



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

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

### *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) ..... <sup>F1</sup>

(2) <sup>F2</sup>...

(3) <sup>F2</sup>...

(4) <sup>F2</sup>...

(5) <sup>F2</sup>...

(6) <sup>F2</sup>...

(7) ..... <sup>F3</sup>

(8) <sup>F2</sup>...

(9) <sup>F2</sup>...

(10) The expression “the court of summary jurisdiction” means the [<sup>F4</sup>sheriff principal of the sheriffdom or any one of his sheriffs]:

<sup>F5</sup>(11) .....

*Status: Point in time view as at 26/04/2005.*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, Cross Heading: Application of Act to Scotland. (See end of Document for details)*

#### Textual Amendments

- F1** S. 109(1) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F2** S. 109(2)-(6)(8)(9) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VII**.
- F3** S. 109(7) repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), **Sch. 5 Pt. I**
- F4** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, **Sch. 1 para. 1**
- F5** S. 109(11) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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:

- <sup>F6</sup>[(1) A [<sup>F7</sup>council constituted under section of the Local Government etc. (Scotland) Act 1994]]; <sup>F8</sup>...
- <sup>F8</sup>(2) ..... <sup>F9</sup>
- (3) .....

#### Textual Amendments

- F6** S. 110 para. 1 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 10**
- F7** 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)**
- F8** S. 110(2) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations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)
- F9** S. 110 para. 3 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**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—

- <sup>F10</sup>[(a) The [<sup>F11</sup>non-domestic rate or the council tax]], as the case may be; <sup>F12</sup>...
- <sup>F12</sup>(b) ..... <sup>F13</sup>
- (c) .....

[<sup>F14</sup>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

- F10** S. 111(a) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 11**
- F11** 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)**
- F12** 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)
- F13** S. 111(c) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

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**F14** Words repealed except so far as relates to harbour authorities by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**

**112** ..... **F15**

**Textual Amendments**  
**F15** S. 112 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

**F16****113** **Local authority to have certain powers to take land otherwise than by agreement.**  
.....

**Textual Amendments**  
**F16** 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)

**114** **Provision for making and enforcing byelaws, &c.**

In Scotland, the following provisions shall have effect:

- F17**(a) .....
- F18**(b) .....
- (c) The proceedings may be on indictment in the Court of Justiciary . . . **F19** or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of [**F20**Part II of the Criminal Procedure (Scotland) Act 1975], as the Lord Advocate shall direct:
- F18**(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 [**F21**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:
- F18**(f) .....

**Textual Amendments**  
**F17** 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)  
**F18** S. 114(b)(d)(f) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt.VII**.  
**F19** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)  
**F20** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), **s. 38(1)**

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**F21** Words substituted by [S.I. 1974/1274](#), art. 3(4), [Sch.](#)

**[<sup>F22</sup>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 [<sup>F23</sup>Secretary of State] may, if [<sup>F23</sup>he thinks] it expedient, make byelaws under this Act for the lower estuary of the Clyde as if it were a harbour and [<sup>F23</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>F23</sup>Secretary of State] ; and [<sup>F23</sup>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**

**F22** S. 115 repealed (E.W.S.) by [S.I. 1987/37](#) reg. 47(1)(a)

**F23** 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)**

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

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