

Explosives Act

This version is out of date

Principal Act

Act. No. 1960-10	<i>Commencement</i>	1.7.1961
	<i>Assent</i>	7.7.1960

Amending enactments	Relevant current provisions	Commencement date
Act. 1989-17	ss. 4(3), 5(2), 6(2), 9(1)	10.8.1989
2007-17	s. 9(2)(b)	14.6.2007

English source

Explosives Act 1875 (38 & 39 Vict. c.17)

ARRANGEMENT OF SECTIONS

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AN ACT TO REGULATE THE MANUFACTURE, USE, SALE, STORAGE, TRANSPORT, IMPORTATION AND EXPORTATION OF EXPLOSIVE SUBSTANCES.

Short title.

1. This Act may be cited as the Explosives Act.

Interpretation.

- 2.(1) In this Act, unless the context otherwise requires—

“carriage” includes any aircraft, carriage, wagon, cart, truck, or other vehicle used for the conveyance of goods or passengers by air or land in whatever manner the same may be propelled or moved;

“Crown” means the Crown whether in right of its Government of the United Kingdom or in right of its Government of Gibraltar;

“explosive”—

- (a) means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and
- (b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined.

(2) A person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering or repairing any explosive, is subject to the provisions of this Act as if he manufactured an explosive and the expression “manufacture” shall in this Act be construed accordingly.

Extension of definition of explosive to other explosive substances.

3. The Governor may, by notice in the Gazette, declare that any substance which appears to him to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act and the provisions of this Act, subject to such exceptions, limitations and restrictions as may be specified in the notice shall accordingly

extend to such substance in like manner as if it were included in the term “explosive” in this Act.

Power to make regulations prohibiting or controlling the manufacture, possession, use, etc., of explosives.

4.(1) The Governor may make regulations prohibiting, except under or in accordance with the conditions of a licence granted as provided by such regulations, or controlling the manufacture, possession, use, sale, storage, transport, importation and exportation of explosives or any specified class of explosives.

(2) Regulations made under this section may provide for all or any of the following among other matters, that is to say—

- (a) the fees to be charged for licences and the other sums, if any, to be paid for expenses by applicants for licences;
- (b) the form of any application for a licence and the matters to be included therein;
- (c) the form of and the conditions subject to which a licence may be granted;
- (d) the period for which a licence shall remain in force;
- (e) the amendment and revocation of licences;
- (f) the exemption, absolutely or subject to conditions, of any explosive from the operation of this Act.

(3) A person guilty of an offence against any regulations made under the provisions of this section is liable, on summary conviction, to a fine of £2000 .

Power to prohibit the manufacture, possession or importation, conveyance or sale of specially dangerous explosives.

5.(1) Notwithstanding anything in this Act contained the Governor may, from time to time, by order prohibit either absolutely or subject to conditions the manufacture, possession, importation, conveyance or sale of any explosive which is of so dangerous a character that, in the judgement of the Governor it is expedient for the public safety to make such an order.

(2) A person who contravenes the provisions of any order made under the provisions of this section is guilty of an offence and is liable, on summary conviction, to a fine of £2000.

Power to prohibit export of explosives.

6.(1) Notwithstanding anything in this Act contained the Governor may by order prohibit the export of any explosives or any specified class of explosives.

(2) A person who contravenes the provisions of any order made under this section is guilty of an offence and is liable, on summary conviction, to a fine of £2000.

Power of entry and inspection.

7. Any person appointed by the Governor either by name or by virtue of his office may—

- (a) enter, inspect and examine any place, carriage or vessel in which any explosive is being manufactured, kept, sold, used, transported or imported under a licence granted under this Act and take samples of any explosives found therein on payment of the value thereof;
- (b) enter, inspect and examine any place, carriage or vessel in which he has reason to believe any explosive is being manufactured, kept, sold, used, transported or imported in contravention of the provisions of this Act or of any regulations made thereunder and to search for and to seize, detain, remove and, if necessary, destroy any explosives found therein.

Imprisonment for wilful act or default endangering public safety, etc.

8. Where a person is guilty of an offence which under this Act is punishable by a fine only, and which, in the opinion of the court was reasonably calculated to endanger the safety of or cause personal injury to any of the public or to cause injury to or to any person employed in or about any factory, magazine, storehouse, hulk, vessel or shop containing explosives or to cause a dangerous accident and was committed wilfully by the personal act, personal default or personal negligence of the person accused, such person is liable, if the court is of opinion that a fine will not meet the circumstances of the case, to imprisonment for six months.

Penalty for throwing fireworks in thoroughfare.

9.(1) A person who throws, casts or fires any fireworks in or into any highway, street, thoroughfare or public place is guilty of an offence and is liable, on summary conviction, to a fine of £500.

(2) The provisions of this section shall not apply to—

- (a) the use of fireworks by the City Fire Brigade in accordance with any regulations for such use made by the Governor;

- (b) the use of fireworks for any public display in accordance with a licence issued therefor by the Government which licence may contain such conditions as the Government may think fit.

Forfeiture of subject matter of offence.

10. Where any person is convicted of an offence against this Act or any regulations made thereunder, the court may direct that the explosive or ingredient of the explosive or the substance, if any, in respect of which the offence was committed or any part of that explosive, ingredient or substance shall with the receptacles containing the same be forfeited to the Crown.

Exemption of Crown.

11.(1) Subject to the provisions of subsection (2), this Act shall not apply–

- (a) to any of Her Majesty's ships, boats or carriages;
- (b) to the manufacture, possession, use, sale, storage, transport, importation or exportation of any explosive under the control of the Crown or of any member of Her Majesty's Forces or any police officer or of any officer appointed under section 7 in the course of his employment or duty as such.

(2) This Act shall apply to the manufacture, possession, use, sale, storage, transport, importation or exportation of any explosive, the property of the Crown, by any person other than a servant of the Crown or a member of Her Majesty's Forces.