



Explosives Act 1875

1875 CHAPTER 17

PART II

LAW RELATING TO OTHER EXPLOSIVES

Application of Part I. to other Explosives

39 Part I. relating to gunpowder applied to other explosives

Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

40 Modification of Part I. as applied to explosives other than gunpowder

The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than gunpowder:

- (1) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require; and
- (2) The prescribed general rules shall be substituted for the general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively; but no such general rule shall require the removal of any building or work in use at the date of the Order in Council by which such rule is made;
- (3) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and
- (4) For the maximum amount limited by Part One of this Act to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be exposed for sale or sold otherwise than in a substantial case, box, canister, or other

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receptacle as therein mentioned, there shall be substituted in the case of explosives other than gunpowder the following amounts; namely,

- (a) where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and
 - (b) In the case of any other explosive, the prescribed amount; and
- (5) Two or more descriptions of explosives shall not be kept in the same store or registered premises, except such descriptions as may be described in that behalf; and, when so kept, shall be kept subject to the prescribed conditions and restrictions; and
- (6) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and
- (7) Where any explosive, other than gunpowder, is allowed to be kept in the same magazine, store, or registered premises with gunpowder, the prescribed general rules shall be observed instead of the general rules in Part One of this Act; and
- (8) There shall be on the outermost package containing the explosive in lieu of the word "gunpowder" the name of the explosive, with the addition of the word "explosive," and if such name is materially false the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding fifty pounds:
- (9) With respect to the importation from any place out of the United Kingdom of either dynamite or gun-cotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,
- (a) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transhipment shall for the purpose of this section be deemed to be delivery; and
 - (b) The Secretary of State may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit, for the protection of the public from danger; and
 - (c) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license; and
 - (d) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding two shillings for every pound of such explosive; and

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- (e) The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs or any such article or ship shall apply accordingly.

41 Exemption of making and carrying safety cartridges for private use

Nothing in this Act shall apply to the fining or conveying, for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use.

42 Extension of 18 & 19 Vict. c. 119. s. 29. and 36 & 37 Vict c. 85. ss. 23-27. to all explosives

Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder.