STATUTORY RULES OF NORTHERN IRELAND

2006 No. 425

HEALTH AND SAFETY

The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006

Made - - - -	*19th October 2006*
To be laid before Parliament	
Coming into operation	*1st December 2006*

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 of that Order as so applied and modified he has consulted with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to him to be appropriate.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 and shall come into operation on 1st December 2006.

Interpretation

2.—(1) In these Regulations—

"the 1875 Act" means the Explosives Act 1875(**2**);

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"ammonium nitrate blasting intermediate" means non-sensitised mixtures of, primarily, ammonium nitrate and other substances which are not themselves explosive, such as oxidisers

(**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**) 1875 c. 17 (38 & 39 Vict.).

and fuels, intended to produce a blasting explosive only after further processing prior to use and classified in accordance with the United Nations Recommendations as falling within Class 5.1;

"black powder" means an intimate mixture, with or without sulphur, of charcoal or other carbon with potassium nitrate or sodium nitrate, whether the mixture is in meal, granular, compressed or pelletised form, being an explosive substance allocated in accordance with the United Nations Recommendations the U.N. nos. 0027 or 0028;

"centre point", in relation to a store or a building, means the centre point of the store or building determined as far as is reasonably possible;

"Class 1" means Class 1 in respect of explosives or the classification of dangerous goods as set out in the United Nations Recommendations;

"desensitised explosive" means—

(a) a solid explosive substance which has been wetted with water or alcohol or diluted with one or more other substances; or

(b) a liquid explosive substance which has been dissolved or suspended in water with one or more other substances,

to form a homogeneous mixture so as to suppress its explosive properties and which, without that treatment, would be classified in accordance with the United Nations Recommendations as falling within Class 1;

"disposes", in relation to explosives and explosive-contaminated items, means destroying the explosives or explosive-contaminated items or otherwise rendering them harmless;

"explosive" means—

(a) any explosive article or explosive substance which would—

(i) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or

(ii) be classified in accordance with the United Nations Recommendations as—

(aa) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport; and

(bb) falling within Class 1; or

(b) a desensitised explosive,

but it does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance;

"explosive article" means an article containing one or more explosive substances;

"explosive substance" means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is—

(a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or

(b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of any of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;

"firearm" and "firearms dealer" have the meaning given to them by Article 2(2) of the Firearms (Northern Ireland) Order 2004(**3**);

"fireworks" means the explosive articles allocated in accordance with the United Nations Recommendations any of the U.N. nos. 0333 to 0337;

(**3**) S.I. 2004/702 (N.I. 3).

"harbour" means a harbour which is within the jurisdiction of a harbour authority and includes—

(a) the areas of water within the jurisdiction of that harbour authority; and

(b) land within the jurisdiction of, or occupied by, the harbour authority and used in connection with the loading and unloading of ships,

but does not include the areas of water which are within the jurisdiction not only of the harbour authority but also of another harbour authority and which are used primarily by ships using berths within the harbour of that other harbour authority;

"harbour authority" means—

(a) in relation to a harbour area, the statutory harbour authority by reference to which that harbour area is defined; and

(b) in relation to a harbour, any person being, or claiming to be—

(i) the proprietor of that harbour; or

(ii) entrusted with the duty, or invested with the duty, or invested with the power of improving, managing, maintaining or regulating that harbour;

"hazard type" means any of Hazard Type 1 explosive, Hazard Type 2 explosive, Hazard Type 3 explosive or Hazard Type 4 explosive;

"Hazard Type 1 explosive" means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a mass explosion hazard;

"Hazard Type 2 explosive" means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a serious projectile hazard but does not have a mass explosion hazard;

"Hazard Type 3 explosive" means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard and either a minor blast hazard or a minor projectile hazard, or both, but does not have a mass explosion hazard;

"Hazard Type 4 explosive" means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard or slight explosion hazard, or both, with only local effect;

"headquarters" means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999(**4**);

"Her Majesty's Forces" means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employee of the Ministry of Defence attached to those forces;

"licence" means a licence for the manufacture or storage of explosives granted under regulation 11 and includes a varied licence;

"licensee" means a person who has been granted a licence under regulation 11 and includes a person to whom a licence is transferred and a person treated under regulation 20 as being licensed;

"manufacture" includes—

(a) in relation to explosive articles, their repair, modification, disassembly or unmaking; and

(b) in relation to explosive substances, their reprocessing, modification or adaptation,

(**4**) S.I. 1999/1736.

but it does not include the packing, unpacking, re-packing, labelling or testing of explosives or the division of a quantity of explosives stored in bulk into smaller quantities and the placing of those smaller quantities into containers;

