

SCHEDULE 5

AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

Explosives Act 1875

1.—(1) The 1875 Act is amended as follows.

(2) Omit sections 4 to 22 and for section 23 (precautions against fire or explosion to be taken by occupier) substitute —

“Precautions against unauthorised access

23.—(1) The occupier of every premises at which gunpowder is manufactured or stored shall take all due precaution for preventing unauthorised persons having access to the premises or to the gunpowder therein.

(2) In the event of any breach (by any act or default) of subsection (1), the occupier shall be guilty of an offence.

(3) In this section, “premises” has the meaning given in section 53 of the Health and Safety at Work etc. Act 1974.”.

(3) Omit sections 24, 26 to 29, 35, 36, 38, 40 and 41.

(4) In section 43 (power to prohibit, manufacture, importation, storage and carriage of specially dangerous explosives) —

(a) omit “, either absolutely, or except in pursuance of a license of the Health and Safety Executive under this Act”; and

(b) for the words from “Provided that” to “conveyance of explosives” substitute “A person who manufactures, keeps or conveys any explosive in contravention of any such Order shall be guilty of an offence and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974.”.

(5) Omit sections 44 to 51, 58, 60, 63 and 64.

(6) In section 67 (definition of local authority) —

(a) in paragraph (1), omit “except as hereafter in this section mentioned.”;

(b) after paragraph (1), insert —

“(1A) In a London borough, the council of the borough; and”;

(c) omit paragraph (4) and the word “and” preceding it.

(7) Omit sections 70 to 72, 77, 78 and 82.

(8) In section 83 (provisions as to Orders in Council and orders of the Secretary of State), omit—

(a) “, and a Secretary of State may by order.”;

(b) “or orders of the Secretary of State, as the case may be.”; and

(c) the words from “The provisions of section 50” to the end of the section.

(9) Omit sections 84 and 86.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (10) In section 91 (prosecution of offences either summarily or on indictment), omit the words from “Provided that” to “exceed one month”.
- (11) In section 97 (exemption of Government factories, etc, from the Act), omit paragraphs (3) and (4) and the words from “Provided that” to the end of the section.
- (12) Omit sections 98 and 101.
- (13) In section 102 (saving clause as to liability), omit the words from “A continuing certificate” to the end of the section.
- (14) Omit sections 103, 105 and 106.
- (15) In section 108 (general definitions) —
 - (a) in the definition of “this Act”, omit “certificate, byelaw, regulation, rule,”;
 - (b) in the definition of “store”, omit “an existing gunpowder store as defined by this Act, or” and “licensed by a license granted by a local authority under this Act”; and
 - (c) omit the definitions of “existing”, “factory magazine”, “harbour authority”, “canal company”, “railway company”, “safety cartridges” and “Gunpowder Act 1860”.
- (16) In section 109 (definitions in relation to application of Act to Scotland), omit paragraph (11).
- (17) In section 110 (local authority), omit paragraph 2 and the word “and” preceding it.
- (18) In section 111 (expenses of local authority), omit paragraph (b) and the word “and” preceding it.
- (19) Omit section 113.
- (20) In section 114 (provision for making and enforcing byelaws, &c in relation to Scotland), omit paragraph (a).
- (21) Omit Schedule 1.