



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

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

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.

105 Persons carrying on certain processes to be deemed manufacturers.

Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression “manufacture” shall in this Act be construed accordingly.

106 Definition and classification of explosives by Order in Council.

It shall be lawful for Her Majesty from time to time by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Where the composition, quality, or character of any explosive has been defined by an Order in Council, any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or

Status: Point in time view as at 01/02/1991.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: Definitions. (See end of Document for details)

otherwise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

107 F1

Textual Amendments
F1 S. 107 repealed by Police Act 1964 (c. 48), Sch. 10 Pt.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, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression “existing” means existing at the passing of this Act:

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:

The expression “factory magazine” means a building for keeping the finished explosive made in the factory, and includes, if such explosive is not gunpowder, any building for keeping the partly manufactured explosive or the ingredients of such explosive which is mentioned in that behalf in the license:

The expression “store” means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

..... F2

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:

The expression “harbour authority” means any person or body of persons, corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary, or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, dock, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the expression “harbour”:

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: Definitions. (See end of Document for details)

The expression “canal company” means any person or body of persons, corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament, or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, dock, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the expression “canal”:

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:

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

The expression “railway company” means any person or body of persons, corporate or unincorporate, being the owner or lessee or owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression “railway”:

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:

F3

The expressions “urban sanitary district” and “urban sanitary authority” mean the districts and authorities declared to be urban sanitary districts and authorities by the ^{M1}Public Health Act 1872; and any urban sanitary district which is an Improvement Act district within the meaning of that Act, is in this Act referred to as an improvement district; and the expression “Improvement Commissioners” in this Act means the Commissioners who are the urban sanitary authority for such district:

The expression “safety cartridges” means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges:

The expression “^{M2}Gunpowder Act 1860,” means the Act of the session of the twenty–third and twenty–fourth years of the reign of Her present Majesty, chapter one hundred and thirty–nine, intituled “An Act to amend the law concerning the making, keeping, and carriage of gunpowder and composition of an explosive nature, and concerning the manufacture, sale, and use of fireworks,” and the Acts amending the same:

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: Definitions. (See end of Document for details)*

F2

[^{F4}The expression “road” has the same meaning as in the Roads (Scotland)
 Act 1984.]

Textual Amendments

- F2** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
F3 Words repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
F4 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)

- C1** Definition of “magazine” extended by [Hovercraft Act 1968 \(c. 59\)](#), **Sch. para. 2**
C2 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)**

Marginal Citations

- M1** 1872 c. 79.
M2 1860 c. 139.

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: Definitions.