
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 224

**The Control of Explosives Precursors
etc. Regulations (Northern Ireland) 2014**

PART 8

Revocations, amendments, savings and transitional provisions

Revocations

28. The legislation specified in column 1 of Schedule 3 is revoked to the extent specified in column 3 of that Schedule.

Consequential and connected amendments

- 29.**—(1) In paragraph 3 of Schedule 1 to the 1978 Order (existing statutory provisions)(1)—
- (a) at the end of sub-paragraph (a) insert “and”;
 - (b) at the end of sub-paragraph (b) omit “and”; and
 - (c) omit sub-paragraph (c).

(2) In Article 36(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978(2), for the words “to which Article 3 of the Explosives (Northern Ireland) Order 1972 applies” substitute “which is a tier 1 substance within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”.

- (3) In the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(3)—
- (a) after article 3(o)(4) insert—

- “(p) any decision to refuse to grant a licence under regulation 5 of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014, to grant such a licence subject to conditions, to modify such a licence (including any of the conditions of that licence), or to suspend or revoke such a licence;
- (q) any decision to refuse an application for a licence or registration under Part 3 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006(5), to grant such a licence subject to conditions, to modify such a licence (including any of the conditions of that licence), or to revoke such a licence or such registration;”.

(1) Paragraph 3 was inserted by [S.I. 2010/976](#). There are no other relevant amendments.

(2) [S.I. 1978/1049 \(N.I. 19\)](#); the definition of “waste” in Article 36(1) was modified by [S.R. 2006 No.425](#). Other amendments are not relevant.

(3) [S.R. 1979 No. 195](#); this Order was amended by section 39 of the Osteopaths Act 1993 (c. 21); section 40 of the Chiropractors Act 1994 (c. 17); [S.R. 1987 No. 393](#); [S.R. 2001 No. 248](#); [S.R. 2001 No. 400](#); [S.R. 2003 No. 355](#); [S.R. 2006 No. 425](#); [S.R. 2009 No. 173](#); [S.R. 2009 No. 303](#); [S.R. 2012 No. 318](#); and [S.R. 2014 No. 27](#).

(4) Article 3 was amended by [S.R. 1987 No. 393](#); [S.R. 2001 No. 248](#); [S.R. 2001 No. 400](#); [S.R. 2009 No. 303](#); [S.R. 2012/318](#) and [S.R. 2014 No. 27](#).

(5) [S.R. 2006 No.425](#); Part 3 was amended by [S.R. 2009 No.248](#).

- (b) in article 4(2)(6) for the words “article 3(d) to (o)” substitute “article 3(d) to (q)”;
- (c) in Schedule 2 (excepted licences, certificates and permits)(7)—
 - (i) in paragraph 4 for “section 3 of that Act as extended by Article 3 of the Explosives (Northern Ireland) Order 1972” substitute “issued under the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”, and
 - (ii) after paragraph 7 insert—
 - “8. Any licence or certificate issued under Part 3 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”; and
- (d) in Schedule 3 (excepted proceedings)—
 - (i) in paragraph 14(8), for “of section 3 of that Act as extended by Article 3 of the Explosives (Northern Ireland) Order 1972” substitute “required under the provisions of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”; and
 - (ii) after paragraph 25(9), insert—
 - “26. Proceedings relating to a licence granted or a certificate of registration issued under Part 3 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.
- (4) In regulation 5(2) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991 (application of these Regulations)(10)—
 - (a) in sub-paragraph (h) omit “, the Explosives (Northern Ireland) Order 1972”; and
 - (b) after sub-paragraph (h) insert—
 - “(i) a tier 1 substance within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014.”.
- (5) For regulation 3 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 (application)(11), substitute—

“Application

- 3. These Regulations shall not apply to an industrial activity involving—
 - (a) substances to which the Explosives Acts (Northern Ireland) 1875 to 1970 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 apply;
 - (b) tier 1 substances within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014; or
 - (c) the supply of substances to a member of the general public in contravention of regulation 13 of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014.”.
- (6) In Schedule 2 to the REACH Enforcement Regulations 2008 (functions of enforcing authorities)(12), for paragraph 3 substitute—
 - “3. In Northern Ireland, paragraph 2 does not apply in respect of—

(6) Article 4 was substituted by S.R. 1987 No. 393, and amended by S.R. 2001 No. 400; S.R. 2009 No. 303; and S.R. 2012 No. 318.

