

CHAP. 113.

An Act to prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine. A.D. 1869.

[11th August 1869.]

WHEREAS the carriage and conveyance of nitro glycerine has been found to be attended with great risk and danger to the lives and property of Her Majesty's subjects, and it is desirable to restrict and regulate such carriage, and in particular to prevent the mischief which might arise from explosions in the removal and landing of nitro glycerine from ships, and for that purpose to prohibit the importation thereof:

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:

1. This Act may be cited for all purposes as "The Nitro Glycerine Act, 1869." Short title.

2. In the interpretation of this Act— Interpretation of terms.

"Nitro glycerine" means the substance called or known by that name, or as glonoine oil, and this Act extends to every substance having nitro glycerine in any form as one of its component parts or ingredients in the same manner as if it were nitro glycerine:

"Court" includes any justices, sheriff, or magistrate exercising jurisdiction under the powers of this Act:

"Person" includes body corporate.

3. Save as herein-after mentioned, no person shall, after the passing of this Act, bring into any port or harbour of the United Kingdom, or ship or unship on, from, or near the coasts of any part of the United Kingdom, any nitro glycerine. Prohibition of importation and exportation of nitro glycerine.

If any person acts in contravention of this section he shall be guilty of a misdemeanor, and shall, at the discretion of the Court, be liable to be imprisoned, with or without hard labour, for any

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term not exceeding one year, or to pay a penalty not exceeding five hundred pounds; and all nitro glycerine brought into any port or harbour or shipped or unshipped in contravention of this section shall be forfeited.

If it is shown to the satisfaction of one of Her Majesty's Principal Secretaries of State that any substance having nitro glycerine in any form as one of its component parts or ingredients can safely be brought into any port or harbour of the United Kingdom, or be safely shipped or unshipped on, from, or near the coasts of any port of the United Kingdom, he may by general or special licence authorize the introduction or exportation of such substance into or from the United Kingdom on such conditions as he thinks expedient.

No penalty shall be inflicted in pursuance of this section on any person bringing nitro glycerine into any port or harbour of the United Kingdom who proves to the satisfaction of the Court before which he is tried that he was driven into such port or harbour by stress of weather, that with as little delay as possible he gave notice to the authorities having jurisdiction in such port or harbour of the arrival of the ship bringing nitro glycerine, and that he conformed to any directions which may have been given him by such authorities.

Regulation as to the manufacture, sale, and carriage of nitro glycerine.

4. No person shall, after the expiration of four weeks from the passing of this Act, manufacture, sell, carry, or otherwise dispose of or have in his possession any nitro glycerine in any part of the United Kingdom, except in accordance with a general or special licence issued by one of Her Majesty's Principal Secretaries of State; the said Secretary of State may annex any absolute prohibitions or any restrictions to any licence granted by him in pursuance of this Act, limiting the manufacture, sale, carriage, disposal, or storage of nitro glycerine to particular persons, and to particular places, and for particular purposes, or otherwise prohibiting or restricting the manufacture or use thereof in such manner as he thinks fit; he may also, in any case where he allows nitro glycerine to be carried, prohibit the carriage thereof along any public way, and add restrictions as to the persons by whom, the mode in which, the places from and to which, and the quantity in which any nitro glycerine is to be carried, and generally may make such provisions and restrictions, whether relating to the matters aforesaid, or any of them, as he thinks fit for the protection of the public against the danger arising from the manufacture, sale, carriage, disposal, or storage of nitro glycerine.

If any person manufactures, sells, carries, or otherwise disposes of or has in his possession any nitro glycerine without a general or special licence in pursuance of this Act he shall be guilty of a

misdemeanor, and shall in the discretion of the Court be liable to be imprisoned, with or without hard labour, for any period not exceeding one year, or to pay a penalty not exceeding five hundred pounds. A.D. 1869.

The said Secretary of State may annex to the breach of the conditions of any licence granted by him any punishment or penalty, not being greater than the punishment or penalty to which a person manufacturing, selling, carrying, disposing of, or having in his possession any nitro glycerine without a general or special licence is made liable by this Act; and any pecuniary penalty so annexed may be recovered summarily if it does not exceed one hundred pounds.

Provided that no penalty shall be inflicted in pursuance of this Act on any carrier, wharfinger, or warehouseman who satisfies the court that after using all due precautions the nitro glycerine was carried by him or was in his possession without his knowledge.

Provisions as to persons having nitro glycerine in their possession at the commencement of the Act.

5. Every person having any nitro glycerine in his possession at the time at which this Act is passed shall give notice thereof in writing to the said Secretary of State, stating such particulars in relation to the quantity, storage, and otherwise as the said Secretary of State may require; and the said Secretary of State may thereupon make such order in respect to the disposal thereof as he thinks just.

Any person failing to give such notice as required by this section will be subject to the same punishment and penalty to which a person manufacturing, selling, carrying, disposing of, or having in his possession any nitro glycerine without a licence is made liable by this Act.

Search for nitro glycerine.

6. Nitro glycerine may be searched for in the same manner, under the same warrants, and subject to the same conditions in, under, and subject to which gunpowder may be searched for in pursuance of 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; and all the provisions of the said Act relating to searching for gunpowder are hereby incorporated with this Act, and shall for the purposes of this Act be construed as if the word "gunpowder" in such provisions included nitro glycerine as defined by this Act, and as if the Act therein referred to were this Act, and those provisions shall be construed to extend to nitro glycerine imported or sold contrary to this Act.

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