



Explosives Act 1875

1875 CHAPTER 17 38 and 39 Vict

PART III.—ADMINISTRATION OF LAW

Power of Local Authority to provide Carriages and Magazines

72 Provision of magazines by local authority.

Where any local authority other than justices in petty sessions satisfy [^{F1}the Health and Safety Executive] that the erection of a magazine by such authority, either within or without their jurisdiction, for the keeping of any explosive, would conduce to the safety of the public within their jurisdiction, and would not be injurious to any harbour or . . . ^{F2} district out of their jurisdiction, [^{F1}the Health and Safety Executive] may grant a license under this Act for such magazine.

Where the magazine is without the jurisdiction of the local authority erecting the same, the assent of the local authority within whose jurisdiction the site is situate to such site shall be applied for in manner provided by this Act; and when the magazine is within the said jurisdiction, notice of the application to [^{F1}the Health and Safety Executive] for the license shall be given in like manner as notice of the intention to apply for the assent of the local authority to a site is required by this Act to be given.

The local authority may, for the purpose of any such license, [^{F3}acquire any land or right over land, or appropriate any land or right belonging to them, and] acquire or build a magazine, and may maintain and manage such magazine, and may charge for the use by persons of any such magazine such reasonable sums as they may from time to time, with the approval of [^{F1}the Health and Safety Executive] , fix.

[^{F3}Such sums shall be applied in aid of the local rate, and the expenses incurred for the purposes of this section may be defrayed out of the local rate][^{F4}and the local authority may borrow][^{F5}on the security of the local rate][^{F4}the amount required for the purpose of acquiring any land or right over land, or acquiring or building a magazine in pursuance of this section.]

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Explosives Act 1875, Section 72. (See end of Document for details)

[^{F5}Any such loan shall be made with the approval in the case of a council, of the Treasury, and in the case of Improvement Commissioners, of the [^{F6}Secretary of State], and in the case of a harbour authority, of the [^{F7}Secretary of State.]

For the purpose of such borrowing the clauses of the ^{M1}Commissioners Clauses Act 1847, with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act, and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the local authority which is borrowing shall be deemed to be the Commissioners

For the purpose of the purchase of any land or right over land for the purpose of this section the ^{M2}Lands Clauses Consolidation Act 1845, and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this section, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.]

Where any offence under this Act is committed in or about any magazine erected in pursuance of this section, such offence may be prosecuted and tried and the penalty and forfeiture therefor recovered either in the county or place in which the magazine is situate, or in any adjoining county or place.

Textual Amendments

- F1** Words substituted by virtue of S.I. 1974/1885, **Sch. 2 para. 3**
- F2** Words omitted by virtue of **Local Government Act 1894 (c. 73), s. 21(1)** and **Local Government Act 1972 (c. 70), s. 179(3)**
- F3** Words repealed by (E.W. except London) **Local Government Act 1933 (c. 51), Sch. 11 Pt. IV** and (S.) **Local Government (Scotland) Act 1967 (c. 43), Sch. 14** except so far as relates to harbour authorities and by **London Government Act 1939 (c. 40), Sch. 8** so far as relates to London County Council
- F4** Words repealed (E.W. except London) by **Local Government Act 1933 (c. 51), Sch. 11 Pt. IV** except so far as relates to harbour authorities
- F5** Words repealed by (E.W. except London) **Local Government Act 1933 (c. 51), Sch. 11 Pt. IV** and (S.) **Local Government (Scotland) Act 1947 (c. 43), Sch. 14** except so far as relates to harbour authorities
- F6** Words substituted by virtue of **Ministry of Health Act 1919 (c. 21), s. 3(1)(a), Sch. 1 para. 1** and S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F7** Words substituted by virtue of **Ministry of Transport Act 1919 (c. 50), s. 2, Sch. 1 para. 1**, S.R. & O. 1919/1440 (Rev. XV, p. 211: 1919, p. 849), 1941/654 (Rev. XV, p. 228: 1941, p. 1221), arts. 2, 3, 1946/375 (Rev. XV, p. 229: 1946, p. 1009), art. 2(1)(3), S.I. 1953/1204 (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793) art. 3(2) and 1970/1681, arts. 2(1), 6(3)

Marginal Citations

- M1** 1847 c. 16.
- M2** 1845 c. 18.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Explosives Act 1875, Section 72.