



EXETER TOWN COUNCIL.

BYE-LAWS

MADE AND ORDAINED UNDER THE

EXPLOSIVES ACT, 1875,

FOR REGULATING THE

CONVEYANCE, LOADING, AND UNLOADING
OF EXPLOSIVES

UPON THE

EXETER CANAL,

AND WITHIN THE

PORT OF EXETER.

EXETER:

PRINTED BY A. VINCENT, 1, MADDOCK'S ROW.

BYE-LAWS

Made by the Mayor, Aldermen, and Citizens of Exeter, the Proprietors of the Exeter Canal, and the Conservators of the Navigation of the River Exe, hereinafter styled "the Corporation," in pursuance of the Explosives Act, 1875, with the sanction of the Board of Trade, for regulating the Conveyance, Loading, and Unloading of Explosives upon the Exeter Canal, and within that portion of the Port of Exeter, which is situate within the Cheekstone Rock, except such portions thereof as are included within the prescribed limits of the Exe Bight Pier Company, and the Exmouth Docks' Company.

Sections 3 of the Explosives Act, 1875, defines the term "explosive" as follows:—

- (1.) Gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and also*
- (2.) Fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.*

1. No person shall send or convey, or cause to be sent or conveyed unto or upon the Navigation, or any Wharf connected therewith, for discharge or conveyance as merchandise, any Gunpowder or

other explosive without having previously given to the Harbour Master at Exmouth, or the Wharfinger of the Corporation a six hours' written notice, stating the nature, quantity, and destination of such explosive, and the place where it is intended to be brought unto the Navigation, and having had an intimation from the Corporation that they are prepared to receive the consignment.

2. The Master of every Ship or Boat carrying any Gunpowder or other explosive shall immediately upon such Ship or Boat entering upon the Navigation, or taking any Gunpowder or other explosive on board, give to the said Harbour Master, or Wharfinger, a written notice stating the nature, quantity and destination of such Gunpowder or other explosive.

3. No person shall send or convey or cause to be sent or conveyed unto or upon the Navigation, or unto any Wharf connected therewith for conveyance as Merchandise, any Gunpowder or other explosive which is not securely packed in manner prescribed by the said Act, or by the Rules relating to packing for the time being in force thereunder, as the case may be, and which has not legibly marked upon each outermost packet by label or brand, in the case of percussion caps, or of fuzes for blasting, the words "PERCUSSION CAPS," or "FUZES FOR BLASTING," as the case may be, together with the name and address of the owner or sender; and in the case of Gunpowder, the word "GUNPOWDER," and in the case of other Explosives, the name of the explosive, and the word "EXPLOSIVE," together with the name of the owner or sender, and otherwise as directed by the Act, and by Rules made thereunder, in force for the time being.

4. No person shall send or convey or cause to be sent or conveyed unto or upon the Navigation, any Gunpowder or other explosive, except in the hold of a Ship or Boat, with a closed deck, closely fitting hatches, securely fastened and covered with tarpauling or raw hides, and double bulk heads at each end of the stowage space, lined with some non-combustible material. No iron or steel shall be placed in the interior of the portion of such Ship or Boat where the explosive is deposited, unless the same be covered either permanently or temporarily with leather, wood, cloth, wadmilt-tilts, or other suitable material; nor shall any fire-place, stove, or stove pipe in such Ship or Boat be nearer to the stowage space than 18 inches from the outside of the bulk head, which shall be covered near such fire-place, stove, or stove-pipe with lead. All packages containing Gunpowder or other explosive shall be laid in the hold upon, and covered with tarpauling, raw hides, wadmilt-tilts, or other suitable material. In the stowing of explosive in any Ship or Boat, due precaution 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 Ship or Boat which is liable to cause fire or explosion.

5. 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 Ship 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, and any explosive exceeding 50lbs. shall not be conveyed in a Ship 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, or petroleum, as defined by the Petroleum Act, 1871, or any Act repealing or amending the same.

