



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

PART I.—LAW RELATING TO GUNPOWDER

Regulation of Factories and Magazines for Gunpowder

9 Regulation of factories and magazines for gunpowder.

In every gunpowder factory and magazine—

- (1) The factory or magazine, or any part thereof, shall not be used for any purpose not in accordance with the license; and
- (2) The terms of the license shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping of gunpowder shall not be carried on except in accordance with those terms; and
- (3) The factory or magazine and every part thereof shall be maintained in accordance with the license; and any material alteration in the factory or magazine by enlarging or adding to the site, or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, shall not be made except in pursuance of an amending license granted under this Act.

[^{F1}In the event of any breach (by any act or default) of this section in any factory or magazine, the occupier shall be guilty of an offence.]

The occupier of a factory shall not be deemed guilty of a breach of this section for using in a case of emergency, or temporarily, one building or part of a building in which any process of the manufacture is, under the terms of the license, carried on, for another process of the manufacture, if he do not carry on in such building or part more than one process at the same time, and if the quantity of gunpowder or ingredients thereof in such building or part do not exceed the quantity allowed to be therein, or any less quantity allowed to be in the building or part of a building in which such other process is usually carried on; and if upon such use being continued after the lapse of twenty-eight days from the first beginning of such use he send notice of such use to [^{F2}an inspector appointed by the Health and Safety Executive under section 19 of the

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^{M1}Health and Safety at Work etc. Act 1974] , and the [^{F2}inspector so appointed] do not require the discontinuance of such use.

Textual Amendments

- F1** Words substituted by [S.I. 1974/1885, Sch. 2 para. 4](#)
F2 Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 5](#)

Marginal Citations

- M1** [1974 c. 37.](#)

10 General rules for factories and magazines.

In every gunpowder factory and magazine the following general rules shall be observed:

- (1) In a factory every factory magazine, and in any other magazine every building in which gunpowder is kept, 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
- (2) The interior of every building in which any process of the manufacture is carried on or in which gunpowder or any ingredients thereof, either mixed or partially mixed, are kept, or in the course of manufacture are liable to be (in this Act referred to as a danger building), and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detaching of any grit, iron, steel, or similar substance in such manner, as to come into contact with the gunpowder or ingredients thereof in such building, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and
- (3) Every factory magazine and expense magazine, in a factory, and every danger building in a magazine, shall have attached thereto a sufficient lightning conductor, unless, by reason of the construction by excavation or the position of such magazine or building, or otherwise, [^{F3}the Health and Safety Executive] considers a conductor unnecessary, and every danger building in a factory shall, if so required by [^{F3}the Health and Safety Executive] have attached thereto a sufficient lightning conductor; and
- (4) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed; and
- (5) Before repairs are done to or in any room in or other part of a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all gunpowder, and wholly or partly mixed ingredients thereof, and the thorough washing out of such room or part; and such room or part of the building after being so cleaned shall not be deemed to be a danger building within the meaning of these rules until gunpowder or the wholly or partly mixed ingredients thereof are again taken into it; and
- (6) There shall be constantly kept affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of gunpowder or ingredients allowed to be in the building, and a copy of these rules, and of any other

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part of this Act required by [^{F3}the Health and Safety Executive] to be affixed, and of such part of the license and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and

- (7) All tools and implements used in any repairs to or in a danger building shall be made only of wood or 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 any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with gunpowder or the wholly or partly mixed ingredients thereof; 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 factory or magazine, except in such part (if any) as may be allowed by the special rules; and
- (10) Any carriage, boat, or other receptacle in which gunpowder, or the wholly or partly mixed ingredients thereof, are conveyed from one building to another in a factory or magazine, or from any such building to any place outside of such factory or magazine, shall be constructed without any exposed iron or steel in the interior thereof, and shall contain only the gunpowder and ingredients, and shall be closed or otherwise properly covered over; and the gunpowder and ingredients shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition; and
- [^{F4}(11) A person under the age of eighteen years shall not be employed in or enter any danger building except in the presence and under the supervision of some person of the age of twenty-one years or upwards, and a person under the age of sixteen years, shall not be employed in any such building except in some process which has been declared by an Order made by the Secretary of State to be a process which is not in itself dangerous and except in the presence and under the supervision of some person of the age of twenty-one years or upwards.]
- (12) In a factory the ingredients in course of manufacture into gunpowder shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished gunpowder shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory, and such ingredients and gunpowder shall be loaded and unloaded with all due diligence; and
- (13) In a factory all ingredients to be made or mixed into gunpowder shall, before being so made or mixed, be carefully sifted, for the purpose of removing therefrom, so far as practicable, all dangerous foreign matter.

The Secretary of State may, from time to time, by order, make, and when made rescind and alter, such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to floating magazines, and such modifications shall have effect as if they were contained in this section.

[^{F5}In the event of any breach (by any act or default) of the general rules in any factory or magazine, the occupier shall be guilty of an offence.]

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Textual Amendments

- F3** Words substituted by virtue of S.I. 1974/1885, **Sch. 2 para. 3**
- F4** Rule (11) substituted by **Explosives Act 1923 (c. 17), s. 2(1)**
- F5** Words substituted by S.I. 1974/1885, **Sch. 2 para. 6**

11 Special rules for regulation of workmen in factory or magazineb.

Every occupier of a gunpowder factory or magazine shall, with the sanction of [^{F6}the Health and Safety Executive] , make special rules for the regulation of the persons managing or employed in or about such factory or magazine, 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.

[^{F7}A person who contravenes any special rule made under this section shall be guilty of an offence.]

The occupier may, and if required by [^{F6}the Health and Safety Executive] shall, with the sanction of [^{F6}the Health and Safety Executive] , repeal, alter, or add to any special rules made in pursuance of this section.

If an occupier is required by [^{F6}the Health and Safety Executive] to make, repeal, alter, or add to any rules under this section, and fail within three months after such requisition to comply therewith to the satisfaction of [^{F6}the Health and Safety Executive] , [^{F6}the Health and Safety Executive] may make, repeal, alter, or add to the special rules, and anything so done by [^{F6}the Health and Safety Executive] shall have effect as if done by the occupier with the sanction of [^{F6}the Health and Safety Executive] .

... ^{F8}

Textual Amendments

- F6** Words substituted by virtue of S.I. 1974/1885, **Sch. 2 para. 3**
- F7** Words substituted by S.I. 1974/1885, **Sch. 2 para. 7**
- F8** Words repealed by S.I. 1974/1885, **Sch. 1**

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