

SCHEDULE 1

Regulation 5(1)

SEPARATION DISTANCES

1.—(1) In this Schedule—

“brick-built” means having an outer structure which is wholly or mainly of brick, concrete, stone or other similar material;

“distance”, except in the definition of “reference zone”, means the minimum distance;

“footpath” has the same meaning as in the Roads (Northern Ireland) Order 1993(1);

“footway” has the same meaning as in the Roads (Northern Ireland) Order 1993;

“lightly-used road” means a road used ordinarily by more than 20 and no more than 500 vehicles every 24 hours;

“major road” means a road used ordinarily by more than 10,000 vehicles every 24 hours;

“metal-built” means built wholly or mainly of steel or other metal;

“minor road” means a road used ordinarily by more than 500 vehicles every 24 hours, other than a major road;

“mounded” means surrounded by suitable mounds;

“place of public resort” means a place where more than 100 persons are present, or are likely to be present, at any one time on a weekly or more frequent basis;

“reference zone” means the area around a store having the radius from the centre point of the store specified in column 5 of the relevant Table;

“road” means any thoroughfare on which the movement of vehicles is allowed; and

“vulnerable building” means a building of 4 storeys or more above ground with a curtain-wall construction, that is to say where the masonry, glass or other cladding is suspended from the structural framework of the building.

(2) Any reference in this Schedule to a railway line, thoroughfare (however described) or waterway does not include any part of a railway line, thoroughfare or waterway within the site—

(a) in which the store is situated; and

(b) which is occupied by the person storing the explosives.

(3) Any reference in this Schedule to a quantity of explosives shown in column 1 of a Table is to a quantity stored which is more than the lower figure but not more than the higher figure in column 1 in the same row of the Table.

(4) Any reference in this Schedule to a building is to a building in or at which people are, or are likely to be, present either all the time or from time to time.

(5) For the purpose of this Schedule, where explosives of different hazard types are in one store, the explosives shall be treated as belonging to the hazard type which would require the greatest separation distance for the total quantity of those explosives and the separation distance shall be determined in relation to that total quantity.

(6) For the purpose of this Schedule, the radius for a reference zone applying in a particular case is the number in the entry in column 5 of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table.

(7) For the purpose of this Schedule, any reference to “footpath”, “footway” or “waterway” does not include, respectively, footpath or footway used, or waterway navigated, by no more than, ordinarily, 20 persons every 24 hours.

(1) [S.I. 1993/3160 \(N.I. 15\)](#), to which there are amendments not relevant to these Regulations.

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

2. Where the storage is of—

- (a) Hazard Type 1 explosive in a brick-built mounded store, Table 1;
- (b) Hazard Type 1 explosive in a brick-built unmounded store, Table 2;
- (c) Hazard Type 1 explosive in a metal-built mounded store, Table 3;
- (d) Hazard Type 1 explosive in a metal-built unmounded store with no detonator annex attached, Table 4;
- (e) Hazard Type 1 explosive in a metal-built unmounded store with a detonator annex attached, Table 5;
- (f) Hazard Type 2 explosive, some or all items being of more than 0.7 kilograms net mass, Table 6;
- (g) Hazard Type 2 explosive, every item being of 0.7 kilograms net mass or less, Table 7;
- (h) Hazard Type 3 explosive, Table 8; or
- (i) Hazard Type 4 explosive, Table 9,

shall apply and any reference in this Schedule to a relevant Table is a reference to the Table which applies by virtue of this paragraph.

3. Subject to paragraphs 4 and 5, the distance between a store and any building, place of public resort or major road shall be the distance specified in the entry in column 2 of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table.

4. Subject to paragraph 5, where—

- (a) Table 1, 3, 4 or 5 applies; and
- (b) the number of dwellings in the reference zone is greater than the number specified in the entry in column 6 of the Table corresponding to the quantity of explosives shown in column 1 of the Table,

the distance between the store and any dwelling shall be the distance (if any) specified in the corresponding entry in column 3 of the Table.

