1970. No. 110 **[C]**

EXPLOSIVES

Control of Explosives

REGULATIONS*, DATED 19TH MAY 1970, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 3 OF THE EXPLOSIVES ACT (NORTHERN IRELAND) 1970.

I, the Right Honourable Robert Wilson Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 3 of the Explosives Act (Northern Ireland) 1970(a) and all other powers thereunto enabling, do hereby make the following Regulations:—

PART I

GENERAL

Citation and Commencement

1. These Regulations may be cited as the Explosives Regulations (Northern Ireland) 1970 and shall come into operation on 22nd day of May 1970.

Interpretation

2. In these Regulations:—

"the Act of 1970" means the Explosives Act (Northern Ireland) 1970;

"the Act of 1875" means the Explosives Act 1875(b);

"an officer of police" means an officer of the Royal Ulster Constabulary not below the rank of Head Constable;

"the Minister" means the Minister of Home Affairs;

and any reference to a Form by number is to that Form as numbered in the Schedule.

Saving for Explosives Acts

3. Except as provided by Regulation 5 nothing in these Regulations shall affect or derogate from any provision under the Act 1875 or the Explosives Act (Northern Ireland) 1924(c) including any provision as to manufacture, handling, storage, or conveyance of explosives, whether by Order in Council, Rule, or other statutory instrument.

PART II

MANUFACTURE OF EXPLOSIVES

Police consent under section 1 of the Act of 1970

4.—(1) An application for the written consent of an officer of police under section 1(1)(*a*) of the Act of 1970 shall be in Form 1 and such consent shall be in Form 2.

(a) 1970. c. 10 (N.I.).
(b) 38 & 39 Vict. c. 17.
(c) 14 & 15 Geo. 5. c. 5 (N.I.).

*These Regulations were affirmed by a Resolution of each House of Parliament on 21st May 1970.

(2) Every such application and consent shall specify:—

(*a*) the name, address and age (if under 21 years) of the applicant (being the person who proposes to manufacture the explosive personally or under whose direct and personal supervision such manufacture is to take place and including any such person as is referred to in Regulation 5(5)(*b*));

(*b*) the capacity in which such consent is sought, or, as the case may be, granted;

(*c*) the chemical details of such manufacture, including all substances, the weights thereof and the method of preparation;

(*d*) the purpose for which the explosive is to be manufactured (including whether it is for sale or otherwise, or the quarry, mining or other operations in which it is to be used);

(*e*) the precise location of the proposed place of manufacture and the period during which the explosive is to be manufactured; and

(*f*) any other particulars required by the officer of police.

(3) The Form of written consent granted may, in addition, specify any other requirements or conditions which the officer of police may impose and shall not be issued except on production of a licence granted by the Minister under the Act of 1875 or Regulation 5.

Manufacture etc. of Ammonium Nitrate Mixtures

5.—(1) The following explosives shall, subject to this Regulation and any provision which may be made by Order in Council under sections 50 and 83 of the Act of 1875 or by Regulations made under the Act of 1970, provided that they satisfy the test described in paragraph (3), be prescribed explosives for the purposes of the said section 50 as modified and extended for this purpose by section 3(2) of the Act of 1970, that is to say:—

(*a*) ammonium nitrate impregnated with mineral oil;

(*b*) a mixture of ammonium nitrate and any other substance or substances which—

(i) is impregnated with mineral oil; and

(ii) was not explosive before impregnation with mineral oil;

(*c*) a mixture of ammonium nitrate and—

(i) any other substance which was not explosive alone; or

(ii) any other substances none of which was explosive alone or was mixed with any of the others in such a way that the resulting mixture was explosive.

(2) If anything is added to an explosive which by virtue of this Regulation is a prescribed explosive for the purposes mentioned above (except mineral oil in the case of an explosive which is a prescribed explosive for those purposes by virtue of paragraph (*a*) or (*b*) above) the explosive shall cease to be a prescribed explosive by virtue of this Regulation for those purposes.

(3) The test referred to in paragraph (1) is that, when a cardboard tube not more than 12 inches (304·8 millimetres) long and with an internal diameter of not more than 3 inches (76·2 millimetres) is filled with the explosive, the explosive will not explode completely on being initiated by means of a detonator whose initiating effect is equivalent to that of a detonator containing not less than one gramme of mercury fulminate.

(4) Any explosive which by virtue of this Regulation is a prescribed explosive for the purposes of section 50 of the Act of 1875 shall be exempt from the provisions of the Act of 1875 relating to the manufacture of explosives, provided that the person manufacturing the explosive holds a licence from the Minister authorising him to manufacture that explosive and complies with any requirements or conditions contained in the licence which the Minister may impose.

(5) An application for a licence referred to in paragraph (4) shall be in Form 3 and such licence shall be in Form 4 and the particulars to be stated therein shall include those required under Regulation 4(2) for the purposes of the grant of the consent to which that Regulation relates and also:—

(*a*) the substances which may be added to the mixture of ammonium nitrate permitted in accordance with Condition 3 of the licence;

(*b*) the names of the responsible persons under whose supervision the *mixing or impregnation* referred to in Condition 2 of the licence is to be carried out; and

(*c*) any additional particulars required by or on behalf of the Minister.

