



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

PART I.—LAW RELATING TO GUNPOWDER

Conveyance of Gunpowder

^{F1F2}[33] **General rules as to packing of gunpowder for conveyance.**

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Textual Amendments

- F1** S. 33 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 1, Sch. 6 para. 1(3), **Sch. 7 Pt. 1** (with reg. 26)
- F2** S. 33 repealed (E.W.S.) (1.3.1992) by [S.I. 1991/2097](#), **reg. 14(2)**

^{F3}[34] **Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.**

Every harbour authority shall, with the sanction of the [^{F4}Secretary of State] , make byelaws for regulating the conveyance, loading and unloading of gunpowder within the jurisdiction of the said authority and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

- (1) Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and
- (2) Regulating the navigation and place of mooring of such ships and boats; and
- (3) Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder on board any such ship or boat, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
- (4) Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and

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- (5) Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, trains, or carriages; and
- (6) Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
- (7) Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading or unloading; and
- (8) Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
- (9) Providing for the publication and supply of copies of the byelaws; and
- (10) Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
- (11) Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding [^{F3}£100] for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws; and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section; and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the [^{F4}Secretary of State] may, if [^{F4}he thinks] it expedient, make byelaws under this section for that part or water as if it were a harbour and [^{F4}he] were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the [^{F4}Secretary of State] ; and [^{F4}he] may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area; and every such authority and officer 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.]

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Textual Amendments

- F3** S. 34 repealed (E.W.S.) by [S.I. 1987/37, reg. 47\(1\)\(a\)](#)
- F4** 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)
- F5** Words substituted by [Criminal Justice Act 1967 \(c. 80\), s. 92, Sch. 3 Pt. II](#)

Modifications etc. (not altering text)

- C1** S. 34 amended by Explosives Act 1923 (c. 17, s. 4

^{F6}**35 Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.**

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Textual Amendments

- F6** Ss. 35-38 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\), reg. 1, Sch. 6 para. 1\(3\), Sch. 7 Pt. 1](#) (with reg. 26)

^{F6}**36 Byelaws as to wharves in which gunpowder is loaded or unloaded.**

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Textual Amendments

- F6** Ss. 35-38 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\), reg. 1, Sch. 6 para. 1\(3\), Sch. 7 Pt. 1](#) (with reg. 26)

^{F6}**37**

Textual Amendments

- F6** Ss. 35-38 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\), reg. 1, Sch. 6 para. 1\(3\), Sch. 7 Pt. 1](#) (with reg. 26)

^{F6}**38 Confirmation and publication of byelaws.**

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Textual Amendments

- F6** Ss. 35-38 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\), reg. 1, Sch. 6 para. 1\(3\), Sch. 7 Pt. 1](#) (with reg. 26)

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