.**

.....

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Textual Amendments

F92 S. 105 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), [Sch. 6](#) (with reg. 3)

F93 **106 Definition and classification of explosives by Order in Council.**

Textual Amendments

F93 S. 106 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), [Sch. 6](#) (with reg. 3)

107 **F94**

Textual Amendments

F94 S. 107 repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#) and [Police \(Scotland\) Act 1967 \(c. 77\)](#), Sch. 5 Pts. I, II

108 General definitions.

In this Act, unless the context otherwise requires—

The expression “this Act” includes any license, ^{F95}... and order granted or made in pursuance of this Act:

^{F96} ...

The expression “person” includes a body corporate:

The expression “occupier” includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

The expression “master” includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression “magazine” includes any ship or other vessel used for the purpose of keeping any explosive:

^{F96} ...

The expression “store” means ^{F97}... a place for keeping an explosive ^{F97}...:

^{F98}

The expression “warehouseman” includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited:

The expression “carrier” includes all persons carrying goods or passengers for hire by land or water:

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F96
 ...
 F96
 ...

The expression “tidal water” means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides:

The expression “inland water” means any canal, river, navigation, lake, or water which is not tidal water:

F96
 ...

The expression “wharf” includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression “carriage” includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

The expression “ship” includes every description of vessel used in sea navigation, whether propelled by oars or otherwise:

The expression “boat” means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise:

The expression “prescribed” means prescribed by Order in Council:

F99

.....
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 F96
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 F96
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F98

.....

F100 [The expression “road” has the same meaning as in the Roads (Scotland) Act 1984.]

Textual Amendments

- F95** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(a\)](#), [Sch. 6](#) (with reg. 3)
- F96** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(c\)](#), [Sch. 6](#) (with reg. 3)
- F97** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(b\)](#), [Sch. 6](#) (with reg. 3)
- F98** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- F99** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
 Words from "the expression"county" to "such district" repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.VII](#).
- F100** Words added (S) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 7\(5\)](#)

Modifications etc. (not altering text)

- C25** Definition of “magazine” extended by [Hovercraft Act 1968 \(c. 59\)](#), [Sch. para. 2](#)
- C26** Reference to urban sanitary district and urban sanitary authority to be construed as reference to district and district council: [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)

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Application of Act to Scotland

This Act shall apply to Scotland, with the following modifications; that is to say,

109 Definitions.

In this Act with respect to Scotland—

- (1) **F101**
- (2) **F102** . . .
- (3) **F102** . . .
- (4) **F102** . . .
- (5) **F102** . . .
- (6) **F102** . . .
- (7) **F103**
- (8) **F102** . . .
- (9) **F102** . . .
- (10) The expression “the court of summary jurisdiction” means the [**F104**sheriff principal of the sheriffdom or any one of his sheriffs]:
- F105**(11)

Textual Amendments

- F101** S. 109(1) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F102** S. 109(2)-(6)(8)(9) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. VII**.
- F103** S. 109(7) repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), **Sch. 5 Pt. I**
- F104** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, **Sch. 1 para. 1**
- F105** S. 109(11) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), **Sch. 5 para. 1(16)**, **Sch. 6** (with reg. 3)

110 Local authority.

In Scotland, the local authority for the purposes of this Act shall be as follows:

- F106**[(1) A [**F107**council constituted under section of the Local Government etc. (Scotland) Act 1994]]; **F108** ...
- F108**(2)
- (3) **F109**

Textual Amendments

- F106** S. 110 para. 1 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 10**
- F107** Words in s. 110 para. 1 substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 4(2)**; S.I. [1996/323](#), **art. 4(1)(b)(c)**

Status: Point in time view as at 26/04/2005.

Changes to legislation: *Explosives Act 1875 is up to date with all changes known to be in force on or before 08 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F108** S. 110(2) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(17), [Sch. 6](#) (with reg. 3)
- F109** S. 110 para. 3 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

111 Expenses of local authority.

In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

- ^{F110}(a) The [^{F111}non-domestic rate or the council tax]], as the case may be; ^{F112}...
- ^{F112}(b)
- (c) ^{F113}

[^{F114}The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.]

Textual Amendments

- F110** S. 111(a) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 11](#)
- F111** Words in s. 111(a) substituted (S.) (4.1.1995) by 1994 c. 39, s. 180(1), [Sch. 13 para. 4\(3\)](#); S.I. 1994/2850, [art. 3\(c\)\(ii\)](#)
- F112** S. 111(b) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(18), [Sch. 6](#) (with reg. 3)
- F113** S. 111(c) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F114** Words repealed except so far as relates to harbour authorities by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), [Sch. 14](#)

112 ^{F115}

Textual Amendments

- F115** S. 112 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

^{F116}**113 Local authority to have certain powers to take land otherwise than by agreement.**

.....

Textual Amendments

- F116** S. 113 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(19), [Sch. 6](#) (with reg. 3)

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114 Provision for making and enforcing byelaws, &c.

