

**EXPLANATORY MEMORANDUM TO**  
**THE CARRIAGE OF EXPLOSIVES (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2006**

**2006 No. 520**

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

2.1 The Regulations amend the Carriage of Explosives Regulations (Northern Ireland) 2006 to add references to Commission Directives 2004/89/EC, 2004/110/EC and 2004/111/EC. They also makes some other minor adjustments to the regulations.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 In Northern Ireland explosives are a matter reserved to the United Kingdom government. Therefore it is for the Secretary of State for Northern Ireland, using powers conferred by the Health and Safety at Work (Northern Ireland) Order 1978, to amend the existing regulations to satisfy the European Commission (EC) that the Commission Directives referred to in paragraph 2.1 have been implemented.

4.2 These Regulations cover not just explosives but also acetylene which is deemed to be an explosive under the Explosives Act (Northern Ireland) 1875 and those substances controlled as explosives under the Explosives (Northern Ireland) Order 1972 (i.e. ammonium nitrate, potassium nitrate, sodium chlorate, sodium chlorite, sodium nitrate, sodium nitrite and nitro benzene).

4.3 The Department of Enterprise, Trade and Investment (DETI) has made similar regulations to cover the carriage of dangerous goods other than the substances mentioned at paragraph 4.2 (the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006).

**5. Territorial Extent and Application**

5.1 This instrument applies to Northern Ireland.

5.2 The Regulations are closely based on and do not differ materially from the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 in so far as the latter apply to explosives and those substances deemed to be or controlled as explosives.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

7.1 The Secretary of State is required to implement EC Directives relating to the carriage of explosives by road and rail. The Directives require member States to implement into national legislation the full range of provisions in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (known as ADR) and the Regulations concerning the International Carriage of Dangerous Goods by Rail (known as RID). As the Agreements are subject to biennial review, the Framework Directive itself is amended on the same basis to apply the latest revisions to the Agreements.

7.2 The Regulations will implement the latest EC Directives relating to the carriage of dangerous goods, including new provisions contained within the EC Directives for security relating to identification requirements for carriers and their personnel and site security plans for high consequence dangerous goods.

7.3 In response to the events of 11 September 2001, the United Nations Subcommittee on the Transport of Dangerous Goods agreed proposals to enhance the security of transporting dangerous goods. These were published in the 13<sup>th</sup> revised edition of the UN Model Regulations. The international bodies responsible for the carriage of dangerous goods by road and rail, ADR and RID respectively, jointly agreed to adopt these Model Regulations. Commission Directives 2004/110/EC and 2004/111/EC make these security measures an EU-wide requirement.

7.4 Joint consultation on the Regulations was carried out with DETI between 1 June and 14 July 2006. Industry, central and local government, section 75 equality groups etc were consulted. No adverse comments were received.

7.5 The Secretary of State will publish a notice in the Belfast Gazette announcing the new Regulations and interested parties will be informed by letter of their coming into operation. The Regulations will also appear on the NIO website.

7.6 The Secretary of State intends to consolidate the Carriage of Explosives Regulations (Northern Ireland) 2006 and these Regulations in the business year 2007/08. He is currently consulting on this proposal.

## **8. Impact**

8.1 A full Regulatory Impact Assessment (RIA) in respect of these Regulations was not prepared as, in principle, the Regulations should have a very similar impact in Northern Ireland to that in Great Britain, with due allowance for differences of scale between the two jurisdictions. A comparison of the Northern Ireland costs and benefits against the costs and benefits associated with the Great Britain Regulations was prepared. The RIA Declaration and the Northern Ireland Costs and Benefits document are held at Firearms and Explosives Branch of the Northern Ireland Office.

## **9. Contact**

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