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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**HEALTH AND SAFETY**

**The Explosives Regulations 2014**

*Made - - - - 23rd June 2014*

*Laid before Parliament 1st July 2014*

*Coming into force in accordance with regulation 1*

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the placing on the market, transfer and safety of explosives for civil use.

It appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes —

- (a) in part, regulation 8 and paragraph 15 of Schedule 11,
- (b) regulations 39 to 42 and Schedules 9, 10 and 12, and
- (c) to the extent that they relate to the provisions in (a) and (b) above, regulations 2(1), 3(4) (b) and (14) and (17) and 43 to 45,

under section 2(2) of that Act.

The Secretary of State makes the other provisions of these Regulations —

- (a) in exercise of the powers conferred by sections 15(1), (2), (3)(a) and (c), (4), (5), (6)(b) and (9), 18(2)(za) and (a), 43(2), (4), (5) and (6), 80(1) and 82(3)(a) of, and paragraphs 1(1), (2), (3) and (4), 2, 3, 4, 5, 6(1), 7, 12, 15(1), 16, 18 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(3)</sup> (“the 1974 Act”); and
- (b) apart from the modifications referred to in the next paragraph, for the purpose of giving effect without modifications to proposals submitted —
  - (i) by the Health and Safety Executive under section 11(3)(4) of the 1974 Act after carrying out consultations in accordance with section 50(3) of the 1974 Act<sup>(5)</sup>; and

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<sup>(1)</sup> [S.I. 1993/2661](#), to which there are amendments not relevant to these Regulations.

<sup>(2)</sup> [1972 c.68](#); section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a) and by the European Union (Amendment) Act [2008 \(c. 7\)](#), Part 1 of the Schedule.

<sup>(3)</sup> [1974 c. 37](#); section 15 was amended by Employment Protection Act [1975 \(c. 71\)](#), Schedule 15, paragraph 6, the Criminal Law Act [1977 \(c. 45\)](#), Schedule 12, the Offshore Safety Act [1992 \(c. 15\)](#), section 4, the Health and Safety (Offences) Act [2008 \(c. 20\)](#), Schedules 3 and 4, the Energy Act [2013 \(c. 32\)](#), Schedule 12, paragraph 5, [S.I. 2002/794](#) and [S.I. 2008/960](#). There are other amendments to section 15 not relevant to these Regulations. Section 18(2) was amended by the Energy Act 2013, Schedule 12, paragraph 6. Section 43(6) was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 12 and amended by [S.I. 2002/794](#). Paragraph 2 of Schedule 3 was amended by the Customs and Excise Management Act [1979 \(c. 2\)](#), Schedule 4, paragraph 12.

<sup>(4)</sup> Section 11 was substituted by [S.I. 2008/960](#) and amended by the Energy Act [2013 \(c.32\)](#), Schedule 12, paragraph 2.

- (ii) by the Office for Nuclear Regulation under section 81(1)(a)(iv) of the Energy Act 2013<sup>(6)</sup> after carrying out consultations in accordance with section 81(3) of that Act.

It appears to the Secretary of State that—

- (a) the modifications to the Acts referred to in paragraphs 2 to 8 of Part 1 of Schedule 13;
- (b) the modifications to the instruments referred to in paragraphs 11, 12, 14, 16, 18, 20, 21, 24 and 30 of Part 2 of that Schedule; and
- (c) the repeals in relation to the Acts marked with an asterisk in Part 1 of Schedule 14,

are expedient as set out in section 80(1) of the 1974 Act.

It also appears to the Secretary of State not to be appropriate to consult bodies in respect of those modifications and repeals in accordance with section 80(4) of the 1974 Act.

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(5) Section 50(3) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 16(3), the Health and Social Care Act 2012 (c. 7), Schedule 7, paragraphs 4 and 6, the Energy Act 2013 (c. 32), Schedule 12, paragraph 11 and S.I. 2008/960.

(6) 2013 c. 32.