

SCHEDULE 6

AMENDMENTS

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Factory and Workshop Act 1901, use of locomotives and wagons on lines and sidings, Regulations 1906

17. In the Factory and Workshop Act 1901, use of locomotives and wagons on lines and sidings, Regulations 1906(1), in the provisions on Application which begin with the words “Nothing in these Regulations shall apply to”, for sub-paragraph (i) substitute “(i) Any site for the manufacture of explosives which is specified in a licence granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

Order in Council No. 30 dated 2nd February 1937

18. After the proviso in Order in Council No. 30 dated 2nd February 1937(2), insert—
“For the purpose of paragraph (1) of the proviso, all buildings and places adjoining each other and occupied together shall be deemed to be the same premises.”.

The Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970

19.—(1) The Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970(3) are amended as follows.

- (2) For the definition of “explosives store” in regulation 2(1) (interpretation), substitute—

““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or certificate of registration issued under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006;”.

(3) In regulation 32(a) (shot firing — additional provisions for shafts, winzes and raises), for the words from “workshop used” to the end substitute “suitable place for that purpose appointed by the manager of the mine.”.

The Explosives Regulations (Northern Ireland) 1970

20.—(1) The Explosives Regulations (Northern Ireland) 1970(4) are amended as follows.

- (2) In regulation 3 (saving for Explosives Acts)—

- (a) omit “Except as provided by Regulation 5”; and
(b) for the words “Explosives Act (Northern Ireland) 1924” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(3) In regulation 4(3) (police consent under section 1 of the Act of 1970), for the words from “Minister under the Act” to the end substitute “Secretary of State under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(1) S.R. & O. 1906/679.

(2) S.R. & O. 1937/54, amended by S.R. & O. (N.I.) 1947 No. 128 and S.R. 1979 No. 290.

(3) S. R. & O. (N.I.) 1970 No. 106.

(4) S.R. & O. (N.I.) 1970 No. 110, to which there are amendments not relevant to these Regulations.

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- (4) Regulation 5 (manufacture etc. of ammonium nitrate mixtures) is revoked.
- (5) In the Schedule, omit Forms 3 and 4.

The Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981

21. In paragraph 2 of Schedule 1 to the Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981⁽⁵⁾ (exempted matter), for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991

22. In regulation 5(2)(h) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991⁽⁶⁾ (application of these Regulations), for the words “or the Explosives (Northern Ireland) Order 1972” substitute “, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

23.—(1) The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991⁽⁷⁾ are amended as follows.

(2) In regulation 3(3) (classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof), omit “Subject to regulation 11,”.

(3) Regulation 11 (classification and labelling under these regulations shall satisfy classification and labelling provisions of the Explosives Act 1875) is revoked.

The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993

24. Schedule 3 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993⁽⁸⁾ is amended as follows—

- (a) in substance 50 in Part A (named substances), for the words “to which the Explosives Act 1875 applies” substitute “for which a licence, granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006, is required”; and
- (b) in categories 4 and 5 of Part B (categories of substances and preparations not specifically named in Part A), for the words “or magazine subject to assent procedures under section 7 of the Explosives Act 1875” substitute “subject to the public hearing procedure under regulation 12 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993

25.—(1) The Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993⁽⁹⁾ are amended as follows.

(2) In regulation 3 (application)—

- (a) in 3(2)(a), for “Firearms Orders 1981 to 1992” substitute “Firearms (Northern Ireland) Order 2004”; and

(5) [S.R. 1981 No. 340.](#)

(6) [S.R. 1991 No. 509.](#)

(7) [S.R. 1991 No. 516.](#) to which there are amendments not relevant to these Regulations.

(8) [S.R. 1993 No. 275.](#)

(9) [S.R. 1993 No. 488.](#)

- (b) in 3(3)(a), for “Section 53 of the Explosives Act 1875” substitute “Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978”.
- (3) Regulation 11 and Schedule 4 (modifications) are revoked.

The Toys (Safety) Regulations 1995

26. In Schedule 3 to the Toys (Safety) Regulations 1995⁽¹⁰⁾, in the note at the end marked with an asterisk, after the words “Manufacture and Storage of Explosives Regulations 2005” insert “and the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Explosives in Harbour Areas Regulations (Northern Ireland) 1995

27. For regulation 3(3)(e) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995⁽¹¹⁾ (application), substitute—

- “(e) a berth which forms part of a site—
 - (i) licensed under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 in cases where, in relation to the application for that licence, the public hearing procedure was required pursuant to regulation 11(4) of those Regulations; or
 - (ii) which is deemed to be licensed under those Regulations by virtue of regulation 26 of those Regulations in cases where, in relation to that deemed licence, the public hearing procedure would have been required pursuant to regulation 11(4) of those Regulations had the licence been applied for under those Regulations;”.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

28.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997⁽¹²⁾ are amended as follows.

- (2) In Schedule 2 (dangerous occurrences)—
 - (a) in Part I (general)—
 - (i) for paragraph 6(1)(a), substitute—
 - “(a) any unintentional fire, explosion or ignition at a site—
 - (i) where explosives are manufactured by a person who holds a licence, or who does not hold a licence but is required to, in respect of that manufacture under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006; or
 - (ii) where explosives are stored by a person who holds a licence or is registered, or who is not licensed but is required to be in the absence of any registration, in respect of that storage under those Regulations;
 - (aa) the unintentional explosion or ignition of explosives at a place other than a site described in sub-paragraph (1)(a), not being one—

⁽¹⁰⁾ S.I. 1995/204, to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ S.R. 1995 No. 87.

