



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

## PART II.—LAW RELATING TO OTHER EXPLOSIVES

### Modifications etc. (not altering text)

- C1** Power to grant exemption from provisions of Pt. I (except ss. 30–32) and Pt. II conferred by [S.I. 1979/1378, art. 2](#)

### *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.

#### **<sup>F1F2</sup>40 Modification of Part I. as applied to explosives other than gunpowder.**

### Textual Amendments

- F1** S. 40 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(3), **Sch. 7 Pt. 1** (with reg. 26)
- F2** S. 40 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), **Sch. 6** (with regs. 3, 27(17)(18))

### Modifications etc. (not altering text)

- C2** S. 40 extended by [Fireworks Act 1951 \(c. 58\)](#), s. 5(5)

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**F3 41 Exception of safety cartridges** **E+W+S**

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**Textual Amendments**

**F3** S. 41 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(3), [Sch. 6](#) (with reg. 3)

**F15 41 Exemption of making and carrying safety cartridges for private use.** **N.I.**

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**Extent Information**

**E1** This version of this provision extends to Northern Ireland only; separate version has been created for England and Wales and Scotland only.

**Textual Amendments**

**F15** S. 41 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(3), [Sch. 7 Pt. 1](#) (with reg. 26)

**42** ..... **F4**

**Textual Amendments**

**F4** S. 42 repealed by [Merchant Shipping Act 1894 \(c. 60\)](#), [Sch. 22](#)

*Specially dangerous Explosives*

**43 Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.**

Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit<sup>F5</sup> ..., or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such order:

[<sup>F6</sup>A person who manufactures, keeps or conveys any explosive in contravention of any such Order shall be guilty of an offence [<sup>F7</sup>and liable as mentioned in the final item of Schedule 3A to the Health and Safety at Work etc. Act 1974 (mode of trial and penalty for offence under “existing statutory provisions” for which no other penalty is specified) ] . ]

[<sup>F8</sup>If any explosive is imported or sold in contravention of any such Order, the owner or master of the ship in which it was imported, the person to whom it was delivered and

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the person selling the same shall each be guilty of an offence [<sup>F9</sup>and liable as mentioned in the final item of Schedule 3A to] the <sup>M1</sup>Health and Safety at Work, etc. Act 1974.]

[<sup>F10</sup>The Commissioners of Customs and Excise] 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 prohibited to be imported by the law relating to [<sup>F11</sup>customs or excise], and the ship containing the same, and the enactments for the time being in force relating to [<sup>F11</sup>customs or excise] and any such article or ship shall apply accordingly.

**Textual Amendments**

- F5** Words in s. 43 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(4\)\(a\)](#), [Sch. 6](#) (with reg. 3)
- F6** Words in s. 43 substituted (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 1\(4\)\(b\)](#) (with reg. 3)
- F7** Words in s. 43 substituted (E.W.S.) (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), s. 3(2), [Sch. 3 para. 1\(2\)\(a\)](#) (with s. 3(3))
- F8** Words substituted by [S.I. 1974/1885](#), [Sch. 2 para. 15](#)
- F9** Words in s. 43 substituted (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), s. 3(2), [Sch. 3 para. 1\(2\)\(c\)](#) (with s. 3(3))
- F10** Words substituted by virtue of [Customs and Excise Act 1952 \(c. 44\)](#), s. 318(1), [Sch. 10 Pt. I](#)
- F11** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), reg. 2, [Sch. 4 para. 12](#)

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

- C3** Power to extend s. 43 conferred by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), s. 3(2)
- C4** S. 43: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 12 para. 1\(1\)](#) (with arts. 28-31, [Sch. 12 para. 4\(1\)](#))

**Marginal Citations**

- M1** 1974 c. 37.

*Provisions in favour of certain Manufacturers and Dealers*

<sup>F12</sup>**44 Provision in favour of makers, &c. of blasting cartridges.**

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**Textual Amendments**

- F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, [Sch. 6 para. 1\(5\)](#), [Sch. 7 Pt. 1](#) (with reg. 26)

<sup>F12</sup>**45 Provision in favour of makers of new explosive for experiment.**

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**Textual Amendments**

**F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

**F12 46 Provision in favour of gunmakers, &c. making cartridges.**

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**Textual Amendments**

**F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

**F12 47 Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.**

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**Textual Amendments**

**F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

**F12 48 Provision in favour of small firework manufacturer who may obtain a license from the local authority.**

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**Textual Amendments**

**F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

**F12 49 †Licensing by local authority and regulation of small firework factories.**

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**Textual Amendments**

**F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

**F12 50 Keeping without a license and conveyance of percussion caps, &c.**

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**Textual Amendments**

- F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)

*Existing Factories, Magazines, and Stores*

**F12F13 51 Application of Part I. of the Act to existing factories and magazines.**

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**Textual Amendments**

- F12** Ss. 44-51 repealed (N.I.) (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 1, Sch. 6 para. 1(5), **Sch. 7 Pt. 1** (with reg. 26)
- F13** S. 51 repealed (E.W.S.) (26.4.2005 with application outside E.W.S. as mentioned in reg. 3 of the repealing S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), Sch. 5 para. 1(5), **Sch. 6** (with reg. 3)

**52** ..... **F14**

**Textual Amendments**

- F14** S. 52 repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

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