



Explosives Act (Northern Ireland) 1970

1970 CHAPTER 10

An Act to make further provision with respect to the regulation of explosives and fireworks and for related purposes. [19th May 1970]

1 Making and dealing with explosives.

- (1) Subject to subsections (3) and (4) and without prejudice to the operation of the [F1 Explosives Act 1875 M1 (in this Act referred to as “the 1875 Act”) or of any instrument made under that Act, the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006] or of any other provision of this Act, a person shall not carry out, or undertake to carry out, any of the following transactions, that is to say, making, selling, purchasing, acquiring, transferring or disposing of, any explosive unless—
- (a) there have been furnished in writing to an officer of police full and accurate particulars of the proposed transaction and the consent in writing of such an officer has been obtained to its being carried out; and
 - (b) in the case of a sale, acquisition, transfer or disposal, he keeps a permanent record of all such transactions entered into by him and has entered in that record the name, address and occupation of every person from whom he has purchased or acquired any explosive and of every person to whom he has sold, transferred or disposed of, any explosive together with the dates of each such transaction and particulars of the quantity and nature of the explosive to which it related.
- (2) Any person carrying out any transaction mentioned in subsection (1) shall—
- (a) produce for inspection by, and make immediately available to, a member of the Royal Ulster Constabulary or Government Inspector, on demand:—
 - (i) the permanent record required to be kept under paragraph (b) of that subsection; and
 - (ii) any explosive in his possession or under his control;
 - (b) retain, for a period of at least two years after first coming into his possession, and, at any time during that period, produce and make available as aforesaid, all invoices, consignment notes, receipts and consents respecting every sale, purchase, acquisition, transfer or disposal of explosives to which he is a party.

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- (3) Subsection (1)(a) shall not apply to—
- (a) a purchase, acquisition or transfer if the purchaser, acquirer or transferee is the occupier of a licensed factory or a licensed [^{F2}store keeping more than 2000 kilograms of explosives] ;
 - (b) a transaction carried out by or on behalf of a department of the Government of Northern Ireland or a Government Inspector acting as such.
- (4) Subsections (1) and (2) shall not apply to the armed forces of the Crown or to any department of the Government of the United Kingdom or to the Commissioners of Irish Lights or to any member of the Royal Ulster Constabulary acting as such.
- [^{F3}(4A) [^{F4}Subsections (1) and (2) shall not apply to—
- (a) fireworks of such categories as may be prescribed by Explosives regulations; and
 - (b) those desensitised explosives listed in Schedule 2 to the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.]]
- (5) It may, and shall where Explosives Regulations under section 3(3) so provide, be made a condition of any consent issued under this section to the purchase, acquisition or transfer of any explosive that that explosive shall be used only for a purpose or in a manner or at a time or within a period or in the presence of such persons as may be specified in the consent and, if not used within any such period, shall be handed over to an officer of police for destruction or returned to a licensed magazine or licensed store.
- (6) Any person acting in contravention of any provision of this section or of any condition of any consent issued under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding[^{F5} level 4 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- (7) In this section “officer of police” means an officer of the Royal Ulster Constabulary not below the rank of Head Constable^{F6}.

- F1** Words in s. 1(1) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 27(1), **Sch. 6 para. 8(2)(a)** (with reg. 26)
- F2** Words in s. 1(3)(a) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 27(1), **Sch. 6 para. 8(2)(b)** (with reg 26)
- F3** 1996 NI 17
- F4** S. 1(4A): "for subsection 1(4A)" there is substituted words (1.12.2006) by virtue of [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 27(1), **Sch. 6 para. 8(2)(c)** (with reg. 26)
- F5** 1984 NI 3
- F6** Now inspector, SRO (NI) 1970/111

Marginal Citations

- M1** 1875 c. 17

2 Blasting operations at mines and quarries.

- (1) A person shall not remove from any store kept at or used for the purposes of any mine or quarry, any explosive unless he is an authorised shot firer or is authorised in writing

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by the occupier of the mine or quarry to remove the explosive and when removing it acts under the direct supervision of an authorised shot firer.

- (2) It shall be the duty of the occupier of every mine or quarry and of every person removing or supervising the removal of any explosive from any store kept at or used for the purposes of a mine or quarry, to ensure that, if such explosive is not used or destroyed, it is returned to the said store immediately upon completion, abandonment or postponement of the blasting operations for the purposes of which it was removed.
- (3) The occupier of every mine or quarry at which blasting operations are carried on shall keep or cause to be kept at the store at which explosives are kept for the purposes of that mine or quarry a register in which shall be recorded the amount of the explosive issued for each separate blasting operation, the amount used at such operation, the amount returned to store as required by subsection (2), and whether the operation was carried out, abandoned or postponed together with, in each case, the name of the person to whom the explosives were issued for the purpose of the operation.
- (4) Any person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding three hundred pounds or to imprisonment for a term not exceeding^{F7} level 4 on the standard scale] or to both such imprisonment and such fine.
- (5) For the purposes of this section “occupier” includes, in relation to a mine or quarry, any person who is for the time being entitled to work that mine or quarry.

