ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

Cap. cclxxviii.

An Act to make further Provision for the Prevention of Accidents from Gunpowder in the River *Mersey* and in the Borough of *Liverpool*, and for other Purposes. [5th *July* 1865.]

WHEREAS by the Act (Public) Fourteen and Fifteen *Victoria*, Chapter Sixty-seven, Provision was made for the Discontinuance as Magazines or Storehouses for Gunpowder of certain Magazines or Storehouses in the Township of *Liscard* and Parish of *Wallasey* in the County of *Chester*, on the Side of the River *Mersey* opposite to *Liverpool*; which had theretofore been used for the Storage of large Quantities of Gunpowder by Lessees under Leases granted by the Corporation of that Town; and by the same Act it was provided that the Lord High Admiral or the Commissioners for the Time being for executing the Office of Lord High Admiral might, with the Approval of the Master General of Her Majesty's Ordnance and of the Commissioners for the Conservancy of the River *Mersey*, appoint suitable Places in the River *Mersey* for the mooring of Vessels to be used for the Reception and Storage of Gunpowder by the Lessees of the said Magazines or Storehouses, their Executors, Administrators, or Assigns, and that the said Lord High

14 & 15 Vict. c. 67.

High Admiral or the first-named Commissioners might from Time to Time, upon the Application of any other Persons desirous of mooring Vessels in the said River for the like Purposes, and with such Approval as aforesaid, appoint any other suitable Places in the said River for the mooring of such Vessels, and that, subject to the Regulations and Directions to be made or given under the said Act, Vessels suitable for the Reception and Storage of Gunpowder might be moored, provided, and kept in the Places for the Time being provided as aforesaid, and might be used as Magazines for Gunpowder: And whereas by the same Act it is enacted, that the Master General of Her Majesty's Ordnance may from Time to Time make and give Regulations and Directions in relation to the Construction of Vessels to be moored as aforesaid, the Mode of storing Gunpowder therein, the Quantity of Gunpowder to be kept therein, and in relation to the Care and Management of such Vessels, and for the safe-keeping of such Gunpowder, and in relation to the receiving and delivering of Gunpowder into and from the said Vessels: And whereas by the Act Eighteen and Nineteen *Victoria*, Chapter One hundred and seventeen, the Powers and Estates vested in the principal Officers of Her Majesty's Ordnance were transferred to One of Her Majesty's Principal Secretaries of State: And whereas, in pursuance of the Provisions of the said Act, Vessels have from Time to Time been and now are moored in the River *Mersey*, and are used as Magazines for the Reception and Storage of Gunpowder: And whereas no Provision is made in the first-recited Act or otherwise for the safe-keeping of Gunpowder in its Transit to or from the said Vessels, nor for the Regulation of Vessels conveying Gunpowder to or from the same, nor for the safe-keeping of Gunpowder brought into the River *Mersey* for the Purpose of being deposited in the said Vessels, or otherwise dealt with, or of Gunpowder taken out of the said Vessels for the Purpose of Transmission, nor does any sufficient Provision exist for the safe Carriage of Gunpowder or the safe-keeping thereof within the said Borough; and it is expedient that Provision be made for such Purposes; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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; (that is to say,)

18 & 19 Vict. c. 117.

Short Title.

1. This Act may be cited for any Purpose as "The *Liverpool* Gunpowder Regulation, &c. Act, 1865."

Interpretation of Terms.

2. In this Act the Expression "the Corporation" means the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool;* the Expression "the Board" means the *Mersey* Docks and Harbour Board; the Expression "Floating Magazines" means the Vessels or any of them for

for the Time being moored in the River *Mersey*, under the Provisions of the first-recited Act, for the Reception and Storage of Gunpowder; the Word "Vessel" means any Ship, Boat, Barge, Flat, Lighter, or other Craft, other than Floating Magazines, navigating or moored in the River *Mersey*; and the Words "the Borough" mean the Borough of *Liverpool*.

Defining Jurisdictions of Corporation and Board respectively.

