

## SCHEDULE 2

### THE EXPLOSIVES ACT 1875

#### *Modifications*

**1.** In section 4, for the words from “Where gunpowder is manufactured” to the end of the section there shall be substituted the words “Where gunpowder is manufactured at an unauthorised place, the person so manufacturing shall be guilty of an offence.”

**2.** In section 5, for the words from “Where any gunpowder is kept” to the end of the section there shall be substituted the words “Where any gunpowder is kept in an unauthorised place, the occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be guilty of an offence.”

**3.** In sections 6, 8, 10(3) and (6), 11 to 13, 18, 19, 28, 40(1) and (9), 43, 45 to 47, 49 (as amended by the Fireworks Act 1951), 63, 64 and 72, for the references to the Secretary of State there shall be substituted references to the Health and Safety Executive.

**4.** In section 9, for the words from “In the event of any breach” to the end of sub-paragraph (b) there shall be substituted the words “In the event of any breach (by any act or default) of this section in any factory or magazine, the occupier shall be guilty of an offence.”

**5.** In sections 9, 24, 60, 61, 64, 74 and 86 for the references to a government inspector there shall be substituted references to an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act.

**6.** In section 10, for the words from “In the event of any breach” to “during which such breach continues” there shall be substituted the words “In the event of any breach (by any act or default) of the general rules in any factory or magazine, the occupier shall be guilty of an offence.”

**7.** In section 11, for the words from “There may be annexed” to “deemed just” there shall be substituted the words “A person who contravenes any special rule made under this section shall be guilty of an offence.”

**8.** In section 13, for the words from “liable” to “continues” there shall be substituted the words “guilty of an offence” .

**9.** In section 17, for the words from “In the event of any breach” to “such breach continues” there shall be substituted the words “In the event of any breach (by any act or default) of the general rules in any store, the occupier shall be guilty of an offence.”

**10.** In section 19 , for the words from “There may be annexed” to the end of the section there shall be substituted the words “A person who contravenes any special rule made under this section shall be guilty of an offence.”

**11.** In section 22 , for the words from “In the event of any breach” to the end of the section there shall be substituted the words “In the event of any breach (by any act or default) of such general rules in any registered premises, the occupier shall be guilty of an offence.”

**12.** Section 26, except for paragraph 2, shall apply in the case of licences granted by the Health and Safety Executive as it applies in the case of licences granted by the Secretary of State.

**13.** In section 33 , for the words from “In the event of any breach” to “£100” there shall be substituted the words “In the event of any breach (by any act or default) of any general rule in this section, the person guilty of such breach shall be guilty of an offence.”

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**14.** In section 40(9)(d) for the words from “liable” to the end of the sub-paragraph there shall be substituted the words “guilty of an offence and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974”.

**15.** In section 43 , for the words from “If any explosive is imported” to “found in his possession” there shall be substituted the words “If any explosive is imported or sold in contravention of any such Order, the owner or master of the ship in which it was imported, the person to whom it was delivered and the person selling the same shall each be guilty of an offence and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974.”

**16.** In section 58 , for the words “the powers and authorities of a Government inspector under this Act” there shall be substituted the words “the powers conferred on inspectors by the Health and Safety at Work etc. Act 1974 ”.

**17.** In section 60 , after the words “the Secretary of State” there shall be inserted the words “or the Health and Safety Executive”.

**18.** In section 63 , for the words from “liable” to the end of the section there shall be substituted the words “guilty of an offence”.

**19.** In section 77 —

(a) for the words from “shall for every such offence” to “five pounds” and for the words from “shall be liable” to “fifty pounds” there shall be substituted in each case the words “shall be guilty of an offence”; and

(b) after the words “penalties” and “penalty” in paragraph 3 there shall be inserted in each case the words “for an offence”.

**20.** In section 78 , for the words “for which he is liable to a penalty” there shall be substituted the words “which is an offence”.

**21.** In section 82 , for the words from “shall be liable” to the end of the section there shall be substituted the words “shall be guilty of an offence”.

**22.** In section 83 , at the end there shall be added the following paragraph:—

“The provisions of section 50 of the Health and Safety at Work etc. Act 1974 shall apply to any power of the Secretary of State to recommend the making of an Order in Council, to make orders or rules or to make or require the making of byelaws as they apply to a power to make regulations.”

**23.** In section 103 , after the words “the Secretary of State may on the application of” there shall be inserted the words “the Health and Safety Commission or of” and after the words “after notice to” there shall be added the words “the said Commission or to”.