

**ORDERS IN COUNCIL (Nos. 30) PROHIBITING THE MANUFACTURE, IMPORTATION, KEEPING, CONVEYANCE OR SALE OF ACETYLENE WHEN AN EXPLOSIVE AS DEFINED BY THE ORDER.**

**1937 No. 54**

[*This Order in Council (S.R. & O. 1937, p. 729) is printed as amended by Order in Council (No. 30A), dated April 23, 1947 (S.R. & O. 1947 (No. 805) I, p. 717).*]

At the Court at Buckingham Palace, the 2nd day of February, 1937.

PRESENT,

The King's Most Excellent Majesty in Council.

38 & 39 Vict.  
c. 17.

Whereas by section one hundred and four of the Explosives Act, 1875, it is enacted that His Majesty may, by Order in Council, declare that any substance which appears to His Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of the said Act, and the provisions of the said Act (subject to such exceptions, limitations and restrictions as may be specified in the Order) shall accordingly extend to any such substance in like manner as if it were included in the term explosive in the said Act:

And whereas acetylene, when liquid or subject to a certain degree of compression, or when in admixture with air or oxygen, is specially dangerous to life or property by reason of its explosive properties:

56 & 57 Vict.  
c. 66.

And whereas the provisions of section one of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order and declare, and it is hereby ordered and declared, as follows:—

Acetylene, when liquid or when subject to a pressure exceeding nine pounds to the square inch above that of the atmosphere, and whether or not in admixture with other substances, or when in admixture with atmospheric air or with oxygen gas in whatever proportion and at whatever pressure, and whether or not in admixture with other substances, shall be deemed to be an

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(a) S. R. & O. 1921 (No. 1194) p. 235.

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explosive within the meaning of the said Act, subject to the following exception; that if it be shown to the satisfaction of the Secretary of State that acetylene, declared to be deemed to be explosive by this Order, when in admixture with any substance, or in any form or condition, is not possessed of explosive properties, the Secretary of State may, by Order, exempt such acetylene from being deemed to be an explosive within the meaning of the said Act.

And whereas by section forty-three of the Explosives Act, 1875, it is provided that His Majesty, from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a licence of the Secretary of State under the said Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of His Majesty, it is expedient for the public safety to make such Order:

And whereas it is, in the judgment of His Majesty, expedient for the public safety that acetylene, declared by this Order to be deemed to be an explosive within the meaning of the said Act shall be prohibited:

And whereas the provisions of section one of the Rules Publication Act 1893, have been complied with:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that acetylene, declared by this Order to be deemed to be an explosive, shall be prohibited from being manufactured, kept, imported, conveyed or sold:

Provided that nothing in this Order shall apply—

(1) to the manufacture or keeping of acetylene so long as it is manufactured or kept only on such premises, in such apparatus and under such conditions as may be approved by the Secretary of State, and so long only as any apparatus in which it is so manufactured or kept is, if and whenever so required, submitted to tests carried out on his behalf, so however that—

(a) in any case where the acetylene is being used in the production of organic compounds, the pressure to which it is subjected shall not exceed three hundred pounds per square inch above that of the atmosphere, and unless the pressure to which it is subjected does not exceed twenty-two pounds per square inch above that of the atmosphere, the acetylene shall not be used in admixture with air or oxygen, and

(b) in any other case, the pressure to which it is subjected shall not exceed twenty-two pounds to the square inch above that of the atmosphere; (a) or

(2) to acetylene in admixture with air or oxygen when such admixture takes place only in the burner or contrivance in which the mixture is intended to be burnt; or

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(a) Proviso (1) as substituted by S. R. & O. 1947 No. 805.

## *EXPLOSIVE SUBSTANCE*

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(3) to an admixture of acetylene and air which may unavoidably occur in the first use or re-charging of an apparatus properly designed and constructed with a view to the production of pure acetylene.

This Order shall come into operation on the third day of February, 1937, and as from that date the Order in Council dated the 18th June, 1914,(a) relating to acetylene is hereby revoked: Provided that nothing in this revocation shall affect the Orders of the Secretary of State dated the 28th March, 1898,(b) the 29th September, 1905,(c) and the 23rd June, 1919,(d) and such Orders shall have effect as if made under this Order.

*M. P. A. Hankey.*

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- (a) S. R. & O. 1914 (No. 907) I, p. 566.  
(b) S. R. & O. 1898 No. 248, p. 73 below.  
(c) S. R. & O. 1905 No. 1128, p. 74 below.  
(d) S. R. & O. 1919 No. 809, p. 75 below.