F7 1984 NI 3

3 Explosives Regulations.

- ^{F8}(1) The Minister of Home Affairs^{F9} (in this Act referred to as “the Minister”) may make regulations (to be known and in this Act referred to as “Explosives Regulations”) for imposing such prohibitions or restrictions (in addition to the prohibitions or restrictions imposed by or under the [^{F10}1875 Act] or this Act) as may be necessary or expedient for controlling and regulating the following matters, that is to say, the manufacture, sale, acquisition, transfer, storing, transportation, handling, use or disposal of explosives^{F11}. . . including regulations requiring conditions to be observed and records to be kept of or in connection with all or any of those matters.
- (2) Any provision which may be made (whether by the Minister or by any other authority) with respect to any of the matters mentioned in subsection (1) by instrument under the [^{F12}1875 Act] may be made by Explosives Regulations.
- (3) Explosives Regulations may prescribe the form of any register or record required to be kept and the form and duration of any licence, permit, certificate, authorisation or other document issued under the Regulations or under this Act, the terms and conditions on and subject to which any such document may be issued, suspended or cancelled, the fees to be paid for the issue thereof, and the manner in which such fees are to be applied.
- (4) Every person who acts in contravention of any provision contained in Explosives Regulations or of any condition of any document issued thereunder shall be guilty of an offence, and unless some penalty is otherwise expressly provided by or under this Act for such contravention, shall be liable on summary conviction to a fine not exceeding

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three hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(5) ^{F13}Explosives Regulations shall be subject to affirmative resolution.

- F8** 1972 NI 3
F9 Functions transf. SI 1973/2163
F10 Words in s. 3(1) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), [Sch. 6 para. 8\(3\)](#) (with reg. 26)
F11 1996 NI 17
F12 Words in s. 3(2) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), [Sch. 6 para. 8\(3\)](#) (with reg. 26)
F13 Regs. are now subject to negative resolution in UK Parl., SI 1973/2163

4 False statements etc.

(1) Any person who—

- (a) for or in connection with obtaining a consent under section 1(1)(a) knowingly or recklessly makes, or participates in, or assents to or acquiesces in, the making of any false or misleading statement; or
- (b) knowingly or recklessly makes, or participates in, or assents to or acquiesces in, the making of any false or misleading statement in any record required to be kept under section 1(1)(b) or in any register required to be kept under section 2(3); or
- (c) knowingly or recklessly omits, or participates in or assents to or acquiesces in the omission of, the entry of any material particular in any such record or register; or
- (d) forges, counterfeits, falsifies or fraudulently uses or knowingly or wilfully alters, destroys, erases or obliterates the whole or any part of any consent, record, register or other document issued or required under this Act or under Explosives Regulations or wilfully causes or knowingly permits any such act to be done by any other person; or
- (e) wilfully refuses to furnish any information within his knowledge to, or knowingly furnishes false or misleading information to, a member of the Royal Ulster Constabulary or a Government Inspector with respect to any such consent, record, register or other document;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F14} level 4 on the standard scale] or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

Subs. (2) rep. by 1981 NI 26

F14 1984 NI 3

5 RUC to have powers of inspectors.

Any member of the Royal Ulster Constabulary on production of his warrant card shall have and may exercise all or any of the powers of a Government Inspector under ^{F15}sections 55 and 75] of the Explosives Act 1875 ^{M2} and, accordingly, that Act shall

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have effect as if references in those sections^{F16} . . . to a Government Inspector included references to any such member.

- F15** Words in s. 5 substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 8(4)(a)** (with reg. 26)
- F16** Words in s. 5 repealed (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1)(2), Sch. 6 para. 8(4)(b), **Sch. 7 Pt. 1**

Marginal Citations

M2 1875 c. 17

S.6, with Schedule 1, effects amendments.

S.7(1) substitutes s.91 of 1875 c.17 (the entry relating to s. 91(3) rep. by 1981 NI 26);

S.7(2) amends s.41 of 1964 c.21 (NI)

8 Interpretation.

(1) In this Act—

“authorised shot firer” means, in relation to a mine or a quarry, a person who is duly authorised to act as a shot firer for the purposes of any rules or regulations for the time being applicable to blasting operations at that mine or quarry;

“Explosives Regulations” and “Minister” have the meanings respectively assigned to them in section 3(1);

“instrument” has the meaning assigned to it by section 1(c) of the Interpretation Act (Northern Ireland) 1954 ;

[^{F17}1875 Act] has the meaning assigned to it in section 1(1).

(2) For the purposes of sections 2 and 3, references to explosives shall include references to any liquid, substance, article or thing intended to be used in the adaptation or preparation or modification of an explosive.

(3) Subject to subsection (2), in this Act, “explosive” and other expressions to which meanings are respectively assigned in the [^{F18}Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006] shall have those meanings.

F17 Words in s. 8(1) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 8(3)** (with reg. 26)

F18 Words in s. 8(3) substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 8(5)** (with reg. 26)

S.9(1), with Schedule 2, effects repeals;

S.9(2) effects revocations

10 Short title and citation.

This Act may be cited as the Explosives Act (Northern Ireland) 1970 and the [^{F19}1875 Act] and this Act may be cited together as the Explosives Acts (Northern Ireland) 1875 to 1970.

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F19 Words in s. 10 substituted (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 8(3)** (with reg. 26)

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Schedule 1—Amendments

Schedule 2—Repeals

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