



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

## PART IV.—SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS

### *Supplemental Provisions*

**F177 Penalty on and removal of trespassers.**

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**Textual Amendments**

**F1** Ss. 77-79 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(6), **Sch. 7 Pt. 1** (with reg. 26)

**F178 Arrest without warrant of persons committing dangerous offences.**

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**Textual Amendments**

**F1** Ss. 77-79 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(6), **Sch. 7 Pt. 1** (with reg. 26)

**F179** .....

**Textual Amendments**

**F1** Ss. 77-79 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(6), **Sch. 7 Pt. 1** (with reg. 26)

*Status: Point in time view as at 07/10/2013.**Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Part IV. —Supplemental Provisions, Legal Proceedings, Exemptions, and Definitions. (See end of Document for details)***80 Penalty for throwing fireworks in thoroughfare.**

If any person throw, cast, or fire any fireworks in or into any [<sup>F2</sup>highway, street, thoroughfare,][<sup>F2</sup>road] or public place, he [<sup>F3</sup>shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale]

**Textual Amendments**

**F2** Word “road” substituted (S.) for words “highway, street thoroughfare,” by [Roads \(Scotland\) Act 1984](#) (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 7(4)**

**F3** Words substituted by [Consumer Protection Act 1987](#) (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 1**

**Modifications etc. (not altering text)**

**C1** S. 80 explained as to meaning of public place (S.) by [Countryside \(Scotland\) Act 1967](#) (c. 86), **s. 27(6)**

**81** ..... <sup>F4</sup>**Textual Amendments**

**F4** S. 81 repealed by [S.I. 1974/1885](#), **Sch. 1**

**<sup>F5</sup>82 †Punishment for defacing notices.**

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**Textual Amendments**

**F5** S. 82 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005](#) (S.I. 2005/1082), **Sch. 5 para. 1(7)**, **Sch. 6** (with reg. 3)

**Modifications etc. (not altering text)**

**C2** A dagger appended to a marginal note means that it is no longer accurate

**83 Provisions as to Orders in Council and orders of Secretary of State.**

Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be authorised, directed, regulated, prescribed, or done by Order in Council.

[<sup>F6</sup>Every Order in Council or order of the Secretary of State, which purports to be made in pursuance of this Act shall be presumed to have been duly made and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.]

Every Order in Council made in pursuance of this Act [<sup>F6</sup>shall take effect as if it were enacted in this Act, and shall be published in the London Gazette, and] shall be laid before both Houses of Parliament [<sup>F6</sup>within one month after it is made, if Parliament

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be then sitting, or if not, within one month after the commencement of the then next session of Parliament.]

Her Majesty may by Order in Council<sup>F7</sup> ... from time to time revoke, add to, or alter any previous Order in Council<sup>F8</sup> ... under this Act.

<sup>F9</sup> .....

**Textual Amendments**

- F6** Words in S. 83, as it applies to Great Britain, repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)
- F7** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(a\)](#), [Sch. 6](#) (with reg. 3)
- F8** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(b\)](#), [Sch. 6](#) (with reg. 3)
- F9** Words in s. 83 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(8\)\(c\)](#), [Sch. 6](#) (with reg. 3)

**Modifications etc. (not altering text)**

- C3** S. 83: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 12 para. 1\(1\)](#) (with arts. 28-31, [Sch. 12 para. 4\(1\)](#))

**<sup>F10</sup>84 Publication of byelaws, notices, &c.**

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**Textual Amendments**

- F10** Ss. 84-88 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\(8\)](#), [Sch. 7 Pt. 1](#) (with reg. 26)

**85** .....

**86 Construction of enactments referring to powers of searching for gunpowder.**

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*Legal Proceedings*

**87, 88.** .....

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## **F1189 Supplemental provisions as to forfeiture of explosive.**

Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture; and where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court after hearing the owner or any person on his behalf (who may be present), may order all or any part of such explosive or ingredient to be forfeited.

