

1970. No. 110

[C]

EXPLOSIVES**Control of Explosives**

REGULATIONS*, DATED 19TH MAY 1970, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 3 OF THE EXPLOSIVES ACT (NORTHERN IRELAND) 1970.

I, the Right Honourable Robert Wilson Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 3 of the Explosives Act (Northern Ireland) 1970(a) and all other powers thereunto enabling, do hereby make the following Regulations:—

PART I**GENERAL***Citation and Commencement*

1. These Regulations may be cited as the Explosives Regulations (Northern Ireland) 1970 and shall come into operation on 22nd day of May 1970.

Interpretation

2. In these Regulations:—

“the Act of 1970” means the Explosives Act (Northern Ireland) 1970;

“the Act of 1875” means the Explosives Act 1875(b);

“an officer of police” means an officer of the Royal Ulster Constabulary not below the rank of Head Constable;

“the Minister” means the Minister of Home Affairs;

and any reference to a Form by number is to that Form as numbered in the Schedule.

Saving for Explosives Acts

3. Except as provided by Regulation 5 nothing in these Regulations shall affect or derogate from any provision under the Act 1875 or the Explosives Act (Northern Ireland) 1924(c) including any provision as to manufacture, handling, storage, or conveyance of explosives, whether by Order in Council, Rule, or other statutory instrument.

PART II**MANUFACTURE OF EXPLOSIVES***Police consent under section 1 of the Act of 1970*

4.—(1) An application for the written consent of an officer of police under section 1(1)(a) of the Act of 1970 shall be in Form 1 and such consent shall be in Form 2.

(a) 1970. c. 10 (N.I.).
(b) 38 & 39 Vict. c. 17.

(c) 14 & 15 Geo. 5. c. 5 (N.I.).

*These Regulations were affirmed by a Resolution of each House of Parliament on 21st May 1970.

(2) Every such application and consent shall specify:—

- (a) the name, address and age (if under 21 years) of the applicant (being the person who proposes to manufacture the explosive personally or under whose direct and personal supervision such manufacture is to take place and including any such person as is referred to in Regulation 5(5)(b));
- (b) the capacity in which such consent is sought, or, as the case may be, granted;
- (c) the chemical details of such manufacture, including all substances, the weights thereof and the method of preparation;
- (d) the purpose for which the explosive is to be manufactured (including whether it is for sale or otherwise, or the quarry, mining or other operations in which it is to be used);
- (e) the precise location of the proposed place of manufacture and the period during which the explosive is to be manufactured; and
- (f) any other particulars required by the officer of police.

(3) The Form of written consent granted may, in addition, specify any other requirements or conditions which the officer of police may impose and shall not be issued except on production of a licence granted by the Minister under the Act of 1875 or Regulation 5.

Manufacture etc. of Ammonium Nitrate Mixtures

5.—(1) The following explosives shall, subject to this Regulation and any provision which may be made by Order in Council under sections 50 and 83 of the Act of 1875 or by Regulations made under the Act of 1970, provided that they satisfy the test described in paragraph (3), be prescribed explosives for the purposes of the said section 50 as modified and extended for this purpose by section 3(2) of the Act of 1970, that is to say:—

- (a) ammonium nitrate impregnated with mineral oil;
- (b) a mixture of ammonium nitrate and any other substance or substances which—
 - (i) is impregnated with mineral oil; and
 - (ii) was not explosive before impregnation with mineral oil;
- (c) a mixture of ammonium nitrate and—
 - (i) any other substance which was not explosive alone; or
 - (ii) any other substances none of which was explosive alone or was mixed with any of the others in such a way that the resulting mixture was explosive.

(2) If anything is added to an explosive which by virtue of this Regulation is a prescribed explosive for the purposes mentioned above (except mineral oil in the case of an explosive which is a prescribed explosive for those purposes by virtue of paragraph (a) or (b) above) the explosive shall cease to be a prescribed explosive by virtue of this Regulation for those purposes.

(3) The test referred to in paragraph (1) is that, when a cardboard tube not more than 12 inches (304.8 millimetres) long and with an internal diameter of not more than 3 inches (76.2 millimetres) is filled with the explosive, the explosive will not explode completely on being initiated by means of a detonator whose initiating effect is equivalent to that of a detonator containing not less than one gramme of mercury fulminate.

(4) Any explosive which by virtue of this Regulation is a prescribed explosive for the purposes of section 50 of the Act of 1875 shall be exempt from the provisions of the Act of 1875 relating to the manufacture of explosives, provided that the person manufacturing the explosive holds a licence from the Minister authorising him to manufacture that explosive and complies with any requirements or conditions contained in the licence which the Minister may impose.

