CHAPTER 16.

An Act to amend the Law relating to Regimental Exchanges.

[28th May 1875.]

WHEREAS it is expedient to amend the law relating to exchanges by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Regimental Exchange Act, 1875."

Authorised exchanges exempted from Army Brokerage Acts.

2. Her Majesty may, from time to time, by regulation authorise exchanges to be made by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps, on such conditions as to Her Majesty may for the time being seem expedient; and nothing contained in the Army Brokerage Acts shall extend to any exchanges made in manner authorised by any regulation of Her Majesty for the time being in force.

Definition of Army Brokerage Acts.

3. The expression "The Army Brokerage Acts" means the Acts following:

The Act of the session of the fifth and sixth years of the reign of King Edward the Sixth, chapter sixteen, intituled "An Act against buying and selling of Offices;" and

The Act of the forty-ninth year of King George the Third, chapter one hundred and twenty-six, intituled "An Act for the further prevention of the Sale and Brokerage of "Offices."

CHAPTER 17.

An Act to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances.

[14th June 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Explosives Act, 1875.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, in this Act referred to as the commencement of this Act; but any Order in Council, order, general rules, and byelaws, and any appointment to an office, may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

Substances to which this Act applies.

3. This Act shall apply to gunpowder and other explosives as defined by this section.

The term "explosive" in this Act—

(1.) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, 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

(2.) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.

4. The manufacture of gunpowder shall not, nor shall any process of such manufacture, be carried on except at a factory for gunpowder either lawfully existing or licensed for the same under this Act.

Provided that nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment and not for practical use or for sale.

If any person manufactures gunpowder or carries on any process of such manufacture at any place at which he is not allowed by this section so to do, he shall be deemed to manufacture gunpowder at an unauthorised place.

Where gunpowder is manufactured at an unauthorised place—

1. All or any part of the gunpowder or the ingredients of gunpowder which may be found either in or about such place or in the possession or under the control of any person convicted under this section, may be forfeited; and
2. The person so manufacturing shall be liable to a penalty not exceeding one hundred pounds a day for every day during which he so manufactures.

Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises.

5. Gunpowder shall not be kept at any place except as follows; that is to say,

(1.) Except in the factory (either lawfully existing or licensed for the same under this Act) in which it is manufactured; or

(2.) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Act for keeping gunpowder; or

(3.) Except in premises registered under this Act for keeping gunpowder.

Provided that this section shall not apply—

(1.) To a person keeping for his private use and not for sale gunpowder to an amount not exceeding on the same premises thirty pounds; or

(2.) To the keeping of any gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised place.

Where any gunpowder is kept in an unauthorised place—

(1.) All or any part of the gunpowder found in such place may be forfeited; and

(2.) The occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be liable to a penalty not exceeding two shillings for every pound of gunpowder so kept.

Licensing of Factories and Magazines for Gunpowder.

Application for license for new factory or magazine.

6. A new factory or magazine for gunpowder shall not be established except on the site and in the manner specified in a license for the same granted under this Act.

An applicant for such a license shall submit to the Secretary of State the draft of a license accompanied by a plan (drawn to scale) of the proposed factory or magazine, and the site thereof (which plan shall be deemed to form part of and to be in this Act included in the expression "the license").

The draft license shall contain the terms which the applicant proposes to have inserted in the license, and shall specify such of the following matters as are applicable; namely,

(*a.*) The boundaries of the land forming the site of the factory or magazine and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or magazine, or any part thereof, and other buildings and works; and

(*b.*) The situation, character, and construction of all the mounds, buildings, and works on or connected with the factory or magazine, and the distances thereof from each other; and

(*c.*) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory or magazine, is to be carried on, and the places in the factory or magazine at which gunpowder and any ingredients of gunpowder, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

(*d.*) The amount of gunpowder and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture or within a limited distance from such building or machine, having regard to the situation and construction of such building, and to the distance thereof from any other building or any works; and

(*e.*) The situation, in the case of a factory, of each factory magazine, and in the case of another magazine, of each building forming part of such magazine in which gunpowder is to be kept, and the maximum amount of gunpowder to be kept in each factory magazine, and in each such building as aforesaid; and

(*f.*) The maximum number of persons to be employed in each building in the factory; and

(*g.*) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process, or otherwise.

The Secretary of State, after examination of the proposal, may reject the application altogether or may approve of the draft license, with or without modification or addition, and grant to the applicant permission to apply to the local authority for their assent to the establishment of the factory or magazine on the proposed site.

Application for assent of local authority to site of new factory or magazine.

7. The local authority, upon application being made for their assent to the establishment of a new factory or magazine on the proposed site, shall cause notice to be published by the applicant in manner directed by this Act of the application and of the time and place at which they will be prepared to hear the applicant, and any persons objecting to such establishment who have not less than seven clear days before the day of hearing sent to the clerk of the local authority and to the applicant notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

Upon the hearing of the application, or any adjournment thereof, the local authority may dissent altogether from the establishment of such new factory or magazine on the proposed site, or assent thereto, either absolutely or on any conditions requiring additional restrictions or precautions.

Where the site of the proposed factory or magazine is situate within or within one mile of the limits of the jurisdiction of any urban sanitary authority, or of any harbour authority, the applicant shall serve on such authority, if they are not the local authority, notice of the application and of the time and place of hearing fixed by the local authority.

The said notices shall be published and served by the applicant not less than one month before the hearing.

The local authority shall fix the time and place of hearing as soon as practicable after application made to them, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant, and their final decision shall be given as soon as practicable after the expiration of the said month.

The place so fixed shall be situate within the jurisdiction of the local authority, or within a convenient distance of the limits of that jurisdiction.

The costs of any objections which the local authority may deem to be frivolous shall be ascertained by an order made by the local authority, and shall be a debt due from the objector to the applicant, of which such order shall be conclusive evidence.

Where the site of the proposed factory or magazine is situate partly within the jurisdiction of one local authority and partly within the jurisdiction of another, the assent of both local authorities shall be applied for in manner provided by this Act.

Grant and confirmation of license.

8. If on the hearing of the application for the establishment of a factory or magazine the local authority assent thereto either absolutely or on conditions submitted to by the applicant, the applicant shall be entitled to the license applied for in accordance with the draft approved by the Secretary of State, with the addition (if the assent was on conditions) of the additional restrictions and precautions required by those conditions.

If the local authority assent on any conditions not submitted to by the applicant, or dissent, the applicant may appeal to the Secretary of State, giving notice of such appeal to the local authority, and requiring them to state in writing their reasons for such conditions or dissent; and the Secretary of State, after considering the reasons (if any) so stated, and after such inquiry, local or other, as he may think necessary, may if the local authority dissented, refuse the license, or may in either case grant the license applied for in accordance with the draft license either as previously approved by him, or with such modifications and additions as he may consider required to meet the reasons (if any) so stated by the local authority.

The Secretary of State, when satisfied that the factory or magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license, but until so confirmed the license shall not come into force.

The land forming the site bounded as described in the license shall, with every mound, building, and work thereon for whatever purpose, be deemed, for the purposes of this Act, to be the factory or magazine referred to in the license.

Regulation of Factories and Magazines for Gunpowder.

Regulation of factories and magazines for gunpowder.

9. In every gunpowder factory and magazine—

(1.) The factory or magazine, or any part thereof, shall not be used for any purpose not in accordance with the license; and

(2.) The terms of the license shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping of gunpowder shall not be carried on except in accordance with those terms; and

(3.) The factory or magazine and every part thereof shall be maintained in accordance with the license; and any material alteration in the factory or magazine by enlarging or adding to the site, or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, shall not be made except in pursuance of an amending license granted under this Act.

In the event of any breach (by any act or default) of this section in any factory or magazine,

(*a.*) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding in the case of the first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds, and in addition fifty pounds for every day during which such breach continues.

The occupier of a factory shall not be deemed guilty of a breach of this section for using in a case of emergency, or temporarily, one building or part of a building in which any process of the manufacture is, under the terms of the license, carried on, for another process of the manufacture, if he do not carry on in such building or part more than one process at the same time, and if the quantity of gunpowder or ingredients thereof in such building or part do not exceed the quantity allowed to be therein, or any less quantity allowed to be in the building or part of a building in which such other process is usually carried on; and if upon such use being continued after the lapse of twenty-eight days from the first beginning of such use he send notice of such use to a Government inspector, and the Government inspector do not require the discontinuance of such use.

General rules for factories and magazines.

10. In every gunpowder factory and magazine the following general rules shall be observed:

(1.) In a factory every factory magazine, and in any other magazine every building in which gunpowder is kept, shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and

(2.) The interior of every building in which any process of the manufacture is carried on or in which gunpowder or any ingredients thereof, either mixed or partially mixed, are kept, or in the course of manufacture are liable to be (in this Act referred to as a danger building), and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detaching of any grit, iron, steel, or similar substance in such manner, as to come into contact with the gunpowder or ingredients thereof in such building, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and

(3.) Every factory magazine and expense magazine in a factory, and every danger building in a magazine, shall have attached thereto a sufficient lightning conductor, unless, by reason of the construction by excavation or the position of such magazine or building, or otherwise, the Secretary of State considers a conductor unnecessary, and every danger building in a factory shall, if so required by the Secretary of State, have attached thereto a sufficient lightning conductor; and

(4.) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed; and

(5.) Before repairs are done to or in any room in or other part of a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all gunpowder, and wholly or partly mixed ingredients thereof, and the thorough washing out of such room or part; and such room or part of the building after being so cleaned shall not be deemed to be a danger building within the meaning of these rules until gunpowder or the wholly or partly mixed ingredients thereof are again taken into it; and

(6.) There shall be constantly kept affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of gunpowder or ingredients allowed to be in the building, and a copy of these rules, and of any other part of this Act required by the Secretary of State to be affixed, and of such part of the license and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and

(7.) All tools and implements used in any repairs to or in a danger building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material; and

(8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with gunpowder or the wholly or partly mixed ingredients thereof; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and

(9.) No person shall smoke in any part of the factory or magazine, except in such part (if any) as may be allowed by the special rules; and

(10.) Any carriage, boat, or other receptacle in which gunpowder, or the wholly or partly mixed ingredients thereof, are conveyed from one building to another in a factory or magazine, or from any such building to any place outside of such factory or magazine, shall be constructed without any exposed iron or steel in the interior thereof, and shall contain only the gunpowder and ingredients, and shall be closed or otherwise properly covered over; and the gunpowder and ingredients shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition; and

(11.) A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some grown-up person; and

(12.) In a factory the ingredients in course of manufacture into gunpowder shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished gunpowder shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory, and such ingredients and gunpowder shall be loaded and unloaded with all due diligence; and

(13.) In a factory all ingredients to be made or mixed into gunpowder shall, before being so made or mixed, be carefully sifted, for the purpose of removing therefrom, so far as practicable, all dangerous foreign matter.

The Secretary of State may, from time to time, by order, make, and when made rescind and alter, such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to floating magazines, and such modifications shall have effect as if they were contained in this section.

In the event of any breach (by any act or default) of the general rules in any factory or magazine,—

(*a.*) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

Special rules for regulation of workmen in factory or magazine.

