STATUTORY RULES OF NORTHERN IRELAND

1997 No. 555

HEALTH AND SAFETY

Construction (Use of Explosives) Regulations (Northern Ireland) 1997

Made - - - -	*19th December 1997*
To be laid before Parliament	
Coming into operation	*12th February 1998*

The Secretary of State in exercise of the powers conferred on her by Articles 17(1), (2), (3), (5), 20(2), and 55(2) of, and paragraphs 1(1) and (2), 6, 8, 9, 10, 11, 13, 15 and 17(*a*) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**1**) and of every other power enabling her in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to her to be appropriate, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Construction (Use of Explosives) Regulations (Northern Ireland) 1997 and shall come into operation on 12th February 1998.

Interpretation

2. In these Regulations—

"construction site" means any place where the principal work activity being carried out is construction work;

"construction work" means the carrying out of any building, civil engineering or engineering construction work and includes any of the following—

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, decomissioning, demolition or dismantling of a structure,

(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and laying or installing the foundations of the structure,

(**1**) S.I.1978/1039 (N.I. 9)

but does not include the exploration for or extraction of mineral resources or preparatory activities carried out at a place where such exploration or extraction is carried out;

"structure" means any building, steel or reinforced concrete structure (not being a building), railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line (whatever, in either case, it contains or is intended to contain), cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earth works, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure, or structure designed to preserve or alter any natural feature, and any other structure similar to the foregoing.

Application

3.—(1) Subject to paragraph (2), these Regulations shall apply to and in relation to construction work carried out by a person at work.

(2) These Regulations shall not apply to any workplace on a construction site which is set aside for purposes other than construction work.

Person upon whom duties are imposed by these regulations

4.—(1) It shall be the duty of every employer whose employees are carrying out construction work involving the handling and use of explosives and every self-employed person carrying out construction work involving the handling and use of explosives to comply with the provisions of these Regulations in so far as they affect him or any person at work under his control or relate to matters which are within his control.

(2) It shall be the duty of every person (other than a person having a duty under paragraph (1) or (3)), who controls the way in which any construction work involving the handling and use of explosives is carried out by a person at work, to comply with the provisions of these Regulations in so far as they relate to matters which are within his control.

(3) It shall be the duty of every employee carrying out construction work involving the handling and use of explosives to comply with the requirements of these Regulations in so far as they relate to the performance of or the refraining from an act by him.

(4) It shall be the duty of every person at work—

(a) as regards any duty or requirement imposed on any other person under these Regulations, to co-operate with that person so far as is necessary to enable that duty or requirement to be performed or compiled with; and

(b) where working under the control of another person, to report to that person any defect which he is aware may endanger the health and safety of himself or another person.

Explosives

5. An explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused by it.

Training

6. Any person who carries out any construction work involving the handling or use of explosives shall have the necessary training, technical knowledge and experience to reduce the risks of injury to any person or be under such degree of supervision by a person having such training, knowledge and experience, as may be appropriate.