

1977 No. 128

EXPLOSIVES

Explosives Regulations (Northern Ireland) 1977

Made 29th April 1977

Coming into operation 10th July 1977

To be laid before Parliament

The Secretary of State(a) in pursuance of section 3 of the Explosives Act (Northern Ireland) 1970(b) and article 3 of the Explosives (Northern Ireland) Order 1972(c) hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Explosives Regulations (Northern Ireland) 1977 and shall come into operation on 10th July 1977.

Amendment of the Explosives Regulations (Northern Ireland) 1970

2. In regulation 6 of the Explosives Regulations (Northern Ireland) 1970(d) after the words "Form 5" there shall be inserted the words "or Form 5A" and after the words "Form 6" there shall be inserted the words "or Form 6A" and for Forms 5 and 6 in the Schedule to those regulations there shall be substituted Forms 5, 5A, 6 and 6A set out in Schedule 1.

Transactions relating to, and transportation of, certain substances to which article 3 of the Explosives (Northern Ireland) Order 1972 applies

3.—(1) Subsections (1) to (4), subsection (5) (except for the words "and shall where Explosives Regulations under section 3(3) so provide," and the words from "or returned" to the end) and subsection (7) of section 1 of the Explosives Act (Northern Ireland) 1970 shall have effect in relation to any sale, acquisition, transfer or disposal of a substance to which this regulation applies as if that substance were an explosive within the meaning of that Act.

(2) The transportation without the consent in writing of an officer of police of any substance to which this regulation applies in or through Northern Ireland or any part thereof is prohibited.

(3) In paragraph (2) "transportation" includes carriage or conveyance whether by road, rail or craft of any sort and "officer of police" means an officer of the Royal Ulster Constabulary not below the rank of Inspector.

(4) This regulation applies to any substance specified in Schedule 2 where the amount exceeds 500 grammes by weight or 500 millilitres by measure.

(5) Where section 1(1) of the said Act of 1970 has effect by virtue of paragraph (1) of this regulation, a person shall not—

(a) Formerly the Minister of Home Affairs for Northern Ireland: see S.I. 1973/2163 (1973 III, p. 7541)

(b) 1970 c. 10 (N.I.)

(c) S.I. 1972/730 (N.I. 3)

(d) S.R. & O. (N.I.) 1970 No. 110 (p. 532)

- (a) for or in connection with obtaining a consent under section 1(1)(a) of that Act knowingly or recklessly make, or participate in, or assent to or acquiesce in, the making of any false or misleading statement; or
- (b) knowingly or recklessly make, or participate in, or assent to or acquiesce in, the making of any false or misleading statement in any record required to be kept under section 1(1)(b) of that Act; or
- (c) knowingly or recklessly omit, or participate in or assent to or acquiesce in the omission of, the entry of any material particular in any such record; or
- (d) forge, counterfeit, falsify or fraudulently use or knowingly or wilfully alter, destroy, erase or obliterate the whole or any part of any such consent or record; or
- (e) wilfully refuse to furnish any information within his knowledge to, or knowingly furnish false or misleading information to, a member of the Royal Ulster Constabulary with respect of any such consent or record.

(6) An application for the written consent of an officer of police under section 1(1)(a) of the said Act of 1970 to the sale, acquisition, transfer or disposal of a substance to which this regulation applies shall be in the form set out in Form 1 in Schedule 3 and such consent shall be in the form set out in Form 2 in that Schedule.

Record of transactions of substances to which regulation 3 applies

4.—(1) Where by virtue of regulation 3(1) section 1(1)(b) of the said Act of 1970 requires a permanent record to be kept of the sale, acquisition, transfer or disposal of a substance to which regulation 3 applies, that record shall be in the form set out in Form 3 in Schedule 3, and all the particulars specified in that Form shall be completed in accordance with paragraph (2).

(2) The following provisions shall apply to such record:—

- (a) the record 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 Secretary of State;
- (c) an entry shall be made for each separate transaction and for each substance in every transaction; and
- (d) the record 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 substance 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 substance shall require the purchaser or acquirer to submit evidence of identification and to sign the record of transactions.