(5) An application for a licence referred to in paragraph (4) shall be in Form 3 and such licence shall be in Form 4 and the particulars to be stated therein shall include those required under Regulation 4(2) for the purposes of the grant of the consent to which that Regulation relates and also:—

- (a) the substances which may be added to the mixture of ammonium nitrate permitted in accordance with Condition 3 of the licence;
- (b) the names of the responsible persons under whose supervision the *mixing or impregnation* referred to in Condition 2 of the licence is to be carried out; and
- (c) any additional particulars required by or on behalf of the Minister.

(6) Where the application is for a licence under paragraph 5 to manufacture the explosives referred to in paragraph (1) at a mine or quarry, the application shall be made by the occupier thereof within the meaning of section 2 of the Act of 1970.

PART III

SALE, ACQUISITION, TRANSFER OF EXPLOSIVES

Police consent under section 1 of the Act of 1970 to the sale or acquisition or transfer of explosives

6. An application under section 1(1)(a) of the Act of 1970 for the written consent of an officer of police to the sale, acquisition, transfer or disposal of any explosive shall be in Form 5 and such consent shall be in Form 6.

Record of transactions required by section 1(1)(b) of the Act of 1970

7.—(1) The permanent record of transactions required by section 1(1)(b) of the Act of 1970 to be kept by any person carrying out the transactions specified in that section shall be in Form 7 and all the particulars specified in that Form shall be completed in accordance with paragraph (2).

- (2) (a) The record of transactions shall be completed in ink or ball-point pen;
- (b) all details shall be inserted at the time of the transaction unless approval is given otherwise by the Ministry of Home Affairs;
- (c) an entry shall be made for each separate transaction and for each type of explosive in every transaction; and
- (d) the record of transactions shall be retained for a period of at least 2 years after the date of the last transaction and shall be available for inspection in accordance with section 1(2)(a) of the Act of 1970.

(3) Where the person receiving the explosive is not known to the vendor, transferor, or person by whom it is being disposed of, then the vendor, transferor, or person disposing of the explosive shall require the purchaser or acquirer to submit evidence of identification and to sign the record of transactions.

PART IV

REGISTER OF EXPLOSIVES TO BE KEPT AT STORE
BY OCCUPIER OF MINE OR QUARRY

Register required under section 2(3) of the Act of 1970

8.—(1) The Register required by section 2(3) of the Act of 1970 to be kept at the store at which explosives are kept for the purposes of a mine or quarry shall be in Form 8 and all the particulars specified in the Register shall be completed in accordance with paragraph (2).

- (2) (a) The Register shall be kept in a hard-backed volume, each page to be numbered consecutively;
- (b) the Register shall be completed in ink or ball-point pen;
- (c) the name of the owner or the occupier of the quarry or mine and the name and situation of the quarry or mine shall be inserted on the first page of the Register;
- (d) the Register shall on demand be immediately produced for inspection by a member of the Royal Ulster Constabulary on production of his warrant card or by a Government Inspector;
- (e) the Register shall be completed in the presence of the person issuing the explosive and the person receiving the explosive;
- (f) columns 1, 2, 3 and 4 shall be completed at the time of the issue of the explosive; columns 5, 6, 7 and 8 shall be completed within 1 hour of the completion of the operation; and
- (g) the Register shall be kept for a period of at least 2 years after the date of the last entry.

PART V

CONTROL OF EXPLOSIVES USED IN DEMOLITION,
CONSTRUCTION OR ROAD WORKS

9.—(1) Where any person (whether on his own account or as sub-contractor or otherwise) undertakes the business of demolition, construction or road works and in so doing employs explosives he or another person authorised by him in writing shall be responsible for the record required by paragraph (2) and no person other than—

- (a) the person carrying out the demolition, construction or road works,
or
- (b) the person so authorised, or
- (c) a person acting under the direct supervision of either of the said persons

shall remove explosives from any store.

(2) A record shall be kept in Form 9 of the receipt and issue of all explosives used in blasting operations in the course of demolition, construction or road works and this record shall be completed in accordance with paragraph (3).

