



# Explosives Act 1875

## 1875 CHAPTER 17

### PART IV

#### SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS

##### *Definitions*

#### **104 Extension of definition of explosive to other explosive substances**

Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

#### **105 Persons carrying on certain processes to be deemed manufacturers**

Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression " manufacture " shall in this Act be construed accordingly.

#### **106 Definition and classification of explosives by Order in Council**

It shall be lawful for Her Majesty from time to time, by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Where the composition, quality, or character of any explosive has been defined by an Order in Council, any article alleged to be such explosive which differs from such

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definition in composition, quality, or character, whether by reason of deterioration or otherwise, shall not be deemed, for the purposes of this Act, to be the explosives so defined.

### **107 Definition of " chief officer of police " and " police district."**

In this Act—

The expression " chief officer of police " means—

- (1) In the city of London and the liberties thereof, the commissioner of city police; and
- (2) In the metropolitan police district, the commissioner or any assistant commissioner or any district superintendent of metropolitan police; and
- (3) Elsewhere the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs :

The expression " police district" means—

- (1) The city of London and the liberties thereof; and
- (2) The metropolitan police district; and
- (3) Any county, or liberty of a county, borough, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this section.

### **108 General definitions**

In this Act, unless the context otherwise requires—

The expression " this Act " includes any license, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression " existing " means existing at the passing of this Act:

The expression " person " includes a body corporate :

The expression " occupier " includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade :

The expression " master " includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression " magazine " includes any ship or other vessel used for the purpose of keeping any explosive :

The expression " factory magazine " means a building for keeping the finished explosive made in the factory, and includes, if such explosive is not gunpowder, any building for keeping the partly manufactured explosive or the ingredients of such explosive which is mentioned in that behalf in the license :

The expression " store " means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

The expression " Secretary of State " means one of Her Majesty's Principal Secretaries of State :

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The expression " warehouseman " includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited :

The expression " carrier " includes all persons carrying goods or passengers for hire by land or water :

The expression " harbour authority " means any person or body of persons, corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary, or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, dock, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the expression " harbour " :

The expression " canal company " means any person or body of persons, corporate or unincorporate, being owner or lessee or owners, or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament, or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a Canal company as above defined, and any wharf, dock, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the expression " canal " :

The expression " tidal water " means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides :

The expression " inland water " means any canal, river, navigation, lake, or water which is not tidal water :

The expression " railway company " means any person or body of persons, corporate or unincorporate, being the owner or lessee or owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression " railway " :

The expression " wharf " includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression " carriage " includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled :

The expression " ship " includes every description of vessel used in sea navigation, whether propelled by oars or otherwise :

The expression " boat " means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise :

The expression " prescribed " means prescribed by Order in Council:

The expression " borough " means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled " An Act to provide for the regulation

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of municipal corporations in England and Wales," and the Acts amending the same :

The expression " county " does not include a county of a city or a county of- a town :

Every riding, division, liberty, or part of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county:

The expressions " urban sanitary district " and " urban sanitary authority " mean the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872; and any urban sanitary district which is an Improvement Act district within the meaning of that Act, is in this Act referred to as an improvement district; and the expression " Improvement Commissioners " in this Act means the Commissioners who are the urban sanitary authority for such district:

The expression " safety cartridges " means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges :

The expression " Gunpowder Act, 1860, " means the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled " An Act to amend the law concerning the making, " keeping, and carriage of gunpowder and compositions of an " explosive nature, and concerning the manufacture, sale, and " use of fireworks," and the Acts amending the same :

The expression " Summary Jurisdiction Acts " means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled " An Act to facilitate the performance of the duties of justices of the peace " out of sessions within England and Wales with respect to " summary convictions and orders," and any Acts amending the same:

The expression " court of summary jurisdiction " means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :

The expression " quarter sessions " includes general sessions.