5. The distance between a store and any vulnerable building shall be the distance (if any) specified in the column headed “Vulnerable building distance” corresponding to the quantity of explosives shown in column 1 of the relevant Table.

6. The distance between a store and—

- (a) any minor road or railway line shall be half; and
- (b) any footpath, footway, lightly-used road or waterway shall be one-third,

the distance shown in column 2 of the Table corresponding to the quantity of explosives shown in column 1 of the Table.

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TABLE 1

HAZARD TYPE 1 EXPLOSIVE IN A BRICK-BUILT MOUNDED STORE

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
0.1–25	101	—	101	—	—
25–50	107	—	107	—	—
50–75	112	—	112	—	—
75–100	118	—	118	—	—
100–150	128	142	128	257	81
150–200	139	156	139	278	96
200–300	161	180	161	322	128
300–400	183	—	183	—	—
400–450	193	—	193	—	—
450–500	204	—	204	—	—
500–600	204	—	216	—	—
600–700	204	231	238	408	206
700–800	204	238	260	408	206
800–900	204	245	280	408	206
900–1000	204	250	300	408	206
1000–1100	204	255	319	408	206
1100–1200	204	259	337	408	206
1200–1300	204	263	354	408	206
1300–1400	204	266	370	408	206
1400–1500	204	269	386	408	206
1500–1600	204	272	402	408	206
1600–1700	208	274	416	416	214
1700–1800	215	277	431	431	229
1800–1900	222	279	444	444	244
1900–2000	229	281	458	458	259

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TABLE 2

HAZARD TYPE 1 EXPLOSIVE IN A BRICK-BUILT UNMOUNDED STORE

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>Vulnerable building distance (metres)</i>
0.1–25	141	141
25–50	160	160
50–75	180	180
75–100	199	199
100–150	230	230
150–200	256	256
200–300	293	293
300–400	320	320
400–450	331	331
450–500	340	340
500–600	355	355
600–700	367	367
700–800	377	377
800–900	385	385
900–1000	392	392
1000–1100	398	398
1100–1200	403	403
1200–1300	408	408
1300–1400	412	412
1400–1500	415	415
1500–1600	418	418
1600–1700	421	421
1700–1800	424	431
1800–1900	426	444
1900–2000	428	458

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TABLE 3

HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT MOUNDED STORE

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
0.1–25	34	45	40	68	6
25–50	37	45	48	74	7
50–75	40	45	54	80	8
75–100	43	48	66	86	9
100–150	49	55	86	97	12
150–200	54	62	104	109	15
200–300	68	76	136	136	23
300–400	83	—	165	—	—
400–450	89	—	178	—	—
450–500	96	—	191	—	—
500–600	108	—	216	—	—
600–700	119	—	238	—	—
700–800	130	—	260	—	—
800–900	140	—	280	—	—
900–1000	150	—	300	—	—
1000–1100	159	—	319	—	—
1100–1200	168	—	337	—	—
1200–1300	177	—	354	—	—
1300–1400	185	—	370	—	—
1400–1500	193	—	386	—	—
1500–1600	201	—	402	—	—
1600–1700	208	—	416	—	—
1700–1800	215	—	431	—	—
1800–1900	222	—	444	—	—
1900–2000	229	—	458	—	—

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TABLE 4

**HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT UNMOUNDED
STORE WITH NO DETONATOR ANNEX ATTACHED**

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
0.1–10	23	30	40	46	3
10–20	29	35	42	57	4
20–30	33	39	44	65	5
30–40	36	42	46	71	6
40–50	38	44	48	76	7
50–60	40	46	48	80	8
60–70	42	48	52	84	9
70–80	43	50	57	87	9
80–90	44	52	61	89	10
90–100	45	55	66	91	10
100–110	46	57	70	93	11
110–120	47	59	74	95	11
120–130	48	62	78	97	12
130–140	49	64	82	98	12
140–150	50	66	86	100	12
150–160	51	68	90	102	13
160–170	52	71	93	104	13
170–180	53	73	97	106	14
180–190	54	75	101	108	14
190–200	55	78	104	110	15
200–300	68	101	136	136	23
300–400	83	124	165	165	34
400–450	89	135	178	178	39
450–500	96	138	191	191	45
500–600	108	144	216	216	57
600–700	119	150	238	238	70
700–800	130	156	260	260	83
800–900	140	162	280	280	97

