

2. Conveyance of Explosives on Roads.

ORDER OF SECRETARY OF STATE (No. 11), DATED SEPTEMBER 20, 1924, MAKING BYELAWS AS TO THE CONVEYANCE OF EXPLOSIVES ON ROADS, AND IN CERTAIN SPECIAL CASES.

1924, No. 1129.

Whereas by Part I (Section 37) of the Explosives Act, 1875^(b) (hereinafter referred to as the Act), it is provided that a Secretary of State may from time to time make and when made rescind, alter or add to byelaws for regulating the conveyance, loading, and unloading of gunpowder, in any case in which byelaws made under any other provision of the Act do not apply, and in particular for declaring or regulating all or any of the matters thereinafter following :

And whereas by Part II (Section 39) of the Act it is declared that, subject to the provisions subsequently in Part II of the

(a) S.R. & O. 1906, No. 380, p. 172

(b) 38 & 39 V. c. 17,

Act contained, Part I of the Act relating to gunpowder shall apply to every other description of explosive in like manner as if the provisions of such Part I were re-enacted in such Part II with the substitution of that description of explosive for gunpowder :

Now, therefore, in pursuance of the aforesaid provisions of the Act, I, one of His Majesty's Principal Secretaries of State, hereby order that the following byelaws shall be observed with respect to the conveyance, loading, or unloading of gunpowder and other explosives, elsewhere than (1) in any harbour, (2) on any railway or canal with respect to which byelaws regulating the conveyance, loading, or unloading of explosives may be made under Section 35 of the Act, or (3) at any wharf or dock with respect to which byelaws regulating the loading or unloading of explosive have been made under Section 36 of the Act.

1. Explosive shall not be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity be less than 5 lbs., and all due precautions be taken for the prevention of accidents by fire or explosion; provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (Fulminate) class, or any explosive of the 3rd division of the 6th (Ammunition) class, or any explosive of the 1st division of the 7th (Firework) class; and

2. Any explosive of the 5th (Fulminate) class, or any such explosive of the 6th (Ammunition) class as contains its own means of ignition, or any explosive of the 7th (Firework) class, shall not be conveyed in the same carriage or boat with any explosive not of the class and division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another :

Provided that this byelaw shall not be deemed to apply to the conveyance of detonators and electric detonators in the same carriage or boat with explosive of another Class or Division if the total number of detonators and electric detonators does not exceed 2,000 in all and the following conditions as to packing are complied with :—

- (a) The detonators shall be packed in inner packages with sawdust and felt as provided in the Order of Secretary of State relating to the packing of explosive for conveyance and in force for the time being. Such inner packages shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping therefrom, and such case shall be placed inside an outer package in such manner and so secured as to leave a clear space of not less than three inches between the case and every part of the interior of the said outer package, such space to be filled with sawdust, straw, or other similar material.

(b) The electric detonators shall be packed in inner and outer packages as defined in the said Order of Secretary of State, the outer package being lined throughout with felt or similar soft material not less than half an inch in thickness.

(c) The detonators and electric detonators shall be stowed in the carriage or boat as far away from other explosives as is reasonably practicable.

3. Explosive shall not be deposited in any receptacle or place appropriated for refuse and shall not be handed or forwarded to any dustman or other person employed in the removal of refuse, nor shall explosive be conveyed in any carriage or boat appropriated for the removal of refuse.

4. With respect to the conveyance in any carriage or boat of any quantity of any explosive of the 5th (Fulminate) class, any quantity of any explosive of the 3rd division of the 6th (Ammunition) class, any quantity of any explosive of the 1st division of the 7th (Firework) class, or any quantity exceeding 5 lbs. of any other explosive, the following regulations shall be observed, viz. :—

(a) If the explosive is not effectually protected from accident by fire from without by being conveyed in the interior of a carriage which is enclosed on all sides with wood or metal, or by being conveyed in the hold of a boat having a close deck securely closed, then the explosive shall be completely covered with painted cloth, tarpaulin, wadmill-tilts, or other suitable material, so as to effectually protect it against communication of fire; and

(b) There shall not be any iron or steel in the interior of the portion of the carriage or boat where the explosive is deposited, unless the same be covered either permanently or temporarily with leather, wood, cloth, wadmill-tilts, or other suitable material; and

(c) In any carriage or boat containing explosive no matches other than safety-matches shall be carried for the use of such carriage or boat, and such safety-matches shall be kept in a safe place apart from the explosive; and

(d) In the stowing of explosive in any carriage or boat due precautions shall be taken by means of a partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or boat which is liable to cause fire or explosion; and

(e) A person whilst on, in, or attending any carriage or boat containing explosive, shall not smoke when within any town or village; and