(6) Where the application is for a licence under paragraph 5 to manufacture the explosives referred to in paragraph (1) at a mine or quarry, the application shall be made by the occupier thereof within the meaning of section 2 of the Act of 1970.

PART III

SALE, ACQUISITION, TRANSFER OF EXPLOSIVES

Police consent under section 1 *of the Act of* 1970 *to the sale or acquisition or transfer of explosives*

6. An application under section 1(1)(*a*) of the Act of 1970 for the written consent of an officer of police to the sale, acquisition, transfer or disposal of any explosive shall be in Form 5 and such consent shall be in Form 6.

Record of transactions required by section 1(1)(*b*) *of the Act of* 1970

7.—(1) The permanent record of transactions required by section 1(1)(*b*) of the Act of 1970 to be kept by any person carrying out the transactions specified in that section shall be in Form 7 and all the particulars specified in that Form shall be completed in accordance with paragraph (2).

(2) (*a*) The record of transactions shall be completed in ink or ball-point pen;

(*b*) all details shall be inserted at the time of the transaction unless approval is given otherwise by the Ministry of Home Affairs;

(*c*) an entry shall be made for each separate transaction and for each type of explosive in every transaction; and

(*d*) the record of transactions shall be retained for a period of at least 2 years after the date of the last transaction and shall be available for inspection in accordance with section 1(2)(*a*) of the Act of 1970.

(3) Where the person receiving the explosive is not known to the vendor, transferor, or person by whom it is being disposed of, then the vendor, transferor, or person disposing of the explosive shall require the purchaser or acquirer to submit evidence of identification and to sign the record of transactions.

PART IV

REGISTER OF EXPLOSIVES TO BE KEPT AT STORE BY OCCUPIER OF MINE OR QUARRY

Register required under section 2(3) of the Act of 1970

8.—(1) The Register required by section 2(3) of the Act of 1970 to be kept at the store at which explosives are kept for the purposes of a mine or quarry shall be in Form 8 and all the particulars specified in the Register shall be completed in accordance with paragraph (2).

(2) (*a*) The Register shall be kept in a hard-backed volume, each page to be numbered consecutively;

(*b*) the Register shall be completed in ink or ball-point pen;

(*c*) the name of the owner or the occupier of the quarry or mine and the name and situation of the quarry or mine shall be inserted on the first page of the Register;

(*d*) the Register shall on demand be immediately produced for inspection by a member of the Royal Ulster Constabulary on production of his warrant card or by a Government Inspector;

(*e*) the Register shall be completed in the presence of the person issuing the explosive and the person receiving the explosive;

(*f*) columns 1, 2, 3 and 4 shall be completed at the time of the issue of the explosive; columns 5, 6, 7 and 8 shall be completed within 1 hour of the completion of the operation; and

(*g*) the Register shall be kept for a period of at least 2 years after the date of the last entry.

PART V

CONTROL OF EXPLOSIVES USED IN DEMOLITION, CONSTRUCTION OR ROAD WORKS

9.—(1) Where any person (whether on his own account or as sub-contractor or otherwise) undertakes the business of demolition, construction or road works and in so doing employs explosives he or another person authorised by him in writing shall be responsible for the record required by paragraph (2) and no person other than—

(*a*) the person carrying out the demolition, construction or road works, or

(*b*) the person so authorised, or

(*c*) a person acting under the direct supervision of either of the said persons

shall remove explosives from any store.

(2) A record shall be kept in Form 9 of the receipt and issue of all explosives used in blasting operations in the course of demolition, construction or road works and this record shall be completed in accordance with paragraph (3).

(3) (*a*) The record shall be kept in a hard-backed volume, each page to be numbered consecutively;

(*b*) the record shall be completed in ink or ball-point pen;

(*c*) the name of the contractor, sub-contractor or other person carrying out the demolition, construction or road works together with the person named in the authority under paragraph (1) shall be inserted on the first page of the record;

(*d*) the record shall on demand be immediately produced for inspection by a member of the Royal Ulster Constabulary on production of his warrant card or by a Government Inspector;

(*e*) the record shall be completed in the presence of the person issuing and of the person receiving the explosive;

(*f*) columns 1, 2, 3, 4, 5, 6, 7 and 8 shall be completed at the time of the receipt or the issue of the explosive; columns 9, 10 and 11 shall be completed within 1 hour of the completion of the blasting operation; and

(*g*) the record shall be kept for a period of at least 2 years after the date of the last entry.

PART VI

STORAGE OF EXPLOSIVES

Prohibition on night storage of explosives

10.—(1) Subject to paragraph (2) the holding in stores between the hours of sunset and sunrise of explosives in excess of 55 lbs. (25 kilogrammes) in weight is prohibited.

(2) The Minister may grant such exemptions from paragraph (1) as shall from time to time be deemed proper.

PART VII

TRANSPORTATION OF EXPLOSIVES

11.—(1) The transportation without the consent in writing of an officer of police of any explosive in or through Northern Ireland or any part thereof is prohibited.

(2) In this Regulation "transportation" includes carriage or conveyance whether by road, rail or craft of any sort.

Dated this 19th day of May 1970.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.