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
900–1000	150	168	300	300	111
1000–1100	159	168	319	319	111
1100–1200	168	—	337	—	—
1200–1300	177	—	354	—	—
1300–1400	185	—	370	—	—
1400–1500	193	—	386	—	—
1500–1600	201	—	402	—	—
1600–1700	208	—	416	—	—
1700–1800	215	—	431	—	—
1800–1900	222	—	444	—	—
1900–2000	229	—	458	—	—

TABLE 5

HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT
UNMOUNDED STORE WITH A DETONATOR ANNEX ATTACHED

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
0.1–25	38	53	54	74	11
25–50	43	53	54	86	11
50–75	48	60	54	96	11
75–100	53	77	66	106	14
100–150	63	110	86	127	20
150–200	74	143	104	147	27
200–300	94	209	136	188	44
300–400	115	275	165	229	65
400–450	125	308	178	250	77
450–500	128	309	191	257	81
500–600	135	311	216	270	90
600–700	142	312	238	283	99

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>High density distance (metres)</i>	4 <i>Vulnerable building distance (metres)</i>	5 <i>Reference zone radius (metres)</i>	6 <i>Maximum number of dwellings in reference zone</i>
700–800	148	314	260	297	109
800–900	155	316	280	310	119
900–1000	162	318	300	324	129
1000–1100	169	319	319	337	140
1100–1200	175	321	337	350	152
1200–1300	182	323	354	364	163
1300–1400	189	325	370	377	176
1400–1500	195	326	386	391	188
1500–1600	202	328	402	404	202
1600–1700	209	330	416	417	215
1700–1800	215	332	431	431	229
1800–1900	222	333	444	444	244
1900–2000	229	335	458	458	259

TABLE 6

HAZARD TYPE 2 EXPLOSIVE, SOME OR ALL ITEMS BEING OF MORE THAN 0.7 KILOGRAMS NET MASS

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>Vulnerable building distance (metres)</i>
0.1–25	45	90
25–50	88	176
50–75	108	216
75–100	129	238
100–150	148	296
150–200	168	336
200–300	191	382
300–400	207	414
400–450	213	426
450–500	219	438
500–600	226	452
600–700	233	466

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>Vulnerable building distance (metres)</i>
700–800	240	480
800–900	248	496
900–1000	256	512
1000–1100	259	518
1100–1200	262	524
1200–1300	266	532
1300–1400	270	540
1400–1500	274	548
1500–1600	278	556
1600–1700	282	564
1700–1800	286	572
1800–1900	288	576
1900–2000	292	592

TABLE 7

HAZARD TYPE 2 EXPLOSIVE, EVERY ITEM
BEING OF 0.7 KILOGRAMS NET MASS OR LESS

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>Vulnerable building distance (metres)</i>
0.1–25	37	76
25–50	43	86
50–75	47	94
75–100	51	102
100–150	56	112
150–200	60	120
200–300	66	132
300–400	71	142
400–450	73	146
450–500	74	148
500–600	76	152
600–700	78	158
700–800	81	162
800–900	84	164

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>	3 <i>Vulnerable building distance (metres)</i>
900–1000	87	174
1000–1100	88	176
1100–1200	89	178
1200–1300	90	180
1300–1400	91	182
1400–1500	92	184
1500–1600	94	188
1600–1700	95	190
1700–1800	97	194
1800–1900	99	198
1900–2000	101	202