"mine" means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals;

"non-sensitised" means giving a negative test result when subjected to Test Series 8 of the Manual of Tests and Criteria, fourth edition(**5**), supporting the United Nations Recommendations;

"percussion caps" means items intended for use in small arms ammunition allocated in accordance with the United Nations Recommendations the U.N. nos. 0044, 0377 or 0378;

"police force", for the purposes of regulations 3(3)(c) and (5)(b), 5(3)(d) and 26(6), includes—

(a) any Harbour or Airport Police;

(b) the Ministry of Defence Police; and

(c) the Police Service of Northern Ireland;

"preparation" means a mixture of two or more substances or a solution of any substance or substances;

"propellant" means a deflagrating explosive used as a propellant in firearms;

"public consultation zone" means the area around the building where the manufacture of explosives takes place or is proposed to take place or the store or proposed store, which, from the centre point of the building or store, has a radius equivalent to double the greatest separation distance required by virtue of these Regulations to apply in the case of that store or building;

"pyrotechnic" means an explosive article or substance of a kind designed to produce an effect by heat, light, sound, gas or smoke, or a combination of any of these, as a result of non-detonative, self-sustaining, exothermic chemical reactions;

"quarry" has the meaning assigned to it by regulation 3 of the Quarries Regulations (Northern Ireland) 2006(**6**);

"registered" in relation to a person, means a person registered in respect of the storage of explosives under regulation 13 and includes a person to whom a registration is transferred and a person treated under regulation 20 as being registered;

"registration" means registration under regulation 13 and "certificate of registration" means a certificate issued under regulation 13(3);

"renewal of a licence" or "renewal of a registration" means respectively the grant of a licence or issue of a certificate of registration to follow a previous licence or certificate of registration without any amendment or gap in time;

"separation distance" means the distance between the building in which explosives are, or are to be, manufactured or the store and a building, or other place, in or at which people are, or are likely to be, present either all the time or from time to time;

"ship" includes every description of vessel used in navigation;

"shooters' powder" means—

(a) black powder;

(**5**) ISBN 92-1-139087-7.
(**6**) S.R. 2006 No. 205.

(b) smokeless powder; or

(c) any other substance or preparation based on potassium nitrate or nitrocellulose, whether in powder, pelletised or granular form, used, or to be used, as a propellant;

"site" means the whole area under the control of the same person and for these purposes—

(a) all places adjoining each other under the control of the same person shall be treated as a whole area; and

(b) two or more areas under the control of the same person separated only by a road, railway or inland waterway shall be treated as a whole area;

"small arms ammunition" means the explosive articles allocated in accordance with the United Nations Recommendations the U.N. nos. 0012, 0014 or 0055 which are intended exclusively for use in small arms;

"smokeless powder" means an explosive substance allocated in accordance with the United Nations Recommendations the U.N. nos. 0160 or 0161;

"a store" means a building, enclosed area or metal structure in which explosives are, or are to be, stored;

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

"U.N. no." means United Nations Serial Number, that is to say one of the four-digit numbers devised by the United Nations as a means of identification of types of explosives in accordance with the United Nations Recommendations;

"United Nations Recommendations" means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26 April 1957))(**7**) as revised or reissued from time to time;

"visiting force" has the same meaning as it does for the purpose of any provision of the Visiting Forces Act 1952(**8**);

"water-based", in relation to explosives, means explosives which are based on water and ammonium nitrate and allocated in accordance with the United Nations Recommendations the U.N. no. 0241;

"wholly-owned subsidiary" has the same meaning as it is given by Article 4(2) of the Companies (Northern Ireland) Order 1986(**9**).

(2) For the purposes of these Regulations, and subject to regulation 3(6), the manufacture or storage of ammonium nitrate blasting intermediate shall be deemed to be the manufacture or storage of an explosive.

(3) For the purpose of measuring any distance required to be a separation distance by virtue of these Regulations, the distance to be measured shall be the distance between the outside edge of the building in which the explosives are, or are to be, manufactured or the store and the nearest point of the building, or other place, to which the separation distance applies.

(4) Any reference in these Regulations to the quantity of an explosive shall be construed as a reference to the net mass of explosive substance and, in the case of any pyrotechnic article, the net mass of the explosive shall, for the purposes of these Regulations, be deemed to be one quarter of the gross mass of the pyrotechnic article or, where the manufacturer, importer or supplier specifies

(**7**) Current edition (2005): ISBN 92-1-139106 -7.
(**8**) 1952 c. 67.
(**9**) S.I. 1986/1032 (N.I. 6).