STATUTORY INSTRUMENTS

1977 No. 1798

HEALTH AND SAFETY
EXPLOSIVES

The Acetylene (Exemption) Order 1977

Made - - - - *2nd November* 1977

Coming into Operation *2nd November* 1977

Whereas by an Order in Council (No. 30) dated 2nd February 1937(**a**), as amended(**b**), made under sections 43 and 104 of the Explosives Act 1875(**c**), it is declared that acetylene when liquid or when subject to a certain degree of compression or when in admixture with atmospheric air or oxygen gas, shall be deemed to be an explosive within the meaning of the said Act, and it is provided that if it is shown to the satisfaction of the Secretary of State that any such acetylene, when in admixture with any substance or in any form or condition, is not possessed of explosive properties, he may, by Order, exempt such acetylene from being deemed to be an explosive within the meaning of the said Act:

And whereas it has been shown to the satisfaction of the Secretary of State that acetylene in cylinders of the class specified in Article 2 of this Order is not possessed of explosive properties:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by the said Order in Council and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Order:—

1.—(1) This Order may be cited as the Acetylene (Exemption) Order 1977 and shall come into operation on 2nd November 1977.

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Acetylene shall not be deemed to be an explosive within the meaning of the Explosives Act 1875 if it is contained in a cylinder of the following class, that is to say any cylinder—

(*i*) which is made of steel; and

(*ii*) which was made, filled and tested in compliance with the appropriate provisions of the European Agreement Concerning the International Carriage of Dangerous Goods By Road (ADR), signed at Geneva on 30th September 1957, as in force at the date of the making of this Order; and

(**a**) S.R. & O. 1937/54 (Rev. VII, p. 66: 1937, p. 729).
(**b**) There is no amendment which relates expressly to the subject matter of this Order.
(**c**) 1875 c. 17. (**d**) 1889 c. 63.

(*iii*) of which the filling and testing took place in a member state of the European Economic Community other than the United Kingdom; and

(*iv*) on which the name "Acetylene" is marked in adherent and clearly visible paint or is engraved either on a reinforced part of the cylinder or on a ring immovably fixed to it.

3. This Order shall have effect notwithstanding anything in the Order of the Secretary of State (No. 9) dated 23rd June 1919(**a**).

4. This Order shall cease to have effect on 2nd December 1977.

Dated 2nd November 1977.

Albert Booth,
Secretary of State for Employment.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

Order in Council (No. 30) dated 2nd February 1937 provided that acetylene in liquid or compressed form or when mixed with air or oxygen should be deemed to be an explosive within the meaning of the Explosives Act 1875. This Order provides an exemption from that provision in the case of acetylene contained in steel cylinders which have been made, filled, tested and marked in accordance with the provisions of the Order.

(**a**) S.R. & O. 1919/809 (Rev. VII, p. 75: 1919 I, p. 702).

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