



# Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

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

### *Supplemental Provisions*

#### **77 Penalty on and removal of trespassers.**

Any person who enters without permission or otherwise trespasses upon any factory, magazine, or store, or the land immediately adjoining thereto which is occupied by the occupier of such factory, magazine, or store, or on any wharf for which byelaws are made by the occupier thereof under this Act, [<sup>F1</sup>shall be guilty of an offence] , and may be forthwith removed from such factory, magazine, store, land, or wharf, by any constable, or by the occupier of such factory, magazine, store, or wharf, or any agent or servant of or other person authorised by such occupier.

Any person other than the occupier of or person employed in or about any factory, magazine, or store who is found committing any act which tends to cause explosion or fire in or about such factory, magazine, or store, [<sup>F1</sup>shall be guilty of an offence.]

The occupier of any such factory, magazine, store, or wharf shall post up in some conspicuous place or places a notice or notices warning all persons of their liability to penalties [<sup>F2</sup>for an offence] under this section; but the absence of any such notice or notices shall not exempt a person from a penalty [<sup>F2</sup>for an offence] under this section.

#### **Textual Amendments**

- F1** Words substituted by [S.I. 1974/1885, Sch. 2 para. 19](#)
- F2** Words inserted by [S.I. 1974/1885, Sch. 2 para. 19](#)

*Status: Point in time view as at 01/09/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Cross Heading: Supplemental Provisions. (See end of Document for details)*

**78 Arrest without warrant of persons committing dangerous offences.**

Any person who is found committing any act [<sup>F3</sup>which is an offence] under this Act, and which tends to cause explosion or fire in or about any factory, magazine, store, railway, canal, harbour, or wharf, or any carriage, ship, or boat, may be apprehended without a warrant by [<sup>F4</sup>a constable, or] an officer of the local authority, or by the occupier of or the agent or servant of or other person authorised by the occupier of such factory, magazine, store, or wharf, or by any agent or servant of or other person authorised by the railway or canal company or harbour authority, and be removed from the place at which he is arrested, and conveyed as soon as conveniently may be before a court of summary jurisdiction.

**Textual Amendments**

**F3** Words substituted by [S.I.1974/1885, Sch. 2 para. 20](#)

**F4** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119, Sch. 7 Pt. I](#)

**79** ..... <sup>F5</sup>

**Textual Amendments**

**F5** [S. 79](#) repealed by [S.I. 1974/1885, Sch. 1](#)

**80 Penalty for throwing fireworks in thoroughfare.**

If any person throw, cast, or fire any fireworks in or into any [<sup>F6</sup>highway, street, thoroughfare,][<sup>F6</sup>road] or public place, he [<sup>F7</sup>shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale]

**Textual Amendments**

**F6** Word “road” substituted (S.) for words “highway, street thoroughfare,” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 7\(4\)](#)

**F7** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), ss. 41\(2\), 47\(1\)\(2\), 48, Sch. 4 para. 1](#)

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

**C1** S. 80 explained as to meaning of public place (S.) by [Countryside \(Scotland\) Act 1967 \(c. 86\), s. 27\(6\)](#)

**81** ..... <sup>F8</sup>

**Textual Amendments**

**F8** S. 81 repealed by [S.I. 1974/1885, Sch. 1](#)

*Status: Point in time view as at 01/09/1996.*

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## 82 †Punishment for defacing notices.

Every person who, without due authority, pulls down, . . . <sup>F9</sup> any notice, copy of rules, or document, when affixed in pursuance of this Act, or of the special rules, [<sup>F10</sup> shall be guilty of an offence].

### Textual Amendments

**F9** Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), [Sch. Pt. II](#)

**F10** Words substituted by [S.I. 1974/1885](#), [Sch. 2 para. 21](#)

### Modifications etc. (not altering text)

**C2** A dagger appended to a marginal note means that it is no longer accurate

## 83 Provisions as to Orders in Council and orders of Secretary of State.

Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be authorised, directed, regulated, prescribed, or done by Order in Council.

[<sup>F11</sup>Every Order in Council or order of the Secretary of State, which purports to be made in pursuance of this Act shall be presumed to have been duly made and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.]

Every Order in Council made in pursuance of this Act [<sup>F11</sup>shall take effect as if it were enacted in this Act, and shall be published in the London Gazette, and] shall be laid before both Houses of Parliament [<sup>F11</sup>within one month after it is made, if Parliament be then sitting, or if not, within one month after the commencement of the then next session of Parliament.]

Her Majesty may by Order in Council, and a Secretary of State may by order, from time to time revoke, add to, or alter any previous Order in Council or orders of the Secretary of State, as the case may be, under this Act.

[<sup>F12</sup>The provisions of section 50 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974 shall apply to any power of the Secretary of State to recommend the making of an Order in Council, to make orders or rules or to make or require the making of byelaws as they apply to a power to make regulations.]

### Textual Amendments

**F11** Words in S. 83, as it applies to Great Britain, repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

**F12** Words added by [S.I. 1974/1885](#), [Sch. 2 para. 22](#)

### Marginal Citations

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

*Status: Point in time view as at 01/09/1996.*

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**84 Publication of byelaws, notices, &c.**

All byelaws, notices, and documents directed by this Act to be published or advertised shall, save as otherwise provided by this Act, be published in the place which such notices and documents affect, by advertisement in some newspapers circulating generally in such place, or by placards or handbills, or in such manner as the Secretary of State may from time to time direct as being in his opinion sufficient for giving information thereof to all persons interested.

**85** ..... <sup>F13</sup>

**Textual Amendments**  
**F13** S. 85 repealed by [S.I. 1974/1885, Sch. 1](#)

**86 Construction of enactments referring to powers of searching for gunpowder.**

Where any enactment refers to any power of searching for gunpowder, or to any provisions of an <sup>M2</sup>Act of the twelfth year of King George the Third, chapter sixty-one, or of any Act repealed by this Act relative to the search for gunpowder, such enactment shall be deemed to refer to the provisions of this Act with respect to the search for and seizure, detention, and removal of an explosive by [<sup>F14</sup>an inspector appointed by the Health and Safety Executive under section 19 of the <sup>M3</sup>Health and Safety at Work etc. Act 1974].

**Textual Amendments**  
**F14** Words substituted by virtue of [S.I. 1974/1885, Sch. 2 para. 5](#)

**Marginal Citations**  
**M2** [1772 c. 61.](#)  
**M3** [1974 c. 37.](#)

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**Changes to legislation:**

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