11. Every occupier of a gunpowder factory or magazine shall, with the sanction of the Secretary of State, make special rules for the regulation of the persons managing or employed in or about such factory or magazine, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence, as may be deemed just.

The occupier may, and if required by the Secretary of State shall, with the sanction of the Secretary of State, repeal, alter, or add to any special rules made in pursuance of this section.

If an occupier is required by the Secretary of State to make, repeal, alter, or add to any rules under this section, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make, repeal, alter, or add to the special rules, and anything so done by the Secretary of State shall have effect as if done by the occupier with the sanction of the Secretary of State.

If the occupier feel aggrieved by any such requisition, or by anything so done by the Secretary of State, he may, after receiving such requisition or notice of the same being so done, require the matter to be referred to arbitration in manner provided by this Act.

Supplemental as to Factories and Magazines for Gunpowder.

Alteration of terms of license

12. Where the occupier of any gunpowder factory or magazine desires that any alteration should be made in the terms of his license, or any material alteration made in the

factory or magazine by enlarging or adding to the site or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, he may apply for an amending license. and enlargement of factory or magazine.

If he satisfy the Secretary of State that the alteration may be properly permitted, having regard to the safety of the persons employed in the factory or magazine, and will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or magazine from any building or work outside and in the neighbourhood of the factory or magazine, or increase the amount of gunpowder allowed to be kept in the factory magazine, or in any building in the magazine, the Secretary of State may grant the amending license of his own authority, but, save as aforesaid, the provisions of this Act with respect to the application for and grant of a new license shall apply to such amending license.

13. A gunpowder factory or magazine license shall not be avoided by any change in the occupier of the factory or magazine; but notice of the name, address, and calling of the new occupier shall be sent to the Secretary of State within three months after the change, and in default such new occupier shall be liable to a penalty not exceeding twenty shillings for every week during which such default continues. Devolution and determination of license.

A factory or magazine license shall be determined by a discontinuance of the business carried on in pursuance of any such license if such discontinuance continues for a period of two years or more, or if the factory or magazine is used for any purpose not authorised by the license:

Provided that if the occupier sends to the Secretary of State, and publishes in manner directed by the Secretary of State, a notice to the effect that the right to the factory or magazine license is not intended to be surrendered, the license shall not be determined until after the expiration of five years after the first discontinuance of the business, whether the factory or magazine has or has not been used for any purpose not authorised by the license.

Application of Act to existing Factories and Magazines for Gunpowder.

14. A factory or magazine for gunpowder used at the time of the passing of this Act shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act unless the occupier thereof apply for and obtain in manner provided by this Act a certificate (in this Act referred to as a continuing certificate) in respect of such factory or magazine. Continuing certificate for existing factories and magazines.

The occupier desirous of obtaining such certificate shall, before the expiration of three months after the commencement of this Act, send to the Secretary of State an application for such certificate, stating his name, address, and calling, and the situation of his factory or magazine, and accompanied with such particulars respecting the factory or magazine and the site thereof, and the mounds, buildings, and works thereon or connected therewith, and such copies of any plans in the possession of the occupier, as the Secretary of State may deem necessary for enabling him to make out the certificate.

The Secretary of State upon receiving such application shall grant the continuing certificate for the factory or magazine to which the application relates, and shall insert therein, by reference to a plan (which shall be deemed part of the certificate) or otherwise, such particulars as he may consider sufficient to identify the factory or magazine and indicate the site and all the existing mounds, buildings, and works thereon or connected therewith: the plan so referred to may be either the plan sent by the occupier or such other plan as the Secretary of State may cause to be made for the purpose.

The continuing certificate shall specify the maximum amount of gunpowder to be kept if the certificate is for a factory in each factory magazine, or in all the factory magazines of the factory, and if for a magazine in each building in the magazine, or in all the buildings of the magazine, and the amount so specified, where the maximum amount so to be kept is at the passing of this Act limited by any Act or by license or otherwise, shall be that amount, and where there is no such limitation, shall be the maximum amount which the factory magazine, or all the factory magazines of the factory, or the building or

all the buildings of the magazine, was or were capable of holding on the first day of January one thousand eight hundred and seventy-five.

The regulations in Part One of the first schedule to this Act shall be deemed to form part of the terms of a continuing certificate for a factory.

The land forming the site bounded as described in the certificate shall, with every mound, building, and work thereon, for whatever purpose, be deemed, for the purpose of this Act, to be the factory or magazine referred to in the certificate.

Where a licence has been obtained before the twenty-fifth day of February one thousand eight hundred and seventy-five, for a factory or magazine for gunpowder, and such factory or magazine has not been completed before the passing of this Act, such factory or magazine shall be deemed to be, for the purposes of this section, a factory or magazine for gunpowder used at the time of the passing of this Act:

Provided that—

(1.) The particulars to be stated in the continuing certificate shall, as regards such mounds, buildings, and works as are not completed at the date of the certificate, relate to the same as designed on the commencement of the construction of the factory or magazine; and

(2.) The maximum amount of gunpowder to be specified in the continuing certificate as being allowed to be kept in any building shall, subject to the provisions of any Act or license, be the maximum amount which such building was designed on the commencement of the building thereof to hold, or such less amount as it is completed or holding at the time of the passing of this Act.

For the purposes of this Act, a continuing certificate shall (save as otherwise expressly provided) be deemed to be a license, and the factory or magazine, as the case may be mentioned therein to be a factory or magazine licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

(1.) It shall not be necessary in any case to apply for the assent of the local authority to an amending license for an alteration in the terms of such certificate, or for an alteration in the factory or magazine; and

(2.) Such factory or magazine, if the certificate is determined by the discontinuance of the business carried on therein, shall cease to be deemed an existing factory or magazine.

The occupier of any lawfully existing factory or magazine may, until the expiration of the time within which he is required by this section to send to the Secretary of State an application for a continuing certificate, and if he has sent such an application as is required by this section may, until he obtains such certificate, carry on his business in such factory or magazine in like manner as if this Act had not passed.

Consumers Stores for Gunpowder.

Licensing and Regulation of Stores.

Store license to be obtained from local authority.

15. Any person may apply for a license for a gunpowder store to the local authority at the time and place appointed by such authority, stating his name, address, and calling, the proposed site and construction of the store and the amount of gunpowder he proposes to store therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the Order in Council herein-after mentioned, grant to the applicant, on payment of such fee, not exceeding five shillings, as may be fixed by that authority, the license applied for.

Order in Council prescribing situation and construction of stores.

16. Her Majesty may from time to time, by Order in Council made on the recommendation of the Secretary of State—

(1.) Regulate the construction and materials and fittings of gunpowder stores; and

(2.) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated; and

(3.) Prescribe the maximum amount of gunpowder, not exceeding two tons, to be kept in stores, graduated according to their construction and situation and their distance from the said buildings and works.

Provided that an Order under this section shall not require the removal of any building lawfully in use at the date of the making of such Order.

General rules for stores.

17. In every gunpowder store the following general rules shall be observed; that is to say,

(1.) The provisions of an Order in Council relating to stores, so far as they apply to such store, shall be duly observed:

(2.) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license; and

(3.) The store shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and

(4.) The interior of the store, and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel, or similar substance, in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit, and otherwise clean; and

(5.) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation or is licensed for less than one thousand pounds of gunpowder; and

(6.) Before repairs are done to or in any part of a store, the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store; and after such cleaning, these rules shall cease to apply to the store until gunpowder is again taken there; and

(7.) Except after such cleaning, all tools and implements used in or in any repairs to the store shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material; and

(8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel, or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and

(9.) No person shall smoke in any part of the store; and

(10.) A person under the age of sixteen years shall not be employed in or enter the store, except in the presence and under the supervision of some grown-up person.

In the event of any breach (by any act or default) of the general rules in any store,—

(*a.*) All or any part of the gunpowder in respect to which or being in the store when the offence was committed may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

Non-transferability, renewal, and forms of store licenses.

18. A store license shall be valid only for the person named in it, and shall annually, unless the circumstances have so changed that the grant of a new license would not be authorised by this Act, on application by post or otherwise, and payment of such fee, not exceeding one shilling, as may be from time to time fixed by the local authority, be renewed by that authority, by endorsement or otherwise, for that year, and unless so renewed shall expire.

Store licenses shall be in the form from time to time directed by the Secretary of State.

Special rules for regulation of workmen in stores.

19. Every occupier of a gunpowder store may, with the sanction of the Secretary of State, make, and when made, may, with the like sanction, repeal, alter, or add to, special rules for the regulation of the persons managing or employed in or about such store, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence, as may be deemed just.

Application of Act to existing Stores for Gunpowder.

Definition of and continuing certificate for existing stores which are to be subject to this Act.

20. Any magazine established without a license from a local authority in pursuance of the Gunpowder Act, 1860, or of any enactment repealed by that Act, for the use of any mine, quarry, colliery, or factory of safety-fuzes, and in use at the passing of this Act, is in this Act referred to as an existing gunpowder store.

An existing gunpowder store shall not require a continuing certificate as a magazine from the Secretary of State, but shall require a continuing certificate from the local authority, and if such certificate is not applied for and obtained in manner provided by this Act, shall not be deemed to be a lawfully existing store.

The occupier of the store desirous of obtaining a continuing certificate shall, before the expiration of three months after the commencement of this Act, send an application for such certificate to the local authority, stating his name, address, and calling, and the situation and construction of the store, and accompanied by such particulars respecting the store as may be necessary to enable the local authority to make out the certificate.

The local authority upon receiving such application shall, as soon as practicable, on payment of such fee, not exceeding half-a-crown, as may be fixed by that authority, grant the continuing certificate, inserting therein such particulars as appear to them to be sufficient to identify the store, and inserting the maximum amount of gunpowder which the store is to be limited to hold, and such amount shall be the maximum amount which the store was capable of holding on the first day of January one thousand eight hundred and seventy-five, or such less amount as is limited by the regulations below in this section mentioned.

The regulations in Part Two of the first schedule to this Act shall apply to every store to which a continuing certificate is granted, as if they were contained in an Order in Council under this Act relating to stores.

For the purposes of this Act a continuing certificate for a store shall, save as otherwise expressly provided, be deemed to be a license, and the store a store licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

(1.) The store shall not be enlarged, or added to, or so altered as to be of a less secure construction, and any breach of this proviso shall be deemed to be a breach of the general rules relating to stores; and

(2.) The continuing certificate shall not be limited in duration, but if the business carried on in the store is discontinued, and either such discontinuance continues for a period of twelve months or more, or the store is used for another purpose, such store shall cease to be deemed an existing gunpowder store.

Nothing in this section shall prevent the obtaining for any existing gunpowder store of a license from the local authority under this Act, as in the case of a new store, and a store for which such license is obtained shall, whether a continuing certificate has or has not been previously obtained for the same, cease to be deemed an existing gunpowder store.

The occupier of an existing gunpowder store may, until the expiration of the time within which he is required by this section to send to the local authority an application for a continuing certificate, and if he has sent such an application as is required by this section may, until the expiration of six months after the expiration of the said time, or any earlier date at which he obtains such certificate, carry on his business in such store in like manner as if this Act had not passed.

Retail Dealing with Gunpowder.

Registration and Regulation of Registered Premises.

Registration of premises with local authority.

