



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

## PART I.—LAW RELATING TO GUNPOWDER

### Modifications etc. (not altering text)

- C1** 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*

- <sup>F1</sup>4** **Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.**
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### Textual Amendments

- F1** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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)

- <sup>F1</sup>5** **Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises. E+W+S**
- .....

### Textual Amendments

- F1** Ss. 4-22 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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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**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 [<sup>F22</sup>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.

[<sup>F23</sup>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**

**F22** Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)

**F23** Words substituted by [S.I. 1974/1885, Sch. 2 para. 2](#)

*Licensing of Factories and Magazines for Gunpowder*

**<sup>F16</sup> Application for license for new factory or magazine.**

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**Textual Amendments**

**F1** 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](#))

**<sup>F17</sup> Application for assent of local authority to site of new factory or magazine.**

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*Status: Point in time view as at 26/04/2005.*

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**Textual Amendments**

- F1** 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)

**F18 Grant and confirmation of license.**

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**Textual Amendments**

- F1** 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*

**F19 Regulation of factories and magazines for gunpowder.**

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**Textual Amendments**

- F1** 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)

**F110 General rules for factories and magazines.**

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**Textual Amendments**

- F1** 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)

**F111 Special rules for regulation of workmen in factory or magazine.**

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**Textual Amendments**

- F1** 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 as to Factories and Magazines for Gunpowder*

**F1 12 Alteration of terms of license and enlargement of factory or magazine.**

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**Textual Amendments**

**F1** 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)

**F1 13 Devolution and determination of license.**

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**Textual Amendments**

**F1** 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*

**F1 14 Continuing certificate for existing factories and magazines.**

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**Textual Amendments**

**F1** 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)

*Consumers Stores for Gunpowder Licensing and Regulation of Stores*

**F1 15 Store license to be obtained from local authority.**

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**Textual Amendments**

**F1** 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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**F1 16 Order in Council prescribing situation and construction of stores.**

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**Textual Amendments**

- F1** 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)

**F1 17 General rules for stores.**

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**Textual Amendments**

- F1** 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)

**F1 18 Non-transferability, renewal, and forms of store licenses.**

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**Textual Amendments**

- F1** 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)

**F1 19 Special rules for regulation of workmen in stores.**

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**Textual Amendments**

- F1** 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*

**F1 20 Definition of and continuing certificate for existing stores which are to be subject to this Act.**

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

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**Textual Amendments**

**F1** 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** <sup>F1</sup> **Registration of premises with local authority.**

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**Textual Amendments**

**F1** 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** <sup>F1</sup> **General rules for registered premises.**

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**Textual Amendments**

**F1** 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 Provisions*

**[<sup>F2</sup>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**

**F2** 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)

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**Modifications etc. (not altering text)**

**C2** S. 23 extended by [Explosives Act 1923 \(c. 17\)](#), s. 1

**<sup>F3</sup>24 Explanation as to quantities of gunpowder allowed in buildings.**

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**Textual Amendments**

**F3** 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** ..... **<sup>F4</sup>**

**Textual Amendments**

**F4** Ss. 25, 37 repealed by [S.I. 1974/1885](#), [Sch. 1](#)

**<sup>F5</sup>26 Fees for licenses.**

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**Textual Amendments**

**F5** 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)

**<sup>F5</sup>27 Adjoining places occupied together to be one place.**

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**Textual Amendments**

**F5** 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)

**<sup>F5</sup>28 Register of store licenses and registered premises to be kept by local authority.**

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

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#### Textual Amendments

- F5** 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)

### <sup>F5</sup>29 **Provision in case of death, &c. of occupier of store or registered premises.**

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#### Textual Amendments

- F5** 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 [<sup>F6</sup>highway, street, public thoroughfare, or][<sup>F6</sup>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 [<sup>F7</sup>£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

- F6** 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\(3\)](#)
- F7** 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 [<sup>F8</sup>any person apparently under the age of sixteen] years; and any person selling gunpowder in contravention of this section [<sup>F9</sup>shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale]

#### Textual Amendments

- F8** Words substituted by [Explosives \(Age of Purchase etc.\) Act 1976 \(c. 19\)](#), s. [10\(1\)](#)



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**F9** 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 [<sup>F10</sup>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 [<sup>F11</sup>£2] ; and
- (2) All or any part of the gunpowder so exposed for sale may be forfeited.

#### **Textual Amendments**

**F10** Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)

**F11** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

### *Conveyance of Gunpowder*

#### <sup>F12</sup>**[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:

<sup>F13</sup>  
...

[<sup>F14</sup>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 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**

**F12** S. 33 repealed (E.W.S.) (1.3.1992) by [S.I. 1991/2097, reg. 14\(2\)](#)

**F13** Rules rescinded by S.R. & O. 1904/1221 (1904, p. 137)

**F14** Words substituted by [S.I. 1974/1885, Sch. 2 para. 13](#)

#### <sup>F15</sup>**[34 Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.**

Every harbour authority shall, with the sanction of the [<sup>F16</sup>Secretary of State] , make byelaws for regulating the conveyance, loading and unloading of gunpowder within

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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 [<sup>F17</sup>£100] for each offence, 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.

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

*Changes to legislation:* There are currently no known outstanding effects for the Explosives Act 1875, Part I.—Law relating to Gunpowder. (See end of Document for details)

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the [<sup>F16</sup>Secretary of State] may, if [<sup>F16</sup>he thinks] it expedient, make byelaws under this section for that part or water as if it were a harbour and [<sup>F16</sup>he] were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the [<sup>F16</sup>Secretary of State] ; and [<sup>F16</sup>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**

- F15** S. 34 repealed (E.W.S.) by [S.I. 1987/37](#), [reg. 47\(1\)\(a\)](#)
- F16** 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)
- F17** Words substituted by [Criminal Justice Act 1967 \(c. 80\)](#), s. 92, [Sch. 3 Pt. II](#)

**Modifications etc. (not altering text)**

- C3** S. 34 amended by [Explosives Act 1923 \(c. 17\)](#), s. 4

**<sup>F18</sup>35 Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.**

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**Textual Amendments**

- F18** 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](#))

**<sup>F18</sup><sup>F19</sup>36]Byelaws as to wharves in which gunpowder is loaded or unloaded.**

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**Textual Amendments**

- F18** 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](#))
- F19** 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\(1\)\(a\)](#)

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**Textual Amendments**

**F20** Ss. 25, 37 repealed by [S.I. 1974/1885, Sch. 1](#)

**<sup>F21</sup>38 Confirmation and publication of byelaws.**

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**Textual Amendments**

**F21** 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)

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