- (3) (a) The record shall be kept in a hard-backed volume, each page to be numbered consecutively;
- (b) the record shall be completed in ink or ball-point pen;

- (c) the name of the contractor, sub-contractor or other person carrying out the demolition, construction or road works together with the person named in the authority under paragraph (1) shall be inserted on the first page of the record;
- (d) the record shall on demand be immediately produced for inspection by a member of the Royal Ulster Constabulary on production of his warrant card or by a Government Inspector;
- (e) the record shall be completed in the presence of the person issuing and of the person receiving the explosive;
- (f) columns 1, 2, 3, 4, 5, 6, 7 and 8 shall be completed at the time of the receipt or the issue of the explosive; columns 9, 10 and 11 shall be completed within 1 hour of the completion of the blasting operation; and
- (g) the record shall be kept for a period of at least 2 years after the date of the last entry.

PART VI

STORAGE OF EXPLOSIVES

Prohibition on night storage of explosives

10.—(1) Subject to paragraph (2) the holding in stores between the hours of sunset and sunrise of explosives in excess of 55 lbs. (25 kilogrammes) in weight is prohibited.

(2) The Minister may grant such exemptions from paragraph (1) as shall from time to time be deemed proper.

PART VII

TRANSPORTATION OF EXPLOSIVES

11.—(1) The transportation without the consent in writing of an officer of police of any explosive in or through Northern Ireland or any part thereof is prohibited.

(2) In this Regulation "transportation" includes carriage or conveyance whether by road, rail or craft of any sort.

Dated this 19th day of May 1970.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.

SCHEDULE

FORM 1

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Application for Consent to Manufacture Explosives

(1) I,
Name and place of residence

aged (if under 21) years, hereby apply for the Consent of the Officer of Police to manufacture an explosive, the particulars of which are as follows:—

(2) Quantity and name of each of the substances to be used in manufacturing the explosive:—

(3) Methods to be employed in the manufacture of the explosive:—

(4) Precise location of the site of manufacture of the explosive:—

(5) Purpose for which the explosive is to be manufactured (state whether the explosive will be for sale, or otherwise, or for quarry, mining or other purpose):—

(6) Period over which explosive will be manufactured:—

From To

(7) State whether you will manufacture or directly and personally supervise the manufacture of the explosive:—

(8) Names and places of residence of any other persons who will manufacture or directly and personally supervise the manufacture of the explosive:—

(9) Number and date of issue of Licence issued by the Minister of Home Affairs under the Explosives Act 1875 or Regulation 5 of the Explosives Regulations (Northern Ireland) 1970 to manufacture an explosive:—

(10) State your business or occupation:—

(11) I undertake to ensure that the Explosives Acts and Regulations governing the manufacture, possession and use of explosives and the terms and conditions of the Consent granted upon this application will be complied with.

Dated this day of 19 .

.....
Signature

Note: This application should be forwarded to the Police Station of the District in which the proposed manufacture of the explosive is to take place.

FORM 2

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Consent of Officer of Police to Manufacture Explosives

I hereby give consent to
Name and address and business of the applicant

..... to manufacture an explosive subject to the following requirements and conditions.

1. The explosive shall be manufactured by or under the direct and personal supervision of the persons named below.

2. The explosive to be manufactured shall contain the following substances in the quantities stated—

3. The methods to be used in the manufacture are—

4. The purpose for which the explosive is to be manufactured is—

5. The precise location of the site of manufacture of the explosive is—

6. The period during which the explosive may be manufactured is from
to

7. The police in the district in which the manufacture of the explosive is to take place must be notified by the holder of this consent of the date and time of manufacture not less than 12 hours before such manufacture is to take place.

8. The applicant shall be the holder of a licence to manufacture an explosive issued by the Minister of Home Affairs under the Explosives Act 1875 or Regulation 5 of the Explosives Regulations (Northern Ireland) 1970.

9. Other requirements or conditions are—

Dated this day of 19

Signed

Rank

FORM 3

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Application for a Licence to Manufacture an Ammonium Nitrate Mixture as specified in Regulation 5 of the Explosives Regulations (Northern Ireland) 1970

Application is hereby made to manufacture at

Precise location

an explosive being an ammonium nitrate mixture which will comprise the following substances and in the proportions and quantities stated:—

for a period of months.

It is required for (a)

The explosive will be manufactured under the personal supervision of the following person(s):—

Signed

Age if under 21 years

Name and address
of business

Date

(a) Full details must be given, including whether for sale or otherwise or for quarry, mining or other operation.

FORM 4

M.H.A. REGISTRY NO.

LICENCE A.N. NO.

