



# Explosives Act 1875

## 1875 CHAPTER 17

### PART IV

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

##### *Application of Act to Scotland*

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

In Scotland, the following provisions shall have effect:

- (a) Where an obligation is laid by this Act on any harbour authority, company, or local authority to make or enforce any byelaws or to grant any license or to do anything, the Court of Session may, upon summary application by any corporation, harbour authority, or local authority, or party interested, compel such harbour authority, company, or local authority to discharge such obligation:
- (b) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court:
- (c) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct:
- (d) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864:
- (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 the Queen's and Lord Treasurer's Remembrancer, 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

*Status: This is the original version (as it was originally enacted).*

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Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:

- (f) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding six months, or until such penalty, costs, or money shall be sooner paid.