TABLE 8

HAZARD TYPE 3 EXPLOSIVE

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>
0.1–25	—
25–50	23
50–75	25
75–100	29
100–150	33
150–200	37
200–300	42
300–400	47
400–450	47
450–500	50
500–600	51
600–700	53
700–800	54
800–900	55
900–1000	63
1000–1100	70
1100–1200	71

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>
1200–1300	72
1300–1400	73
1400–1500	74
1500–1600	75
1600–1700	76
1700–1800	78
1800–1900	79
1900–2000	80

TABLE 9

HAZARD TYPE 4 EXPLOSIVE

1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>
0.1–250	—
250–300	1
300–340	2
340–370	3
370–400	4
400–450	5
450–500	6
500–550	7
550–600	8
600–650	9
650–700	10
700–750	11
750–800	12
800–900	13
900–950	14
950–1000	15
1000–1100	16
1100–1150	17
1150–1200	18
1200–1300	19
1300–1350	20

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1 <i>Quantity of explosives (kilograms)</i>	2 <i>Low density distance (metres)</i>
1350–1400	21
1400–1450	22
1450–1550	23
1550–1600	24
1600–1650	25
1650–1700	26
1700–1800	27
1800–1850	28
1850–1900	29
1900–2000	30

SCHEDULE 2

Regulation 10(2)(a)(ii)

EXCEPTIONS

<i>Explosives</i>	<i>U.N. no.</i>
AIR BAG INFLATORS or AIR BAG MODULES or SEAT-BELT PRETENSIONERS	0503
2-AMINO-4, 6-DINITROPHENOL, WETTED with not less than 20% water, by mass	3317
AMMONIUM PICRATE, WETTED with not less than 10% water, by mass	1310
ARTICLES, PYROTECHNIC for technical purposes	0428
ARTICLES, PYROTECHNIC for technical purposes	0429
ARTICLES, PYROTECHNIC for technical purposes	0430
ARTICLES, PYROTECHNIC for technical purposes	0431
ARTICLES, PYROTECHNIC for technical purposes	0432
BARIUM AZIDE, WETTED with not less than 50% water, by mass	1571
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0014

<i>Explosives</i>	<i>U.N. no.</i>
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0327
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0338
CARTRIDGES FOR WEAPONS, INERT PROJECTILE	0328
CARTRIDGES FOR WEAPONS, INERT PROJECTILE or CARTRIDGES, SMALL ARMS	0012
CARTRIDGES FOR WEAPONS, INERT PROJECTILE or CARTRIDGES, SMALL ARMS	0339
CARTRIDGES, OIL WELL	0277
CARTRIDGES, OIL WELL	0278
CARTRIDGES, POWER DEVICE	0275
CARTRIDGES, POWER DEVICE	0276
CARTRIDGES, POWER DEVICE	0323
CARTRIDGES, POWER DEVICE	0381
CARTRIDGES, SIGNAL	0054
CARTRIDGES, SIGNAL	0312
CARTRIDGES, SIGNAL	0405
CASES, CARTRIDGE, EMPTY, WITH PRIMER	0055
CASES, CARTRIDGE, EMPTY, WITH PRIMER	0379
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0446
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0447
CORD, IGNITER	0066
CUTTERS, CABLE, EXPLOSIVE	0070
DINITROPHENOL, WETTED with not less than 15% water, by mass	1320
DINITROPHENOLATES, WETTED with not less than 15% water, by mass	1321
DINITRORESORCINOL, WETTED with not less than 15% water, by mass	1322
DINITROSOBENZENE	0406

