



Explosives Act (Northern Ireland) 1970

1970 CHAPTER 10

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 [^{F2}the Chief Constable] full and accurate particulars of the proposed transaction and the consent in writing of [^{F3}the Chief Constable] 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, [^{F4}an authorised officer] 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.
- (3) Subsection (1)(a) shall not apply to—

Changes to legislation: There are currently no known outstanding effects for the Explosives Act (Northern Ireland) 1970, Section 1. (See end of Document for details)

- (a) a purchase, acquisition or transfer if the purchaser, acquirer or transferee is the occupier of a licensed factory or a licensed [^{F5}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.
- [^{F6}[^{F7}(4A) 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 [^{F8}authorised officer] 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 [^{F9} level 4 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- [^{F10}(7) In this section, “authorised officer” means a person authorised by the Chief Constable under section 8A(2).]

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| 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(1)(a) substituted (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 30(2)(a)(i) (with reg. 31) |
| F3 | Words in s. 1(1)(a) substituted (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 30(2)(a)(ii) (with reg. 31) |
| F4 | Words in s. 1(2) substituted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 30(2)(b) (with reg. 31) |
| F5 | 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) |
| F6 | 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) |
| F7 | 1996 NI 17 |
| F8 | Words in s. 1(5) substituted (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 30(2)(c) (with reg. 31) |
| F9 | 1984 NI 3 |
| F10 | S. 1(7) substituted (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 30(2)(d) (with reg. 31) |

Changes to legislation: There are currently no known outstanding effects for the Explosives Act (Northern Ireland) 1970, Section 1. (See end of Document for details)

Marginal Citations

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There are currently no known outstanding effects for the Explosives Act (Northern Ireland) 1970, Section 1.