# The Stores for Explosives Order, 1951

## 1951 No. 1163

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| *Made* - - - - | *29th June*, 1951 |
| *Laid before Parliament* | *29th June*, 1951 |
| *Coming into Operation* | *1st July*, 1952 |

At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas on the twenty-seventh day of November, 1875, an Order in Council(a) was made under the Explosives Act, 1875(b), relating to stores licensed for gunpowder exclusively (hereafter in this Order referred to as " the Gunpowder Stores Order "):

And Whereas on the said date an Order in Council(c) was made under the said Act relating to stores licensed for mixed explosives whether with or without gunpowder (hereafter in this Order referred to as " the Stores for Mixed Explosives Order "):

And Whereas both such said Orders in Council made provision, amongst other things, with regard to the construction of a store, with regard to certain classes of defined protected works, with regard to the Divisions to which a store must belong in order to qualify for keeping explosive and with regard to certain distances to be observed:

And Whereas on the eleventh day of February, 1907(d), and the twenty-eighth day of June, 1909(e), Orders in Council were made modifying the two aforesaid Orders in Council, and on the eighth day of November, 1940(f), an Order in Council was made amending the said Stores for Mixed Explosives Order, in each case in respect of the matters aforesaid:

And Whereas it is expedient that amended provision should be made with respect to the matters aforesaid and a recommendation of the Secretary of State has been made accordingly:

Now, therefore, His Majesty, in pursuance of the powers conferred on Him by sections sixteen, seventeen, thirty-nine, forty, forty-six, forty-seven and eighty-three of the Explosives Act, 1875, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

**1.**—(1) The Gunpowder Stores Order, except Article 5 thereof, the Order in Council made under the Explosives Act, 1875, and dated the eleventh day of February, 1907, relating to stores licensed for gunpowder and for mixed explosives, the Order in Council made under the said Act and dated the twenty-eighth day of June, 1909, relating to stores licensed for gunpowder and for mixed explosives and the Order in Council made under the said Act and dated the eighth day of November, 1940, relating to stores for mixed explosives are hereby revoked.

(a) S.R. & O. Rev. 1904, IV, Explosive Substance, p. 21.
(b) 38 & 39 Vict. c. 17.
(c) S.R. & O. Rev. 1904, IV, Explosive Substance, p. 25.
(d) S.R. & O. 1907 (No. 106) p. 132.
(e) S.R. & O. 1909 (No. 753) p. 299.
(f) S.R. & O. 1940 (No. 1992) I, p. 390.

(2) The Stores for Mixed Explosives Order shall apply in respect of stores licensed for the keeping of gunpowder exclusively as it applies in respect of stores licensed for the keeping of explosive other than gunpowder whether with or without gunpowder.

(3) Notwithstanding anything in this Article, the provisions of this Order shall not apply in respect of a store with a continuing certificate within the meaning of section twenty of the Explosives Act, 1875, for the keeping of gunpowder, and the provisions of Article 5 of the Gunpowder Stores Order shall continue to apply in respect thereof.

**2.** In Article 1 of Part I of the Stores for Mixed Explosives Order (which provides, amongst other things, that the store shall be built of brick, stone or concrete) after the word " stone " there shall be inserted the words " iron, steel ".

**3.** For Articles 3 and 4 of Part I of the Stores for Mixed Explosives Order there shall be substituted the following Article: —

" 3.—(1) In this Article—

" exempted workshop " means a workshop used in connection with a store for the adaptation or preparation of explosive in such circumstances that by virtue of section forty-seven of the Act the occupier of the store is not required to take out a factory licence under the Act;

" general explosive " means an explosive of Classes 1, 2, 3 and 4, and of the 2nd and 3rd Divisions of Class 6;

" licensee ", in relation to a store, means the person for the time being licensed under the Act in respect of the store;

" protected work of Class 1 " means—

(*a*) any dwelling-house, shop, room (whether or not used for the filling of cartridges for small arms with explosive in such circumstances that by virtue of section forty-six of the Act the occupier is not required to take out a factory licence under the Act), workshop (whether an exempted workshop or not) mineral or private railway (whether worked by steam or otherwise), magazine for explosive, store for explosive or premises registered for the keeping of explosive. in any case in which such dwelling-house, shop, room, workshop, railway, magazine, store or premises is occupied by the licensee, or where the occupier thereof has given his consent in writing to its being treated as a protected work of Class 1;

(*b*) any furnace, kiln or fire which is situated on land occupied by the licensee, or on land the occupier of which has given his consent in writing to that furnace, kiln or fire being treated as a protected work of Class 1; and

(*c*) any highway, public footpath, promenade or open place of resort for the public or for persons engaged in any trade or business, and any canal, navigable water, dock, river-wall, sea-wall, pier, jetty or reservoir;

" protected work of Class 2 " means—

(*a*) any dwelling-house, shop, room (whether or not used for the filling of cartridges for small arms with explosive in such circumstances that by virtue of section forty-six of the Act the occupier is not required to take out a licence under the Act), workshop (whether an exempted workshop or not), railway

(whether worked by steam or otherwise), magazine, store, premises registered for the keeping of explosive, or furnace, kiln or fire not in any case being a protected work of Class 1;

(*b*) any building in the occupation of a Government department, county council, county borough council, county district council, or parish council, and any building used for the purposes of the administration of justice in which in any case persons assemble for any purpose, any building in the care of the Minister of Works, any building in which persons assemble for public worship or for educational purposes, any hospital or like institution, any factory, theatre, cinema, covered market or other covered building whatsoever in which the public are accustomed to assemble.