Revocation

5. Regulation 2(b) of the Explosives (Amendment) (No. 2) Regulations (Northern Ireland) 1973(e) is hereby revoked.

Roy Mason

One of Her Majesty's Principal
Secretaries of State

Northern Ireland Office
29th April 1977

SCHEDULE 1

Regulation 2

FORMS TO BE SUBSTITUTED IN SCHEDULE TO EXPLOSIVES REGULATIONS
(NORTHERN IRELAND) 1970

FORM 5

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Application for Consent to Purchase or Acquire Explosives for Blasting Purposes

(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 in paragraph (2).

(2)† *Quantity and type of explosive*

Explosives: Classes 2 & 3*	Detonators* (number)	Fuse		Other explosive* (to be specified)
		Cordtex (length)	Safety* (length)	

*The type, brand, or series of the explosive should be specified separately, by quantity, in these columns.

†All unused spaces should be clearly struck through and cancelled.

(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 com-
pleted:

(6) Name and address of
authorised shot-firer
in charge of blasting
operations:

(7) Business or occupation
of applicant:

(8) I undertake to ensure compliance with the provisions of the Explosives Acts (Northern Ireland) 1875 to 1970, and of any regulations from time to time made thereunder governing the possession and use of explosives; and the terms and conditions of any Consent granted upon this application. I also undertake to follow the direction of the Officer of Police as to the transport of any explosives purchased or acquired under the authority of any Consent granted upon this application.

Date

Signature of Applicant

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

FORM 5A

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Application for Consent to Purchase or Acquire Explosives for Purposes other than Blasting

(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 in paragraph (2).

(2) *Quantity and type of explosives

Small arms Nitro-compound (lbs)	Gunpowder (lbs)	Industrial Safety Cartridges (number)	Blank Safety Cartridges (number)	Flares (number)	Rockets (number)	Others (to be specified)

*All unused spaces should be clearly struck through and cancelled.

- (3) Name and place of business of supplier :
- (4) Purpose for which the explosives are required :
- (5) Place where the explosives will be—
 - (a) kept:
 - (b) used:
- (6) Name and occupation of person responsible for safe custody of explosives :
- (7) Expected date of purchase of explosives :
 (This must not be later than 14 days from the application.)
- (8) Type of secure storage provided for the explosives :
- *(9) Amount of explosive already in possession at the date of application :
- *(10) (a) Firearm Certificate number :
 (b) Number of sporting cartridges specified on Firearm Certificate :

*(Paragraphs (9) and (10) need only be completed where the application refers to the purchase of small arms nitro-compound or primers for safety cartridges.)

(11) I undertake to ensure compliance with the provisions of the Explosives Acts (Northern Ireland) 1875 to 1970, and of any regulations from time to time made thereunder governing the possession and use of explosives; and the terms and conditions of any Consent granted upon this application. I also undertake to follow the direction of the Officer of Police as to the transport of any explosives purchased or acquired under the authority of any Consent granted upon this application.

Date

Signature of Applicant

- Note 1. This application form must be used for consent for the purchase of Industrial Safety Cartridges, Blank Safety Cartridges, Flares, Rockets, Small Arms Nitro-Compound and Gunpowder.
- 2. This application form 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 for Blasting Purposes

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

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

(2) †Quantity and type of explosive

Explosives: Classes 2 & 3*	Detonators* (number)	Fuse		Other explosive* (to be specified)
		Cordtex (length)	Safety* (length)	

*The type, brand or series of the explosive should be specified separately, by quantity, in these columns.

†All unused spaces should be clearly struck through and cancelled.

Each explosive of Class 2 or Class 3 authorised to be purchased or acquired by this Consent shall bear a designation of such type as Her Majesty's Chief Inspector of Explosives may require the manufacturer to assign to it.

