EXPLOSIVE SUBSTANCE

RULES, DATED 28TH FEBRUARY, 1950, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTIONS THIRTY-THREE AND FORTY OF THE EXPLOSIVES ACT, 1875.

1950. No. 34

WHEREAS it is provided by section thirty-three of the Explosives Act, 1875 (a), as that Act applies in Northern Ireland that the Minister of Home Affairs may from time to time make, and when made, repeal, alter and add to, rules for the purpose of rescinding, altering, or adding to the general rules contained in the said section, and that the rules so made by the Minister of Home Affairs shall have the same effect as if they were enacted in the said section.

AND WHEREAS it is provided by paragraph (3) of section forty of the said Act as that Act applies in Northern Ireland that the Minister of Home Affairs may from time to time alter the general rules relating to packing for the purpose of adapting the same to the packing of any explosive other than gunpowder :

AND WHEREAS the Secretary of State on the tenth day of June, 1904, made Rules (b), with respect to the packing of explosive for conveyance, which rescinded the said general rules contained in the said section thirty-three, and all Orders of the Secretary of State with respect to the packing of explosive made under the said section thirty-three or under the said paragraph (3) of the said section forty :

AND WHEREAS the said Rules made on the tenth day of June, 1904 (b) were amended by Rules made by the Secretary of State on the eighteenth day of March, 1911 (c), and by Rules made by the Minister of Home Affairs on the tenth day of August, 1925 (d) :

AND WHEREAS it is expedient that new general rules should be made with respect to the packing of explosive for conveyance :

NOW, THEREFORE, I, THE RIGHT HONOURABLE BRIAN MAGINESS, K.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers vested in me by the Explosives Act, 1875, and of all other powers enabling me in that behalf do hereby make the following Rules :—

General

1. These Rules may be cited as the Packing of Explosive for Conveyance Rules (Northern Ireland), 1950, and shall come into operation on the first day of April, 1950.

(a) 38 & 39 Vict. c.17.
(b) S. R. & O. 1904 (No. 1221) p.137.
(c) S. R. & O. 1911 (No. 317) p. 52.
(d) S. R. & O. (N.I.) 1925 (No. 80) p.80.

2. The Interpretation Act, 1889 (**a**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland, and section thirty-eight of the said Act shall apply as if these Rules were an Act of the Parliament of Northern Ireland and as if any Rules repealed by these Rules were Acts of Parliament repealed by an Act of the Parliament of Northern Ireland.

3. The Rules with respect to the packing of explosive for conveyance made by the Secretary of State and dated the tenth day of June, 1904, and the Rules amending the said Rules made by the Secretary of State and dated the eighteenth day of March, 1911, and by the Minister of Home Affairs and dated the tenth day of August, 1925, are hereby repealed and in lieu thereof the following Rules shall be observed with respect to the packing of explosive for conveyance.

Rules as to the packing of explosive for conveyance

4.—(1) In these Rules —

the expression " authorised explosive " means any explosive for the time being authorised under the Explosives Act, 1875 (**a**), to be manufactured for general sale or to be imported for general sale whether with or without a licence ;

the expression " Government inspector " means an inspector appointed by the Minister of Home Affairs under and for the purposes of the Explosives Act, 1875 ;

the expression " inner package " means a substantial case, bag, canister or other receptacle, so made and closed as to prevent any explosive from escaping ;

the expression " outer package " means a box, barrel, case or cylinder of wood, metal or other solid material, of such strength, construction and character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape ;

the expression " propellant " means an authorised explosive comprised in Class III adapted and intended exclusively for use as a propelling charge in cannon or small arms.

(2) In these Rules any reference to a class of explosive or a division of a class, either generally or to a class or division particularly numbered, shall be construed as a reference to a class or division, or to a class or division so numbered, into which explosives have been classified by any Order in Council made under section one hundred and six of the Explosives Act, 1875, and for the time being in force.

5. The interior of every outer and inner package shall be clean and free from grit.

(**a**) 52 & 53 Vict. c.63.

6. Iron or steel shall not be used in the construction of any outer or inner package unless it is so covered as to prevent it being or becoming exposed :

Provided that this Rule shall not apply to the packing of explosives comprised in Division 1 of Class VI or in Division 2 of Class VII.

7. No outer or inner package shall —

(*a*) contain more than one explosive ;

(*b*) contain any other article or substance except for the purpose of packing in accordance with these Rules :

Provided that there may be packed in the same outer package —

(i) an inner package containing a propellant and an inner package containing a different propellant or gunpowder ; or

(ii) an inner package containing an explosive comprised in Division 1 of Class VI and any article or substance which is not of an inflammable or explosive nature or liable to cause fire or explosion.

8. Nothing in these Rules shall be deemed to prohibit the use of an inner or outer package in addition to those required to be used by these Rules :

Provided that no such additional package shall be used if it is of a description or type which has been prohibited in writing by a Government inspector from being used for the purpose.

9. An authorised explosive comprised in the class and division, if any, or of the name or description specified in the first column of the Schedule to these Rules shall be packed in accordance with the method specified opposite thereto in the second column of the said Schedule, and the amount of such explosive packed in any one outer package and into any one inner package shall not exceed the quantity, if any, specified opposite thereto in the third and fourth columns of the said Schedule respectively.

10. The following explosives, that is to say :—

(*a*) any explosive other than an authorised explosive,

(*b*) any explosive comprised in Division 1 of Class V which is of such a character that it cannot be packed in a thoroughly wet condition,

(*c*) any explosive comprised in Division 2 of Class V, other than barium tri-nitro-resorcinate, lead di-nitro-resorcinate, lead tri-nitro-resorcinate and tetrazene, and

(*d*) fuseheads comprised in Division 2 of Class VI,

shall be packed in accordance with such method as a Government

inspector may in writing have required with respect to that explosive, and any conditions with respect to the packing which a Government inspector deems necessary to meet the special requirements of the case may be imposed by him and shall be complied with.

11.—(1) On the outside of the outermost package there shall be displayed in conspicuous characters by means of a brand or securely attached label or other method the following marking, that is to say, the word " Explosive ", the name of the explosive, the number of the class and division, if any, in which it is comprised and the name of the manufacturer or sender :

Provided that —

(*a*) in the case of cartridges or charges for cannon, shells, mines, blasting or other like purpose which do not contain their own means of ignition, the marking displayed shall be that which would be required for the explosive therein if it were not made up as such cartridge or charge ;

(*b*) in the case of safety fuze or gunpowder, the word " Explosive " and the number of the class and division may be omitted.

(2) In addition to the markings required by paragraph (1) of this Rule to be displayed, there shall be displayed in the same manner the following markings, that is to say :—

(*a*) in the case of explosives comprised in Class III or IV, the date of manufacture or issue from the factory or such sign indicating either date as may be approved by a Government inspector ;

(*b*) in the case of explosives comprised in Division 1 of Class VI, other than safety fuze, the words " Not liable to explode in bulk ".

(3) Where more than one explosive is contained in the same outer package, there shall be a separate marking displayed in respect of each explosive.

12. Exemption from any provision of these Rules may be granted by special authority, and any such authority may be granted on such conditions as it is, in the opinion of a Government inspector, necessary to impose in the circumstances, and any conditions so imposed shall be complied with.

In this Rule the expression " special authority " means a written authority given by a Government inspector in any special case.

Dated this 28th day of February, nineteen hundred and fifty.

Brian Maginess,
Minister of Home Affairs for Northern Ireland.