STATUTORY RULES OF NORTHERN IRELAND

2009 No. 248

HEALTH AND SAFETY

The Manufacture and Storage of Explosives (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*23rd June 2009*
To be laid before Parliament	
Coming into operation	*7th August 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (4) and (5), 40(2) and (4), 53(1), 54(1) and 55(2) of, and paragraphs 1(1), (2) and (3), 6, 10, 13, 14(1), 15, 17 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**1**) as applied and modified by Article 53 of that Order. In accordance with Article 46(1)(**2**) of that Order he has consulted with the Health and Safety Executive for Northern Ireland and such bodies as appeared to him to be appropriate.

Citation and Commencement

1. These Regulations may be cited as the Manufacture and Storage of Explosives (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 7th August 2009.

Amendments to the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006

2. The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006(**3**) shall be amended in accordance with the Schedule.

Amendments to the Explosives Act 1875

3. Sections 53, 54, 55, 56, 61 and 76 of the Explosives Act 1875(**4**) shall be repealed.

(**1**) S.I.1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**2**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**3**) S.R. 2006 No. 425
(**4**) 1875 c. 17 (38 & 39 Vict.)

Amendment to the Explosives Act (Northern Ireland) 1970

4. Section 5 of the Explosives Act (Northern Ireland) 1970(**5**) shall be repealed.

Northern Ireland Office
23rd June 2009

Paul Goggins
Minister of State for Northern Ireland

(**5**) 1970 c. 10, as amended by S.R. 2006 No. 425

SCHEDULE

Regulation 2

AMENDMENTS TO THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 2006

1. In paragraph (1) of regulation 2, in the definition of "registration", after "regulation 13(3)" insert "and includes a varied registration".

2. In regulation 3 (Application) in paragraph (2)(b)—

(a) omit "section 53 of the 1875 Act"

3. In regulation 5 (separation distances)—

(a) for paragraph (2), substitute—

"(2) Paragraph (1) shall not apply to—

(a) desensitised explosives; or

(b) explosives which are stored under a licence granted by the Secretary of State in cases where—

(i) the public hearing procedure was required pursuant to regulation 11(4); or

(ii) that procedure was not required by virtue of regulation 11(5)(d) or (e).";

and

(b) in paragraph (3)—

(i) for "sub-paragraph (b)", substitute "sub-paragraphs (b) and (d)";

(ii) after sub-paragraph (a), insert—

"(aa) a combined total of 5 kilograms of shooters' powder and model rocket motors;";

(iii) after sub-paragraph (d), insert—

"(e) 4 kilograms of explosive kept by a police force for operational purposes other than those referred to in sub-paragraph (d),"; and

(c) after paragraph (7), insert—

"(8) In this regulation, "model rocket motors" means explosive articles which—

(a) are allocated the U.N. nos. 0186, 0272, 0349, 0351 or 0471;

(b) are intended to be used for the propulsion of model rockets or similar articles; and

(c) in respect of each individual explosive article, contain no more than 1 kilogram of explosive.".

4. In regulation 10 (explosives not to be stored without a licence or certificate of registration)—

(a) in paragraph (2)—

(i) in sub-paragraphs (d) and (e), before "days" wherever it appears, insert "consecutive"; and

(ii) for sub-paragraph (g), substitute—

"(g) the storage of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds—

(i) a registration; or

(ii) a licence to store explosives

and that storage by the wholly-owned subsidiary is in accordance with any condition of that registration or licence."; and

(b) in paragraph (3)—

(i) in sub-paragraph (b)—

(aa) omit "or explosive articles to which they respectively relate"; and

(bb) at the end, insert "and"; and

(ii) after sub-paragraph (b), insert—

"(c) in sub-paragraphs (d) and (e), Christmas Day, Good Friday and, to the extent that they are not the same as those, any days which under the Banking and Financial Dealings Act 1971(**6**) are bank holidays shall not be included for the purposes of determining the period of days referred to in those sub-paragraphs.".

5. In regulation 11 (grant of licences)—

(a) for paragraph (2), substitute—

"(2) A licence, not being the renewal of a licence, may be granted—

(a) for such period not exceeding 5 years; or

(b) for any period or without a time limit in a case—

(i) to which paragraph (4) applies; or

(ii) to which paragraph (4) does not apply by virtue of paragraph (5)(e); or

(iii) where the licence application relates only to the manufacture of ammonium nitrate blasting intermediate,

as the Secretary of State determines.";

(b) in paragraph (5)—

(i) omit sub-paragraph (b);

(ii) in sub-paragraph (d), omit "or" at the end; and

(iii) at the end of sub-paragraph (e), insert—

"(f) which is to follow, without a gap in time, a previous licence granted to follow, without a gap in time, a deemed licence for the purposes of regulation 26(3); or

(g) relating to the manufacture of explosives by the Police Service of Northern Ireland for operational purposes or the training of its members in relation to those purposes."; and

(c) in paragraph (7), after "paragraph (4)" insert "or in cases where that procedure was not required by virtue of paragraph (5)(d) or (e)".

6. In regulation 13—

(a) in paragraph (4), for "3 years" substitute "5 years";

(b) in paragraph (5), omit "exceptions listed in";

(c) in paragraph (7), after "manufacture of explosives" insert ", other than manufacture not requiring a licence by virtue of regulation 9(2),"; and

(d) in paragraph (8), omit "or explosive articles".

7. In regulation 15 (variation of licences)—

(**6**) 1971 c. 80