- (3) Name and place of business of supplier :
- (4) Nature of blasting operation for which the explosives are required :
- (5) Place(s) where blasting operation(s) will be carried out :
- (6) Name and address of authorised shot-firer in charge of blasting operations :
- (7) Unless the consenting Officer of Police otherwise permits, the explosives must be used by :

Date

(8) The explosives must be used only for the purpose specified in paragraph (4), and at the place(s) 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 time and date of such operation not less than 48 hours before it is due to take place.

(10) All unused explosives must at the end of each working day—

(a) be returned to a licensed store granted an exemption by the Secretary of State under regulation 10(2) of the Explosives Regulations (Northern Ireland) 1970 or a licensed magazine; or

(b) be destroyed at the place of operation under the supervision of the police.

(11) If the explosives are not used by the date specified in paragraph (7) they must either be returned to a licensed store granted an exemption by the Secretary of State under regulation 10(2) of the Explosives Regulations (Northern Ireland) 1970 or a licensed magazine or brought to the Officer of Police who issued this Consent for destruction.

(12) The following additional terms and conditions shall 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 and type of explosive specified in paragraph (2) to the person named in paragraph (1).

Date

Signature and Rank of
Consenting Officer of Police

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

FORM 6A

EXPLOSIVES ACT (NORTHERN IRELAND) 1970

Consent of Officer of Police to Purchase or Acquire Explosives for a Purpose other than Blasting

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

.....
 (name and place of residence of applicant)
 of the explosives specified in paragraph (2).

(2) *Quantity and type of explosives

Small arms Nitro- compound (lbs)	Gunpowder (lbs)	Industrial Safety Cartridges (number)	Blank Safety Cartridges (number)	Flares (number)	Rockets (number)	Others (to be specified)

*All unused spaces should be clearly struck through and cancelled.

(3) Name and place of
business of supplier:

(4) Purpose for which the
explosives are required:

(5) Place where the explosives
will be—

(a) kept:

(b) used:

(6) Name and occupation of
person responsible for safe
custody of explosives:

(7) The applicant is hereby granted permission to transport the explosives from place of supply to place of storage or use, subject to compliance with any directions of the consenting Officer of Police.

(8) The explosives must be used only for the purpose specified in paragraph (4).

(9) This Consent is valid for one purchase or acquisition only to the amount specified herein and such purchase or acquisition must be completed within fourteen days of the date of the Consent.

(10) Any explosives unused after an operation must be either—

(a) returned to secure storage, which is to be secure to the satisfaction of the consenting Officer of Police; or

(b) destroyed in such manner as may be directed by the consenting Officer of Police.

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

(12) This Consent also authorises the supplier named in paragraph (3) to sell or dispose of the quantity and type of explosive specified in paragraph (2) to the person named in paragraph (1).

Date

Signature and Rank of
Consenting Officer of Police

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

SCHEDULE 2

Regulation 3(4)

SUBSTANCES TO WHICH REGULATION 3 APPLIES WHERE AMOUNT EXCEEDS 500 GRAMMES BY WEIGHT OR 500 MILLILITRES BY MEASURE

1. Ammonium nitrate.
2. Any mixture, including a fertiliser, which contains ammonium nitrate and in which any part of the nitrate fraction having a chemically determined ammonium equivalent constitutes, together with that equivalent, more than 79% by weight of the said mixture.
3. Any mixture such as is specified in paragraph 2 in which the content of combustible material is greater than 0.4% by weight.
4. Sodium chlorate.
5. Any mixture containing sodium chlorate except where it contains:
 - (i) not less than 13% by weight of water; and
 - (ii) not less than 30% by weight of calcium chloride dihydrate; and
 - (iii) a sufficient inorganic anti-segregation agent to prevent the separation of liquid and solid phases under the normal conditions of transport, storage and handling and being an anti-segregation agent which is not capable of chemical reaction with sodium chlorate.
6. Nitro-benzene.
7. Sodium chlorite or any mixture or solution which contains sodium chlorite in combination with any other substance or substances.
8. Except as provided by paragraph 9,
 - (i) potassium nitrate or any mixture or solution which contains potassium nitrate in combination with any other substance or substances; or
 - (ii) sodium nitrate, or any mixture or solution which contains sodium nitrate in combination with any other substance or substances.
9. Paragraph 8 does not include
 - (i) pest fumigants; or
 - (ii) any other manufactured goods containing not more than 5% by weight of potassium nitrate or sodium nitrate or these substances in combination.
10. Except as provided by paragraph 11, sodium nitrite or any mixture or solution which contains sodium nitrite in combination with any other substance or substances.
11. Paragraph 10 does not include any manufactured goods containing not more than 5% by weight of sodium nitrite.