21. A person desirous of registering with the local authority any premises for the keeping of gunpowder shall register his name and calling, and the said premises (in this

Act referred to as his registered premises) in such manner and on payment of such fee, not exceeding one shilling, as may be directed by the local authority.

Such registration shall be valid only for the person registered, and shall be annually renewed by sending by post or otherwise notice of such renewal to the local authority, together with such fee, not exceeding one shilling, as may be fixed by that authority.

General rules for registered premises.

22. The following general rules shall be observed with respect to registered premises:

(1.) The gunpowder shall be kept in a house or building, or in a fire-proof safe, such safe, if not within a house or building, to be at a safe distance from any highway, street, public thoroughfare, or public place; and

(2.) The amount of gunpowder on the same registered premises shall not—

(*a.*) If it is kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, or in a fire-proof safe outside a dwelling-house, and detached therefrom, and at a safe distance from any highway, street, public thoroughfare, or public place, exceed two hundred pounds; and

(*b.*) If it is kept inside a dwelling-house, or in any building other than as last aforesaid, exceed fifty pounds, unless it is kept in a fire-proof safe within such house or building, in which case the amount shall not exceed one hundred pounds; and

(3.) An article or substance of an explosive or highly inflammable nature shall not be kept in a fire-proof safe with the gunpowder, and in every case shall be kept at a safe distance from the gunpowder or the safe containing the same; and

(4.) Neither the building exclusively appropriated for the purpose of keeping the gunpowder nor the fire-proof safe shall have any exposed iron or steel in the interior thereof; and

(5.) All gunpowder exceeding one pound in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping.

In the event of any breach (by any act or default) of such general rules in any registered premises,—

(*a.*) All or any part of the gunpowder in respect to which, or being in any house, building, place, safe, or receptacle in respect to which, the offence was committed may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding two shillings for every pound of gunpowder in respect of which or being on the premises in which the offence was committed.

Supplemental Provisions.

Precautions against fire or explosion to be taken by occupier.

23. The occupier of every factory, magazine, store, and registered premises for gunpowder, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, magazine, or store, or to the gunpowder therein or in the registered premises, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory, magazine, store, or premises.

Any breach (by any act or default) of this section in any factory, magazine, store, or registered premises shall be deemed to be a breach of the general rules applying thereto.

Explanation as to quantities of gunpowder allowed in buildings.

24. Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any building at any one time, all gunpowder and ingredients within the radius of twenty yards from the building and in course either of removal from the building, or of removal to the building for the supply and work thereof, shall be deemed to be in the building:

Provided that, if while the gunpowder or ingredients so in course of removal are within the radius, every machine and manufacturing process in the building is wholly stopped, there may, in addition to the quantity so allowed as aforesaid to be in the building, be

within the radius a further quantity of gunpowder and ingredients so in course of removal as aforesaid, not exceeding the quantity specified in that behalf in the license, or in the case of an existing building in a lawfully existing factory for gunpowder ten hundredweight, or any less quantity so allowed as aforesaid to be in the building.

Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any machine at any one time, but does not limit the quantity to be in the building containing such machine, the foregoing provisions of this section shall apply, so far as circumstances admit, as if suchmachine were a building.

Where the quantity allowed to be in any building is limited to what is required for the immediate supply and work of such building, or by words not specifying the exact quantity, a Government inspector who considers that the quantity in any such building is in excess, may, after hearing the explanation of the occupier, require the occupier to diminish such quantity to the maximum named in the requisition.

The occupier, if he feel aggrieved by such requisition, may require the matter to be referred to arbitration in manner provided by this Act.

The exact quantity to be allowed in such building shall be determined by the requisition, or if the matter is referred to arbitration, by the award.

Regulations as to arbitration.

25. An occupier authorised by this Act to require any matter to be referred to arbitration may, within one month after receiving the requisition, notice, or document relating to the matter to be so referred, send an objection thereto to the Secretary of State; and if the cause of such objection is not, within one month after such objection is received by the Secretary of State, removed by the Secretary of State waiving or varying the said requisition, notice, document, or matter, or otherwise (which the Secretary of State is hereby authorised to do), such occupier may, by notice sent within seven days after the expiration of the said month to the Secretary of State, require the matter to be referred to arbitration, and the date of the receipt by the Secretary of State of the last-mentioned notice shall be deemed to be the date of the reference.

Arbitrations under this Act shall be conducted in manner provided by the second schedule to this Act.

Fees for licenses.

26. There shall be payable in respect of licenses and continuing certificates granted by the Secretary of State such fees as may be from time to time fixed by him with the consent of the Treasury, not exceeding the fees in the third schedule to this Act, and if no fee is fixed the fees mentioned in the said schedule.

Such fees shall be taken and paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and shall be carried to the Consolidated Fund.

The Secretary of State may also require any applicant for a new license to pay such sum as the Secretary of State may think reasonable for expenses incurred upon any inquiry made by order of the Secretary of State with respect to the grant of such license.

When the local authority do not fix any fee which they are authorised by this Act to fix, the fee payable shall be the maximum fee which such authority are authorised to fix.

The fees payable to the local authority in respect of any license, certificate, or otherwise in pursuance of this Act, shall, where the clerk of the local authority is not wholly paid by fees, be carried to the credit of the local rate, or otherwise disposed of as such local authority may direct, and where such clerk is wholly paid by fees, shall, unless the local authority otherwise direct, be paid to such clerk.

Adjoining places occupied together to be one place.

27. For the purposes of the provisions of this Act with respect to the manufacture and keeping of gunpowder, all buildings and places adjoining each other and occupied together shall be deemed to be the same factory, magazine, store, or premises, and shall accordingly be included in one license or one registration.

Register of store licenses and registered premises to be

28. The local authority shall cause registers of all store licenses granted by and of all premises registered with them under this Act to be kept in such form and with such particulars as they may direct.

The local authority shall, when so required by the Secretary of State, send to him, within the time fixed by such requisition, a copy of such register or any part thereof, and in default the clerk of such authority, and also the authority if they are in fault, shall be liable to a penalty not exceeding one pound for every day during which such default continues. kept by local authority.

A ratepayer within the area of the local authority, and a licensee or person registered under this Act, upon payment of a fee of one shilling, and a Government inspector, and an officer appointed by any local authority for the purposes of this Act, and an officer of police, without payment, shall be entitled at all reasonable times to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of the local authority and every other person who fails to allow such inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding one pound for each offence.

29. If the occupier of a store or registered premises dies or becomes bankrupt, or has his affairs liquidated by arrangement, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such occupier shall not be liable to any penalty or forfeiture under this Act for carrying on the business and acting under the license or registration during such reasonable time as may be necessary to allow him to obtain a store license from or to register with the local authority, so that he otherwise conform with the provisions of this Act. Provision in case of death, &c. of occupier of store or registered premises.

Sale of Gunpowder.

30. Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place. Restriction on sale of gunpowder in highways, &c.

If any gunpowder is hawked, sold, or exposed for sale in contravention of this section—

(1.) The person hawking, selling, or exposing for sale the same, shall be liable to a penalty not exceeding forty shillings; and

(2.) All or any part of the gunpowder which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section, may be forfeited.

31. Gunpowder shall not be sold to any child apparently under the age of thirteen years; and any person selling gunpowder in contravention of this section shall be liable to a penalty not exceeding five pounds. Penalty for sale of gunpowder to children.

32. All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and (except when the same is sold to any person employed by or on the property occupied by the vendor for immediate use in the service of the vendor or on such property,) the outermost receptacle containing such gunpowder shall have affixed the word "gunpowder" in conspicuous characters by means of a brand or securely attached label, or other mark. Sale of gunpowder to be in closed packages labelled.

If any gunpowder is sold or exposed for sale in contravention of this section—

1. The person selling or exposing for sale the same shall be liable to a penalty not exceeding forty shillings; and

2. All or any part of the gunpowder so exposed for sale may be forfeited.

Conveyance of Gunpowder.

33. The following general rules shall be observed with respect to the packing of gunpowder for conveyance: General rules as to packing of gunpowder for conveyance.

1. The gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the gunpowder from escaping; and

2. The gunpowder, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel, or case of such strength, construction, and character as may be for the time being

approved by the Government inspector as being of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape; and

3. The interior of every package, whether single or double, shall be kept free from grit and otherwise clean; and
4. Every package, whether single or double, when actually used for the package of gunpowder, shall not be used for any other purpose; and
5. There shall not be any iron or steel in the construction of any such single package or inner or outer package, unless the same is effectually covered with tin, zinc, or other material; and
6. The amount of gunpowder in any single package, or if there is a double package in any one outer package, shall not exceed one hundred pounds, except with the consent of and under conditions approved by a Government inspector; and
7. On the outermost package there shall be affixed the word "gunpowder" in conspicuous characters by means of a brand or securely attached label or other mark.

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding twenty pounds.

The Secretary of State may from time to time make, and when made, repeal, alter, and add to, rules for the purpose of rescinding, altering, or adding to the general rules contained in this section, and the rules so made by the Secretary of State shall have the same effect as if they were enacted in this section.

Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.

34. Every harbour authority shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of gunpowder within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

1. Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and
2. Regulating the navigation and place of mooring of such ships and boats; and
3. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder on board any such ship or boat, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
4. Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and
5. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, trains, or carriages; and
6. Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
7. Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading, or unloading; and

8. Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
9. Providing for the publication and supply of copies of the byelaws; and
10. Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
11. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws, and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the Board of Trade may, if they think it expedient, make byelaws under this section for that part or water as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area, and every such authority and officer shall for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.

35. Every railway company and every canal company over whose railway or canal any gunpowder is carried, or intended to be carried, shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of such gunpowder on the railway or canal of the company making the byelaws, and in particular for declaring and regulating all or any of the following matters in the case of such railway or canal; that is to say,

1. Determining the notice to be given of the intention to send gunpowder for conveyance as merchandise on the railway or canal; and
2. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder for conveyance and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
3. Regulating the description and construction of carriages, ships, or boats to be used in the conveyance of gunpowder; and
4. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger trains, carriages, ships, or boats; and

5. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time, or in one carriage, ship, or boat; and
6. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages, ships, and boats used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading, and unloading; and
7. Providing for the publication and supply of copies of the byelaws; and
8. Enforcing the observance of this Act both by their servants and agents and also by other persons when on the canal or railway of such company; and
9. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

Such byelaws, when confirmed by the Board of Trade, shall apply to the railway, canal, agents, and servants of the company making the same, and to the persons using such railway or canal, or the premises connected therewith and occupied by or under the control of such company.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage, ship, or boat or train of carriages, ships, or boats in respect of which, the breach of byelaw has taken place.

Byelaws as to wharves in which gunpowder is loaded or unloaded.

36. The occupier of every wharf or dock on or in which gunpowder is loaded or unloaded (if such loading or unloading is not otherwise subject to any byelaws under this Act) may, and if so required by the Secretary of State shall, from time to time, with the sanction of the Secretary of State, make byelaws for regulating the loading and unloading of gunpowder on or in such wharf or dock, and in particular for declaring or regulating all or any of the matters which can be declared or regulated in the case of any wharf or dock within the jurisdiction of a harbour authority by byelaws made by such authority in pursuance of this Act.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found on the wharf or in the dock or part of the wharf or dock in respect of which, the breach of byelaw has taken place.