(2) For the purposes of this Article and of any licence granted under the Act in relation to a store—

(*a*) a store shall be qualified to be a store of Division A if it and any exempted workshop used in connection therewith are at a distance exceeding 75 feet from each other and from any other protected work of Class 1, and exceeding 85 feet from any protected work of Class 2;

(*b*) a store shall be qualified to be a store of Division B if it and any exempted workshop used in connection therewith are at a distance exceeding 75 feet from each other and from any other protected work of Class 1, and exceeding 130 feet from any protected work of Class 2;

(*c*) a store shall be qualified to be a store of Division C if it and any exempted workshop used in connection therewith are at a distance exceeding 146 feet from each other and from any other protected work of Class 1, and exceeding 292 feet from any other protected work of Class 2;

(*d*) a store shall be qualified to be a store of Division D if it and any exempted workshop used in connection therewith are at a distance exceeding 230 feet from each other and from any other protected work of Class 1, and exceeding 460 feet from any protected work of Class 2;

(*e*) a store shall be qualified to be a store of Division E if it and any exempted workshop used in connection therewith are at a distance exceeding 352 feet from each other and from any other protected work of Class 1, and exceeding 704 feet from any protected work of Class 2:

Provided that—

(i) where the quantity of explosive kept at any one time in an exempted workshop does not exceed 100 lb., and that workshop is at a distance exceeding 75 feet from the store in connection with which it is used and from any other protected work of Class 1 or Class 2, that workshop shall for the purposes of this paragraph be disregarded and deemed not to be a protected work,

(ii) where a mineral or private railway worked by the licensee is not less than 75 feet from a store and all the doors of the store are kept closed and secured so long as any locomotive driven by steam is within a distance of 150 feet of the store that railway shall for the purposes of this paragraph be disregarded and deemed not to be a protected work, and

(iii) where in the case of any store existing at the date when this Order comes into operation there is a protected work (not being an exempted workshop) occupied by the licensee and completely screened from the store by a natural or artificial mound of earth or other suitable material not less than 3 feet thick at the height of the eaves of the store and also existing at the said date, and the store would be qualified to be a store of Division C, D or E as the case may be if its distance from the said protected work were sufficient to satisfy the requirement in that respect of, as the case may be, sub-paragraph (*c*), (*d*) or (*e*) of this paragraph, then, if its said distance, though not sufficient, is not less than half that sufficient, to satisfy the requirement aforesaid, the store shall nevertheless be qualified to be a store of Division C, D or E as the case may be.

(3) (*a*) A store shall not be used for keeping explosive unless it is for the time being qualified to be a store of Division A, B, C, D or E.

(*b*) A store shall not be used for keeping explosive unless the licence for the time being in force under the Act in relation thereto specifies under which of the aforesaid Divisions it is licensed, and it is for the time being qualified to be a store of that Division, and, accordingly, if at the time a store is licensed under a Division it is in fact not qualified to be a store of that Division, or if, after having been licensed under a Division, a store ceases to be qualified to be a store of that Division, any use of that store for keeping explosive, so long as it continues not to be so qualified, shall be a breach of this Order.

(4) The quantity of explosive to be kept in a store qualified to be a store of Division A but not qualified to be a store of Division B, C, D or E shall not exceed—

(*a*) 150 lb. of general explosive and, in addition,

(*b*) 700 lb. of explosive contained in ammunition of the 1st Division of Class 6.

(5) The quantity of explosive to be kept in a store qualified to be a store of Division B but not qualified to be a store of Division C, D or E shall not exceed—

(*a*) 300 lb. of general explosive and, in addition,

(*b*) 4,000 lb. of explosive contained in ammunition of the 1st Division of Class 6.

(6) The quantity of explosive to be kept in a store qualified to be a store of Division C but not qualified to be a store of Division D or E shall not exceed—

(*a*) 1,000 lb. of general explosive and, in addition,

(*b*) 20,000 lb. of explosive contained in ammunition of the 1st Division of Class 6.

(7) The quantity of explosive to be kept in a store qualified to be a store of Division D but not qualified to be a store of Division E shall not exceed—

(*a*) 2,000 lb. of general explosive and, in addition,

(*b*) 20,000 lb. of explosive contained in ammunition of the 1st Division of Class 6.