### **Textual Amendments**

- F11** S. 89 repealed except for the purposes of ss. 30, 32 and 73 of this Act by [S.I. 1974/1885](#), [Sch. 1](#) and [S.I. 1974/2166](#), [reg. 2](#)

## **90 Jurisdiction in tidal waters or on boundaries.**

For all the purposes of this Act—

- (1) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2) Any tidal water not included in the foregoing descriptions and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

## **F1291 Prosecution of offences either summarily or on indictment.**

Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in manner directed by the Summary Jurisdiction Acts.

F13  
...

All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding six months.

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**Textual Amendments**

- F12** S. 91 repealed except for purposes of ss. 30, 32 of this Act by [S.I. 1974/1885, Sch. 1](#)
- F13** Words in s. 91 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\), Sch. 5 para. 1\(10\), Sch. 6](#) (with reg. 3)

**92** ..... **F14**

**Textual Amendments**

- F14** S. 68 repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

**F15****93** .....

**Textual Amendments**

- F15** S. 93 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. VII.](#)

**F16****94** .....

**Textual Amendments**

- F16** S. 94 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt.VII.](#)

**95 Distress of ship.**

Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

**96 Application of penalties and disposal of forfeitures.**

..... **F17**

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

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The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, detaining, keeping, or conveying, or otherwise dealing with the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, detaining, keeping, conveying, selling, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal upon payment of a reasonable compensation for the same, to be determined in case of dispute by a court of summary jurisdiction; and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some, or one of them, shall destroy the same accordingly, and if the court or Secretary of State so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Secretary of State is satisfied that default has been made in complying with any such direction by him or by a court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, so used or dealt with.

**Textual Amendments**

F17 Words repealed by S.I. 1974/1885, Sch. 1

**Modifications etc. (not altering text)**

C4 S. 96: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), Sch. 12 para. 1(4) (with arts. 28-31)

*Exemptions and Savings*

**97 Exemption of Government factories, &c. from the Act.**

This Act shall not apply—

(1) To any factory, magazine, store, premises, wharf, place, or explosive under the control of the Secretary of State, . . . <sup>F18</sup>, or other department of the Government or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or

(2) To any of Her Majesty’s ships, boats, or carriages; or

<sup>F19F20</sup>(3) . . . . .

<sup>F19F20</sup>(4) . . . . .

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<sup>F21</sup>[(5) To the conveyance of any explosive under the control of a Secretary of State, . . . <sup>F18</sup>, or other department of the Government or to the conveyance of any explosive otherwise held for the service of the Crown when the same is being conveyed in accordance with the regulations of a Secretary of State of . . . <sup>F18</sup> other department of the Government:  
<sup>F22F23</sup> . . . ]

**Textual Amendments**

- F18** Words repealed by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F19** S. 97(3)(4) 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(9), **Sch. 7 Pt. 1** (with reg. 26)
- F20** S. 97(3)(4) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005](#) (S.I. 2005/1082), Sch. 5 para. 1(11), **Sch. 6** (with reg. 3)
- F21** S. 97(5) repealed (E.W.S.) by [S.I. 1989/615](#), **reg. 19(1)**
- F22** Words in s. 97 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005](#) (S.I. 2005/1082), Sch. 5 para. 1(11), **Sch. 6** (with reg. 3)
- F23** Words in s. 97 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 1, Sch. 6 para. 1(9), **Sch. 7 Pt. 1** (with reg. 26)

**Modifications etc. (not altering text)**

- C5** S. 97 extended by [S.I. 1965/1536](#), **Sch. 3**
- C6** Reference to ships to be construed as including reference to aircraft: S.R. & O. 1918/548 (Rev. I, p. 896: 1918 I, p. 50)
- C7** References to departments of Government except second reference in s. 97(5) to be construed as including references to United Kingdom Atomic Energy Authority: [Atomic Energy Authority Act 1954](#) (c. 32), **Sch. 3**
- C8** S. 97(5) extended as to explosives certified as conveyed in connection with execution of contract with Government department or with service authorities of visiting force or with a designated headquarters or defence organisation by [Emergency Laws \(Miscellaneous Provisions\) Act 1947](#) (11 & 12 Geo. 6 c. 10), **Sch. 2 para. 4**