6. The Master of a Ship or Boat carrying any Gunpowder or other explosive shall not permit such Ship or Boat to remain in any Lock, Dock, or Basin, or be moored, except in a berth specially directed by the Harbour Master, Wharfinger, or other authorised Agent of the Corporation, and shall not in any case permit such Ship or Boat to remain or be moored within 200 yards of any steam engine or furnace.

7. The Master of a Ship or Boat carrying any Gunpowder or other explosive shall not permit the same to be loaded or unloaded except between sunrise and sunset.

8. No Ship or Boat shall at any time carry any Gunpowder or other explosive weighing in the aggregate more than 50,000 lbs.

9. No Ship or Boat carrying any Gunpowder or other explosive shall enter or remain on the Navigation without a red flag or metal vane, painted red, two feet square at the least, shewn in a conspicuous place above the Deck; and there shall also be kept burning in a conspicuous place on every such Ship or Boat, between sunset and sunrise, a lamp showing continuously, ahead and astern, a red light, capable of being distinctly seen on a clear night at a distance of 200 yards.

10. Every Ship or Boat containing any Gunpowder or other explosive, shall at all times have at least one competent man on board and in charge of such Ship or Boat and her cargo.

11. No Ship or Boat carrying any Gunpowder or other explosive shall be towed or propelled otherwise than by animals or men. Nor shall any such Ship or Boat, except for the purpose of passing, approach nearer to any other Ship or Boat carrying Gunpowder or other explosive, than 200 yards.

12. Every Ship or Boat shall, so long as there is any Gunpowder or other explosive on board, proceed with all convenient speed and without any avoidable delay to her destination.

13. No Ship or Boat containing any Gunpowder or other explosive shall, whilst being loaded or unloaded be detained for any longer time than would with all due diligence be necessary.

14. 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.

In the case of Ship or Boat conveying explosive exceeding 100 lbs., due provision shall be made for preventing the introduction into such ship 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 Ship or Boat in which the explosive conveyed is liable to be dangerously affected by water, due precaution 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, and nothing in this Byelaw shall apply to any explosive of the First Division of the 6th (Ammunition) Class, provided the Rules specified in the Order of the Secretary of State, No. 3, E. in reference to Ammunition of that Class shall have been complied with in regard to such explosive, and provided all due precautions are taken for the prevention of accidents.

15.—Any explosive which for the time being is neither authorised (by license or continuing certificate) to be manufactured for general sale, nor authorized by licence to be imported for general sale, may be carried only in such manner as shall be specially directed by the Corporation, 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 Section, may lawfully be imported without any license.

16.—These Byelaws and all the provisions of the said Act shall be observed by all the Agents and Servants of the said Corporation, and all persons using or engaged upon the Navigation or any Wharf connected therewith.

17. Every person committing any breach of, or in any way infringing any of the above Byelaws, shall be liable to the following penalties, viz. :—
pecuniary penalties for each offence not exceeding

£20, and £10 each day during which such offence continues, and forfeiture of all the Gunpowder or other explosive, in respect of which, or found in the Ship or Boat in respect of which, such breach or infringement shall take place. All penalties may be recovered, enforced, and applied according to the provisions of the said Act.

18. Any vessel carrying Gunpowder or other explosive will be required to pay to the Corporation a reasonable charge for any special services rendered.

19. These Byelaws are supplemental to the Act of 38 Vict. c 17, entitled "The Explosives Act, 1875," and in addition thereto, and in no manner in contravention of the said Act.

20. In these Byelaws the words "Gunpowder," "Explosive," "Master," "Wharf," "Ship," and "Boat," shall have the same respective meanings as are assigned to them in "The Explosive Act, 1875."

Given under the common seal of the said Mayor, Aldermen, and Citizens of Exeter, this Twelfth day of July, 1876.



L. S.

The Board of Trade hereby signify their sanction to the above Byelaws.

Signed by order of the Board of Trade
the First day of August, 1876.

HENRY G. CALCRAFT,
Assistant-Secretary, Board of Trade.