



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

## PART I.—LAW RELATING TO GUNPOWDER

### *Consumers Stores for Gunpowder Licensing and Regulation of Stores*

#### 15 Store license to be obtained from local authority.

Any person may apply for a license for a gunpowder store to the local authority at the time and place appointed by such authority, stating his name, address, and calling, the proposed site and construction of the store and the amount of gunpowder he proposes to store therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the Order in Council herein—after mentioned, grant to the applicant, on payment of such fee, not exceeding [<sup>F1</sup>£36][<sup>F2</sup>that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974], as may be fixed by that authority, the license applied for.

#### Textual Amendments

- F1** Figure substituted by virtue of S.I. 1985/1108, reg. 2(a)(b)  
**F2** Words substituted (E.W.S.) by S.I. 1987/52, reg. 2, Sch. 1

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

- C1** S. 15 amended (N.I.) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 24(2)  
**C2** Power to amend s. 15 conferred by Local Government Act 1966 (c. 42), s. 35(2), Sch. 3 Pt. II and Local Government (Scotland) Act 1966 (c. 51), s. 42(2), Sch. 4 Pt. II

#### 16 Order in Council prescribing situation and construction of stores.

Her Majesty may from time to time by Order in Council made on the recommendation of the Secretary of State—

*Status: Point in time view as at 01/02/1991.*

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- (1) Regulate the construction and materials and fittings of gunpowder stores; and
- (2) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated; and
- (3) Prescribe the maximum amount of gunpowder, not exceeding [<sup>F3</sup>2,000 kilograms] , to be kept in stores, graduated according to their construction and situation and their distance from the said buildings and works.

Provided that an order under this section shall not require the removal of any building lawfully in use at the date of the making of such order.

#### Textual Amendments

**F3** Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)

### 17 General rules for stores.

In every gunpowder store the following general rules shall be observed; that is to say,

- (1) The provisions of an Order in Council relating to stores, so far as they apply to such store, shall be duly observed:
- (2) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license; and
- (3) The store shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and
- (4) The interior of the store, and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel, or similar substance, in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit, and otherwise clean; and
- (5) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation or is licensed for less than [<sup>F4</sup>500 kilograms] of gunpowder; and
- (6) Before repairs are done to or in any part of a store, the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store; and after such cleaning, these rules shall cease to apply to the store until gunpowder is again taken there; and
- (7) Except after such cleaning, all tools and implements used in or in any repairs to the store shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material; and
- (8) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel, or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and
- (9) No person shall smoke in any part of the store; and

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[<sup>F5</sup>(10) A person under the age of eighteen years shall not be employed in or enter the store except in the presence and under the supervision of some person of the age of twenty-one years or upwards.]

[<sup>F6</sup>In the event of any breach (by any act or default) of the general rules in any store, the occupier shall be guilty of an offence.]

#### Textual Amendments

- F4 Words substituted by [S.I. 1984/510, reg. 2, Sch. 1](#)
- F5 Rule (10) substituted by [Explosives Act 1923 \(c. 17\), s. 2\(2\)](#)
- F6 Words substituted by [S.I. 1974/1885, Sch. 2 para. 9](#)

### 18 Non-transferability, renewal, and forms of store licenses.

A store license shall be valid only for the person named in it, and shall, annually, unless the circumstances have so changed that the grant of a new license would not be authorised by this Act, on application by post or otherwise, and payment of such fee, not exceeding [<sup>F7</sup>that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974] , as may be from time to time fixed by the local authority, be renewed by that authority, by endorsement or otherwise, for that year, and unless so renewed shall expire.

Store licenses shall be in the form from time to time directed by [<sup>F8</sup>the Health and Safety Executive].

#### Textual Amendments

- F7 Words substituted (E.W.S.) by [S.I. 1987/52, reg. 2, Sch. 1](#)
- F8 Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 3](#)

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

- C3 Power to amend s. 18 conferred by [Local Government Act 1966 \(c. 42\), s. 35\(2\), Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\), s. 42\(2\), Sch. 4 Pt. II](#)
- C4 S. 18 as applied by s. 49 modified by [Fireworks Act 1951 \(c. 58\), s. 7\(2\)](#)

### 19 Special rules for regulation of workmen in stores.

Every occupier of a gunpowder store may, with the sanction of [<sup>F9</sup>the Health and Safety Executive] , make, and when made, may, with the like sanction, repeal, alter, or add to, special rules for the regulation of the persons managing or employed in or about such store, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

[<sup>F10</sup>A person who contravenes any special rule made under this section shall be guilty of an offence.]

#### Textual Amendments

- F9 Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 3](#)

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**F10** Words substituted by [S.I. 1974/1885](#), **Sch. 2 para. 10**

**Status:**

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

**Changes to legislation:**

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Consumers Stores for Gunpowder Licensing and Regulation of Stores.