(8) The quantity of explosive to be kept in a store qualified to be a store of Division E shall not exceed—

(*a*) 4,000 lb. of general explosive and, in addition,

(*b*) 20,000 lb. of explosive contained in ammunition of the 1st Division of Class 6.

(9) In any case where the quantity of general explosive kept is less than the maximum quantity allowed under, as the case may be, paragraph (4), (5), (6), (7) or (8) of this Article, then, notwithstanding anything contained in the said paragraphs, there may, for every pound by which the quantity kept is less than the said maximum quantity, be kept in addition 4 lb. of fireworks of the 2nd Division of Class 7.".

**4.** In Article 5 of Part I of the Stores for Mixed Explosives Order (which Article relates to the distance required to be kept between a room used in connection with a store for the filling of cartridges for small arms and a workshop used in connection with the same store for the adaptation or preparation of explosives) for the words "50 yards" there shall be substituted the words "75 feet".

**5.** In Part IV of the Stores for Mixed Explosives Order (which prescribes the amount of explosive other than gunpowder which may be kept in certain workshops used in connection with a store without taking out an explosives factory licence) for the words "50 lb." there shall be substituted the words "100 lb.", and for the words "half that amount" there shall be substituted the words "that amount".

**6.** In Part V of the Stores for Mixed Explosives Order, in rule 5 of the general rules therein prescribed to be observed in stores (which rule requires that the store shall have a sufficient lightning conductor unless, amongst other exceptions, it is licensed under Division A), for the words "licensed under Division A" there shall be substituted the words "licensed under Division A or B".

**7.** Where immediately before this Order comes into operation there is in force in relation to a store a licence duly granted under the Explosives Act, 1875, then nothing in Article 3 of this Order shall be taken to render that licence invalid until the date on which if it had not been renewed, it would, apart from this Order, have expired, and it shall continue in force accordingly until the said date, and, until the said date, notwithstanding anything in sub-paragraph (*b*) of paragraph (3) of Article 3 of the Stores for Mixed Explosives Order as amended by this Order—

(*a*) if the store complies with the provisions of the said last-mentioned Article 3 amended as aforesaid other than the said sub-paragraph (*b*), it shall, so long as it complies as aforesaid, be deemed to comply wholly with the said Article 3 amended as aforesaid,

(*b*) if the store does not comply as aforesaid but if it would, if this Order had not been made, have complied, in the case of a store licensed for gunpowder exclusively, with Article 3 of the Gunpowder Stores Order, or, in the case of a store licensed for mixed explosives whether with or without gunpowder, with Article 4 of the Stores for Mixed Explosives Order, then it shall, so long as it would have complied as aforesaid, be deemed to comply with Article 3 of the Stores for Mixed Explosives Order as amended by this Order.

**8.** This Order may be cited as the Stores for Explosives Order, 1951, and shall come into operation on the first day of July, 1952.

*E. C. E. Leadbitter.*

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The two Orders in Council dated 27th November, 1875 (S.R. & O. Rev. 1904, IV, Explosive Substance, page 21 and page 25), make provision with regard, amongst other things, to the construction of stores for, respectively, gunpowder and other explosives, and to the distances by which such stores are to be separated from works of certain kinds, known as protected works, including dwelling-houses, railways, factories and other buildings where people assemble. Minimum distances are prescribed as respects different classes of work, and according to the distances over these minima the maximum quantities of explosives which can be kept in a store are prescribed. These Orders in Council have been amended in minor respects by the other Orders referred to in Article 1 (1) of this Order. By Article 1 of this Order, the Order relating to stores for gunpowder is revoked, with a saving for certain stores existing in 1875, and gunpowder stores are made subject to the same conditions as stores for other explosives. By Article 2 stores may now be constructed of iron or steel; by Article 3 the provisions relating to the matters referred to above are consolidated and amended, the list of protected works and the various distances and quantities being revised, so that, in general, except in the case of the largest stores, there is a reduction in the distance by which a store in which a given maximum quantity of explosive may be kept is to be separated from any particular class of protected work. Articles 4, 5 and 6 are consequential on Article 3, and Article 7 makes necessary transitional provisions for existing stores.

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# FACTORIES

## The Factories (Miscellaneous Welfare Orders &c. Amendment) Order, 1951

## 1951 No. 926

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|---|---|
| *Made* - - - - | *24th May*, 1951 |
| *Coming into Operation* | *8th June*, 1951 |

The Minister of Labour and National Service by virtue of the powers conferred on him by Section 159 of the Factories Act, 1937(a) and the Transfer of Functions (Factories, &c., Acts) Order, 1946(b) and of all other powers in that behalf hereby makes the following Order:—

**1.**—(1) This Order may be cited as the Factories (Miscellaneous Welfare Orders &c. Amendment) Order 1951, and shall come into operation on the 8th day of June, 1951.

(2) The Interpretation Act, 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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(a) 1 Edw. 8 & 1 Geo. 6. c. 67. (b) S.R. & O. 1946 (No. 376) I, p. 1006.
(c) 52 & 53 Vict. c. 63.