<sup>F24F25</sup>**98 Saving for rocket and fog stations.**  
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**Textual Amendments**

- F24** S. 98 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(10), **Sch. 7 Pt. 1** (with reg. 26)
- F25** S. 98 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005](#) (S.I. 2005/1082), Sch. 5 para. 1(12), **Sch. 6** (with reg. 3)

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#### Textual Amendments

**F26** S. 99 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. XI](#)

### 100 Saving for master of ship and carrier in case of emergency.

Nothing in this Act shall render liable to any penalty or forfeiture the owner or master of any ship or boat, or any carrier or warehouseman, or the person having charge of any carriage, for any act done in breach of this Act, if he prove that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was, under the circumstances, necessary and proper.

### <sup>F27F28</sup>101 Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.

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#### Textual Amendments

**F27** S. 101 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\(10\), Sch. 7 Pt. 1](#) (with reg. 26)

**F28** S. 101 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\), Sch. 5 para. 1\(12\), Sch. 6](#) (with reg. 3)

### 102 Saving clause as to liability.

This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise, which might but for the provisions of this Act, have been brought against him.

This Act shall not exempt any person from any indictment or other proceeding for a nuisance, or for an offence which is indictable at common law, or by any Act of Parliament other than this Act, so that no person be punished twice for the same offence.

When proceedings are taken before any court against any person in respect of any offence under this Act, which is also an offence indictable at common law or by some Act of Parliament other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for indicting such person at common law or under some Act of Parliament other than this Act.

<sup>F29F30</sup> .....

#### Textual Amendments

**F29** Words in s. 102 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\), Sch. 5 para. 1\(13\), Sch. 6](#) (with reg. 3)



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**F30** Words in s. 102 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(11), **Sch. 7 Pt. 1** (with reg. 26)

<sup>F31F32</sup>**103 Powers of Act cumulative, with power to make provisional order for repealing local Acts.**

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**Textual Amendments**

- F31** S. 103 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(12), **Sch. 7 Pt. 1** (with reg. 26)
- F32** S. 103 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), **Sch. 6** (with reg. 3)

*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.

**Modifications etc. (not altering text)**

- C9** S. 104: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 12 para. 1(1)** (with arts. 28-31, Sch. 12 para. 4(1))

<sup>F33F34</sup>**105 Persons carrying on certain processes to be deemed manufacturers.**

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**Textual Amendments**

- F33** S. 105 (N.I.) repealed (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(12), **Sch. 7 Pt. 1** (with reg. 26)
- F34** S. 105 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), **Sch. 6** (with reg. 3)

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**F35F36 106 Definition and classification of explosives by Order in Council.**

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**Textual Amendments**

**F35** S. 106 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(12), **Sch. 7 Pt. 1** (with reg. 26)

**F36** S. 106 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(14), **Sch. 6** (with reg. 3)

**107** ..... **F37**

.....

**Textual Amendments**

**F37** S. 107 repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I** and [Police \(Scotland\) Act 1967 \(c. 77\)](#), Sch. 5 Pts. I, II

**108 General definitions.**

In this Act, unless the context otherwise requires—

The expression “this Act” includes any license, <sup>F38F39</sup>... and order granted or made in pursuance of this Act:

<sup>F40F41</sup> ...

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:

<sup>F40F41</sup> ...

The expression “store” means <sup>F42F43</sup>...a place for keeping an explosive

<sup>F42F43</sup> .....

<sup>F44</sup>

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:

<sup>F40F41</sup> ...

<sup>F40F41</sup> ...

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:

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

F40F41  
...

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:

..... F45

...  
F40F41  
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F40F41  
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..... F44

<sup>F46</sup>[The expression “road” has the same meaning as in the Roads (Scotland) Act 1984.]

