
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations consolidate, with amendments, existing legislation for activities relating to acetylene in Great Britain. As such they repeal provisions contained in the Explosives Act 1875 and revoke and replace instruments made under it, which provided the framework for the regulatory regime in relation to acetylene prior to these Regulations.

2. Most of the terms and expressions used in these Regulations are defined in regulation 2.

3. Regulation 3 makes the following changes of substance to the previous regime: (a) prohibitions concerning solid acetylene; and (b) prohibitions, without disapplications, concerning liquid acetylene.

4. Prohibitions concerning “compressed acetylene gas” are contained in regulation 4 but are subject to disapplications. Nothing in these Regulations imposes restrictions on acetylene gas at a pressure lower than 0.62 bar(g).

5. Subject to a disapplication, a person wishing to conduct a “relevant activity” requires a licence to do so and must comply with safety requirements contained in Schedule 1 (regulation 5). Applications for a licence should be made to the licensing authority (regulation 6).

6. The “licensing authority” means the Health and Safety Executive, other than in relation to a “relevant activity” carried out on “ONR regulated premises” in which case the licensing authority is the Office for Nuclear Regulation.

7. Grounds for granting, renewing, varying or transferring a licence are set out in regulation 9. Regulation 10 specifies the form of a licence and the information it must contain. Grounds for revoking a licence are set out in regulation 11. The circumstances and timescales for making written representations are contained in regulation 12. Licence arrangements in the event of death, incapacity, bankruptcy and insolvency of the licensee are contained in regulation 13.

8. Power to grant exemptions from the requirements or prohibitions imposed by these Regulations is in regulation 14.

9. Regulation 15 contains transitional provisions.

10. Amendments to legislation are made by regulation 16(1) and Schedule 2. These are consequential amendments apart from the amendment to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (“CDG 2009”) which clarifies that only ‘old pressure receptacles’ (as defined in regulation 14(6) of CDG 2009) which are of seamless construction or have contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken *after CDG 2009 came into force* may not be used for the carriage of dangerous goods.

11. These Regulations also amend the Health and Safety (Fees) Regulations 2012 ([SI 2012/1652](#)), so as to include fee provisions in those Regulations for the new licensing provision made by these Regulations.

12. Repeals and revocations of legislation are made by regulation 16(2) and (3) and Schedule 3.

13. Regulation 17 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force, and within every five years after that. Following the review it will fall to the Secretary of State to consider whether the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations should be allowed to remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Regulations or amend them.

14. A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public is published with the Explanatory Memorandum which is available alongside this instrument on the website: www.legislation.gov.uk. Copies of these documents are also available in the libraries of both Houses of Parliament.

15. The European inventory of existing commercial chemical substances is contained in the publication: O.J. C 146A, dated 15 June 1990, with the International Standard Serial Number 0378-6986. This may be downloaded without charge from the relevant part of the EUR-Lex website (www.eur-lex.europa.eu/en/index.htm). The Classic RAL system, which is used to define colour standards, is available, without charge, from the website: www.ralcolours.com. The Certificates of Exemption made under the Explosives Act 1875 (Exemptions) Regulations 1979 are available, without charge, on application to the Health and Safety Executive (Hazardous Installations Directorate), Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS (Reference: 2014/0202594).

16. These Regulations were notified in draft to the European Commission in accordance with [Directive 98/34/EC](#), as amended by [Directive 98/48/EC](#).