DATE

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

WHEREAS, by Regulation 5 of the Explosives Regulations (Northern Ireland) 1970 (S.R. & O. (N.I.) No.) made under Section 3 of the Explosives Act (Northern Ireland) 1970, it is provided that the manufacture of an explosive consisting of Ammonium Nitrate or a non-explosive mixture of Ammonium Nitrate with other substances, impregnated with mineral oil, shall be exempt from such provisions of the said Act as relate to the manufacture of an explosive subject to the condition that no person shall manufacture such explosive unless he has obtained a licence from the Minister of Home Affairs authorising him to do so and complies with any conditions which may be attached to the licence:

NOW, THEREFORE, in pursuance of the powers vested in him by the said Regulations, the Minister of Home Affairs hereby grants this licence to

.....
to manufacture an explosive consisting of Ammonium Nitrate or a *non-explosive mixture* of Ammonium Nitrate with other substances impregnated with mineral oil subject to the following conditions:—

- 1. The explosive shall be manufactured and used exclusively at

.....
(It should be noted that at each quarry or place where Ammonium Nitrate is site-mixed a separate licence must be obtained.)

- 2. The process of manufacture of the explosive shall take place *at or close to the shot-hole* and shall consist in the mixing or impregnation of Ammonium Nitrate, or a *non-explosive mixture* of Ammonium Nitrate with other substances, with mineral oil. The mixing shall be either by hand or by a machine, of a type which has been *approved in writing* by one of H.M. Inspectors of Explosives, and shall be carried out under the immediate supervision of a responsible person appointed in writing for the purpose by the licensee. During mixing and transferring from mixer to shot-holes care shall be taken to avoid causing frictional hazards and articles and tools used in the process shall be constructed with this principle in mind.
- 3. The non-explosive mixture of Ammonium Nitrate with other substances shall be permitted to be used only if such mixture is specified in the Schedule overleaf.
- 4. All detonators, priming cartridges, detonating fuse and other initiating explosives shall be *kept in secure receptacles* at a safe distance from the mixed Ammonium Nitrate/Oil explosive until actually required for use.
- 5. *No persons shall smoke* when manufacturing, carrying, handling or using the explosive or when near any person carrying on such work.
- 6. No person whilst charging or handling the explosive shall allow any naked light to be within thirty (30) feet (9.14 metres) of the shot-hole or the explosive, nor shall any naked light be allowed within thirty (30) feet (9.14 metres) of any explosive during the process of manufacture,

7. All explosive shall be manufactured for immediate use and on no account shall such explosive be stored overnight in any place, not even in Registered Premises, Licensed Stores or Magazines. Any such explosive in excess of that required for immediate use shall be destroyed at the place where authority to manufacture has been granted by this licence. It is unlawful to transport Ammonium Nitrate with explosives and it shall be conveyed in a separate vehicle, nor is it permissible to convey Ammonium Nitrate already impregnated with mineral oil (except factory-mixed, packed in approved outer package) from one point to another in Northern Ireland.
8. For the purposes of the licence mineral oil shall be deemed to include liquid derivatives of petroleum, shale or coal with a flash point of not less than 90° Fahrenheit (32° Centigrade).
9. Free access to all places of manufacture shall be given at all times to any Inspector appointed by the Minister of Home Affairs under Section 53 of the Explosives Act 1875 or to any member of the Royal Ulster Constabulary on production of his warrant card and every facility shall be afforded to such persons for ascertaining that the conditions of this licence are duly observed.
10. When contractors using site-mixed Ammonium Nitrate are carrying out blasting for a quarrymaster, not only must the quarrymaster have a licence for site-mixing but the contractor concerned must also hold a general licence authorising him to site-mix at any licensed premises. The contractor so employed must comply with the conditions of the licence held at the particular quarry or site.
11. A register of all purchases of Ammonium Nitrate for blasting purposes must be kept by licensees under Regulation 5 of the Explosives Regulations (Northern Ireland) 1970. This register must be available for inspection on demand by any Inspector appointed by the Minister of Home Affairs under Section 53 of the Explosives Act 1875.
12. Users of Ammonium Nitrate for blasting purposes must advise the Ministry of Home Affairs at the end of each month of the quantities of Ammonium Nitrate purchased, the date of each delivery and the names and addresses of their suppliers.
13. Ammonium Nitrate should only be stored in a dry, secure building adequately ventilated and kept separate from other materials to avoid contamination, e.g. mineral oils or acids. Spillage of Ammonium Nitrate contaminated by mineral oils or acids would therefore be avoided.
14. When a change of ownership takes place the Ministry must be informed immediately. The existing licence will be cancelled and a fresh application for a licence must be submitted by the new owner.
15. This licence may be revoked or amended by the Minister of Home Affairs at any time at his discretion by notice in writing.