3. The Jurisdiction of the Corporation shall for the Purposes of this Act extend to the whole Borough, except such Parts thereof as are by this Act comprised within the Jurisdiction of the Board; and the Jurisdiction of the Board shall extend to the *Lower Mersey*, as designated or defined by "The *Upper Mersey* Dues Act, 1860," and to the *Mersey* Dock Estate for the Time being on the *Lancashire* Side of the River *Mersey*; and the Words "River" and "River *Mersey*" herein used mean the *Lower Mersey* as so designated or defined.

Corporation may make Byelaws.

4. Subject to the Provisions in this Act contained, the Corporation and the Board respectively may from Time to Time, for the Purpose of guarding against Accidents from the Explosion of Gunpowder, make Byelaws with respect to such of the following Matters or any of them as are within their respective Jurisdictions as herein defined; (that is to say,)

The Regulation of Vessels navigating or moored in the River *Mersey* laden in whole or in part with Gunpowder, or having on board more than a limited Quantity of Gunpowder to be prescribed by any such Byelaw;

The safe-keeping of Gunpowder while on board any such Vessels;

The Kind and Description of Vessel to be used for the Conveyance of Gunpowder on the said River to or from the Floating Magazines from or to any other Vessel, or from or to any Place abutting on the said River, or to or from any Vessel in the said River, or to or from any Place abutting thereon, from or to any other Vessel or Place as aforesaid, the Manner in which the Vessels employed in such Conveyance of Gunpowder shall be fitted up and provided, and the licensing of the Vessels so employed and of the Persons having the Charge thereof;

The Restrictions and Regulations to be observed in the receiving and delivering of Gunpowder into or from any Vessel, and during and until the Completion of the receiving, delivering, and Stowage thereof, except from or into the Floating Magazines;

The Places at which Vessels laden wholly or partly with Gunpowder shall be moored in the River *Mersey* (such Places not being outside the *Rock Lighthouse*), and the Limits of the said River within which Gunpowder may not be discharged from or received on board such Vessels;

The Periods during which Lights and Fires shall be extinguished on board Vessels having Gunpowder on board beyond a Quantity to be prescribed by the Byelaws;

The Times during which and the Regulations under which it shall be required that the Owner or Person in charge of every such Vessel shall have a Police Constable of the Borough on board to see that the Byelaws and the Act are observed;

The Places abutting upon the River *Mersey* at which Gunpowder may be shipped or discharged;

The Conditions, Restrictions, and Regulations under which Gunpowder may be stored, kept, loaded, unloaded, conveyed, and carried within the Borough, and the Control and Regulation of the Places in which the same may be stored, kept, or deposited;

The Restrictions and Regulations to be observed in the receiving or delivering of Gunpowder into or from any such Place; and

The Circumstances under which the Police of the Borough may, without a Warrant, enter any Vessel or Place in which Gunpowder may for the Time being be or be reasonably supposed to be stored, kept, or deposited;

And the Corporation and Board respectively may ascertain and set down in any such Byelaw such pecuniary or other Penalties and Forfeitures as shall be incurred by Persons offending against any such Byelaw, not exceeding Ten Pounds for the First Offence, and Twenty Pounds for the Second or any subsequent Offence, and every Day's Neglect to comply with the Provisions of any such Byelaw after a Conviction thereunder shall be a subsequent Offence: Provided always, that no Railway Company or Canal or other Navigation Company or Person owning any Canal or other Navigation, and acting respectively as Common Carriers, and no Common Carrier, or Warehouseman or Wharfinger acting as a Common Carrier, shall, by virtue of any Byelaw to be made under the Authority of this Act, be rendered liable to any Penalty in respect of any Gunpowder delivered to them or him, and kept in their or his Possession, as such Common Carrier, unless the same shall be kept in some Vessel, Station, Warehouse, Wharf, or other Premises of such Common Carrier, Company, or Person knowingly and by their or his wilful Act, Neglect, or Default; but in every Case where the same shall be kept in any such Vessel, Station, Warehouse, Wharf, or other Premises, without such Knowledge and wilful Neglect or Default, then the Owners or Owner or Consignees or Consignee of such Gunpowder shall be liable for any Forfeiture or Penalty which may be incurred in respect thereof: Provided nevertheless, that such Carriers or Carrier, Company or Person, in whose Possession such Gunpowder shall be, shall, on Demand, deliver at the Office of the Head Constable of the said Borough a Note in Writing stating the Names or Name and Addresses or Address of such Owners or Owner and Consignees or Consignee,

