



# Explosives Act 1875

## 1875 CHAPTER 17

### PART III

#### ADMINISTRATION OF LAW

##### *Government Supervision*

##### *Inspection*

#### **53 Appointment of Government inspectors**

The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, and award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and remove such inspectors, and any such inspector is referred to in this Act as a Government inspector.

Every order appointing an inspector shall be published in the London Gazette.

#### **54 Disqualification of persons as inspectors**

Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manufacture, storage, conveyance, importation, exportation, trade, dealing, or patent, shall not act as an inspector under this Act.

#### **55 Powers of Government inspectors**

A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,

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- (1) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine, or store; and
- (2) He may enter, inspect, and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and
- (3) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein, to give him samples of any explosive or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and registered premises, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding one hundred pounds for each offence.

## **56 Notice by Government inspector to remedy dangerous practices, &c, and penalty for non-compliance. "**

If in any matter (which is not provided for by any express provision of this Act) an inspector find any factory, magazine, or store for an explosive, or any part thereof, or any thing or practice therein or connected therewith, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety of any person, such inspector may require the occupier of such factory, magazine, or store to remedy the same. Where the occupier objects to comply with the requisition he may require the matter to be referred to arbitration in manner provided by this Act.

No person shall be precluded by any contract from doing such acts as may be necessary to comply with a requisition or award under this section; and no person shall be liable under any contract to any penalty or forfeiture for doing those acts if he gave notice of such contract to the inspector at or before the time at which the inspector made the requisition or to the arbitrators before the award was made.

If the occupier fail to comply with the requisition or award within twenty days after the expiration of the time for requiring the matter to be referred to arbitration if there is no reference to arbitration, or if there is such a reference after the date of the award, he shall be liable to a penalty not exceeding twenty pounds for every day during which he so fails to comply.

Provided that the court, if satisfied that the occupier has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for

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punishing such failure, and if the works are completed within a reasonable time in the opinion of the court, no penalty shall be inflicted.

**57 Annual report of Government inspectors proceedings**

A report of the proceedings under this Act shall be made annually to the Secretary of State, by such inspectors and in such manner and form as may be directed by him, and shall be laid before both Houses of Parliament.

**58 Inspection by railway inspectors or inspectors of Board of Trade**

The Board of Trade may from time to time, by order, direct—

- (a) Any person acting under the Board as an inspector of railways to inquire into the observance of this Act by any railway company or canal company, and generally to act with respect to any railway or canal as an inspector under this Act; or
- (b) Any person acting under the Board as an inspector or otherwise for the purposes of the Merchant Shipping Act, 1854, or the Acts amending the same, to inquire into the observance of this Act in any harbour or in the case of any ship, and generally to act in such harbour and with respect to ships as an inspector under this Act.

The Board of Trade may revoke any such order; and each such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the Acts in pursuance of which he was originally appointed inspector, and also the powers and authorities of a Government inspector under this Act.

**59 Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines**

Where a magazine or store is established for the purpose of any mine subject to the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, by the owner (as defined by such Act) of the mine, the Secretary of State may from time to time by order direct an inspector under either of those Acts to act with respect to such magazine or store as a Government inspector under this Act, and may revoke any such order; and such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the said Acts, and also the powers and authorities of a Government inspector under this Act.

**60 License and special rules certified by Government inspector to be evidence**

A copy of any license confirmed by the Secretary of State under this Act, and of any special rules under this Act, certified by a Government inspector, shall be evidence of such license and special rules respectively, and of the fact of such license having been duly granted and confirmed and such special rules duly established under this Act.

**61 Keeping and carriage of samples by Government inspector**

A Government inspector, and any other person authorised by him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform his duties under this Act, and be kept and carried with all due precautions to prevent accident; and such inspector or

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person shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

**62 Salaries of Government inspectors and expenses of Act**

The salaries of the Government inspectors, and the expenses incurred by the Secretary of State or the Government inspectors in carrying this Act into execution, shall be defrayed out of moneys provided by Parliament.