### Textual Amendments

- F38** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(a\)](#), [Sch. 6 \(with reg. 3\)](#)
- F39** Words in s. 108 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), [reg. 1](#), [Sch. 6 para. 1\(13\)\(a\)](#), [Sch. 7 Pt. 1 \(with reg. 26\)](#)
- F40** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(c\)](#), [Sch. 6 \(with reg. 3\)](#)
- F41** Words in s. 108 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), [reg. 1](#), [Sch. 6 para. 1\(13\)\(c\)](#), [Sch. 7 Pt. 1 \(with reg. 26\)](#)
- F42** Words in s. 108 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(15\)\(b\)](#), [Sch. 6 \(with reg. 3\)](#)
- F43** Words in s. 108 omitted (N.I.) (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), [reg. 1](#), [Sch. 6 para. 1\(13\)\(b\)](#), [Sch. 7 Pt. 1 \(with reg. 26\)](#)
- F44** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- F45** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)  
Words from “the expression”county” to “such district” repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.VII.](#)
- F46** Words added (S) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(1\)](#), [Sch. 9 para. 7\(5\)](#)

### Modifications etc. (not altering text)

- C10** Definition of “magazine” extended by [Hovercraft Act 1968 \(c. 59\)](#), [Sch. para. 2](#)

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**C11** Reference to urban sanitary district and urban sanitary authority to be construed as reference to district and district council: [Local Government Act 1972 \(c. 70\), s. 179\(3\)](#)

*Application of Act to Scotland*

This Act shall apply to Scotland, with the following modifications; that is to say,

**109 Definitions.**

In this Act with respect to Scotland—

- (1) ..... <sup>F47</sup>
- (2) <sup>F48</sup> ...
- (3) <sup>F48</sup> ...
- (4) <sup>F48</sup> ...
- (5) <sup>F48</sup> ...
- (6) <sup>F48</sup> ...
- (7) ..... <sup>F49</sup>
- (8) <sup>F48</sup> ...
- (9) <sup>F48</sup> ...
- (10) The expression “the court of summary jurisdiction” means the [<sup>F50</sup>sheriff principal of the sheriffdom or any one of his sheriffs]:
- <sup>F51</sup>(11) .....

**Textual Amendments**

- F47** S. 109(1) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F48** S. 109(2)-(6)(8)(9) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. VII.](#)
- F49** S. 109(7) repealed by [Police \(Scotland\) Act 1967 \(c. 77\), Sch. 5 Pt. I](#)
- F50** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4, Sch. 1 para. 1](#)
- F51** S. 109(11) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\), Sch. 5 para. 1\(16\), Sch. 6 \(with reg. 3\)](#)

**110 Local authority.**

In Scotland, the local authority for the purposes of this Act shall be as follows:

- <sup>F52</sup>[(1) A [<sup>F53</sup>council constituted under section of the [Local Government etc. \(Scotland\) Act 1994](#)]]; <sup>F54</sup> ...
- <sup>F54</sup>(2) .....
- (3) ..... <sup>F55</sup>

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**Textual Amendments**

- F52** S. 110 para. 1 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 10](#)
- F53** Words in s. 110 para. 1 substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 4\(2\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F54** S. 110(2) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(17\)](#), [Sch. 6](#) (with reg. 3)
- F55** S. 110 para. 3 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

**111 Expenses of local authority.**

In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

- <sup>F56</sup>(a) The [<sup>F57</sup>non-domestic rate or the council tax]], as the case may be; <sup>F58</sup>...
- <sup>F58</sup>(b) .....
- (c) ..... <sup>F59</sup>

[<sup>F60</sup>The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.]

**Textual Amendments**

- F56** S. 111(a) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 11](#)
- F57** Words in s. 111(a) substituted (S.) (4.1.1995) by 1994 c. 39, s. 180(1), [Sch. 13 para. 4\(3\)](#); S.I. 1994/2850, [art. 3\(c\)\(ii\)](#)
- F58** S. 111(b) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(18\)](#), [Sch. 6](#) (with reg. 3)
- F59** S. 111(c) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F60** Words repealed except so far as relates to harbour authorities by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), [Sch. 14](#)

**112** ..... <sup>F61</sup>

**Textual Amendments**

- F61** S. 112 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

<sup>F62</sup>**113 Local authority to have certain powers to take land otherwise than by agreement.**

.....

