



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

## PART II.—LAW RELATING TO OTHER EXPLOSIVES

### *Provisions in favour of certain Manufacturers and Dealers*

#### **44 Provision in favour of makers, &c. of blasting cartridges.**

The occupier of a factory for any explosive shall not be required by this Act to take out a factory license for making up on such factory the explosive made thereon into cartridges or charges for cannon or blasting not containing within themselves their own means of ignition.

The occupier of any magazine, store, or registered premises for keeping any explosive may keep that explosive when made up into such cartridges or charges as above in this section mentioned, as if it were not so made up, and the provisions of this Act with respect to the keeping of any explosive shall apply to the keeping of that explosive when made up into the said cartridges or charges, in like manner as if the explosive were not so made up.

#### **45 Provision in favour of makers of new explosive for experiment.**

The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his license, shall not be deemed to have manufactured the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to [<sup>F1</sup>the Health and Safety Executive], and if he observe the provisions of this Act, so far as they are applicable.

#### **Textual Amendments**

**F1** Words substituted by virtue of S.I. 1974/1885, Sch. 2 para. 3

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Provisions in favour of certain Manufacturers and Dealers. (See end of Document for details)*

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

The occupier of a magazine, store, or registered premises for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine, store, or premises he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following regulations; namely,

- (1) There shall not be in the room in which such filling is being carried on more than [<sup>F2</sup> kilograms] of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and
- (2) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and
- (3) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position, or character as not to cause any danger of fire or explosion; and
- (4) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and
- (5) The occupier shall give notice in the case of a magazine to [<sup>F3</sup>the Health and Safety Executive] , and in the case of a store or registered premises to the local authority, that he intends to carry on such filling of cartridges as is allowed by this section.

Provided that this section shall not, except with the consent of [<sup>F3</sup>the Health and Safety Executive] , apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent [<sup>F3</sup>the Health and Safety Executive] , if satisfied that the filling of cartridges in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as [<sup>F3</sup>it] may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section and any conditions so made by [<sup>F3</sup>the Health and Safety Executive] as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and registered premises respectively, and the breach of them shall be punished accordingly.

#### **Textual Amendments**

- F2** Words substituted by S.I. 1984/510, reg. 2, Sch. 1  
**F3** Words substituted by virtue of S.I. 1974/1885, Sch. 2 para. 3

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

The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory license by reason that, in connexion with such magazine or store, he, by filling cartridges, making charges, drying, sifting, fitting, or otherwise adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observe the following regulations; namely,

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Provisions in favour of certain Manufacturers and Dealers. (See end of Document for details)*

- (1) There shall not be in the workshop in which such adaptation or preparation is carried on more than [<sup>F4</sup>50 kilograms] of gunpowder or the prescribed amount of any other explosive; and
- (2) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and
- (3) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and such distance therefrom as may be specified, in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and
- (4) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients; and
- (5) The occupier shall give notice in the case of a magazine to [<sup>F5</sup>the Health and Safety Executive] , and in the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section.

Provided that this section shall not, except with the consent of [<sup>F5</sup>the Health and Safety Executive] , apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent [<sup>F5</sup>the Health and Safety Executive] , if satisfied that the adaptation or preparation in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as [<sup>F5</sup>it] may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section, and any conditions so made by [<sup>F5</sup>the Health and Safety Executive] as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine and store respectively, and the breach of them shall be punished accordingly.

The following general rules shall apply as if the said workshop were a danger building, that is to say, if the adaptation or preparation carried on is of gunpowder only, the general rules with respect to a factory in Part One of this Act, and in any other case the prescribed general rules; and the breach of such general rules shall be punished in like manner as the breach of general rules with respect to a factory.