.....
Minister of Home Affairs.

Ministry of Home Affairs,
Stormont,
Belfast,
BT4 3SU.

SCHEDULE

The following other substances may be added to the Ammonium Nitrate in accordance with Condition 3 of the licence:—

FORM 5

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Application for Consent to Purchase or Acquire an Explosive

(1) I,
Name and place of residence of applicant

hereby apply for the Consent of the Officer of Police to purchase or acquire the explosives specified at paragraph (2) below:—

(2) Quantity and type of explosives including detonators and fuse

(3) Name and Place of Business of Supplier

(4) Nature of blasting operations for which the explosives are required

(5) Place(s) where blasting operations will be carried out and date by which such will be completed

(6) Name and address of person in charge of blasting operations

(7) Business or occupation of applicant

(8) I undertake to ensure that the Explosives Acts and Regulations governing the possession and use of explosives and the terms and conditions of the Consent granted upon this application will be complied with.

Dated this day of 19

.....
Signature of Applicant.

Note: This application should be forwarded to the Police Station of the District in which the applicant resides.

FORM 6

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Consent of Officer of Police to Purchase or Acquire Explosives

(1) I hereby consent to the purchase or acquisition by:—

.....
Name and place of residence of applicant
 of the explosives specified at paragraph (2) below.

(2) Quantity and type of explosives including detonators and fuse

(3) Name and Place of Business of Supplier

(4) Nature of blasting operations for which the explosives are required

(5) Place(s) where blasting operation(s) will be carried out

(6) Name and address of person in charge of blasting operations

(7) The explosives must be used on a date or dates not later than unless the issuing Police Officer otherwise consents

(8) The explosives must be used only for the purpose specified at paragraph (4) and at the places named in paragraph (5).

(9) The police of the district in which the blasting operation is to take place must be notified by the holder of this Consent, of the date and time of such operation not less than 12 hours before it is due to take place.

(10) All unused explosives must be returned to a licensed store or magazine at the end of each working day.

(11) If the explosives are not used by the date specified in paragraph (7) they must be returned to a licensed store or magazine or brought to the officer of police who issued this Consent, for destruction.

(12) The following additional terms and conditions will apply to the use and transportation of the explosives specified in paragraph (2):—

(13) This Consent also authorises the supplier named in paragraph (3) to sell or dispose of the quantity of explosives specified in paragraph (2) to the person named in paragraph (1).

Dated this day of 19

.....
Signature and Rank

Note: Two copies of this Consent will be issued to the applicant who will retain one and give the other to the supplier named in paragraph (3). Both copies of the Consent will be retained for a period of two years from the date of issue.

FORM 7

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Record of Transactions

Date of Transaction	Explosives		Name, Address and Occupation of person from whom explosive has been purchased or acquired	Name, Address and Occupation of person to whom explosive is sold, transferred or disposed of
	Type	Quantity		

Note: A separate entry should be made for each type of explosive.

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FORM 8

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Register—Mines and Quarries

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Date (1)	Issue		Signature of person to whom explosive is issued (4)	Result of operation (5)	Explosive		Signature of person receiving explosive returned to store (8)	Remarks (9)
	Type of explosive (2)	Quantity (3)			Quantity used (6)	Quantity returned to store (7)		

Explosives

(a) A separate entry should be made for each type of explosive issued, used and returned to store (columns 2, 3, 6 and 7).

(b) For "result of operation" show whether it was (1) carried out, or (2) abandoned, or (3) postponed (column 5).

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FORM 9

EXPLOSIVES ACT (NORTHERN IRELAND) 1970
Record—Demolition, Construction and Road Works

Date of receipt or issue of explosives (1)	Receipt of explosives			Issue of explosives			Operation			
	Explosive		From whom received (4)	Explosive		Signature of person receiving explosive (7)	Exact location of blasting operation (8)	Result of operation (9)	Explosive used	
	Type (2)	Quantity (3)		Type (5)	Quantity (6)				Type (10)	Quantity (11)

(a) A separate entry should be made for each type of explosive issued or received.

(b) Column 9 should show whether the operation was (1) carried out, or (2) abandoned, or (3) postponed.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

The purpose of these Regulations is to impose restrictions for controlling and regulating the manufacture, sale, acquisition, transfer, storage, transportation and disposal of explosives. The Regulations also prescribe the form of records to be kept in connection with these matters.