In Scotland, the following provisions shall have effect:

- ^{F117}(a)
- ^{F118}(b)
- (c) The proceedings may be on indictment in the Court of Justiciary . . . ^{F119} or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of [^{F120}Part II of the Criminal Procedure (Scotland) Act 1975], as the Lord Advocate shall direct:
- ^{F118}(d)
- (e) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to [^{F121}the Secretary of State] , and be carried to the Consolidated Fund; and the proceeds of any sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:
- ^{F118}(f)

Textual Amendments

- F117** S. 114(a) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(20\)](#), [Sch. 6](#) (with reg. 3)
- F118** S. 114(b)(d)(f) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.VII](#).
- F119** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- F120** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), [s. 38\(1\)](#)
- F121** Words substituted by [S.I. 1974/1274](#), art. 3(4), [Sch.](#)

^{F122}115 †Board of Trade empowered to make byelaws for the lower estuary of the Clyde: Secretary of State to define the authority for enforcing such byelaws.

Whereas upon that part of the estuary of the Clyde which lies below the jurisdiction of the Trustees of the Clyde Navigation (and which part is in this section referred to as the lower estuary of the Clyde) doubts have arisen as to the limits of the several harbour authorities on that estuary, be it enacted, the [^{F123}Secretary of State] may, if [^{F123}he thinks] it expedient, make byelaws under this Act for the lower estuary of the Clyde as if it were a harbour and [^{F123}he] were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the [^{F123}Secretary of State] ; and [^{F123}he] may by such byelaws define the area within which such byelaws are to be observed, and the Secretary of State shall have power to define the authority or authorities and officers by whom such byelaws are to be enforced and carried into effect within such area; and such authority or authorities and officers shall, for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.]

Textual Amendments

- F122** S. 115 repealed (E.W.S.) by [S.I. 1987/37](#) reg. 47(1)(a)

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F123 Words substituted by virtue of [Ministry of Transport Act 1919 \(c. 50\), s. 2, Sch. 1 para. 1](#), S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919, p. 849), 1941/654 (Rev. XV, p. 228: 1941, p. 1221), arts. 2, 3, 1946/375 (Rev. XV, p. 229: 1946, p. 1009), art. 2(1)(3), [S.I. 1953/1204](#) (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793) art. 3(2) and 1970/1681, arts. 2(1), 6(3)

Modifications etc. (not altering text)

C27 A dagger appended to a marginal note means that it is no longer accurate

Application of Act to Ireland

Modifications etc. (not altering text)

C28 References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

This Act shall apply to Ireland, with the following modifications; that is to say,

116 Definition of local authority.

The local authority for the purposes of this Act shall be—

- (1) In the city of Dublin, the Lord Mayor, aldermen, and burgesses acting by the town council:
- (2) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exerciseable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority:
- (3) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:
- (4) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

The expressions “urban sanitary authority” and “urban sanitary district” have the same meanings respectively as in the ^{M5}Public Health (Ireland) Act 1874.

Marginal Citations

M5 [1874 c. 93.](#)

117 Power of certain local bodies to become a local authority.

The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour to the exclusion of the justices in petty sessions.

Status: Point in time view as at 26/04/2005.

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118 Expenses of local authority.

All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In the city of Dublin, the borough fund or borough rate;

In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district;

In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes; and

In any places where the justices in petty sessions are the local authority, the poor rates:

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

119 Form of registers of store licenses and registered premises, and amount of fees, to be approved by Secretary of State.

The register of store licenses and of registered premises to be kept by the local authorities in Ireland shall be kept in such form and manner, and the fees for entries to be made therein shall (subject to the limits as to fees prescribed by this Act) be such as the Secretary of State shall from time to time approve.

^{F124}**120**

Textual Amendments

F124 S. 120 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt.VII](#).

^{F125}**121**

Textual Amendments

F125 S. 121 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt.VII](#).

122 ^{F126}

Textual Amendments

F126 S. 122 repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Status: Point in time view as at 26/04/2005.

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SCHEDULES

^{F127}FIRST SCHEDULE

Textual Amendments

F127 Sch. 1 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(21), [Sch. 6](#) (with reg. 3)

^{F128}^{F128}SECOND SCHEDULE

Textual Amendments

F128 [Sch. 2](#) repealed by [S.I. 1974/1885](#), [Sch. 1](#)

^{F128}

[^{F129}THIRD SCHEDULE

Textual Amendments

F129 [Sch. 3](#) repealed except insofar as applying to Northern Ireland by [S.I. 1983/1450](#) reg. 3

Modifications etc. (not altering text)

C29 Power to amend [Sch. 3](#) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5(1), [Sch. 3](#)

Maximum Fees for Licenses granted by the Secretary of State

Factory license, original	Ten pounds.
Factory license, amending	Five pounds.
Factory license, renewal when lost	[^{F130} 25p.]
Magazine license, original	Ten pounds.
Magazine license, amending	Five pounds.

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Magazine license, renewal when lost	[^{F130} 25p.]
...	... ^{F131}
Continuing certificate	[^{F130} £2]]

Textual Amendments

F130 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

F131 Words repealed by [Revenue Act 1909 \(c. 43\), Sch.](#)

^{F132}^{F132}FOURTH SCHEDULE

Textual Amendments

F132 [Sch. 4](#) repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

.....
^{F132}

^{F133}^{F133}FIFTH SCHEDULE

Textual Amendments

F133 [Sch. 5](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

.....
^{F133}

Status:

Point in time view as at 26/04/2005.

Changes to legislation:

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