



# Explosives Act 1875

## 1875 CHAPTER 17

### PART I

#### LAW RELATING TO GUNPOWDER

##### *Supplemental Provisions*

#### **23 Precautions against fire or explosion to be taken by occupier**

The occupier of every factory, magazine, store, and registered premises for gunpowder, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, magazine, or store, or to the gunpowder therein or in the registered premises, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory, magazine, store, or premises.

Any breach (by any act or default) of this section in any factory, magazine, store, or registered premises shall be deemed to be a breach of the general rules applying thereto.

#### **24 Explanation as to quantities of gunpowder allowed in buildings**

Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any building at any one time, all gunpowder and ingredients within the radius of twenty yards from the building and in course either of removal from the building, or of removal to the building for the supply and work thereof, shall be deemed to be in the building :

Provided that, if while the gunpowder or ingredients so in course of removal are within the radius, every machine and manufacturing process in the building is wholly stopped, there may, in addition to the quantity so allowed as aforesaid to be in the building, be within the radius a further quantity of gunpowder and ingredients so in course of removal as aforesaid, not exceeding the quantity specified in that behalf in the license,

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or in the case of an existing building in a lawfully existing factory for gunpowder ten hundredweight, or any less quantity so allowed as aforesaid to be in the building.

Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any machine at any one time, but does not limit the quantity to be in the building containing such machine, the foregoing provisions of this section shall apply, so far as circumstances admit, as if such machine were a building.

Where the quantity allowed to be in any building is limited to what is required for the immediate supply and work of such building, or by words not specifying the exact quantity, a Government inspector who considers that the quantity in any such building is in excess, may, after hearing the explanation of the occupier, require the occupier to diminish such quantity to the maximum named in the

The occupier, if he feel aggrieved by such requisition, may require the matter to be referred to arbitration in manner provided by this Act.

The exact quantity to be allowed in such building shall be determined by the requisition, or if the matter is referred to arbitration, by the award.

## **25 Regulations as to arbitration**

An occupier authorised by this Act to require any matter to be referred to arbitration may, within one month after receiving the requisition, notice, or document relating to the matter to be so referred, send an objection thereto to the Secretary of State; and if the cause of such objection is not, within one month after such objection is received by the Secretary of State, removed by the Secretary of State waiving or varying the said requisition, notice, document, or matter, or otherwise (which the Secretary of State is hereby authorised to do), such occupier may, by notice sent within seven days after the expiration of the said month to the Secretary of State, require the matter to be referred to arbitration, and the date of the receipt by the Secretary of State of the last-mentioned notice shall be deemed to be the date of the reference.

Arbitrations under this Act shall be conducted in manner provided by the second schedule to this Act.

## **26 Fees for licenses**

There shall be payable in respect of licenses and continuing certificates granted by the Secretary of State such fees as may be from time to time fixed by him with the consent of the Treasury, not exceeding the fees in the third schedule to this Act, and if no fee is fixed the fees mentioned in the said schedule.

Such fees shall be taken and paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and shall be carried to the Consolidated Fund.

The Secretary of State may also require any applicant for a new license to pay such sum as the Secretary of State may think reasonable for expenses incurred upon any inquiry made by order of the Secretary of State with respect to the grant of such license.

When the local authority do not fix any fee which they are authorised by this Act to fix, the fee payable shall be the maximum fee which such authority are authorised to fix.

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The fees payable to the local authority in respect of any license, certificate, or otherwise in pursuance of this Act, shall, where the clerk of the local authority is not wholly paid by fees, be carried to the credit of the local rate, or otherwise disposed of as such local authority may direct, and where such clerk is wholly paid by fees, shall, unless the local authority otherwise direct, be paid to such clerk.

**27 Adjoining places occupied together to be one place**

For the purposes of the provisions of this Act with respect to the manufacture and keeping of gunpowder, all buildings and places adjoining each other and occupied together shall be deemed to be the same factory, magazine, store, or premises, and shall accordingly be included in one license or one registration.

**28 Register of store licenses and registered premises to be kept by local authority**

The local authority shall cause registers of all store licenses granted by and of all premises registered with them under this Act to be kept in such form and with such particulars as they may

The local authority shall, when so required by the Secretary of State, send to him, within the time fixed by such requisition, a copy of such register or any part thereof, and in default the clerk of such authority, and also the authority if they are in fault, shall be liable to a penalty not exceeding one pound for every day during which such default continues.

A ratepayer within the area of the local authority, and a licensee or person registered under this Act, upon payment of a fee of one shilling, and a Government inspector, and an officer appointed by any local authority for the purposes of this Act, and an officer of police, without payment, shall be entitled at all reasonable times to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of the local authority and every other person who fails to allow such inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding one pound for each offence.

**29 Provision in case of death, &c. of occupier of store or; registered premises**

If the occupier of a store or registered premises dies or becomes bankrupt, or has his affairs liquidated by arrangement, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such occupier shall not be liable to any penalty or forfeiture under this Act for carrying on the business and acting under the license or registration during such reasonable time as may be necessary to allow him to obtain a store license from or to register with the local authority, so that he otherwise conform with the provisions of this Act.