#### Textual Amendments

- F4** Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)  
**F5** Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 3](#)

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

A firework factory shall not be deemed to be a small firework factory for the purposes of this Act if there is upon the same factory at the same time—

- (a) More than [<sup>F6</sup>50 kilograms] of any explosive other than manufactured fireworks and coloured fires and stars; or
- (b) More than [<sup>F6</sup>250 kilograms] pounds of manufactured fireworks, either finished or partly finished; or

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Provisions in favour of certain Manufacturers and Dealers. (See end of Document for details)*

- (c) More than [<sup>F6</sup>12 kilograms] of coloured fires or stars, not made up into manufactured fireworks.

The occupier of a small firework factory shall not be required to obtain a license under Part One of this Act for such factory if he has obtained [<sup>F7</sup>a licence under the next following section].

A person having [<sup>F7</sup>a licence under the next following section] who manufactures an explosive (other than nitro–glycerine or any prescribed explosive) for the purpose only of the manufacture of coloured fires or a manufactured firework in accordance with this Act, and does not sell the same except in the form of coloured fires packed in the manner required by this Act, or of a manufactured firework, shall not be deemed to manufacture an explosive in an unauthorised place.

#### Textual Amendments

- F6** Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)  
**F7** Words substituted by [Fireworks Act 1951 \(c. 58\), s. 7\(3\)](#)

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

Any person may apply for a small firework factory license to [<sup>F8</sup>the Health and Safety Executive] at the time and place appointed by [<sup>F8</sup>it], stating his name, address, and calling, and the proposed site and construction of the factory, and the amount and description of explosive he proposes to have therein, and in any building therein; and [<sup>F8</sup>the Health and Safety Executive] shall, as soon as practicable, if the proposed site, construction of the factory, and amount of explosive is in accordance with the Order in Council regulating small firework factories, grant to the applicant, on payment of such fee, not exceeding [<sup>F9</sup>25p], as may be fixed by [<sup>F8</sup>the Health and Safety Executive], the license applied for.

The powers of this Act of making Orders in Council with respect to stores and of prescribing general rules with respect to stores shall extend to making Orders in Council and prescribing general rules with respect to small firework factories and the buildings thereon; and any breach (by any act or default) of any such general rule shall involve the same penalties and forfeitures as a breach of a general rule relating to stores.

A small firework factory license shall be valid only for the person named in it, and the provisions of this Act with respect to the renewal, expiration, and form of store licenses, and fees for such renewal, and to special rules for the regulation of persons managing or employed in or about stores, shall apply in like manner as if they were herein enacted, and in terms made applicable to small firework factory licenses and small firework factories respectively.

#### Textual Amendments

- F8** Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 3](#)  
**F9** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

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

- C1** A dagger appended to a marginal note means that it is no longer accurate

---

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Provisions in favour of certain Manufacturers and Dealers. (See end of Document for details)*

---

- |   |
|---|
| <p><b>C2</b> Power to amend s. 49 conferred by <a href="#">Public Expenditure and Receipts Act 1968 (c. 14), s. 5(1), Sch. 3 para. 4</a></p> <p><b>C3</b> S. 49 amended by <a href="#">Fireworks Act 1951 (c. 38), s. 7(1)(2)</a></p> |
|---|

## **50 Keeping without a license and conveyance of percussion caps, &c.**

A person shall not be required by this Act to take out a license or to register any premises for the keeping of percussion caps, or safety-fuzes for blasting, or fog-signals kept by any railway company for use on the railway of such company, or any prescribed explosive.

It shall not be obligatory on any harbour authority, railway company, canal company, or occupier of a wharf, to make any byelaws with respect to the conveyance, loading, or unloading of any explosives to which this section applies.

It shall be lawful for Her Majesty, by Order in Council, to exempt any explosive to which this section applies, or any description thereof, from any other of the provisions of this Act, or to declare that a license shall be required for the keeping of any explosive to which this section applies, or any description thereof, or that byelaws shall be made with respect to the loading, unloading, and conveyance thereof.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Provisions in favour of certain Manufacturers and Dealers.