SCHEDULE 3

Regulations 3(6) and 4(1)

FORMS OF APPLICATION AND CONSENT UNDER REGULATION 3

FORM 1

EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 1977

(Regulation 3(6))

Application for Consent to Purchase or Acquire Substance to which Regulation 3 of the Explosives Regulations (Northern Ireland) 1977 applies

(1) I,

(name and place of residence of applicant)

hereby apply for the Consent of the Officer of Police to purchase or acquire the substance specified in paragraph (2).

(2) Quantity and nature of substance:—

(3) Name and place of business of supplier:

(4) Purpose for which the substance is required:

(5) Place where the substance will be—

(a) kept:

(b) used:

(6) Name and occupation of person responsible for safe custody of the substance:

(7) Expected date of purchase of the substance: (This must not be later than 14 days from the application.)

(8) Type of secure storage provided for the substance:

(9) Amount of the substance already in possession at the date of application:

(10) I undertake to ensure compliance with any provisions governing the possession and use of the substance contained in, or having effect in relation to the substance by virtue of, regulations made under the Explosives (Northern Ireland) Order 1972 and the terms and conditions of any Consent granted upon this application. I also undertake to follow the direction of the Officer of Police as to the transport of any substance purchased or acquired under the authority of any Consent granted upon this application.

Date

Signature of Applicant

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

FORM 2

EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 1977
(Regulation 3(6))

Consent of Officer of Police to Purchase or Acquire Substance to which Regulation 3 of the Explosives Regulations (Northern Ireland) 1977 applies

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

.....
(name and place of residence of applicant)

of the substance specified in paragraph (2).

(2) Quantity and nature of substance:—

(3) Name and place of
business of supplier:

(4) Purpose for which the
substance is required:

(5) Place where the
substance will be—

(a) kept:

(b) used:

(6) Name and occupation of
person responsible for
safe custody of the
substance:

(7) The substance must be used only for the purposes specified in paragraph (4).

(8) This consent is valid for one purchase or acquisition only to the amount specified herein and such purchase or acquisition must be completed within fourteen days of the date of the Consent.

(9) The following terms and conditions shall apply to the use and transportation of the substance specified in paragraph (2):—

(10) This Consent also authorises the supplier named in paragraph (3) to sell or dispose of the quantity and nature of the substance specified in paragraph (2) to the person named in paragraph (1).

Date

.....
Signature and Rank of
Consenting Officer of Police

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

Regulation 4(1)

FORM 3

EXPLOSIVES ACT (NORTHERN IRELAND) 1977

(Regulation 4(1))

RECORD OF TRANSACTIONS

Date of transaction (1)	Nature of substance (2)	Quantity (3)	Name, address and occupation of person from whom the substance has been purchased or acquired (4)	Name, address and occupation of person to whom the substance is sold, transferred or disposed of (5)

Note: A separate entry should be made for each substance.

EXPLANATORY NOTE

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

These regulations apply certain provisions of the Explosives Act (Northern Ireland) 1970 to quantities over 500 grammes or over 500 millilitres of the substances listed in schedule 2 to these regulations. The provisions include the requirement of police consent to the sale, acquisition, transfer, or disposal of such substances. The regulations contain supplementary provisions, including the prescribing of forms for an application for consent and for the consent. In addition they prohibit the transportation of such substances without police consent.

The regulations also substitute new forms for applications for consent, and for consent, to transactions in explosives for the forms prescribed by the Explosives Regulations (Northern Ireland) 1970; there are now separate forms applicable to blasting operations and to purposes other than blasting.

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These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.