



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

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

### *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, . . . <sup>F1</sup>, 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
- <sup>F2F3</sup>(3) . . . . .
- <sup>F2F3</sup>(4) . . . . .
- <sup>F4</sup>(5) To the conveyance of any explosive under the control of a Secretary of State, . . . <sup>F1</sup>, 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 . . . <sup>F1</sup> other department of the Government:  
<sup>F5F6</sup> . . . ]

#### Textual Amendments

- F1** Words repealed by S.I. 1964/488, Sch. 1 Pt. 1
- F2** S. 97(3)(4) repealed (N.I.) (1.12.2006) by The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 1(9), Sch. 7 Pt. 1 (with reg. 26)

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Exemptions and Savings. (See end of Document for details)*

- F3** S. 97(3)(4) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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)
- F4** S. 97(5) repealed (E.W.S.) by [S.I. 1989/615](#), **reg. 19(1)**
- F5** Words in s. 97 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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)
- F6** Words in s. 97 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(9), **Sch. 7 Pt. 1** (with reg. 26)

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

- C1** S. 97 extended by [S.I. 1965/1536](#), **Sch. 3**
- C2** Reference to ships to be construed as including reference to aircraft: S.R. & O. 1918/548 (Rev. I, p. 896: 1918 I, p. 50)
- C3** 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**
- C4** 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**

**F7F8 98 Saving for rocket and fog stations.**

.....

**Textual Amendments**

- F7** S. 98 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(10), **Sch. 7 Pt. 1** (with reg. 26)
- F8** 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** ..... **F9**

**Textual Amendments**

- F9** S. 99 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XI**

**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.

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Exemptions and Savings. (See end of Document for details)*

**F10F11 101 Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.**

.....

**Textual Amendments**

- F10** S. 101 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(10), **Sch. 7 Pt. 1** (with reg. 26)
- F11** 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.

F12F13  
.....

**Textual Amendments**

- F12** 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)
- F13** Words in s. 102 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(11), **Sch. 7 Pt. 1** (with reg. 26)

**F14F15 103 Powers of Act cumulative, with power to make provisional order for repealing local Acts.**

.....

**Textual Amendments**

- F14** S. 103 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(12), **Sch. 7 Pt. 1** (with reg. 26)

**Changes to legislation:** *There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Exemptions and Savings. (See end of Document for details)*

---

**F15** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Exemptions and Savings.