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<i>Explosives</i>	<i>U.N. no.</i>
DIPICRYL SULPHIDE, WETTED with not less than 10% water, by mass	2852
FIREWORKS	0333
FIREWORKS	0334
FIREWORKS	0335
FIREWORKS	0336
FIREWORKS	0337
FLARES, AERIAL	0093
FLARES, AERIAL	0403
FLARES, AERIAL	0404
FLARES, SURFACE	0092
FLASH POWDER	0094
FLASH POWDER	0305
FUSE, NON-DETONATING	0101
FUSE, SAFETY	0105
IGNITERS	0121
IGNITERS	0314
IGNITERS	0315
IGNITERS	0325
IGNITERS	0454
ISOSORBIDE DINITRATE MIXTURE with not less than 60% lactose, mannose, starch or calcium hydrogen phosphate	2907
LIGHTERS, FUSE	0131
5-MERCAPTOTETRAZOL-1-ACETIC ACID	0448
NITROCELLULOSE with not more than 12.6% nitrogen, by dry mass, MIXTURE WITH or WITHOUT PLASTICIZER, WITH or WITHOUT PIGMENT	2557
NITROCELLULOSE SOLUTION, FLAMMABLE with not more than 12.6% nitrogen, by dry mass, and not more than 55% nitrocellulose (vapour pressure at 50C more than 175 kPa)	2059
NITROCELLULOSE WITH ALCOHOL (not less than 25% alcohol, by mass, and not more than 12.6% nitrogen, by dry mass)	2556
NITROCELLULOSE WITH WATER (not less than 25% water, by mass)	2555

<i>Explosives</i>	<i>U.N. no.</i>
NITROGLYCERIN SOLUTION IN ALCOHOL with not more than 1% nitroglycerin	1204
NITROGLYCERIN SOLUTION IN ALCOHOL with more than 1% but not more than 5% nitroglycerin	3064
NITROGUANIDINE (PICRITE), with not less than 20% water, by mass	1336
4-NITROPHENYL-HYDRAZINE, with not less than 30% water, by mass	3376
NITROSTARCH, WETTED with not less than 20% water, by mass	1337
PRIMERS, CAP TYPE	0044
PRIMERS, CAP TYPE	0377
PRIMERS, CAP TYPE	0378
ROCKETS, LINE-THROWING	0238
ROCKETS, LINE-THROWING	0240
ROCKETS, LINE-THROWING	0453
SIGNAL DEVICES, HAND	0191
SIGNAL DEVICES, HAND	0373
SIGNALS, DISTRESS, ship	0194
SIGNALS, DISTRESS, ship	0195
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0192
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0193
SIGNALS, SMOKE	0196
SIGNALS, SMOKE	0197
SILVER PICRATE, WETTED with not less than 30% water, by mass	1347
SODIUM DINITRO-o-CRESOLATE, dry or wetted with less than 15% water, by mass	0234
SODIUM DINITRO-o-CRESOLATE, WETTED with not less than 10% water, by mass	3369
SODIUM DINITRO-o-CRESOLATE, WETTED with not less than 15% water, by mass	1348
SODIUM PICRAMATE, dry or wetted with less than 20% water by mass	0235

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<i>Explosives</i>	<i>U.N. no.</i>
SODIUM PICRAMATE, WETTED with not less than 20% water, by mass	1349
TETRAZOL-1-ACETIC ACID	0407
TRINITROBENZENE, WETTED with not less than 30% water, by mass	1354
TRINITROBENZOIC ACID, WETTED with not less than 30% water, by mass	1355
TRINITROPHENOL, WETTED with not less than 30% water, by mass	1344
TRINITROTOLUENE (TNT), WETTED with not less than 30% water, by mass	1356
UREA NITRATE, WETTED with not less than 20% water, by mass	1357
ZIRCONIUM PICRAMATE, dry or wetted with less than 20% water, by mass	0236
ZIRCONIUM PICRAMATE, WETTED with not less than 20% water, by mass	1517

SCHEDULE 3

Regulation 13(6)

QUANTITY OF HAZARD TYPE 4 PYROTECHNIC ARTICLES IN SALES AREAS

The maximum quantity of Hazard Type 4 pyrotechnic articles which may be kept for any period of time in a sales area at a site in relation to which a person is registered for the storage of explosives shall be the quantity specified in column 2 of the Table below corresponding to the floor area of the sales area shown in column 1 of the Table.

