Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

PART III.—ADMINISTRATION OF LAW

Government Supervision

Inspection

[F1][F2]53 . . . . . .
—57.

Textual Amendments

F1 Ss. 57-60 repealed (N.I.) (1.12.2006) by The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

F2 Ss. 53–57, 59, 62, 65, 66 repealed by S.I. 1974/1885, **Sch. 1**

[F3][F1]58 Inspection by railway inspectors or inspectors of Board of Trade.

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Textual Amendments

F1 Ss. 57-60 repealed (N.I.) (1.12.2006) by The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

F3 S. 58 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by The Manufacture and Storage of Explosives Regulations 2005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)

[F1][F2]59 . . . . . .

Textual Amendments

F1 Ss. 57-60 repealed (N.I.) (1.12.2006) by The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

F2 Ss. 53–57, 59, 62, 65, 66 repealed by S.I. 1974/1885, **Sch. 1**

[F1][F4]60 License and special rules certified by Government inspector to be evidence.

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Textual Amendments

F1 Ss. 57-60 repealed (N.I.) (1.12.2006) by The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

F4 S. 60 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by The Manufacture and Storage of Explosives Regulations 2005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.

[[F5]An inspector appointed by the Health and Safety Executive under section 19 of the [M1]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 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

F5 Words substituted by virtue of S.I. 1974/1885, **Sch. 2 para. 5**

Marginal Citations

M1 1974 c. 37.

[F6][F2]62 . . . . . .

Textual Amendments

F2 Ss. 53–57, 59, 62, 65, 66 repealed by S.I. 1974/1885, **Sch. 1**

F6 Ss. 62-66 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(5), **Sch. 7 Pt. 1** (with reg. 26)

Accidents

[F6][F7]63 Notice to be given of accidents connected with explosive.

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Textual Amendments

F6 Ss. 62-66 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(5), **Sch. 7 Pt. 1** (with reg. 26)

F7 S. 63 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)

[F6][F8]64 Reconstruction of buildings destroyed by accident.

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Textual Amendments

F6 Ss. 62-66 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(5), **Sch. 7 Pt. 1** (with reg. 26)

F8 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)

[F6], 66.

Textual Amendments

F6 Ss. 62-66 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(5), **Sch. 7 Pt. 1** (with reg. 26)

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, [F9]... the court of the Lord Mayor and aldermen of the said city; and

[[F10](1A) In a London borough, the council of the borough; and**]**

[F11](2) . . . . . .

[[F12](3) Outside Greater London **[**[F13]and a metropolitan county**]]** , the council of a county **[**[F14]or county borough**]**; and

[F12(3A) In a metropolitan county, the [F15fire and rescue authority];]F16...

F16(4) . . . . . .

F17(5) . . . . . .

Textual Amendments

F9 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)

F10 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)

F11 S. 67(2) repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

F12 S. 67(3A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 37, **Sch. 11 para. 3**

F13 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 37, **Sch. 11 para. 3**

F14 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**

F15 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

F16 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)

F17 S. 67(5) repealed by Local Government Act 1972 (c. 70), **Sch. 30**

Modifications etc. (not altering text)

C1 S. 67 explained by London Government Act 1963 (c. 33), **s. 50(1)(3)**

C2 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)**

68 . . . . . F18

Textual Amendments

F18 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.

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Textual Amendments

F19 Words repealed by S.I. 1974/1885, **Sch. 1**

Modifications etc. (not altering text)

C3 A dagger appended to a marginal note means that it is no longer accurate

[F20]70 Expenses of local authority.

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Textual Amendments

F20 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

[F21F20]71 Undertaking of carriage by harbour authority and canal company.

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Textual Amendments

F20 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)

F21 S. 71 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(6), **Sch. 7 Pt. 1** (with reg. 26)

[F22F20]72 Provision of magazines by local authority.

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Textual Amendments

F20 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)

F22 S. 72 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(6), **Sch. 7 Pt. 1** (with reg. 26)

Modifications etc. (not altering text)

C4 S. 72 amendment to earlier affecting provision SI 1973/2163 Sch. 3 (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. 9(3)** (with reg. 26)

General Power of Search

73 . . . . . [F23]

Textual Amendments

F23 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 **[**[F24]inspector appointed by the Health and Safety Executive under section 19 of the [M2]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 **[**[F24]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 **[**[F24]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 **[**[F24]an inspector appointed by the Health and Safety Executive under section 19 of the [M3]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:

(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

F24 Words substituted by virtue of S.I. 1974/1885, **Sch. 2 para. 5**

Marginal Citations

M2 1974 c. 37.

M3 1974 c. 37.

75 . . . . . **F25**

Textual Amendments

F25 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 . . . . . **F26**

Textual Amendments

F26 S. 76 repealed by S.I. 1974/1885, **Sch. 1**

Status:
Point in time view as at 01/12/2006.

Changes to legislation:
There are currently no known outstanding effects for the Explosives Act 1875, Part III.—Administration of Law.