Any byelaws made in pursuance of this section may, and if required by the Secretary of State shall, be rescinded, altered, or added to by byelaws made by the occupier, with the sanction of the Secretary of State.

If an occupier is required by the Secretary of State to make byelaws under this section for any matter, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make such byelaws, which shall have effect as if made by the occupier with the sanction of the Secretary of State.

Where by reason of a wharf being a public wharf or otherwise, there is no occupier thereof, or the occupier thereof is unknown, the Secretary of State may make byelaws with respect to such wharf in like manner as if the occupier had failed to comply with his requisition: Provided that where such wharf abuts on any harbour, canal, or railway, the harbour authority or canal or railway company shall have the same power, and, if so required by the Secretary of State, shall be under the same obligation to make byelaws under this section for such wharf as if they were the occupiers thereof.

Byelaws as to conveyance by

37. The Secretary of State may from time to time make, and when made, rescind, alter, or add to, byelaws or regulating the conveyance, loading, and unloading of gunpowder in

any case in which byelaws made under any other provision of this Act do not apply, and in particular for declaring or regulating all or any of the following matters; that is to say, road or otherwise, or loading of gunpowder.

1. Regulating the description and construction of carriages to be used in the conveyance of gunpowder as merchandise; and
2. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages; and
3. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one carriage; and
4. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading and unloading; and
5. Providing for the publication and supply of copies of the byelaws; and
6. Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger; and
7. Adapting on good cause being shown the byelaws in force under this section to the circumstances of any particular locality.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the breach continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage in respect of which, the breach of byelaw has taken place.

For the purpose of any mode of conveyance which is not a conveyance by land this section shall be construed as if ship and boat were included in the term carriage.

Confirmation and publication of byelaws.

38. Any recommendation to Her Majesty in Council, any general rules with respect to packing, and any byelaws which is or are proposed to be made under this Act by a Secretary of State or the Board of Trade shall, before being so made, be published in such manner as the Secretary of State or the Board of Trade, as the case may be, may direct as being in his or their opinion sufficient for giving information thereof to all local authorities, corporations, and persons interested.

The byelaws framed by any railway company, canal company, or harbour authority under this Act shall before being sanctioned by the Board of Trade, be published in such manner as may be directed by the Board of Trade, with a notice of the intention of such company or authority to apply for the confirmation thereof, and may be sanctioned by the Board of Trade with or without any omission, addition, or alteration, or may be disallowed.

Every such byelaw may be from time to time added to, altered, or rescinded by a byelaw made in like manner and with the like sanction as the original byelaw.

The Secretary of State or the Board of Trade, as the case may be, shall receive and consider any objections or suggestions made by any local authority, corporation, or persons interested with respect to any recommendation, general rules, or byelaws published in pursuance of this section, and may, if it seem fit, amend such recommendation, general rules, or byelaws with a view of meeting such objections or suggestions without again publishing the same.

PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

Part I. relating to gunpowder applied to other explosives.

39. Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

Modification of Part I. as applied to explosives other than gunpowder.

40. The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than gunpowder:

(1.) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require; and

(2.) The prescribed general rules shall be substituted for the general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively; but no such general rule shall require the removal of any building or work in use at the date of the order in council by which such rule is made;

(3.) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and

(4.) For the maximum amount limited by Part One of this Act to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be exposed for sale or sold otherwise than in a substantial case, box, canister, or other receptacle as therein mentioned, there shall be substituted in the case of explosives other than gunpowder the following amounts; namely,

(*a.*) Where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and

(*b.*) In the case of any other explosive, the prescribed amount; and

(5.) Two or more descriptions of explosives shall not be kept in the same store or registered premises, except such descriptions as may be prescribed in that behalf; and, when so kept, shall be kept subject to the prescribed conditions and restrictions; and

(6.) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and

(7.) Where any explosive, other than gunpowder, is allowed to be kept in the same magazine, store, or registered premises with gunpowder, the prescribed general rules shall be observed instead of the general rules in Part One of this Act; and

(8.) There shall be on the outermost package containing the explosive in lieu of the word "gunpowder" the name of the explosive, with the addition of the word "explosive," and if such name is materially false the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding fifty pounds:

(9.) With respect to the importation from any place out of the United Kingdom of either dynamite or gun-cotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,

(*a.*) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transhipment shall for the purpose of this section be deemed to be delivery; and

(*b.*) The Secretary of State may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit, for the protection of the public from danger; and

(*c.*) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license; and

(*d.*) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the pro-

visions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding two shillings for every pound of such explosive; and

(*e.*) The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs or any such article or ship shall apply accordingly.

Exemption of making and carrying safety cartridges for private use.

41. Nothing in this Act shall apply to the filling or conveying, for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use.

Extension of 18 & 19 Vict. c. 119. s. 29. and 36 & 37 Vict. c. 85. ss. 23-27, to all explosives.

42. Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder.

Specially dangerous Explosives.

Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.

43. Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a license of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such Order:

Provided that such Order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

Any explosive manufactured or kept in contravention of any such Order shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place.

Any explosive conveyed in contravention of any such Order shall be deemed to be conveyed in contravention of a byelaw made under this Act with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such Order,—

1. All or any part of such explosive may be forfeited; and
2. The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding ten shillings for every pound of such explosive brought in the ship; and
3. The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding ten shillings for every pound of such explosive delivered or sold or found in his possession.

The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs and any such article or ship shall apply accordingly.

Provisions in favour of certain Manufacturers and Dealers.

Provision in favour of makers, &c. of blasting cartridges.

44. The occupier of a factory for any explosive shall not be required by this Act to take out a factory license for making up on such factory the explosive made thereon into cartridges or charges for cannon or blasting not containing within themselves their own means of ignition.

The occupier of any magazine, store, or registered premises for keeping any explosive may keep that explosive when made up into such cartridges or charges as above in this section mentioned, as if it were not so made up, and the provisions of this Act with respect to the keeping of any explosive shall apply to the keeping of that explosive when made up into the said cartridges or charges, in like manner as if the explosive were not so made up.

Provision in favour of makers of new explosives for experiment.

45. The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his license, shall not be deemed to have manufactured the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to the Secretary of State, and if he observe the provisions of this Act, so far as they are applicable.

Provision in favour of gun-makers, &c. making cartridges.

46. The occupier of a magazine, store, or registered premises for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine, store, or premises he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following regulations; namely,

(1.) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and

(2.) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and

(3.) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position, or character as not to cause any danger of fire or explosion; and

(4.) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store or registered premises to the local authority, that he intends to carry on such filling of cartridges as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the filling of cartridges in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and registered premises respectively, and the breach of them shall be punished accordingly.

Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.

47. The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory license by reason that, in connexion with such magazine or store, he, by filling cartridges, making charges, drying, sifting, fitting, or otherwise adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observe the following regulations; namely,

(1.) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gunpowder or the prescribed amount of any other explosive; and

(2.) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and

(3.) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified, in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

(4.) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the adaptation or preparation in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section, and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine and store respectively, and the breach of them shall be punished accordingly.

The following general rules shall apply as if the said workshop were a danger building, that is to say, if the adaptation or preparation carried on is of gunpowder only, the general rules with respect to a factory in Part One of this Act, and in any other case the prescribed general rules; and the breach of such general rules shall be punished in like manner as the breach of general rules with respect to a factory.

Provision in favour of small firework manufacturer who may obtain a license from the local authority.

48. A firework factory shall not be deemed to be a small firework factory for the purposes of this Act if there is upon the same factory at the same time—

(*a.*) More than one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or

(*b.*) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or

(*c.*) More than twenty-five pounds of coloured fires or stars, not made up into manufactured fireworks.

The occupier of a small firework factory shall not be required to obtain a license under Part One of this Act for such factory if he has obtained a license from the local authority under this part of this Act.

A person having such license from the local authority who manufactures an explosive (other than nitro-glycerine or any prescribed explosive) for the purpose only of the manufacture of coloured fires or a manufactured firework in accordance with this Act, and does not sell the same except in the form of coloured fires packed in the manner required by this Act, or of a manufactured firework, shall not be deemed to manufacture an explosive in an unauthorised place.

Licensing by local authority and regulation of small firework factories.

49. Any person may apply for a small firework factory license to the local authority at the time and place appointed by such authority, stating his name, address, and calling, and the proposed site and construction of the factory, and the amount and description of explosive he proposes to have therein, and in any building therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the factory, and amount of explosive is in accordance with the Order in Council regulating small firework factories, grant to the applicant, on payment of such fee, not exceeding five shillings, as may be fixed by that authority, the license applied for.

The powers of this Act of making Orders in Council with respect to stores and of prescribing general rules with respect to stores shall extend to making Orders in Council and prescribing general rules with respect to small firework factories and the buildings thereon; and any breach (by any act or default) of any such general rule shall involve the same penalties and forfeitures as a breach of a general rule relating to stores.

A small firework factory license shall be valid only for the person named in it, and the provisions of this Act with respect to the renewal, expiration, and form of store licenses,

and fees for such renewal, and to special rules for the regulation of persons managing or employed in or about stores, shall apply in like manner as if they were herein enacted, and in terms made applicable to small firework factory licenses and small firework factories respectively.

Keeping without a license and conveyance of percussion caps, &c.

50. A person shall not be required by this Act to take out a license or to register any premises for the keeping of percussion caps, or safety-fuzes for blasting, or fog-signals kept by any railway company for use on the railway of such company, or any prescribed explosive.

It shall not be obligatory on any harbour authority, railway company, canal company, or occupier of a wharf, to make any byelaws with respect to the conveyance, loading, or unloading of any explosives to which this section applies.

It shall be lawful for Her Majesty, by Order in Council, to exempt any explosive to which this section applies, or any description thereof, from any other of the provisions of this Act, or to declare that a license shall be required for the keeping of any explosive to which this section applies, or any description thereof, or that byelaws shall be made with respect to the loading, unloading, and conveyance thereof.

Existing Factories, Magazines, and Stores.

Application of Part I. of the Act to existing factories and magazines.

51. In any continuing certificate for a lawfully existing factory or magazine for any explosive other than gunpowder, the regulations set out in the first schedule to this Act shall not form part of the terms of such certificate, but in lieu thereof the Secretary of State shall insert in the certificate as the terms thereof,—

(1.) If the factory or magazine is for dynamite or any substance having nitro-glycerine as one of its component parts or ingredients, the conditions contained in the existing license, with such modifications (if any) as the Secretary of State may think necessary in order to bring the same into conformity with this Act, and also any limitation of time for the expiration of the license contained in the existing license, and also the existing power of the Secretary of State to revoke the license; and

(2.) In any other case, such terms as the Secretary of State may think expedient, having regard to the conditions (if any) contained in the license under which the factory or magazine is established; and such terms shall include any limitation of time contained in such license, but shall not require the removal of any lawfully existing building or work.

If a new license under this Act is obtained for keeping in an existing gunpowder store any explosive other than gunpowder, the continuing certificate of such store shall be determined, and the store shall cease to be deemed to be an existing gunpowder store within the meaning of this Act.

Continuing certificate not required for factory, magazine, or importation license expiring within 12 months, or for stores licensed under Nitro-glycerine Act, 1869.