<i>1</i> <i>Floor area of sales area</i> <i>(square metres)</i>	<i>2</i> <i>Quantity of explosives</i> <i>(kilograms)</i>
not exceeding 20	12.5
not exceeding 40	15
not exceeding 60	20
not exceeding 80	25
not exceeding 100	30
not exceeding 150	35
not exceeding 200	40
not exceeding 250	45
not exceeding 300	50
not exceeding 350	55

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1 <i>Floor area of sales area (square metres)</i>	2 <i>Quantity of explosives (kilograms)</i>
not exceeding 400	60
not exceeding 450	65
not exceeding 500	70
exceeding 500	75

SCHEDULE 4

Regulation 19

FEES

1 <i>Provision in relation to which the application is made</i>	2 <i>Purpose of application</i>	3 <i>Fee</i>	4 <i>Fee for work by Specialist Inspector</i>
Regulation 11	Licence to manufacture explosives not being ammonium nitrate blasting intermediate nor relating to on-site mixing	£571	£115 per hour worked
	Licence to manufacture ammonium nitrate blasting intermediate	£140 per hour worked	
	Licence to manufacture explosives by means of on-site mixing	£210	£115 per hour worked
	Licence to store more than 2000 kilograms of explosives or licence which provides for different separation distances to apply	£571	£115 per hour worked

Note:

The fee payable for—

- (a) a licence to store no more than 2000 kilograms of explosives;
- (b) registration; or
- (c) renewal of a licence to store no more than 2000 kilograms of explosives or renewal of a registration, of less than 3 years' duration shall be, respectively, the fee set out above for such a licence, registration or a renewal of such a licence or a registration of 3 years' duration decreased proportionately according to the duration of the period for which the licence in question, registration or renewal of either is granted.

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1 <i>Provision in relation to which the application is made</i>	2 <i>Purpose of application</i>	3 <i>Fee</i>	4 <i>Fee for work by Specialist Inspector</i>
	than those specified in Schedule 1		
	Licence to store no more than 2000 kilograms of explosives (see Note)	£225	
	Renewal of a licence	£171	
Regulation 13	Registration in relation to the storage of explosives (see Note)	£144	
	Renewal of a registration	£99	
Regulation 15	Varying a licence to manufacture explosives not being ammonium nitrate blasting intermediate or licence to store more than 2000 kilograms of explosives	£391	£115 per hour worked
	Varying a licence to manufacture ammonium nitrate blasting intermediate	£140 per hour worked	
	Varying a licence to store no more than 2000 kilograms of explosives:		
	(a) (a)varying name of licensee or address of site	£31	

Note:

The fee payable for—

- (a) a licence to store no more than 2000 kilograms of explosives;
- (b) registration; or
- (c) renewal of a licence to store no more than 2000 kilograms of explosives or renewal of a registration, of less than 3 years' duration shall be, respectively, the fee set out above for such a licence, registration or a renewal of such a licence or a registration of 3 years' duration decreased proportionately according to the duration of the period for which the licence in question, registration or renewal of either is granted.

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1 <i>Provision in relation to which the application is made</i>	2 <i>Purpose of application</i>	3 <i>Fee</i>	4 <i>Fee for work by Specialist Inspector</i>
	(b) (b) any other kind of variation		the reasonable cost to the Secretary of State of having the work carried out
Regulation 18	Transfer of a licence or registration	£31	
	Replacement of a licence or certificate of registration if lost	£31	

Note:

The fee payable for—

- (a) a licence to store no more than 2000 kilograms of explosives;
- (b) registration; or
- (c) renewal of a licence to store no more than 2000 kilograms of explosives or renewal of a registration, of less than 3 years' duration shall be, respectively, the fee set out above for such a licence, registration or a renewal of such a licence or a registration of 3 years' duration decreased proportionately according to the duration of the period for which the licence in question, registration or renewal of either is granted.