Consignee, so far as the same may be known, otherwise such Carriers or Carrier, Company, or Person shall be liable to every such Forfeiture and Penalty as if they or he were the Owners or Owner, Consignees or Consignee of such Gunpowder: Provided also, that no Common Carrier shall be liable to any Penalty or Forfeiture under any Byelaw made in pursuance of this Act for keeping any Gunpowder in his Possession for such Period, if any, as the Law relating to Common Carriers requires.

Byelaws may be repealed.

5. The Corporation and Board respectively may from Time to Time, as they shall think fit, repeal any Byelaws which may be made in pursuance of this Act, and make others in their Stead.

Byelaws to be confirmed.

6. Before the Corporation or the Board shall proceed to make any Byelaw under this Act, they respectively shall give Notice of their Intention so to do by Advertisement inserted twice in Two *Liverpool* Newspapers and once in the *London Gazette* One Month before proceeding to make such Byelaw; and no Byelaw made under the Provisions of this Act shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Corporation or of the Board, as the Case may be, to One of Her Majesty's Principal Secretaries of State, and shall have been published twice in Two of the *Liverpool* Newspapers and once in the *London Gazette*, nor until such Byelaw shall have been approved of by such Secretary of State; provided that a Copy of any such Byelaw under the Seal of the Corporation or of the Board, as the Case may be, with a Declaration thereon signed by the Mayor of the Borough or by the Chairman of the Board that the same has been approved of by One of Her Majesty's Principal Secretaries of State, shall be received as Evidence of any such Byelaw, and of the sending and publishing and Approval thereof as aforesaid, in all Courts of Law and Equity and before all Justices.

Byelaws to be printed.

7. All Byelaws made in pursuance of this Act shall be printed, and a Copy thereof shall be affixed and continued in the Police Office of the Borough and in the Dock Office, and Copies thereof shall be delivered by the Town Clerk or Dock Solicitor to any Person who may apply for the same, on the Payment of the Sum of One Shilling.

Penalty on Town Clerk or Dock Solicitor refusing to give Copies of Byelaws.

8. If the Town Clerk or Dock Solicitor shall not, upon the Payment or Tender of such Sum, deliver to any Person applying for the same a printed Copy of all or any Byelaws made in pursuance of this Act, such Town Clerk or Dock Solicitor shall for every such Offence be liable to a Penalty not exceeding Ten Pounds; and if the Person for the Time being having the Care of the Police Office or Dock Office shall not permit the printed Copy of any Byelaws affixed in the said

said Offices respectively to be inspected at all reasonable Times by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Penalties.

9. All Penalties imposed by this Act, or any Byelaw made thereunder, shall, if the Offence be committed within the Borough, be recoverable in a summary Manner before One Justice of the Peace for the Borough, and if the Offence be committed on the River *Mersey*, either before any such Justice or before any Justice of the Peace for the Counties Palatine of *Lancaster* and *Chester* respectively, and every such Penalty shall be applied in aid of the Borough Fund of the Borough.

Provisions of other Acts not to be affected by this Act.

10. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any Act of Parliament now in force or hereafter to be passed, and such Powers may be exercised in the same Manner as if this Act had not been passed, and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would be otherwise subject.

Expenses of Act.

11. All Costs, Charges, and Expenses of and attending the obtaining and passing of this Act or incidental thereto shall be paid in equal Moieties by the Corporation and the Board.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1865.