52. Where the license of a factory or magazine for any explosive other than gunpowder will expire within twelve months after the commencement of this Act, the occupier of such factory or magazine shall not require a continuing certificate under this Act, but until such license expires shall be entitled to use such factory or magazine in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for a license under this Act for such factory or magazine, but after a license under this Act is obtained for the same, or after the expiration of the old license, such factory or magazine shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act.

The occupier of any magazine licensed at the time of the passing of this Act by a general magazine license under the Nitro-glycerine Act, 1869, shall not require a continuing certificate under this Act, but until the expiration of six months after the commencement of this Act shall be entitled to use such magazine in like manner as if this Act had not passed, without prejudice nevertheless to a license under this Act being obtained for the same; but after a license under this Act is obtained for the same, or after the expiration of the said six months, such license shall determine, and such magazine shall not be deemed to be a lawfully existing magazine or store within the meaning of this Act.

The holder of any importation license under the Nitro-glycerine Act, 1869, shall, until the expiration of six months after the commencement of this Act, be entitled to act under such license in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for an importation license under this Act; but after such license under this Act is obtained, or after the expiration of the said six months, such existing license shall determine.

PART III.

ADMINISTRATION OF LAW.

Government Supervision.

Inspection.

Appointment of Government inspectors.

53. The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, and award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and remove such inspectors, and any such inspector is referred to in this Act as a Government inspector.

Every order appointing an inspector shall be published in the London Gazette.

Disqualification of persons as inspectors.

54. Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manufacture, storage, conveyance, importation, exportation, trade, dealing, or patent, shall not act as an inspector under this Act.

Powers of Government inspectors.

55. A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

(1.) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine, or store; and

(2.) He may enter, inspect, and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and

(3.) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein, to give him samples of any explosive or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and registered premises, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding one hundred pounds for each offence.

Notice by Government inspector to remedy dangerous prac-

56. If in any matter (which is not provided for by any express provision of this Act) an inspector find any factory, magazine, or store for an explosive, or any part thereof, or any thing or practice therein or connected therewith, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety

tices, &c., and penalty for non-compliance.

of any person, such inspector may require the occupier of such factory, magazine, or store to remedy the same.

Where the occupier objects to comply with the requisition he may require the matter to be referred to arbitration in manner provided by this Act.

No person shall be precluded by any contract from doing such acts as may be necessary to comply with a requisition or award under this section; and no person shall be liable under any contract to any penalty or forfeiture for doing those acts if he gave notice of such contract to the inspector at or before the time at which the inspector made the requisition or to the arbitrators before the award was made.

If the occupier fail to comply with the requisition or award within twenty days after the expiration of the time for requiring the matter to be referred to arbitration if there is no reference to arbitration, or if there is such a reference after the date of the award, he shall be liable to a penalty not exceeding twenty pounds for every day during which he so fails to comply.

Provided that the court, if satisfied that the occupier has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such failure, and if the works are completed within a reasonable time in the opinion of the court, no penalty shall be inflicted.

Annual report of Government inspectors proceedings.

57. A report of the proceedings under this Act shall be made annually to the Secretary of State, by such inspectors and in such manner and form as may be directed by him, and shall be laid before both Houses of Parliament.

Inspection by railway inspectors or inspectors of Board of Trade.

58. The Board of Trade may from time to time, by order, direct—

(*a.*) Any person acting under the Board as an inspector of railways to inquire into the observance of this Act by any railway company or canal company, and generally to act with respect to any railway or canal as an inspector under this Act; or

(*b.*) Any person acting under the Board as an inspector or otherwise for the purposes of the Merchant Shipping Act, 1854, or the Acts amending the same, to inquire into the observance of this Act in any harbour or in the case of any ship, and generally to act in such harbour and with respect to ships as an inspector under this Act.

The Board of Trade may revoke any such order; and each such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the Acts in pursuance of which he was originally appointed inspector, and also the powers and authorities of a Government inspector under this Act.

Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines.

59. Where a magazine or store is established for the purpose of any mine subject to the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, by the owner (as defined by such Act) of the mine, the Secretary of State may from time to time by order direct an inspector under either of those Acts to act with respect to such magazine or store as a Government inspector under this Act, and may revoke any such order; and such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the said Acts, and also the powers and authorities of a Government inspector under this Act.

License and special rules certified by Government inspector to be evidence. 35 & 36 Vict. c. 76. s. 59.

60. A copy of any license confirmed by the Secretary of State under this Act, and of any special rules under this Act, certified by a Government inspector, shall be evidence of such license and special rules respectively, and of the fact of such license having been duly granted and confirmed and such special rules duly established under this Act.

Keeping and carriage of samples by Government inspector.

61. A Government inspector, and any other person authorised by him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform his duties under this Act, and be kept and carried with all due precautions to prevent accident; and such inspector or person

shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

Salaries of Government inspectors and expenses of Act.

62. The salaries of the Government inspectors, and the expenses incurred by the Secretary of State or the Government inspectors in carrying this Act into execution, shall be defrayed out of moneys provided by Parliament.

Accidents.

Notice to be given of accidents connected with explosive.

63. Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector need not be sent to any inspector or sub-inspector of factories or any inspector of mines.

Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

Reconstruction of buildings destroyed by accident.

64. Where an accident by explosion or fire has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, and any further supply of an explosive shall not be put therein, except with the permission of the Secretary of State; and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly:

Provided, that this enactment shall not prevent the reconstruction of a factory magazine in any lawfully existing factory upon such site in the factory, and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or fire in a factory has wholly or partly destroyed any building of such factory as to which a Government inspector has previously to the accident sent to the occupier a notice that the building is unduly near to some building or work outside the factory, such building shall be reconstructed only upon such site in the factory and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or by fire in a factory has wholly or partly destroyed two or more buildings in such factory, not more than one of such buildings shall be reconstructed except with the permission of the Secretary of State; provided that this enactment shall not apply to any buildings in a lawfully existing factory, if either both or all such buildings are incorporating mills, or if as regards any other buildings a Government inspector has not previously to the accident sent to the occupier a notice that such buildings are unduly near to each other.

Where a building is constructed on a different site in pursuance of this section, the Secretary of State shall cause the necessary alterations to be made in the license, and such alterations shall be deemed to be part of the license.

The reconstruction of any building in contravention of this section shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

Provisions as to coroners inquests on deaths from accidents connected with explosives.

65. With respect to coroners inquests on the bodies of persons whose death may have been caused by the explosion of any explosive or by any accident in connexion with an explosive, the following provisions shall have effect:

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, or by the explosion of any explosive, the coroner shall adjourn such inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:

(2.) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest:

(3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:

(4.) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:

(5.) A Government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner on points of law:

(6.) Where evidence is given at an inquest at which no Government inspector or person employed on behalf of the Secretary of State is present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about or in connexion with any factory, magazine, store, or registered premises, or any carriage, ship, or boat carrying an explosive, appearing to the coroner or jury to require a remedy, the coroner shall send to the Secretary of State notice in writing of such neglect or defect.

Inquiry into accidents and formal investigation in serious cases.

66. The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident which is caused by an explosion or fire either in connexion with any explosive, or of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Secretary of State may by order direct such investigation to be held, and with respect to such inquiry and investigation the following provisions shall have effect:

(1.) The Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist the Government inspector in holding the formal investigation, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of a Government inspector or any other assessor or assessors named in the order:

(2.) The persons holding any such formal investigation (in this section referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:

(3.) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of a Government inspector under this Act, and in addition the following powers; namely,

(*a.*) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose:

(*b.*) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said

purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make:

(*c.*) They may require the production of all books, papers, and documents which they consider important for the said purpose:

(*d.*) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(*e.*) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses:

(4.) The Government inspector making an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to make to the Secretary of State, and the Secretary of State shall cause every such report to be made public in such manner as he thinks expedient:

(5.) All expenses incurred in and about an inquiry or investigation under this section shall be deemed to be part of the expenses of the Secretary of State in carrying this Act into execution: and

(6.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes such court in the execution of their duty, shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document, not exceeding ten pounds during every day that such failure continues.

Local Supervision.

Definition and Powers of Local Authority.

Definition of local authority.

67. The local authority for the purposes of this Act, shall be—

(1.) In the city of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said city; and

(2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works; and

(3.) In any borough in England which is not assessed to the county rate of any county by the justices of such county, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council; and

(4. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority; and

(5.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

Power of certain local bodies to become a local authority.

68. The council of any borough which is assessed to the county rate of any county by the justices of such county and the commissioners of any improvement district may by order of a Secretary of State made upon the application of such council or commissioners, and published in the London Gazette, be declared to be a local authority for the

purposes of this Act, and thereupon shall become a local authority accordingly for such part of their borough or district as is not included in any harbour, to the exclusion of the justices in petty sessions.

Duty of local authority and power of officer.

69. It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act.

Any officer authorised by the local authority may, on producing, if demanded, either a copy of his authority purporting to be certified by the clerk or some member of the local authority, or some other sufficient evidence of his authority, require the occupier of any store (not being subject to the inspection under this Act of any inspector of mines) or any registered premises, or any small firework factory, to show him every or any place and all or any of the receptacles in which any explosive or ingredient of an explosive, or any substance the keeping of which is restricted or regulated by this Act, that is in his possession is kept, and to give him samples of such explosive, ingredient, or substance, or of any substance which the officer believes to be an explosive or such ingredient or substance.

Any occupier of a store or registered premises or a small firework factory who refuses to comply with any such requisition of an officer of the local authority, or to give him such assistance as he may require for the purpose of this section, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall be liable to a penalty not exceeding twenty pounds.

Expenses of local authority.

70. All expenses incurred by any local authority in carrying into effect the execution of this Act, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In the city of London the consolidated rate;

In the metropolis (exclusive of the city of London) the consolidated rate as levied in the metropolis exclusive of the city of London, and without any demand on such city;

In a borough the borough fund or borough rate;

In a harbour any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;

In any place where the justices in petty sessions are the local authority the county rate; and

In an improvement district any fund, moneys, or rate applicable or leviable by the Improvement Commissioners for any purposes of improvement within their district;

And the local rate or any increase of the local rate may notwithstanding any limitation in any Act be levied for the purposes of this Act.

Power of Local Authority to provide Carriages and Magazines.

Undertaking of carriage by harbour authority and canal company.

71. Every harbour authority and canal company shall, in addition to any other powers they may have for the like purpose, have power to provide carriages, ships, and boats for the conveyance, loading, or unloading of an explosive within the jurisdiction of such authority or company, and may charge a reasonable sum fixed by a byelaw under this Act for the use of such carriage, ship, or boat.

Provision of magazines by local authority.

72. Where any local authority other than justices in petty sessions satisfy the Secretary of State 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 urban sanitary district out of their jurisdiction, the Secretary of State 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 the Secretary of State 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, 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 the Secretary of State, fix.

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, and the local authority may borrow on the security of the local rate 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.

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 Local Government Board, and in the case of a harbour authority, of the Board of Trade.

For the purpose of such borrowing the clauses of "The 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 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.

General Power of Search.

Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.