⁽¹²⁾ S.R. 1997 No. 455.

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- (i) caused by the unintentional discharge of a weapon where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to do; or
 - (ii) where a fail-safe device or safe system of work functioned so as to prevent any person from being injured in consequence of the explosion or ignition;”;
- (ii) at the end of paragraph 6(1)(e), insert “or from any intentional fire or ignition”; and
- (iii) for paragraph 6(2), substitute—

“(2) In this paragraph—

“danger zone” means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives; and

“explosives” has the same meaning as in the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(3) In Schedule 7 (statutory provisions requiring the notification of events which are not required to be notified or reported under the Regulations), omit the entry relating to the Explosives Act 1875.

The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999

29. For regulation 3 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(13) (application), substitute—

“3. These Regulations shall not apply to an industrial activity involving substances to which the Explosives Acts (Northern Ireland) 1875 to 1970, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 apply.”.

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 1999

30. In regulation 3(18)(a) of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 1999(14) (amendment of the principal Regulations), for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Building Regulations (Northern Ireland) 2000

31. For paragraph 1(a) of Class 1 of Schedule 1 to the Building Regulations (Northern Ireland) 2000(15) (classes of exempted buildings), substitute—

“(a) Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(13) S.R. 1999 No. 90.

(14) S.R. 1999 No. 496 to which there are amendments not relevant to these Regulations.

(15) S.R. 2000 No. 389.

The Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000

32. In regulation 3 of the Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000⁽¹⁶⁾ (application), after the words “Explosives Acts (Northern Ireland) 1875 to 1970” insert “and the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Explosives (Fireworks) Regulations (Northern Ireland) 2002

33.—(1) The Explosives (Fireworks) Regulations (Northern Ireland) 2002⁽¹⁷⁾ are amended as follows.

(2) In the definition of “enforcing authority” in regulation 2(1) (interpretation), for the words “1994” substitute “2005”.

(3) In regulation 3 (savings for Explosives Acts), for “Explosives Act (Northern Ireland) 1924” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(4) In regulation 4(2) (prohibition on the possession, purchase, sale, acquisition, handling or use of fireworks), after the word “prohibited” insert “by a person other than a Government Inspector, Constable or representative of an enforcing authority acting in his capacity as such”.

(5) In regulation 8 (labelling requirements)—

(a) in paragraph (2), for the word “packet” substitute “packaging”; and

(b) in paragraph (3), after the word “firework” insert “the packaging of”.

(6) For regulation 9(b) (fireworks exempt from prohibition), substitute—

“(b) any person licensed under regulation 11, or registered under regulation 13, of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 to keep classified fireworks for the purpose of wholesale or retail trade;”.

(7) In regulation 11(2) (display of notice and certificate), for the words “of premises under section 5 of the Explosives Act 1875” substitute “under regulation 13 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(8) In Schedule 3 (scale of licence fees), for the words “Where the attendance of any persons at a fireworks display will not exceed 1000;” substitute “Where the attendance of any persons at a fireworks display will exceed 100 but will not exceed 1000;”.

The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002

34. In regulation 3(7) (application) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002⁽¹⁸⁾, for the words “Explosives Acts (Northern Ireland) 1875 to 1970 or the Explosives (Northern Ireland) Order 1972” substitute “Explosives Acts (Northern Ireland) 1875 to 1970, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005

35. In paragraph 2 of Schedule 3 to the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005⁽¹⁹⁾ (accuracy classes for filling instruments), for

⁽¹⁶⁾ S.R. 2000 No. 1646, to which there are amendments not relevant to these Regulations.

⁽¹⁷⁾ S.R. 2002 No. 147.

⁽¹⁸⁾ S.R. 2002 No. 301.

⁽¹⁹⁾ S.R. 2005 No. 27.

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the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Carriage of Explosives Regulations (Northern Ireland) 2006

36.—(1) The Carriage of Explosives Regulations (Northern Ireland) 2006⁽²⁰⁾ are amended as follows.

- (2) In regulation 2(1) (interpretation), for the definition of “safe and secure place” substitute—
- ““safe and secure place” means a safe and secure place within a site—
- (a) in relation to which a person is licensed to manufacture or store explosives under regulation 11 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 or is registered in respect of such storage under regulation 13 of those Regulations; or
 - (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983;”.
- (3) For regulation 3(1) (application), substitute—
- “(1) The Regulations shall apply to explosives and other dangerous goods within the meaning of—
- (a) the Explosives Acts (Northern Ireland) 1875 to 1970 or the Explosives (Northern Ireland) Order 1972 and to any regulations, orders or other instruments of a legislative character made or having effect under those provisions; or
 - (b) the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

The Quarries (Explosives) Regulations (Northern Ireland) 2006

37. For the definition of “explosives store” in regulation 2 of the Quarries (Explosives) Regulations (Northern Ireland) 2006⁽²¹⁾ (interpretation), substitute—

““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or registration issued under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006;”.

⁽²⁰⁾ S.R. 2006 No. 182.

⁽²¹⁾ S.R. 2006 No. 204.