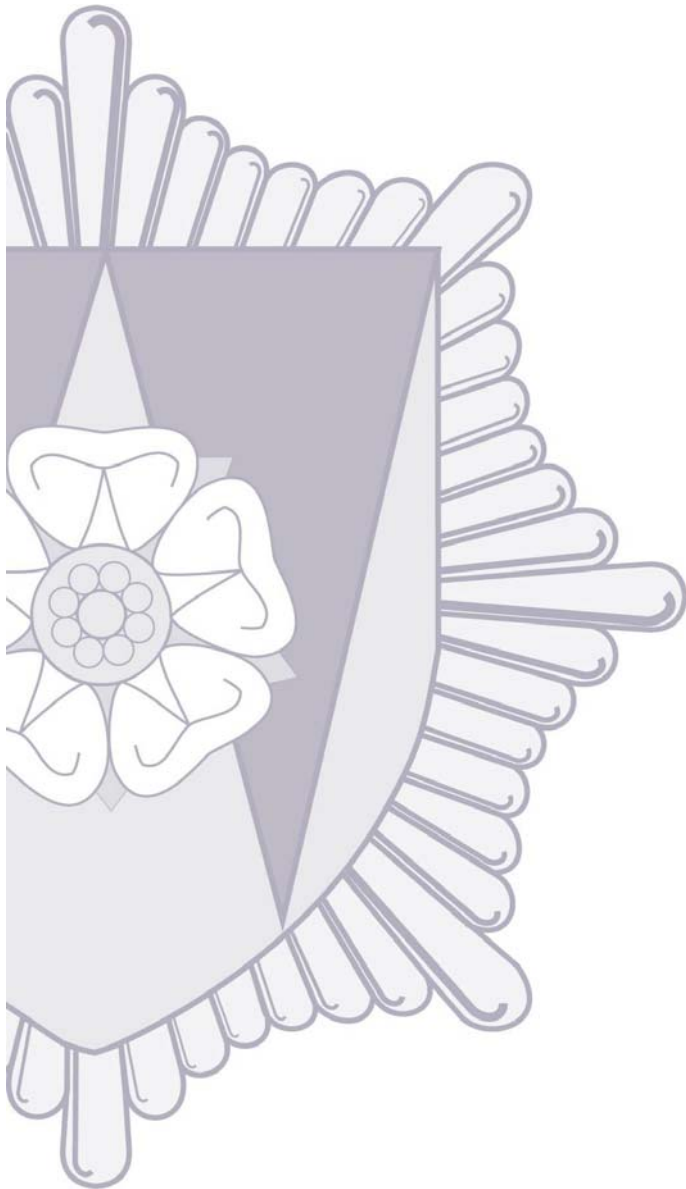


# West Yorkshire Fire & Rescue Service

## Fire Safety - Information Note FS-INF046

### Explosives Act 1875

Sections Remaining in Force after the Manufacture & Storage of Explosives Regulations 2005  
Came into Force on 26 April 2005



Date Reviewed:  
Ref

June 2007  
FS-INF046

Next Review:

July 2010

## West Yorkshire Fire & Rescue Service – Information Note FS-INF046

### Introduction:

1 The purpose of this Information Note is to list the sections of the 1875 Act that are still in force.

### Enforcement:

2 As the remaining (extant) sections of the Act are not 'relevant statutory provisions' of the Health & Safety at Work etc Act 1974, inspectors need to be appointed by the West Yorkshire Fire & Rescue Authority (under section 74) to enforce the sections marked with an asterisk and to have the powers to seize and detain explosives liable to forfeiture.

3 Section 80 'throwing fireworks in a public thoroughfare' is an offence falling into the 'public disorder' category and as such is more appropriately enforced by the police.

### Part 1

Section 1: Short Title.

Section 3: Substances to which this Act applies.

Section 23\*: Precautions against unauthorised access

Section 30\*: Restriction on the sale of gunpowder in highways etc

Section 31\*: Penalty for sale of gunpowder to children.

Section 32: Sale of gunpowder to be in closed packages labelled.

Section 39: Part 1 relating to gunpowder applied to other explosives.

Section 40: Modification of Part 1 as applied to explosives other than gunpowder.

#### Specially Dangerous Substances

Section 43: Power to prohibit manufacture, importation, storage, and carriage of specially dangerous substances.

#### (Government Supervision)

Section 61: Keeping and carriage of samples by Government inspector.

#### (Local Supervision)

Section 67: Definition of local authority.

Section 69: Duty of local authority and power of officer.

#### General Power of Search

Section 73\*: Search for explosives when in place in contravention of this Act, or offence being committed with respect to it.

Section 74\*: Seizure and detention of explosives liable to forfeiture.

Section 75\*: Inspection of wharf, carriage, boat, etc with explosives in transit.

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### Supplementary Provisions

Section 80\*: Penalty for throwing fireworks in thoroughfare.  
Section 83: Provisions as to Orders in Council and Orders of Secretary of State.  
Section 89: Supplementary provisions as to forfeiture of explosive.  
Section 90: Jurisdiction in tidal waters or on boundaries.  
Section 91: Prosecution of offences either summarily or on indictment.  
Section 95: Distress of ship.  
Section 96: Application of penalties and disposal of forfeitures.  
Section 97: Exemption of Government factories, etc, from the Act.  
Section 100: Saving for master of ship and carrier in case of emergency.  
Section 102: Savings clause as to liability.  
Section 103: Powers of Act cumulative, with power to make provisional order for repealing of local Acts.

### Definitions

Section 104: Extension of definition of explosives to other explosive substances.  
Section 108: General definitions.

### Application to the Act in Scotland

Sections 109,110,111 and 114 remain in force.  
Section 119: Applies to Ireland only.

### Orders of the Secretary of State

Order of the Secretary of State No.11 'Byelaws Relating to the Conveyance of Explosives on Roads, and in Certain Special Cases'.

Paragraph 3 and the second paragraph of paragraph 5 remain in force.

Paragraph 3 states "Explosives shall no be deposited in any receptacle or place appropriated for refuse and shall not be handed or forwarded to any dustman or other person employed in the removal of refuse, nor shall explosives be conveyed in any carriage or boat appropriated for the removal of refuse".

The second paragraph of paragraph 5 states "In the event of any breach (by any act or default) of any of the foregoing byelaws, or any attempt to commit such breach –

- a) The explosives in respect of which, or being in the carriage or boat in respect of which the offence is committed, may be forfeited; and
- b) The person committing the offence shall be liable to a penalty not exceeding in the case of the first offence £10, and in the case of the second offence, or any subsequent offence, £20 and also the following persons, viz. :-the owner of the carriage or boat in respect of which, or containing the explosives in respect of which, the offence is committed, the person in charge of such carriage, and the person owning such explosive, shall each be liable to a similar penalty, unless he proves that he had provided means and issued proper orders for the observance, and used due diligence to enforce the observance of these byelaws.

*NB: The financial penalties in the above Order have subsequently been revised by more recent (amending) legislation.*