73. Where any of the following officers,—namely, any Government inspector, or any constable or any officer of the local authority, if such constable or officer is specially authorised either (*a*) by a warrant of a justice (which warrant such justice may grant upon reasonable ground being assigned on oath), or (*b*) (where it appears to a superintendent or other officer of police of equal or superior rank, or to a Government inspector, that the case is one of emergency and that the delay in obtaining a warrant would be likely to endanger life,) by a written order from such superintendent, officer, or inspector, —has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing, if demanded, in the case of a Government inspector a copy of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every part thereof, and examine the same, and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report in writing of every act done by such constable or officer in pursuance of that authority, and of the grounds on which it is done, shall be forthwith sent by the person by whom or under whose authority it was done to the Secretary of State.

Seizure and detention of explosives liable to forfeiture.

74. Where any of the following officers, namely, any Government inspector, or any constable, or any officer of the local authority, has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect:

(1.) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he is a Government inspector, or is authorised by an order from a Government inspector or a justice of the peace, or from a superintendent or other officer of police of equal or superior rank, cause the same to be destroyed or otherwise rendered harmless; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the time of the seizure; and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of a Government inspector, or in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place:

(2.) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure; and

(3.) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and

(4.) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of summary jurisdiction, and to be recovered in like manner as penalties under this Act; and

(5.) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and

(6.) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

Inspection of wharf, carriage, boat, &c. with explosives in transitu.

75. Any of the following officers, namely, any Government inspector under this Act, any chief officer of police, and any superior officer appointed for the purposes of this Act where the justices in petty sessions are the local authority, by the court of quarter sessions to which such justices belong, and in the case of any other local authority by the local authority itself, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and as well on Sundays as on other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship, or boat he has reasonable cause to suppose an explosive to be for the purpose of or in course of conveyance, but so as not to unnecessarily obstruct the work or business of any such carrier, person, occupier, or importer.

Any such officer, if he find any offence being committed under this Act in any such wharf, carriage, ship, or boat, or on any public wharf, may seize and detain or remove the said carriage, ship, or boat, or the explosive, in such manner and with such precautions as appear to him to be necessary to remove any danger to the public, and may seize and detain the said explosive, as if it were liable to forfeiture.

Any officer above mentioned in this section, and any officer of police, or officer of the local authority who has reasonable cause to suppose that any offence against this Act is being committed in respect of any carriage (not being on a railway) or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine, such carriage or boat, and by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for removing such danger, in like manner as if such explosive were liable to forfeiture.

Every officer shall for the purpose of this section have the same powers and be in the same position as if he were authorised by a search warrant granted under this Act, and any person failing to admit or obstructing such officer shall be liable to the same penalty.

Payment for samples of explosives.

76. When a Government inspector, constable, or officer of the local authority in pursuance of this Act takes samples of any explosive, or ingredient, or substance, he shall pay for or tender payment for the same to such amount as he considers to be the market value thereof, and the occupier of the place in which, or the owner of the bulk from which, the sample was taken, may recover any excess of the real value over the amount so paid or tendered, and any amount so tendered, from the inspector, constable, or officer taking the sample as a debt in the county court of the district within which the sample was taken.

PART IV.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS.

Supplemental Provisions.

Penalty on and removal of trespassers.

77. 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, shall for every such offence, if not otherwise punishable, be liable to a penalty not exceeding five pounds, 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, shall be liable to a penalty not exceeding fifty pounds.

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 under this section; but the absence of any such notice or notices shall not exempt a person from a penalty under this section.

Arrest without warrant of persons committing dangerous offences.

78. Any person who is found committing any act for which he is liable to a penalty 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 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.

Imprisonment for wilful act or neglect endangering life or limb.

79. Where any person is guilty of any offence which under this Act is punishable by a pecuniary penalty only, and which, in the opinion of the court that tries the case, was reasonably calculated to endanger the safety of or to cause serious personal injury to any of the public or the persons employed in or about any factory, magazine, store, or registered premises, or any harbour, railway, canal, wharf, ship, boat, carriage, or place where such offence is committed, 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 shall be liable, if the court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding six months.

Penalty for throwing fireworks in thoroughfare.

80. If any person throw, cast, or fire any fireworks in or into any highway, street, thoroughfare, or public place, he shall be liable to a penalty not exceeding five pounds.

Forgery and falsification of documents.

81. Every person who forges or counterfeits any license, certificate, document, or plan granted or required in pursuance or for the purposes of this Act, or gives or signs any such document or plan which is to his knowledge false in any material particular, or wilfully makes use of any such forged, counterfeit, or false license, certificate, document, or plan, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Punishment for defacing notices.

82. Every person who, without due authority, pulls down, injures, or defaces any notice, copy of rules, or document, when affixed in pursuance of this Act, or of the special rules, shall be liable to a penalty not exceeding two pounds.

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

83. 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.

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 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 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 Orders in Council or orders of the Secretary of State, as the case may be, under this Act.

Publication of byelaws, notices, &c.

84. 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.

Requisitions, notices, &c. to be in writing, &c., and how to be served.

85. All orders, permissions, notices, and documents issued or given by the Secretary of State for the purposes of this Act, and all notices under this Act, shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served, given, or sent by, on, or to a Government inspector or Secretary of State may be sent by post, by a prepaid letter, and if sent by post shall be deemed to have been served, given, and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service, giving, or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

All notices and documents directed by or required for the purposes of this Act to be given or sent to the Secretary of State shall, if sent to a Government inspector under this Act, be deemed to have been sent to the Secretary of State.

All notices and documents directed by or required for the purposes of this Act to be given or sent to a local authority may be sent, by post or otherwise, to the clerk or office of the local authority, or delivered to some person employed by them for the purposes of this Act.

Construction of enactments referring to powers of searching for gunpowder.

86. Where any enactment refers to any power of searching for gunpowder, or to any provisions of an 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 a Government inspector.

Legal Proceedings.

Exemption of occupier from penalty upon proof of another being real offender.

87. Where any offence under this Act for which the occupier of any factory, magazine, store, or registered premises is liable to a penalty or forfeiture has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding twenty pounds.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable means in his power to prosecute such offender to conviction.

Where a Government inspector, or an officer of the local authority, or the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would, under the foregoing provisions of this section, upon taking all practicable means in his power to prosecute the actual offender to conviction, be exempt from any penalty and forfeiture, and the occupier gives all facilities in his power for proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer, or local authority shall proceed against that person in the first instance, without first proceeding against the occupier.

The occupier or other defendant, when charged in respect of any offence by another person, may, if he think fit, be sworn and examined as an ordinary witness in the case.

Where any offence under this Act for which any warehouseman, carrier, occupier of a wharf or dock, or owner or master of any ship, boat, or carriage, is liable to a penalty or forfeiture, has in fact been committed by some other person, this section shall apply in like manner as if the warehouseman, carrier, occupier of a wharf or dock, owner, or master were such an occupier as above in this section mentioned.

Exemption of carrier and owner and master of ship where consignee, &c. in fault.

88. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act by the wilful act, neglect, or default of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Supplemental provisions as to forfeiture of explosive.

89. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court, after hearing the owner or any person on his behalf (who may be present), may order all or any part of such explosive or ingredient to be forfeited.

Jurisdiction in tidal waters or on boundaries.

90. For all the purposes of this Act—

(1.) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts shall be deemed to be wholly within the jurisdiction of each of such courts; and

(2.) Any tidal water not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

Prosecution of offences either summarily or on indictment.

91. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in manner directed by the Summary Jurisdiction Acts.

Provided that the penalty imposed by a court of summary jurisdiction shall not exceed one hundred pounds exclusive of costs, and exclusive of any forfeiture or penalty in lieu of forfeiture, and the term of imprisonment imposed by any such court shall not exceed one month.

All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding six months.

Power of offender in certain cases to elect to be tried on indictment, and not by summary jurisdiction.

92. Where a person is accused before a court of summary jurisdiction of any offence under this Act, the penalty for which offence as assigned by this Act, exclusive of forfeiture, exceeds one hundred pounds, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Appeal to quarter sessions.

93. If any party feels aggrieved by any summary order made by a court of summary jurisdiction under this Act, or by any order or conviction made by a court of summary jurisdiction in determining any complaint or information under this Act, by which order or conviction the sum adjudged to be paid, including costs, and including the value of any forfeiture, exceeds twenty pounds, the party so aggrieved may appeal therefrom to quarter sessions, in manner provided with respect to an appeal to quarter sessions by section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

24 & 25 Vict. c. 96.

Constitution of court.

94. The court of summary jurisdiction, when hearing and determining an information or complaint, in respect of any offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty

sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Distress of ship.

95. Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

Application of penalties and disposal of forfeitures.

96. All penalties imposed in pursuance of this Act by a court of summary jurisdiction upon the prosecution of a Government inspector shall, notwithstanding anything in any other Act, be paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, detaining, keeping, or conveying, or otherwise dealing with the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, detaining, keeping, conveying, selling, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal, upon payment of a reasonable compensation for the same, to be determined in case of dispute by a court of summary jurisdiction; and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some or one of them, shall destroy the same accordingly, and if the court or Secretary of State so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Secretary of State is satisfied that default has been made in complying with any such direction by him or by a court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, so used or dealt with.

Exemptions and Savings.

97. This Act shall not apply—

Exemption of Government factories, &c. from the Act.

(1.) To any factory, magazine, store, premises, wharf, place, or explosive under the control of the Secretary of State, the Commissioners of the Admiralty, or other department of the Government, or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or

(2.) To any of Her Majesty's ships, boats, or carriages; or

(3.) To the keeping or making up, or adapting for use of any explosive issued by or by the authority of a Secretary of State for the use of any volunteer corps or administrative regiment, or by or by the authority of the Commissioners of the Admiralty for the use of any force under the control of those commissioners, so far as such explosive is kept, made up, and adapted for use in accordance with the regulations of the Secretary of State or the said commissioners, as the case may be; or

26 & 27 Vict. c. 65.

(4.) To any storehouse appointed for receiving any such explosive as last above mentioned in pursuance of section twenty-six of the Volunteer Act, 1863, and any Act amending the same, or otherwise, if such storehouse is approved by the Secretary of State or the Commissioners of the Admiralty, as the case may be, as a fit place for the storing of such explosive, and is managed in accordance with the regulations of a Secretary of State or such Commissioners for the management of such storehouses, or for the management of the like storehouses appointed for the use of Her Majesty's army or navy; or

(5.) To the conveyance of any explosive under the control of a Secretary of State, the Commissioners of the Admiralty, or other department of the Government, or to the conveyance of any explosive otherwise held for the service of the Crown when the same is being conveyed in accordance with the regulations of a Secretary of State or the Commissioners of the Admiralty or other department of the Government:

Provided that every person who enters without permission or otherwise trespasses upon any factory, magazine, or storehouse above in this section mentioned or the land immediately adjoining thereto in the occupation of the Crown or of a Secretary of State or the Commissioners of the Admiralty or other department of the Government, or if it adjoin such a storehouse in the occupation of the officer or person in whom such storehouse is vested, and any person found committing any act tending to cause explosion or fire in or about such factory, magazine, or storehouse, shall be liable to the like penalty, and may be removed and arrested in like manner as if this section had not been enacted and this Act applied to such factory, magazine, or storehouse, as above in this section mentioned.

Saving for rocket and fog stations.

98. This Act shall not apply—

(1.) To the keeping of any rockets for use in any apparatus for saving life, kept under the control of the Commissioners of the Admiralty or the Board of Trade; or

(2.) To the keeping of any explosive kept for the purpose of signalling at or near a station on the sea coast, under the control of any general lighthouse authority, as defined by the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104. s. 389.

