ORDER IN COUNCIL, DATED 29TH SEPTEMBER, 1953, MADE UNDER SECTIONS SIXTEEN, SEVENTEEN, THIRTY-NINE, FORTY, FORTY-SIX, FORTY-SEVEN AND EIGHTY-THREE OF THE EXPLOSIVES ACT, 1875.

1953. No. 130

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

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 twenty-first day of February, 1941 (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 Minister of Home Affairs for Northern Ireland has been made accordingly :

NOW, THEREFORE, I, JOHN DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, by and with the consent of the Privy Council, in exercise of the powers conferred on me by sections sixteen, seventeen, thirty-nine, forty, forty-six, forty-seven and eighty-three of the Explosives Act, 1875, and of all other powers enabling me in that behalf, do hereby order as follows :—

(a) S. R. & O. Rev. 1904, IV, Explosive Substance, p. 21.
(b) 38 and 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. (N.I.), 1941 (No. 46).

1.—(1) The Gunpowder Stores Order, 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 twenty-first day of February, 1941, relating to stores for mixed explosives are hereby revoked.

(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.

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, borough council, urban district council or rural district 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 Ministry of Finance for Northern Ireland, 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