CHAPTER clxxxiv.

A.D. 1883.

An Act to transfer to one of Her Majesty's principal Secretaries of State the powers vested in the Admiralty and the Board of Ordnance in relation to gunpowder magazines and stores in the River Mersey, and amend the Acts relating to those magazines and stores.

[20th August 1883.]

WHEREAS by 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," in this Act referred to as the Mersey (Gunpowder) Act, 1851, certain powers were vested in the Admiralty and the Board of Ordnance, and in the Master-General of Her Majesty's Ordnance, with reference to gunpowder magazines and stores in the river Mersey:

And whereas the said powers vested in the Board of Ordnance and the Master-General of Her Majesty's Ordnance are now vested in and exercised by Her Majesty's principal Secretary of State for the War Department:

And whereas by section ninety-nine of the Explosives Act, 1875, it is provided that nothing in that Act with respect to the keeping of gunpowder should apply to a vessel for the storage of gunpowder moored in the river Mersey at a place appointed in pursuance of the Mersey (Gunpowder) Act, 1851, and that nothing in the Explosives Act, 1875, should affect the powers of the Commissioners of the Admiralty or a Secretary of State under the Mersey (Gunpowder) Act, 1851: 38 & 39 Vict. c. 17.

A.D. 1883.

And whereas it is expedient to transfer the said powers to one of Her Majesty's principal Secretaries of State, and to apply certain provisions of the Explosives Act, 1875, to the said vessels:

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.

1. This Act may be cited as the Mersey (Gunpowder) Act, 1883.

Transfer of powers under 14 & 15 Vict. c. 67. to Secretary of State.

2. All powers vested by the Mersey (Gunpowder) Act, 1851, in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or in the Master-General of Her Majesty's Ordnance, or in the Board of Ordnance, shall from and after the commencement of this Act be vested in one of Her Majesty's principal Secretaries of State, and the said Act shall be construed as if one of Her Majesty's principal Secretaries of State were therein substituted for the Lord High Admiral, the Commissioners for the time being for executing the office of Lord High Admiral, the Master-General of Her Majesty's Ordnance, and the Board of Ordnance respectively, and any reference in the said Act to the Secretary to the Admiralty shall be construed to refer to an Under-Secretary of one of such principal Secretaries of State.

Power in respect of place of mooring. 14 & 15 Vict. c. 67.

3. The power conferred by the Mersey (Gunpowder) Act, 1851, to fix the place in the river Mersey for the mooring of vessels for the reception and storage of gunpowder shall extend to fix the spot upon which any such vessel is to be moored, as well as to fix the area within which such vessels may be moored.

Enforcement of regulations under 14 & 15 Vict. c. 67. s. 6, and application of parts of 38 & 39 Vict. c. 17.

4. Whereas section six of the Mersey (Gunpowder) Act, 1851, authorises the making of regulations and directions in relation to the matters therein mentioned, and provides that any such breach of the regulations or any other such offence as in the said section mentioned shall be a misdemeanour:

And whereas it is expedient to provide pecuniary penalties for such misdemeanours, and to make further provision for the recovery of such penalties, and otherwise with respect to offences in relation to vessels subject to the said Act:

Be it therefore enacted as follows:—

(1.) One of Her Majesty's principal Secretaries of State may by the regulations or directions made in pursuance of section six of the

Mersey (Gunpowder) Act, 1851, provide forfeitures and pecuniary penalties for any act, neglect, or default, which under the said section is a misdemeanor, so that such forfeitures and penalties do not exceed the forfeitures and penalties imposed for the like offences by the Explosives Act, 1875, and any such misdemeanours may be prosecuted and any such forfeitures and penalties recovered in like manner as if they were offences, forfeitures, and penalties under the Explosives Act, 1875.

38 & 39 Vict. c. 17.

(2.) The following provisions of part four of the Explosives Act, 1875; that is to say,—

Section seventy-seven (the penalty on and removal of trespassers);

Section seventy-eight (the arrest without warrant of persons committing dangerous offences);

Section seventy-nine (imprisonment for wilful act or neglect endangering life or limb);

Section eighty-one (the forgery and falsification of documents);

Section eighty-two (the punishment for defacing notices);

Section eighty-three (provisions as to Orders in Council and Orders of Secretary of State) so far as it relates to orders of the Secretary of State;

Section eighty-four (the publication of byelaws, notices, &c.);

Section eighty-five (requisitions, notices, &c., to be in writing, &c., and how to be served);

Section eighty-seven (the exemption of occupier from penalty upon proof of another being the real offender);

Section eighty-nine (supplemental provisions as to forfeiting of explosive);

Section ninety (jurisdiction in tidal waters or on boundaries);

Section ninety-one (the prosecution of offences either summarily or on indictment);

Section ninety-two (the power of offender in certain cases to elect to be tried on indictment);

Section ninety-three (the appeal to quarter sessions), except so far as it relates to the procedure on appeal;

Section ninety-four (the constitution of the court); and

Section ninety-six (the application of penalties and disposal of forfeitures);

shall so far as is consistent with the tenour thereof apply in like manner as if they were herein enacted, and in terms made applicable to the Mersey (Gunpowder) Act, 1851, and as if a vessel moored in pursuance of the Mersey (Gunpowder) Act, 1851, were a magazine and the regulations or directions made in pursuance of section six of that Act were byelaws.

A.D. 1883.

Government inspector.

5. Any Government Inspector under the Explosives Act, 1875, shall have the power and duties of an officer appointed in pursuance of section four of the Mersey (Gunpowder) Act, 1851, and for the purpose of the execution of his duties under that Act, shall have the same power as a Government Inspector has under the Explosives Act, 1875, and sections fifty-five and fifty-six of that Act shall apply accordingly, as if a vessel moored in pursuance of the Mersey (Gunpowder) Act, 1851, were a magazine.

Commencement of Act.

6. This Act shall come into operation on the first day of January, one thousand eight hundred and eighty-four, which day is in this Act referred to as the commencement of this Act; provided that any regulations or directions may be made before such commencement, and shall come into operation upon such commencement.

LONDON: Printed by Eyre and Spottiswoode
Printers to the Queen's most Excellent Majesty. 1883.