Exemption of magazines in the Mersey.

99. Nothing in this Act with respect to the keeping of gunpowder shall apply to any vessel for the storage of gunpowder moored in the river Mersey at a place appointed either before or after the passing of this Act, in pursuance of the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter sixty-seven, intituled "An Act to repeal so much of an Act of the twelfth year of King George "the Third relating to the making, keeping, and carriage of gunpowder, as exempts "therefrom certain gunpowder magazines and stores near Liverpool, and to make certain "temporary provisions with regard to the said magazines and stores;" nor shall anything in this Act affect the powers of the Commissioners of the Admiralty, or a Secretary of State, or the Commissioners for the Conservancy of the River Mersey under the said Act:

Provided that any explosive other than gunpowder shall not be kept in such vessel except in pursuance of a license under this Act.

Saving for master of ship and carrier in case of emergency.

100. Nothing in this Act shall render liable to any penalty or forfeiture the owner or master of any ship or boat, or any carrier or warehouseman, or the person having charge of any carriage, for any act done in breach of this Act, if he prove that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was, under the circumstances, necessary and proper.

Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.

101. Where any gunpowder, rockets, or other explosive are on board any ship in pursuance of the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, or any order or regulation made under any of those Acts, nothing in this Act shall apply to such gunpowder, rockets, or explosive, except that the conveyance and keeping thereof on board the ship or elsewhere while the ship is in harbour shall be subject to the byelaws under this Act, and byelaws under this Act may be made for regulating such conveyance and keeping.

Saving clause as to liability.

102. This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise, which might, but for the provisions of this Act, have been brought against him.

This Act shall not exempt any person from any indictment or other proceeding for a nuisance, or for an offence which is indictable at common law, or by any Act of Parliament other than this Act, so that no person be punished twice for the same offence.

When proceedings are taken before any court against any person in respect of any offence under this Act, which is also an offence indictable at common law or by some Act of Parliament other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for indicting such person at common law or under some Act of Parliament other than this Act.

A continuing certificate granted under this Act shall not make lawful any factory, magazine, or store, or any part thereof, which immediately before the passing of this Act was unlawful.

Powers of Act cumulative, with power to make provisional order for repealing local Acts.

103. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, but the Secretary of State may, on the application of any local authority, or of any council of a borough, or any urban sanitary authority, or on the application of any persons making, keeping, importing, exporting, or selling any explosive within the jurisdiction of any local authority, council, or urban sanitary authority, after notice to such authority, make an order for repealing, altering, or amending all or any of the provisions of any Act of Parliament, charter, or custom respecting the manufacture, keeping, conveyance, importation, exportation, or sale of an explosive, or the powers of such council or authority for regulating the same, or otherwise in relation to an explosive.

Notice of the draft of every such order shall be advertised not less than one month before the order is made, and the Secretary of State shall consider all objections to such draft order sent to him in writing during the said month, and shall, if it seem to him necessary, direct a local inquiry into the validity of any such objections.

Any such order shall be of no force unless confirmed by Parliament, but when so confirmed shall have effect, with such modifications or alterations as may be therein made by Parliament.

If while a Bill confirming any such order is pending in either House of Parliament, a petition is presented against such order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose the same as in the case of a Bill for a private Act.

An order under this section may also be made for revoking or altering an order under this section previously made and confirmed by Parliament.

Definitions.

Extension of definition of explosive to other explosive substances.

104. Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty 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 order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

Persons carrying on certain processes to be deemed manufacturers.

105. Any 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, shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression "manufacture" shall in this Act be construed accordingly.

Definition and classification of explosives by Order in Council.

106. It shall be lawful for Her Majesty from time to time, by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Where the composition, quality, or character of any explosive has been defined by an Order in Council, any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or otherwise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

Definition of "chief officer of police."

107. In this Act—

The expression "chief officer of police" means—

(1.) In the city of London and the liberties thereof, the commissioner of city police; and

(2.) In the metropolitan police district, the commissioner or any assistant commissioner or any district superintendent of metropolitan police; and

(3.) Elsewhere the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

"Police district."

The expression "police district" means—

(1.) The city of London and the liberties thereof; and

(2.) The metropolitan police district; and

(3.) Any county, or liberty of a county, borough, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this section.

General definitions.

108. In this Act, unless the context otherwise requires—

The expression "this Act" includes any license, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression "existing" means existing at the passing of this Act:

The expression "person" includes a body corporate:

The expression "occupier" includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

The expression "master" includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression "magazine" includes any ship or other vessel used for the purpose of keeping any explosive:

The expression "factory magazine" means a building for keeping the finished explosive made in the factory, and includes, if such explosive is not gunpowder, any building for keeping the partly manufactured explosive or the ingredients of such explosive which is mentioned in that behalf in the license:

The expression "store" means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "warehouseman" includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited:

The expression "carrier" includes all persons carrying goods or passengers for hire by land or water:

The expression "harbour authority" means any person or body of persons, corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary, or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, dock, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have

control or exercise powers, are in the other portions of this Act included in the expression "harbour":

The expression "canal company" means any person or body of persons, corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament, or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, dock, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the expression "canal":

The expression "tidal water" means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides:

The expression "inland water" means any canal, river, navigation, lake, or water which is not tidal water:

The expression "railway company" means any person or body of persons, corporate or unincorporate, being the owner or lessee or owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression "railway":

The expression "wharf" includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise:

The expression "boat" means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise:

The expression "prescribed" means prescribed by Order in Council:

The expression "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal "corporations in England and Wales," and the Acts amending the same:

The expression "county" does not include a county of a city or a county of a town:

Every riding, division, liberty, or part of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county:

The expressions "urban sanitary district" and "urban sanitary authority" mean the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872; and any urban sanitary district which is an Improvement Act district within the meaning of that Act, is in this Act referred to as an improvement district; and the expression "Improvement Commissioners" in this Act means the Commissioners who are the urban sanitary authority for such district:

The expression "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges:

The expression "Gunpowder Act, 1860," means the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to amend the law concerning the making "keeping, and carriage of gunpowder and compositions of an explosive nature, and "concerning the manufacture, sale, and use of fireworks," and the Acts amending the same:

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace "out of sessions within England and Wales with respect to summary convictions and "orders," and any Acts amending the same:

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

The expression "quarter sessions" includes general sessions.

Application of Act to Scotland.

This Act shall apply to Scotland, with the following modifications; that is to say,

Definitions.

109. In this Act with respect to Scotland—

(1.) The expression "borough" means any royal burgh, and any burgh returning or contributing to return a member to Parliament:

(2.) The expression "a master of one of the superior courts" means the auditor of the Court of Session:

(3.) The expression "umpire" means oversman:

(4.) The expression "attending before a court of record" means attending on citation the Court of Justiciary:

(5.) The expression "stipendiary magistrate" means a sheriff or sheriff substitute:

(6.) The expression "defendant" means defender, and includes respondent:

(7.) The expression "chief officer of police" means the chief constable, superintendent of police, or other officer, by whatever name called, having the chief command of the police in any district maintaining a separate police force:

(8.) The expression "chairman of quarter sessions" means the sheriff of the county:

(9.) The expression "misdemeanor" means a crime and offence:

(10.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes:

(11.) This Act shall be read and construed as if for the expression "The Lands Clauses Consolidation Act, 1845," wherever it occurs therein, the expression "The Lands Clauses Consolidation (Scotland) Act, 1845," were substituted.

Local authority.

110. In Scotland, the local authority for the purposes of this Act shall be as follows:

1. In any borough the magistrates and town council; and
2. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority for a borough, the harbour authority, to the exclusion of any other local authority; and
3. In any place other than a borough or harbour as aforesaid, the justices of the peace for the county in which such place is situated.

Expenses of local authority.

111. In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

(*a.*) In any borough the police rate or assessment; and

(*b.*) In any harbour as aforesaid any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purpose; and

(*c.*) In any place other than a borough or harbour as aforesaid the county general assessment.

The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

Secretary of State empowered to declare police commissioners

112. The police commissioners of any burgh in Scotland, not being a burgh as defined by this Act, may, by order of a Secretary of State made upon the application of such commissioners and published in the Edinburgh Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become the local authority accordingly

for such part of their burgh as is not included in any harbour, to the exclusion of the justices of the peace for any county in which such burgh is situated: Provided that— the local authority in certain cases.

(*a.*) On such police commissioners becoming such local authority, the local rate for defraying their expenses under this Act shall be the police rate or assessment of the burgh; and

(*b.*) Such rate or assessment, or any increase thereof, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

113. In Scotland, every local authority under this Act shall have and may exercise the same powers for the purchase and taking of lands otherwise than by agreement, for the purpose of erecting a gunpowder magazine thereon, that any local authority under "The Public Health (Scotland) Act, 1867," have and may exercise under the provisions of section ninety of the said last-mentioned Act. Local authority to have certain powers to take land otherwise than by agreement.

114. In Scotland, the following provisions shall have effect: Provision for making and enforcing bye-laws, &c.

(*a.*) Where an obligation is laid by this Act on any harbour authority, company, or local authority to make or enforce any byelaws or to grant any license or to do anything, the Court of Session may, upon summary application by any corporation, harbour authority, or local authority, or party interested, compel such harbour authority, company, or local authority to discharge such obligation:

(*b.*) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court:

(*c.*) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct:

(*d.*) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864:

(*e.*) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund; and the proceeds of any sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:

(*f.*) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding six months, or until such penalty, costs, or money shall be sooner paid.

115. Whereas upon that part of the estuary of the Clyde which lies below the jurisdiction of the Trustees of the Clyde Navigation (and which part is in this section referred to as the lower estuary of the Clyde) doubts have arisen as to the limits of the several harbour authorities on that estuary, be it enacted, the Board of Trade may, if they think it expedient, make byelaws under this Act for the lower estuary of the Clyde as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the Secretary of State shall have power to define the authority or authorities and officers by whom such byelaws are to be enforced and carried into effect within such area; and such authority or authorities and officers shall, for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour. Board of Trade empowered to make byelaws for the lower estuary of the Clyde: Secretary of State to define the authority for enforcing such byelaws.

Application of Act to Ireland.

This Act shall apply to Ireland, with the following modifications; that is to say,

Definition of local authority.

116. The local authority for the purposes of this Act shall be—

(1.) In the city of Dublin, the Lord Mayor, aldermen, and burgesses acting by the town council:

(2.) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exerciseable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority:

(3.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(4.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

The expressions "urban sanitary authority" and "urban sanitary district" have the same meanings respectively as in the Public Health, Ireland, Act, 1874.

Power of certain local bodies to become a local authority.

117. The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour, to the exclusion of the justices in petty sessions.

Expenses of local authority.

118. All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In the city of Dublin, the borough fund or borough rate;

In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district;

In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes; and

In any place where the justices in petty sessions are the local authority, the poor rates:

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

All expenses incurred in any petty sessions district which are by this Act payable out of poor rates shall be paid upon the written order of the local authority which shall have incurred the same by the treasurer of the poor law union, or the treasurers of the poor law unions within which such petty sessions district is situate, according to the terms of such order.

