1976 No. 369

EXPLOSIVES

Explosives (No. 2) Regulations (Northern Ireland) 1976

Made . . . . . *29th November* 1976

Coming into operation . . . *2nd February* 1977

To be laid before Parliament

The Secretary of State(a) in pursuance of section 3 of the Explosives Act (Northern Ireland) 1970(b) hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Explosives (No. 2) Regulations (Northern Ireland) 1976 and shall come into operation on 2nd February 1977.

Interpretation

2. In these regulations—

"authorised shot firer", subject to regulation 4(4), means a person who is licensed as a shot firer under regulation 4(1);

"blasting operation" means a blasting operation in which explosives are used;

"licence", subject to regulation 4(4), means a licence granted under regulation 4(1);

"shot firer" means a person in charge of a blasting operation;

"shot" means an explosion of explosives; and

"the 1971 Regulations" means the Explosives Regulations (Northern Ireland) 1971(c).

Revocation and saving for existing licences

3.—(1) Subject to paragraph (2), regulations 2 to 7 of the 1971 Regulations are revoked.

(2) A licence issued under regulations 3 and 4 of the 1971 Regulations and in force on the date of the coming into force of these regulations shall remain in force for a period of 6 months from that date (unless it would otherwise cease to remain in force and subject to the continued application during that period of regulations 5 and 6 of the 1971 Regulations) and expire at the end of that period.

Shot firers to be licensed by Secretary of State

4.—(1) A person shall not fire a shot in any blasting operation unless he is authorised to act as a shot firer under a licence granted by the Secretary of State.

(a) Formerly the Minister of Home Affairs for Northern Ireland; *see* S.I. 1973/2163 (1973 III, p. 7541)
(b) 1970 c. 10 (N.I.)
(c) S.R. & O. (N.I.) 1971 No. 332 (p. 1534)

(2) A person shall not charge a shot hole or prepare for a shot in any blasting operation unless he is an authorised shot firer or unless he does so under the supervision of an authorised shot firer.

(3) A person shall not employ another as a shot firer unless that other is an authorised shot firer.

(4) In this regulation—

"licence" includes a licence for the time being in force by virtue of regulation 3(2); and

"authorised shot firer" includes the holder of such a licence.

Application for licence to be accompanied by photographs

5.—(1) An application for the grant of a licence shall be accompanied by two recent photographs of the applicant.

(2) The photographs referred to in paragraph (1) shall be—

(*a*) taken full face, without a hat;

(*b*) not more than 63 mm by 50 mm or less than 50 mm by 38 mm in size;

(*c*) printed on normal thin photographic paper unglazed on the back and unmounted; and

shall bear an endorsement on the reverse side signed and dated by a member of the Royal Ulster Constabulary as follows:—

"I verify that this is a true likeness of (*full name*)".

Form of licence and duration

6. A licence shall—

(*a*) bear a photograph of and be signed by the holder;

(*b*) be in the form set out in the schedule;

(*c*) unless sooner revoked, remain in force for one year commencing with the date on which it was granted or was last renewed.

Persons to whom licence may be granted

7. A licence shall not be granted to a person unless—

(*a*) he has attained the age of 21 years;

(*b*) he is certified to be competent to carry out blasting operations either by his employer or by some authority approved by the Secretary of State; and

(*c*) the commander of the police division in which he resides is satisfied that he is a fit and responsible person.

Revocation of licence

8.—(1) Where—

(*a*) an authorised shot firer ceases to operate or be employed as a shot firer; or

(*b*) his employer or some other authority approved by the Secretary of State certifies that he is no longer competent to carry out blasting operations; or

(*c*) the commander of the police division in which he resides informs the Secretary of State that in his opinion he is no longer a fit person to hold a licence,

the licence shall be revoked.