

STATUTORY INSTRUMENTS

2019 No. 742

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 13

Explosive Precursors

Amendment of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014

49.—(1) The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 ^{M1} are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “EEA State”;
- (b) omit the definition of “member State”;

^{F1}(c)

(3) In regulation 12 (supply of tier 1 substances)—

- (a) in paragraph (5) for “another” substitute “ a ”;
- (b) in paragraph (6)(b) for “another” substitute “ a ”.

(4) In regulation 13(2)(c) (supply of tier 2 substances), for “another” substitute “ a ”.

(5) In regulation 14(1)(b) (supply of tier 1 substances for despatch or export: consent), for “another” substitute “ a ”.

(6) In regulation 18(1) (application of enforcement provisions in the 1978 Order), after “competent authority” insert “ , the United Kingdom ”.

^{F2}(7)

Textual Amendments

F1 Reg. 49(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(2)(a)**

F2 Reg. 49(7) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(2)(b)**

Commencement Information

I1 Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M1 [S.R. 2014 No. 224](#).

Amendment of the Control of Poisons and Explosives Precursors Regulations 2015

50.—(1) The Control of Poisons and Explosives Precursors Regulations 2015^{M2} are amended as follows.

(2) In regulation 2(3) (supplies of substances involving despatch to Northern Ireland or export from the UK: modification of section 3A of the Act), for “another member State” substitute “ a member State ”.

Commencement Information

I2 Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Marginal Citations

M2 [S.I. 2015/966](#).

Amendment of Regulation (EU) No 98/2013

51.—(1) Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors is amended as follows.

(2) In Article 1 (subject matter), omit the second paragraph.

(3) In Article 2 (scope), for paragraph 1 substitute—

“**1.** This Regulation applies—

(a) ^{F3} ..., in relation to the substances listed in Part 1 (regulated explosives precursors) and Part 3 (reportable explosives precursors) of Schedule 1A to the Poisons Act 1972^{M3}, and to mixtures and substances containing them;

^{F4}(b)

1A. ^{F5} ..., any reference in this Regulation to—

(a) “the Annexes” is to be read as a reference to Parts 1 and 3 of Schedule 1A to the Poisons Act 1972;

(b) “Annex I” is to be read as a reference to Part 1 of Schedule 1A to that Act;

(c) “Annex II” is to be read as a reference to Part 3 of Schedule 1A to that Act.”.

(4) In Article 3(5) (definitions), for “a Member State whether from another Member State or from a third country” substitute “ the United Kingdom ”.

(5) In Article 4 (making available, introduction, possession and use)—

(a) in paragraph 2—

(i) for “a Member State” substitute “ the Secretary of State ”;

(ii) for “a competent authority of the Member State” substitute “ the Secretary of State ”;

(b) in paragraph 3, for “a Member State” substitute “ the Secretary of State ”;

(c) omit paragraph 4;

(d) omit paragraph 5;

(e) for paragraph 6 substitute—

“6. Where a member of the general public intends to introduce a restricted explosives precursor into the territory of the United Kingdom, that person shall obtain and, if requested present to the Secretary of State, a licence issued in accordance with rules laid down in Article 7.”;

- (f) in paragraph 7, for “the Member State” to the end, substitute “ the Secretary of State ”.
- (6) In Article 6 (free movement)—
 - (a) for “Without prejudice to the second paragraph of Article 1 and to Article 13, and unless” substitute “ Unless ”;
 - (b) for “or in other legal acts of the Union, Member States” substitute “ the Secretary of State ”.
- (7) In Article 7 (licences)—
 - (a) in paragraph 1—
 - (i) for “Each Member State” to “restricted explosives precursors” substitute “ The Secretary of State ”;
 - (ii) for “competent authority of the Member State” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for “competent authority” in both places where it occurs substitute “ Secretary of State ”;
 - (c) in paragraph 3, for “competent authorities” substitute “ Secretary of State ”;
 - (d) in paragraph 4, for “competent authority” substitute “ Secretary of State ”;
 - (e) omit paragraph 5;
 - (f) for paragraph 6 substitute—

“6. Licences granted by the competent authorities of a Member State or of any other country may be recognised in the United Kingdom.”.

- (8) In Article 8(3) (registration of transactions), for “competent authorities” substitute “ Secretary of State ”.
- (9) In Article 9 (reporting of suspicious transactions, disappearances and thefts)—
 - (a) in paragraph 2, for “Each Member State” substitute “ The Secretary of State ” and omit “national”;
 - (b) in paragraph 3, for “the national contact point of the Member State where the transaction was concluded or attempted” substitute “ a contact point established under Article 9(2) ”;
 - (c) in paragraph 4, for “the national contact point of the Member State” substitute “ a contact point established under Article 9(2) ”;
 - (d) in paragraph 5—
 - (i) for the first sentence substitute “ The Secretary of State shall draw up guidelines to assist the chemical supply chain. ”;
 - (ii) for “The Commission shall update” substitute “ The Secretary of State shall update ”;
 - (e) in paragraph 6, for “competent authorities”, in both places where it occurs, substitute “ Secretary of State ”.
- (10) In Article 10 (data protection)—
 - (a) for the first reference to “Member States” substitute “ The Secretary of State ”;
 - (b) for the second reference to “Member States” substitute “ the Secretary of State ”;

- (c) for “Articles 8 and 17” substitute “ Article 8 ”.
- (11) Omit Article 11 (penalties).
- ^{F6}(12)
- (13) Omit Articles [^{F7}12] to 18.
- (14) In the text following Article 19 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Textual Amendments

- F3** Words in reg. 51(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(3)(a)(i)**
- F4** Words in reg. 51(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(3)(a)(ii)**
- F5** Words in reg. 51(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(3)(a)(iii)**
- F6** Reg. 51(12) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(3)(b)**
- F7** Word in reg. 51(13) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **3(3)(c)**

Commencement Information

- I3** Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M3** [1972 c. 66](#). Schedule 1A was inserted by paragraph 16 of Schedule 21 to the [Deregulation Act 2015 \(c. 20\)](#), and Parts 1 and 3 were amended by [S.I. 2018/451](#).

Changes to legislation:

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 13.