STATUTORY RULES OF NORTHERN IRELAND

1996 No. 262

HEALTH AND SAFETY

The Marking of Plastic Explosive for Detection Regulations (Northern Ireland) 1996

Made - - - -	*7th June 1996*
To be laid before Parliament	
Coming into operation	
or on a day to be notified in the Belfast Gazette whichever is the earlier	*31st July 1997*

The Secretary of State, in pursuance of Articles 17(1) and (2) and 55(2) of, and paragraph 1(1)(*b*) 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 and after consulting, in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Agency for Northern Ireland and such other bodies as appeared to him to be appropriate, hereby makes the following regulations:

Citation and Commencment

1. These regulations may be cited as the Marking of Plastic Explosive for Detection Regulations (Northern Ireland) 1996 and shall come into operation on 31st July 1997 or on the day on which the Convention enters into operation for the United Kingdom (such date to be notified by the Secretary of State in the Belfast Gazette) whichever is the earlier.

Interpretation

2.—(1) In these Regulations,

"authorised military device" means an explosive article, including but not limited to a shell, bomb, projectile, mine, missile, rocket, shaped charge, grenade, or perforator, which, in any case, is manufactured solely for lawful military or police purposes;

"the Convention" means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1st March 1991;

"detection agent" means a substance named in column 1 of the Table in Part II of the Schedule;

"explosive" shall be construed in accordance with Part I of the Schedule;

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

"explosive article" and "explosive substance" have the meanings respectively assigned to them by regulation 2 of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**2**);

"manufacture" means any process, including reprocessing which produces explosives;

"marked" shall be construed in accordance with paragraph (2) of this regulation and related expressions shall be construed accordingly;

"State Party to the Convention" means any state which has deposited in accordance with Article XIII of the Convention an instrument of ratification, acceptance, approval or accession to the Convention with the International Civil Aviation Organisation, or any other body from time to time designated the Depository under the Convention, and in respect of which a denunciation under Article XV of the Convention has not taken effect.

(2) For the purposes of these Regulations, an explosive is marked if it, or a sample of the explosive, contains a detection agent of at least the concentration specified in the corresponding entry for that detection agent in column 2 of the Table in Part II of the Schedule, whether that detection agent is introduced during the process of manufacture of the explosive for the purpose of making the explosive detectable or, as a result of the normal formulation of that explosive.

Prohibition on manufacture

3. No person shall manufacture any explosive the finished product of which is unmarked.

Prohibition on possession

4.—(1) No person shall have in his possession nor transfer possession of any unmarked explosive.

(2) Paragraph (1) shall not apply to an explosive that is in the process of being manufactured.

(3) Paragraph (1) shall not apply for a period of 3 years, commencing with the date of coming into operation of these Regulations, to any unmarked explosive manufactured before these Regulations come into operation.

(4) Paragraph (1) shall not apply to any unmarked explosive in the possession of military or police personnel where the explosive is incorporated as an integral part of an authorised military device before the date which is 3 years after the date of coming into force of these Regulations.

(5) Notwithstanding paragraph (3), paragraph (1) shall not apply for a period of 15 years, commencing with the date of coming into operation of these Regulations, to any unmarked explosive which—

(a) was manufactured before these Regulations came into operation;

(b) does not fall within paragraph (4); and

(c) is in the possession of the authorities of a State Party to the Convention for military or police purposes.

Importation

5.—(1) No person shall import any unmarked explosive into the United Kingdom.

(2) Paragraph (1) of this regulation shall not apply for a period of 15 years, commencing with the date of coming into operation of these Regulations, to any unmarked explosive manufactured before these Regulations come into operation, imported by the authorities of a State Party to the Convention for military or police purposes.

(**2**) S.R. 1991 No. 516