(7) Schedule 2 was amended by S.R. 2006 No.425 and S.R. 2009 No.303.

(8) Paragraph 14 was amended by S.R. 2006 No. 425.

(9) Paragraph 25 was inserted by S.R. 2009 No.303.

(10) S.R. 1991 No.509; regulation 5(2)(h) was amended by S.R. 2006 No.425.

(11) S.R. 1999 No.90; regulation 3 was amended by S.R. 2006 No.425.

(12) S.I. 2008/2852; there are no relevant amendments.

- (a) substances for which the Explosives Acts (Northern Ireland) 1875 to 1970, the Health and Safety Quarries (Explosives) Regulations (Northern Ireland) 2006, or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 make provision; or
 - (b) tier 1 substances within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014.”.
- (7) In regulation 3(5) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (application)(**13**)—
 - (a) omit “, the Explosives (Northern Ireland) Order 1972”; and
 - (b) at the end of the paragraph insert “apply or to any tier 1 substance or tier 2 substance within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”.
- (8) In regulation 3(1) of the Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (application)(**14**)—
 - (a) omit “, the Explosives (Northern Ireland) Order 1972”; and
 - (b) at the end of the paragraph insert “and any tier 1 substance or tier 2 substance within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”.
- (9) In regulation 4(3) of the Carriage of Explosives Regulations (Northern Ireland) 2010 (application)(**15**)—
 - (a) omit “, the Explosives (Northern Ireland) Order 1972”; and
 - (b) at the end of the paragraph insert “and any tier 1 substance or tier 2 substance within the meaning of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014”.
- (10) In Schedule 12 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010(**16**) (explosives)—
 - (a) in paragraph 2—
 - (i) in sub-paragraph (1), omit “(as extended by Article 3(1) of the Explosives (Northern Ireland) Order 1972”;
 - (ii) omit sub-paragraph (4); and
 - (iii) in sub-paragraph (5), for “sub-paragraphs (1) and (4)” substitute “sub-paragraph (1)”.
 - (b) in paragraph 4—
 - (i) omit sub-paragraph (2); and
 - (ii) in sub-paragraph (6), omit paragraphs (c), (d), (e), (f), (h), (i), (k) and (n);
 - (iii) in sub-paragraph (6), omit “and, so far as applicable” to the end;
 - (iv) in sub-paragraph (7), omit “and, so far as applicable” to the end; and
 - (v) in sub-paragraph (11), omit “or the function under Article 3(2) of the 1972 Order”.

(13) S.R. 2009 No.238; paragraph (5) was amended by S.R. 2009 No.273. Other amendments to regulation 3 are not relevant.

(14) S.R. 2009 No.273; there are no relevant amendments to this regulation.

(15) S.R. 2010 No.59;

(16) S.I. 2010/976.

Amendments relating to police consent to activities involving explosives

30.—(1) The Explosives Act (Northern Ireland) 1970~~(17)~~ is amended as follows.

(2) In section 1 (making and dealing with explosives)~~(18)~~—

(a) in subsection (1)(a)—

(i) for “an officer of police” substitute “the Chief Constable”, and

(ii) for “such an officer” substitute “the Chief Constable”;

(b) in subsection (2), for “a member of the Police Service of Northern Ireland” substitute “an authorised officer”;

(c) in subsection (5), for “officer of police” substitute “authorised officer”;

(d) for subsection (7) substitute—

“(7) In this section, “authorised officer” means a person authorised by the Chief Constable under section 8A(2).”.

(3) After section 8 (interpretation) insert—

“Functions of the Chief Constable

8A.—(1) The Chief Constable may direct in writing that any of his functions under this Act, or under regulations made under this Act, as are specified in the direction may be exercised on the Chief Constable’s behalf by such appropriate police officers and members of the police support staff as are specified in the direction.

(2) The Chief Constable may direct in writing that a constable or a member of the police support staff is an authorised officer for the purpose of this Act, or regulations made under this Act.”.

(4) The Explosives Regulations (Northern Ireland) 1970~~(19)~~ are amended as follows.

(5) In regulation 1 (interpretation), omit the definition of “an officer of police”.

(6) In the following provisions, for “an officer of police” substitute “the Chief Constable”—

(a) regulation 4(1) and (6); and

(b) regulation 11(1).