SCHEDULE 5

Regulation 21

REGISTER

1. The Secretary of State shall maintain a register (“the register”) containing the information listed in paragraph 2 which relates to licences granted and certificates of registration issued by him.
2. The following information shall be included in the register—
 - (a) the name of the licensee or registered person;
 - (b) his permanent address, unless his home address is his only permanent address;
 - (c) the address of the site where the explosives are manufactured or stored (where that differs from any address included pursuant to sub-paragraph (b));
 - (d) the hazard type and maximum quantity of explosives which may be manufactured or stored at any one time;
 - (e) the nature of the business of the licensee or registered person and the intended use of the explosives;
 - (f) the name and description of the explosives manufactured or stored;
 - (g) a plan in a suitable scale which shows the separation distances required by regulation 5 or a condition of the licence to be maintained around the building where explosives are manufactured or the store;
 - (h) where the address of the site does not have a street number and postcode, a map in a suitable scale which shows the exact location of the building where explosives are manufactured or the store; and
 - (i) in relation to licences to store more than 2000 kilograms of explosives, the kind of store concerned, including the material of which it is constructed.

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3. The register may be kept in any form, including electronically.
4. Subject to paragraph 6, the Secretary of State shall—
 - (a) ensure that the information referred to in paragraph 2(a) to (d) in respect of a licence or registration is available for inspection, at all reasonable times and free of charge, by a person who resides, or by an undertaking situated, within the public consultation zone concerned in relation to the licence or registration; and
 - (b) provide a copy of the entry in the register relating to the information referred to in sub-paragraph 2(a) to (d) in respect of that licence or registration only to such a person or undertaking as referred to in sub-paragraph (a) who requests a copy and pays a charge which shall not exceed the reasonable cost of providing the copy.
5. The licensee or registered person in relation to any site in which explosives are manufactured or stored shall, when requested in writing to do so by the owner or, if not the same person, the occupier, of any premises falling within any separation distance applying in relation to that site, provide to the requesting person within 28 days of the request a scale plan of the area of land falling within that separation distance.
6. The requirements of paragraph 4 shall not apply where the information referred to in paragraph 2 is in respect of any site to which a licence or registration relates which is used only for the storage of—
 - (a) less than 500 kilograms of Hazard Type 1 explosive or Hazard Type 2 explosive;
 - (b) less than 2000 kilograms of Hazard Type 3 explosive or Hazard Type 4 explosive; or
 - (c) any explosives for a period of less than 4 weeks.
7. Nothing in this Schedule shall prevent the Secretary of State from disclosing any of the information in the register to the Department of the Environment for the purpose of the exercise of its functions.

SCHEDULE 6

Regulation 27(1)

AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

Explosives Act 1875

- 1.—(1) The 1875 Act is amended as follows.
- (2) Omit sections 4 to 22 and for section 23 (precautions against fire or explosion to be taken by occupier) substitute—

“Precautions against unauthorised access

23.—(1) The occupier of every premises at which gunpowder is manufactured or stored shall take all due precaution for preventing unauthorised persons having access to the premises or to the gunpowder therein.

(2) In the event of any breach (by any act or default) of subsection (1), the occupier shall be guilty of an offence.

- (3) In this section, “premises” has the meaning given by Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978.”.
- (3) Omit sections 24 to 29, 33, 35 to 38, 40 and 41.
- (4) In section 43 (power to prohibit manufacture, storage and carriage of specially dangerous explosives)—
- (a) omit “, either absolutely, or except in pursuance of a license of the Secretary of State under this Act”; and
 - (b) for the words from “Provided that” to “conveyance of explosives” substitute “A person who manufactures, keeps or conveys any explosive in contravention of any such Order shall be guilty of an offence and liable to the penalties specified in Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978.”.
- (5) Omit sections 44 to 51, 57 to 60 and 62 to 66.
- (6) Omit sections 71, 72, 77 to 79, 81 and 82.
- (7) In section 83 (provisions as to Orders in Council and orders of Secretary of State), omit—
- (a) “, and a Secretary of State may by order,”; and
 - (b) “or orders of the Secretary of State, as the case may be,”.
- (8) Omit sections 84 to 88.
- (9) In section 97 (exemption of Government factories, &c., from the Act), omit paragraphs (3) and (4) and the words from “Provided that” to the end of the section.
- (10) Omit sections 98 and 101.
- (11) In section 102 (saving clause as to liability), omit the words from “A continuing certificate” to the end of the section.
- (12) Omit sections 103, 105 and 106.
- (13) In section 108 (general definitions)—
- (a) in the definition of “this Act”, omit “certificate, byelaw, regulation, rule,”;
 - (b) in the definition of “store”, omit “an existing gunpowder store as defined by this Act, or” and “licensed by a license granted under this Act”; and
 - (c) omit the definitions of “existing”, “factory magazine”, “harbour authority”, “canal company”, “railway company”, “safety cartridges” and “Gunpowder Act 1860”.
- (14) Omit sections 119 to 121.
- (15) Omit Schedules 1 and 2.