- (f) A person in charge of any carriage or boat containing explosive shall not drive or conduct the same in a dangerous or reckless manner; and a person who is intoxicated shall not have charge of any such carriage or boat, and shall not be permitted to be in, on, or attending the same; and
- (g) While the loading, unloading, or conveyance of explosive is going on, all persons engaged in such loading, unloading, or conveyance shall observe all due precautions for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the explosive so being loaded, unloaded, or conveyed, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the loading, unloading, or conveyance of such explosive, or of any other article carried therewith, and for preventing any other person from committing any such act; and any such other person who, after being warned, commits any such act, shall be deemed to commit a breach of this regulation; and
- (h) After the loading or unloading of explosive on or out of any carriage or boat is begun, no longer time shall be suffered to pass than with the use of all due diligence is reasonably necessary for the purpose of such loading or unloading; and
- (i) A person shall not forward to a warehouseman or carrier a consignment of explosive unless he has given notice to such warehouseman or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation, either general or special, of the time at which the warehouseman or carrier is prepared to receive the consignment; and a warehouseman or carrier shall not make such an intimation nor receive such consignment unless he is prepared either forthwith to despatch the same or to deposit it in a magazine or store duly licensed for the keeping of such explosive; and
- (k) Explosive exceeding 50 lbs. shall not be conveyed in a carriage or boat which is carrying as merchandise any article liable to cause or communicate fire or explosion, such as charcoal, lucifer matches, articles for striking a light, petroleum to which the Petroleum Act, 1871, (a) or any Act repealing or amending the same, applies; and
- (l) A person in charge of a carriage or boat conveying explosive exceeding 100 lbs. shall not delay for a longer time than may be reasonably necessary, nor stop

unnecessarily at any place where such stopping would be attended with special public danger; and

(m) In the case of a carriage or boat conveying explosive exceeding 100 lbs. due provision shall be made for preventing the introduction into such carriage or boat of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel, or grit, so as to come into contact with such explosive; and in any such carriage or boat in which the explosive conveyed is liable to be dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive. This regulation shall not prevent the introduction of an artificial light of such construction, position, or character, or of safety-matches of such character, as not to cause any danger of fire or explosion; nor shall it prevent the conveyance of explosive in a mechanically driven carriage or boat subject to such conditions as may be approved by the Secretary of State; and

(n) The owner of any carriage or boat on, from, or in which explosive exceeding 100 lbs. is loaded, unloaded, or conveyed, who employs others in such loading, unloading, or conveyance, shall, by furnishing copies of these byelaws, or by affixing copies of the same in some place where they can be conveniently read, or otherwise, take such measures as may be necessary in order that the persons so employed may be acquainted with the provisions of these byelaws; and

(o) Each carriage or boat conveying explosive in any town or village exceeding 100 lbs., or elsewhere exceeding 1,000 lbs., shall be in the exclusive charge of and constantly attended by some competent person, and such person shall not have charge of more than one such carriage or boat. This regulation shall not apply in the case of a carriage forming part of a continuous train on any private railway if such train is in the charge of and constantly attended by some competent person; and

(p) The quantity of explosive to be conveyed in any one carriage or boat shall not exceed 2,000 lbs., unless the carriage be so enclosed on all sides with wood or metal, or the boat have a close deck so closed, as effectually to protect the explosive against accident by fire from without, in which case the amount of explosive conveyed shall not exceed the following:—

In any one carriage on a private
railway whether worked by
steam or otherwise 10,000 lbs.

In any one other carriage 4,000 lbs.

In any one boat 50,000 lbs.

Provided that if the explosive consists only of articles incapable of communicating explosion from one to another, such as fuzes for shell, tubes, primers and quick firing ammunition up to 3-inch calibre, the quantity of explosive that may be conveyed in any one carriage may exceed 2,000 lbs. but may not exceed 10,000 lbs.

- (q) When two or more carriages or boats conveying explosive exceeding in the aggregate the amount allowed by the preceding regulation to be conveyed in one such carriage or boat, are travelling together, a space of at least 50 yards shall be kept between each such carriage or boat and every other such carriage or boat, unless circumstances render it impracticable, or unless, in the case of a train on a private railway, three or more vans not containing inflammable or explosive goods intervene between each such carriage and every other such carriage.

Nothing in this byelaw shall apply to any explosive of the first division of the 6th (Ammunition) class, provided all due precautions are taken for the prevention of accidents.

5. Any explosive which for the time being is neither authorised (by license or continuing certificate) to be manufactured for general sale, nor authorised by a license to be imported for general sale, may be carried only in such manner as may be specially directed by the Secretary of State; provided that this byelaw shall not extend to any explosive which, under section 40, sub-section 9 of the Act, or under any Order in Council made in pursuance of such sub-section, may lawfully be imported without any license.

In the event of any breach (by any act or default) of any of the foregoing byelaws, or any attempt to commit such breach—

(a) The explosive in respect of which, or being in the carriage or boat in respect of which the offence is committed, may be forfeited; and

(b) The person committing the offence shall be liable to a penalty not exceeding in the case of the first offence £10, and in the case of the second offence, or any subsequent offence, £20, and also the following persons, viz. :—the owner of the carriage or boat in respect of which, or containing the explosive in respect of which, the offence is committed, the person in charge of such carriage, and the person owning such explosive,—shall each be liable to a similar penalty, unless he proves that he had supplied proper means and issued proper orders for the observance, and used due diligence to enforce the observance of these byelaws.

Wherever in these byelaws an explosive is distinguished as belonging to a particular class or division of a class, reference is

made to the classification of explosives contained in an Order in Council made in pursuance of section 106 of the Act.

This Order shall come into force on the date hereof from which date the Orders of Secretary of State Nos. 4, **(a)** 4A, **(b)** 4B, **(c)** 4C, **(d)** shall be deemed to be rescinded.

Arthur Henderson.

Whitehall,
20th September, 1924.
