



Explosives Act 1875

1875 CHAPTER 17

PART II

LAW RELATING TO OTHER EXPLOSIVES

Application of Part I. to other Explosives

39 Part I. relating to gunpowder applied to other explosives

Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

40 Modification of Part I. as applied to explosives other than gunpowder

The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than gunpowder:

- (1) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require; and
- (2) The prescribed general rules shall be substituted for the general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively; but no such general rule shall require the removal of any building or work in use at the date of the Order in Council by which such rule is made;
- (3) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and
- (4) For the maximum amount limited by Part One of this Act to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be exposed for sale or sold otherwise than in a substantial case, box, canister, or other

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receptacle as therein mentioned, there shall be substituted in the case of explosives other than gunpowder the following amounts; namely,

- (a) where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and
 - (b) In the case of any other explosive, the prescribed amount; and
- (5) Two or more descriptions of explosives shall not be kept in the same store or registered premises, except such descriptions as may be described in that behalf; and, when so kept, shall be kept subject to the prescribed conditions and restrictions; and
 - (6) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and
 - (7) Where any explosive, other than gunpowder, is allowed to be kept in the same magazine, store, or registered premises with gunpowder, the prescribed general rules shall be observed instead of the general rules in Part One of this Act; and
 - (8) There shall be on the outermost package containing the explosive in lieu of the word "gunpowder" the name of the explosive, with the addition of the word "explosive," and if such name is materially false the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding fifty pounds:
 - (9) With respect to the importation from any place out of the United Kingdom of either dynamite or gun-cotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,
 - (a) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transhipment shall for the purpose of this section be deemed to be delivery; and
 - (b) The Secretary of State may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit, for the protection of the public from danger; and
 - (c) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license; and
 - (d) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding two shillings for every pound of such explosive; and

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- (e) The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs or any such article or ship shall apply accordingly.

41 Exemption of making and carrying safety cartridges for private use

Nothing in this Act shall apply to the fining or conveying, for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use.

42 Extension of 18 & 19 Vict. c. 119. s. 29. and 36 & 37 Vict c. 85. ss. 23-27. to all explosives

Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder.

Specially dangerous Explosives

43 Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives

Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a license of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such Order:

Provided that such Order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

Any explosive manufactured or kept in contravention of any such Order shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place.

Any explosive conveyed in contravention of any such Order shall be deemed to be conveyed in contravention of a byelaw made under this Act with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such Order,—

1. All or any part of such explosive may be forfeited; and
2. The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding ten shillings for every pound of such explosive brought in the ship; and
3. The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding ten shillings for every pound of such explosive delivered or sold or found in his possession.

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The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs and any such article or ship shall apply accordingly.

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 manufactured 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 the Secretary of State, and if he observe the provisions of this Act, so far as they are applicable.

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 five pounds 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

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- (5) The occupier shall give notice in the case of a magazine to the Secretary of State, 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 the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, 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 he 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 the Secretary of State 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.

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,

- (1) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds 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 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
- (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 the Secretary of State, 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 the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, 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 he may, under the special circumstances of the case, think expedient to secure the safety of the public.

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The regulations in this section, and any conditions so made by the Secretary of State 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.

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 one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or
- (b) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or
- (c) More than twenty-five pounds 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 a license from the local authority under this part of this Act.

A person having such license from the local authority 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.

49 Licensing by local authority and regulation of small firework factories

Any person may apply for a small firework factory license to the local authority at the time and place appointed by such authority, 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 the local authority 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 five shillings, as may be fixed by that authority, the license applied

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

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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.

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.

Existing Factories, Magazines, and Stores

51 Application of Part I. of the Act to existing factories and magazines

In any continuing certificate for a lawfully existing factory or magazine for any explosive other than gunpowder, the regulations set out in the first schedule to this Act shall not form part of the terms of such certificate, but in lieu thereof the Secretary of State shall insert in the certificate as the terms thereof—

- (1) If the factory or magazine is for dynamite or any substance having nitro-glycerine as one of its component parts or ingredients, the conditions contained in the existing license, with such modifications (if any) as the Secretary of State may think necessary in order to bring the same into conformity with this Act, and also any limitation of time for the expiration of the license contained in the existing license, and also the existing power of the Secretary of State to revoke the license; and
- (2) In any other case, such terms as the Secretary of State may think expedient, having regard to the conditions (if any) contained in the license under which the factory or magazine is established; and such terms shall include any limitation of time contained in such license, but shall not require the removal of any lawfully existing building or work.

If a new license under this Act is obtained for keeping in an existing gunpowder store any explosive other than gunpowder, the continuing certificate of such store shall be determined, and the store shall cease to be deemed to be an existing gunpowder store within the meaning of this Act.

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52 Continuing certificate not required for factory, magazine, or importation license expiring within 12 months, or for stores licensed under Nitro-glycerine Act, 1869

Where the license of a factory or magazine or any explosive other than gunpowder will expire within twelve months after the commencement of this Act, the occupier of such factory or magazine shall not require a continuing certificate under this Act, but until such license expires shall be entitled to use such factory or magazine in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for a license under this Act for such factory or magazine, but after a license under this Act is obtained for the same, or after the expiration of the old license, such factory or magazine shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act.

The occupier of any magazine licensed at the time of the passing of this Act by a general magazine license under the Nitro-glycerine Act, 1869, shall not require a continuing certificate under this Act, but until the expiration of six months after the commencement of this Act shall be entitled to use such magazine in like manner as if this Act had not passed, without prejudice nevertheless to a license under this Act being obtained for the same; but after a license under this Act is obtained for the same, or after the expiration of the said six months, such license shall determine, and such magazine shall not be deemed to be a lawfully existing magazine or store within the meaning of this Act.

The holder of any importation license under the Nitro-glycerine Act, 1869, shall, until the expiration of six months after the commencement of this Act, be entitled to act under such license in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for an importation license under this Act; but after such license under this Act is obtained, or after the expiration of the said six months, such existing license shall determine.