



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

PART III.—ADMINISTRATION OF LAW

Accidents

63 Notice to be given of accidents connected with explosive.

Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to [^{F1}the Health and Safety Executive] . . . ^{F2}

Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder [^{F3}500 kilograms] , and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to [^{F1}the Health and Safety Executive].

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be [^{F4}guilty of an offence].

Textual Amendments

- F1** Words substituted by virtue of S.I. 1974/1885, Sch. 2 para. 3
- F2** Words repealed by S.I. 1974/1885, Sch. 1
- F3** Words substituted by S.I. 1984/510, reg. 2, Sch. 1

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Accidents. (See end of Document for details)

F4 Words substituted by S.I. 1974/1885, Sch. 2 para. 18

64 Reconstruction of buildings destroyed by accident.

Where an accident by explosion or fire has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, and any further supply of an explosive shall not be put therein, except with the permission of [^{F5}the Health and Safety Executive] ; and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly:

Provided, that this enactment shall not prevent the reconstruction of a factory magazine in any lawfully existing factory upon such site in the factory, and with such precautions as may seem reasonable to [^{F5}the Health and Safety Executive] , due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or fire in a factory has wholly or partly destroyed any building of such factory as to which [^{F6}an inspector appointed by the Health and Safety Executive under section 19 of the ^{M1}Health and Safety at Work etc. Act 1974] has previously to the accident sent to the occupier a notice that the building is unduly near to some building or work outside the factory, such building shall be reconstructed only upon such site in the factory and with such precautions as may seem reasonable to [^{F5}the Health and Safety Executive] , due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or by fire in a factory has wholly or partly destroyed two or more buildings in such factory, not more than one of such buildings shall be reconstructed except with the permission of [^{F5}the Health and Safety Executive] ; provided that this enactment shall not apply to any buildings in a lawfully existing factory, if either both or all such buildings are incorporating mills, or if as regards any other buildings [^{F6}an inspector appointed by the Health and Safety Executive under section 19 of the ^{M2}Health and Safety at Work etc. Act 1974] has not previously to the accident sent to the occupier a notice that such buildings are unduly near to each other.

Where a building is constructed on a different site in pursuance of this section, [^{F5}the Health and Safety Executive] shall cause the necessary alterations to be made in the license; and such alterations shall be deemed to be part of the license.

The reconstruction of any building in contravention of this section shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

Textual Amendments

F5 Words substituted by virtue of S.I. 1974/1885, Sch. 2 para. 3

F6 Words substituted by virtue of S.I. 1974/1885, Sch. 2 para. 5

Marginal Citations

M1 1974 c. 37.

M2 1974 c. 37.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Accidents. (See end of Document for details)

Textual Amendments

F7 Ss. 53–57, 59, 62, 65, 66 repealed by S.I. 1974/1885, **Sch. 1**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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