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**Textual Amendments**

**F62** S. 113 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(19), [Sch. 6](#) (with reg. 3)

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

In Scotland, the following provisions shall have effect:

- <sup>F63</sup>(a) .....
- <sup>F64</sup>(b) .....
- (c) The proceedings may be on indictment in the Court of Justiciary . . . <sup>F65</sup> or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of [<sup>F66</sup>Part II of the Criminal Procedure (Scotland) Act 1975], as the Lord Advocate shall direct:
- <sup>F64</sup>(d) .....
- (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 [<sup>F67</sup>the Secretary of State] , 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 Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:
- <sup>F64</sup>(f) .....

**Textual Amendments**

**F63** S. 114(a) repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(20), [Sch. 6](#) (with reg. 3)

**F64** S. 114(b)(d)(f) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt.VII](#).

**F65** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

**F66** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. **38(1)**

**F67** Words substituted by [S.I. 1974/1274](#), art. 3(4), [Sch.](#)

**[<sup>F68</sup>115 †Board of Trade empowered to make byelaws for the lower estuary of the Clyde: Secretary of State to define the authority for enforcing such byelaws.**

Whereas upon that part of the estuary of the Clyde which lies below the jurisdiction of the Trustees of the Clyde Navigation (and which part is in this section referred to as the lower estuary of the Clyde) doubts have arisen as to the limits of the several harbour authorities on that estuary, be it enacted, the [<sup>F69</sup>Secretary of State] may, if [<sup>F69</sup>he thinks] it expedient, make byelaws under this Act for the lower estuary of the Clyde as if it were a harbour and [<sup>F69</sup>he] were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the [<sup>F69</sup>Secretary of State] ; and [<sup>F69</sup>he] may by such byelaws define the area within which such byelaws are to be observed, and the Secretary of State shall have power to define the authority or authorities and officers by whom such byelaws are to be enforced and

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carried into effect within such area; and such authority or authorities and officers 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.]

#### Textual Amendments

- F68** S. 115 repealed (E.W.S.) by [S.I. 1987/37](#) reg. 47(1)(a)
- F69** 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)

#### Modifications etc. (not altering text)

- C12** A dagger appended to a marginal note means that it is no longer accurate

### *Application of Act to Ireland*

#### Modifications etc. (not altering text)

- C13** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

This Act shall apply to Ireland, with the following modifications; that is to say,

#### **116 Definition of local authority.**

The local authority for the purposes of this Act shall be—

- (1) In the city of Dublin, the Lord Mayor, aldermen, and burgesses acting by the town council:
- (2) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exerciseable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority:
- (3) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:
- (4) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

The expressions “urban sanitary authority” and “urban sanitary district” have the same meanings respectively as in the <sup>M1</sup>Public Health (Ireland) Act 1874.

#### Marginal Citations

- M1** 1874 c. 93.

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**117 Power of certain local bodies to become a local authority.**

The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour to the exclusion of the justices in petty sessions.

**118 Expenses of local authority.**

All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

- In the city of Dublin, the borough fund or borough rate;
- In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district;
- In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes; and
- In any places where the justices in petty sessions are the local authority, the poor rates:

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

<sup>F70</sup>**119 Form of registers of store licenses and registered premises, and amount of fees, to be approved by Secretary of State.**

.....

**Textual Amendments**

**F70** Ss. 119-121 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(14), **Sch. 7 Pt. 1** (with reg. 26)

<sup>F70F71</sup>**120** .....

**Textual Amendments**

**F70** Ss. 119-121 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(14), **Sch. 7 Pt. 1** (with reg. 26)

**F71** S. 120 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt.VII**.

<sup>F70F72</sup>**121** .....



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**Textual Amendments**

- F70** Ss. 119-121 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(14), **Sch. 7 Pt. 1** (with reg. 26)
- F72** S. 121 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VII**.

**122** ..... **F73**

**Textual Amendments**

- F73** S. 122 repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Explosives Act 1875, Part IV.—  
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