(7) In the following provisions, for “officer of police” substitute “Chief Constable”—

(a) regulation 4(2)(f) and (3);

(b) paragraph (1) of Form 1 in the Schedule;

(c) the heading of Form 2 in the Schedule;

(d) paragraphs (1) and (8) of Form 5 in the Schedule~~(20)~~;

(e) paragraphs (1) and (11) of Form 5A in the Schedule;

(f) the heading of Form 6 in the Schedule; and

(g) the heading of Form 6A in the Schedule.

(8) In the following provisions, for “consenting officer of police” substitute “Chief Constable”—

(17) 1970 c. 10.

(18) Section 1 was amended by S.I. 1996/1920 (N.I. 17) and S.R. 2006 No.425. References to the “Royal Ulster Constabulary” became the “Police Service of Northern Ireland” (section 78 of the Police (Northern Ireland) Act 2000 (c. 32)). References to fines were amended by S.I. 1984/703 (N.I. 3). References to “Head Constable” became “Inspector or Chief Inspector” (S.R.O. (N.I.) 1970/111).

(19) S.R. 1970 No.110; these Regulations were amended by S.R. 1971 No.332; S.R. 1973 No.474; S.R. 1977 No.128; S.R. 2006 No.425; S.R. 2008 No.491.

(20) Forms 5, 5A, 6 and 6A were substituted by S.R. 1977 No.128.

- (a) paragraphs (7), (10)(a) and (10)(b) of Form 6 in the Schedule; and
- (b) paragraph (7) of Form 6A in the Schedule.

(9) In Form 6 in the Schedule, in paragraph (11), for “officer of police who issued this consent” substitute “Chief Constable”.

Transitional provision and savings

31.—(1) Before 3rd March 2016, regulation 4(3) has effect as if paragraphs (c) and (d) were omitted.

(2) Subject to paragraphs (3) to (5), a licence issued in respect of a tier 1 substance under any instrument listed in Schedule 3 which was valid immediately before the relevant date, is to be treated as a licence granted under regulation 5 and continues in operation on its existing terms and conditions.

(3) Such a licence remains valid until—

- (a) its expiry on the date it was due to expire,
- (b) its revocation under regulation 5, or
- (c) a period of three years beginning on the relevant date,

whichever is the sooner.

(4) The continued operation of such a licence is subject to—

- (a) the Secretary of State’s power to amend, vary, suspend or revoke a licence under regulation 5; and
- (b) any review under regulation 7.

(5) The existing terms and conditions of such a licence do not apply to the extent that they are inconsistent with any provision of these Regulations.

(6) Where an application for a licence, or to amend a licence, under any instrument listed in Schedule 3 has been made to the Secretary of State but not determined by the relevant date—

- (a) the application is to be treated as an application under regulation 6;
- (b) the provisions of these Regulations (other than regulation 6(1) to (7)) apply to the application; and
- (c) the Secretary of State may require the applicant to provide additional information or documentation (including the information or documentation mentioned in regulation 6(2), (3)(b) and (d), (4)(a) and (5)) to—
 - (i) the Secretary of State, or
 - (ii) an authorised officer.

(7) Subject to paragraphs (8) and (9), consent to a transaction involving a tier 1 substance issued under the Explosives Act (Northern Ireland) 1970 or any instrument listed in Schedule 3, which was valid immediately before the relevant date, is to be treated as consent granted under regulation 9 or 14, as the case may be, and continues in operation on its existing terms and conditions.

(8) Such consent remains valid until—

- (a) its expiry on the date it was due to expire,
- (b) its withdrawal under regulation 9 or 14, or
- (c) 14 days beginning on the relevant date,

whichever is the sooner.

(9) The existing terms and conditions of such consent do not apply to the extent that they are inconsistent with any provision of these Regulations.

(10) Paragraph (11) applies where—

- (a) immediately before the relevant date, a person was exempt from the requirement to obtain consent to, or keep a permanent record of, a transaction involving a tier 1 substance under the Explosives Act (Northern Ireland) 1970 or any instrument listed in Schedule 3; and
- (b) that person is not so exempt under these Regulations.

(11) Regulations 9, 10 and 14 do not apply to that person for a period of 3 months beginning on the relevant date.

(12) In this regulation, the “relevant date” means the date of coming into force of these Regulations.