
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 87

**The Explosives in Harbour Areas
Regulations (Northern Ireland) 1995**

PART VIII

MISCELLANEOUS AND GENERAL

Power of a statutory harbour authority to make byelaws

34.—(1) Subject to the provisions of Schedule 5, a statutory harbour authority may make in respect of the harbour area byelaws prohibiting the entry or regulating the entry, carriage, handling and storage of explosives.

(2) Byelaws shall not conflict with these Regulations or with any other relevant statutory provisions.

(3) Byelaws shall be restricted to matters relating to the harbour area,

(4) Byelaws may contain their own provisions for enforcement.

Enforcement of these Regulations

35.—(1) Subject to paragraph (2), the Secretary of State shall be responsible for enforcing these Regulations.

(2) A statutory harbour authority shall be responsible for enforcing Part III and regulations 4, 5, 29 and 33(2) in the harbour area against persons other than itself.

Defence in proceedings for contravening these Regulations or byelaws

36. In any proceedings for an offence of contravening these Regulations (other than for an offence under regulation 16, 32 or 33(1)) or of contravening any byelaw made under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Power to grant exemptions from these Regulations

37.—(1) Subject to paragraph (2), the Secretary of State may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by or under these regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

(a) the conditions, if any, which he proposes to attach to the exemption: and

(b) any other requirements imposed by or under any enactment which apply to the case,

he is satisfied that neither the health nor safety of persons, nor the security of any explosive likely to be affected by the exemption, will be prejudiced in consequence of it.

(3) The Secretary of State may, in the interests of national security by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations—

- (a) Her Majesty's forces;
- (b) visiting forces within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁾;
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽²⁾;
- (d) any person engaged in the carriage, keeping or supply of any military explosives, if that person is under the direct supervision of a representative of the Ministry of Defence,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

Repeals, revocations, modifications and savings

38.—(1) The following provisions and the byelaws made thereunder are hereby repealed—

- (a) sections 34, 36 (only in so far as that section applies within harbours and harbour areas) and 11.5 of the Explosives Act 1875; and
- (b) section 71(5) of the Harbours, Docks and Piers Clauses Act 1847⁽³⁾.

(2) The Conveyance in Harbours of Military Explosives Regulations 1977⁽⁴⁾ are hereby revoked.

(3) The provisions of any local Act passed before 1st February 1979 or of any byelaws made before 1st February 1979 which conflict with the provisions of these Regulations or of any explosives licence granted under these Regulations shall cease to have effect and that Act or those byelaws shall be modified accordingly.

(1) 1952 c. 67
(2) 1964 c. 5
(3) 1847 c. 27
(4) S.I. 1977/890