Where such petty sessions district is situate within two or more poor law unions, the local authority shall in making such order apportion the amount of such expenses fairly between such unions, according to the net annual value of the rateable property forming the parts of such petty sessions district situate within the same respectively.

All moneys by this Act made payable by the treasurer of any poor law union in respect of expenses incurred in any petty sessions district wholly or partly within such union by the local authority shall be paid by him out of the funds then lying in his hands to the credit of the guardians of such union, and such guardians shall in their account with the electoral divisions of such union, debit each electoral division wholly or partly within such petty sessions district with its proportion of the sum so paid by the treasurer according to the net annual value for the time being of the rateable property within such electoral division, and also within such petty sessions district.

119. The register of store licenses and of registered premises to be kept by the local authorities in Ireland shall be kept in such form and manner, and the fees for entries to be made therein shall (subject to the limits as to fees prescribed by this Act) be such as the Secretary of State shall from time to time approve.

Form of registers of store licenses and registered premises, and amount of fees, to be approved by Secretary of State.

120. In this Act with respect to Ireland—

Definitions.

The expression "police district" means—

(1.) The police district of Dublin metropolis; and

(2.) The town of Belfast; and

(3.) Elsewhere in Ireland, any district, whether city, town, or part of a county, over which is appointed a sub-inspector of the Royal Irish Constabulary.

The expression "chief officer of police" means—

(1.) In the police district of Dublin metropolis, the chief commissioner of police for the said district; and in his absence the assistant commissioner of police for the said district; and

(2.) In the town of Belfast, the town inspector, and in his absence the sub-inspector of the Royal Irish Constabulary acting for him; and

(3.) Elsewhere in Ireland, the sub-inspector of the Royal Irish Constabulary, and in his absence the head constable of such force acting for him.

The expression "the county court judge" means the judge of the civil bill court.

The expression "borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in "Ireland."

The expression "Summary Jurisdiction Acts" means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter ninety-three intituled "An "Act to consolidate and amend the Acts regulating the proceedings of petty sessions, and "the duties of justices of the peace out of quarter sessions in Ireland," and any Acts amending the same.

The expression "court of summary jurisdiction" means any justice or justices of the peace, or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to.

121. Except as by this Act expressly provided, all penalties imposed under this Act in Ireland shall be applied in manner directed by the Fines (Ireland) Act, 1851, and any Acts amending the same.

Application of penalties in Ireland.

Repeal of Acts.

122. The Acts specified in the fourth schedule to this Act are hereby repealed from and after the commencement of this Act, and the Act specified in the fifth schedule to this Act is hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned.

Repeal of certain Acts and part of Act in 4th and 5th schedules.

Provided that—

(1.) The enactments hereby repealed shall continue in force—

For the purpose of any business or thing which any person is authorised to carry on or do in like manner as if this Act had not passed, for the time during which such business or thing is authorised to be carried on or done; and

(2.) Any rules made in pursuance of any enactment hereby repealed, for the purpose of regulating the conduct of servants and workmen employed in any mill, magazine, or place, shall continue in force, and the penalties under the said enactments for a breach of such rules may be enforced, until the expiration of three months after the grant of a continuing certificate under this Act to the occupier of such mill, magazine, or place, and such further period as the Secretary of State may by order direct, for the purpose of enabling such occupier to make special rules under this Act; and

(3.) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; and

(4.) This repeal shall not revive any enactment, right, privilege, matter, or thing not in force or existing at the commencement of this Act.

SCHEDULES.

FIRST SCHEDULE.

PART ONE.

Gunpowder Factories.

REGULATIONS which are to form part of the terms of every continuing certificate of a factory for gunpowder.

(1.) The quantity of gunpowder or ingredients to be made into gunpowder to be at one time under any single pair of mill stones or rollers or runners shall not exceed fifty pounds as respects sporting and Government powder, and sixty pounds as respects all inferior powders; and every incorporating mill or group of incorporating mills shall be provided with a charge house for the store of mill charges properly constructed of stone or brick, and situate at a safe and suitable distance from each incorporating mill or group of incorporating mills.

(2.) The quantity of gunpowder to be subjected to pressure at one time in any press house shall not exceed ten hundredweight.

(3.) The quantity of gunpowder to be corned or granulated at one time in any corning or granulating house shall not exceed twelve hundredweight.

(4.) The quantity of gunpowder to be dried at one time in one stove or place used for the drying of gunpowder shall not exceed fifty hundredweight.

(5.) The respective quantities to be at any one time in any press house or corning or granulating house shall not exceed twice the respective quantities hereby allowed to be subjected to pressure and to be corned or granulated at one time; and the quantity to be at any one time in any drying house or dusting house shall not be more than is necessary for the immediate supply and work of such house; and for the purposes of this provision any building used with any such press house, corning or granulating house, drying house or dusting house, shall be deemed part thereof, save only magazines constructed with stone or brick and situate forty yards at least from every such press house or other house as aforesaid (herein-after distinguished as expense magazines), and save only the stove in which the powder which has been dried may be cooling.

(6.) Every person keeping or using any mill for the making of gunpowder shall have (in addition to the expense magazines) a good and sufficient factory magazine or magazines, situate (unless otherwise authorised by a certificate of the Secretary of State under the Gunpowder Act, 1860) at least one hundred and forty yards distant from the mill or mills and every press house and other house or place used for or in the making of gunpowder, such magazine or magazines to be well and substantially built with brick or stone, and situate in such place as may have been lawfully used or duly licensed by justices before the commencement of the Gunpowder Act, 1860, and not made unlawful by that Act, or may have been after the commencement of that Act duly licensed under the Gunpowder Act, 1860.

(7.) No maker of gunpowder shall keep or permit to be kept any charcoal within twenty yards of any mill or other engine for making gunpowder, or of any press house, or drying, corning, or dusting house or other place used in or for the making of gunpowder, or any magazine or storehouse thereto belonging.

Part Two.

Gunpowder Stores.

Regulations which are to form part of the terms of every continuing certificate for a gunpowder store.

(1.) The store shall be exclusively for the use of a mine, quarry, colliery, or factory for safety fuzes.

(2.) The amount of gunpowder in the store shall not exceed, if the store is well and substantially built of brick or stone, four thousand pounds, and in any other case three hundred pounds.

(3.) Where the amount of gunpowder in the store exceeds three hundred pounds, such store shall, unless otherwise authorised before the passing of this Act by a certificate of the Secretary of State, be within two hundred yards of the mine, quarry, colliery, or factory for safety fuzes, or one of the mines, quarries, collieries, or factories for safety fuzes for the use of which such gunpowder is kept, and not within two hundred yards of any inhabited house without the consent in writing of the occupier of such house.

(4.) Where such certificate has been given, the conditions on which it was given shall be duly observed as if they were contained in this schedule.

(5.) Where the amount of gunpowder does not exceed three hundred pounds, the store shall be within two hundred yards of the mine, quarry, colliery, or factory for the use of which it is erected, and unless it was erected and used for the said purpose before the passing of the Gunpowder Act, 1860, shall not be within two hundred yards from any inhabited house without the consent in writing of the occupier of such house.

(6.) The store shall not be within the city of London or Westminster or within three miles of either of them, or within any borough or market town or one mile of the same, or within two miles of any palace or house of residence of Her Majesty, her heirs and successors, or within two miles of any gunpowder magazine belonging to the Crown, or within half a mile of any parish church.

SECOND SCHEDULE.

Arbitration.

With respect to arbitrations under this Act, the following provisions shall have effect:

Provisions as to arbitrations.

(1.) The parties to the arbitration are in this section deemed to be the occupier of the factory, magazine, or store on the one hand, and on the other the Government inspector (on behalf of the Secretary of State):

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is directly or indirectly interested in the manufacture, trade, factory, magazine, store, business, or premises to which the arbitration relates, or is in any manner interested directly or indirectly in the matter to which the arbitration relates:

(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:

(5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been

appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:

(12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the quarter sessions of the peace within the jurisdiction of which the factory, magazine, or store is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

The arbitrator and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(15.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of one of the superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by any other party may in the event of non-payment be recovered in the same manner as penalties under this Act.

THIRD SCHEDULE.

Maximum Fees for Licenses granted by the Secretary of State.

Factory license, original - - - - -	Ten pounds.
Do., amending - - - - -	Five pounds.
Do., renewal when lost - - - -	Five shillings.
Magazine license, original - - - - -	Ten pounds.
Do., amending - - - - -	Five pounds.
Do., renewal when lost - - - -	Five shillings.
Importation license, first grant - - - -	One pound.
Do., renewal - - - - -	Ten shillings.
Continuing certificate - - - - -	Forty shillings.

FOURTH SCHEDULE.

Session and Chapter.	Title.
23 & 24 Vict. c. 139. -	An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
24 & 25 Vict. c. 130. -	An Act for amending an Act passed in the last session of Parliament to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
25 & 26 Vict. c. 98. -	An Act for the amendment of an Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, and of an Act amending the last-mentioned Act.
29 & 30 Vict. c. 69. -	An Act for the amendment of the law with respect to the carriage and deposit of dangerous goods.
32 & 33 Vict. c. 113. -	An Act to prohibit for a limited time the importation and to restrict and regulate the carriage of nitro-glycerine.

FIFTH SCHEDULE.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
26 & 27 Vict. c. 65. -	The Volunteer Act, 1863 - -	Section twenty-six from "all exemptions contained in the Gunpowder Act, 1860," inclusive, to the end of the section.

CHAPTER 18.

An Act to provide for the establishment of a Close Time in the Seal Fishery in the Seas adjacent to the eastern coasts of Greenland. [14th June 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act by Order in Council in conjunction with foreign states.

1. When it appears to Her Majesty in Council that the foreign states whose ships or subjects are engaged in the seal fishery in the area mentioned in the schedule to this Act, or any part of such area, have made or will make with respect to their own ships and subjects the like provisions to those contained in this Act, it shall be lawful for Her Majesty, by Order in Council, to direct that this Act shall, after the date mentioned in the Order, apply to the seal fishery within the said area, or such part thereof as may be specified in the Order.

Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

So long as an Order under this section remains in force this Act shall, subject to any such limitation, condition, exemption, or qualification as aforesaid, apply to the seal fishery within the said area, or such part as may be specified in the Order.

Her Majesty may from time to time, by Order in Council, rescind, alter, or add to any Order made in pursuance of this section, and make a new Order in lieu thereof.

Every Order in Council made in pursuance of this section shall be laid before both Houses of Parliament within six weeks after it is made, or if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

Close time for seal fishery.

2. When an Order in Council has been made for applying this Act, then, so long as such Order remains in force, the master or person in charge of or any person belonging to any British ship, or any British subject, shall not kill or capture or attempt to kill or capture any seal within the area mentioned in the schedule to this Act, or the part of the area specified in the Order, before such day in any year as may be fixed by the Order, and the master or person in charge of a British ship shall not permit such ship to be employed in such killing or capturing, or permit any person belonging to such ship to act in breach of this section.

Any person who is guilty of any breach (by any act or default) of this section shall be liable to a penalty not exceeding five hundred pounds for each offence.

Prosecution of offences.

3. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered—

(1.) In England, before two justices of the peace in a summary manner, or by action in any of Her Majesty's superior courts at Westminster, together with full costs of suit; and