Merchant Shipping Act 1894

2. In section 446(3) of the Merchant Shipping Act 1894⁽²⁾ (dangerous goods), for “Explosives Act, 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

Uniformity of Laws Act (Northern Ireland) 1922

3. In section 9 of the Uniformity of Laws Act (Northern Ireland) 1922⁽³⁾ (definitions), for “Explosives Act, 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(2) 1894 c. 60.

(3) 1922 c. 20.

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Celluloid and Cinematograph Film Act 1922

4. In section 9 of the Celluloid and Cinematograph Film Act 1922(4) (definitions), in the definition of “celluloid”, for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

Petroleum (Consolidation) Act (Northern Ireland) 1929

5. In section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(5) (interpretation), for “Explosives Act, 1875” substitute “Health and Safety at Work (Northern Ireland) Order 1978”.

Acquisition of Land (Authorisation Procedure) Act 1946

6. In Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946(6) (minor and consequential amendments), omit the entry relating to the Explosives Act 1875.

Financial Provisions Act (Northern Ireland) 1968

7. In Schedule 1 to the Financial Provisions Act (Northern Ireland) 1968(7) (variation of fees etc.), omit the entry relating to the Explosives Act 1875.

Explosives Act (Northern Ireland) 1970

8.—(1) The Explosives Act (Northern Ireland) 1970(8) is amended as follows.

(2) In section 1 (making and dealing with explosives)—

(a) in subsection (1), for the words “Explosives Acts” to “under those Acts” substitute “Explosives Act 1875 (in this Act referred to as “the 1875 Act”) or of any instrument made under that Act, the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”;

(b) in subsection (3)(a), for the word “magazine” substitute “store keeping more than 2000 kilograms of explosives”; and

(c) for subsection (4A), substitute—

“Subsections (1) and (2) shall not apply to—

(a) fireworks of such categories as may be prescribed by Explosives regulations; and

(b) those desensitised explosives listed in Schedule 2 to the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(3) In sections 3(1) and (2) (explosives regulations), 8(1) (interpretation) and 10 (short title and citation), for the words “principal Acts” substitute “1875 Act”.

(4) In section 5 (RUC to have powers of inspectors)—

(a) for the words “sections 55, 75 and 86” substitute “sections 55 and 75”; and

(b) omit the words “and, so far as it applies to those sections, in section 87 of that Act,”.

(5) In section 8(3) (interpretation), for the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(4) 1922 c. 35.

(5) 1929 c. 13, to which there are amendments not relevant to these Regulations.

(6) 1946 c. 49 (9 & 10 Geo. 6.).

(7) 1968 c. 25, to which there are amendments not relevant to these Regulations.

(8) 1970 c. 10, to which there are amendments not relevant to these Regulations.

Northern Ireland (Modification of Enactments — No. 1) Order 1973

9.—(1) The Northern Ireland (Modification of Enactments — No. 1) Order 1973⁽⁹⁾ is amended as follows.

(2) In Schedule 1 (Acts relating to the functions transferred to Secretary of State), omit the reference to the Explosives Act (Northern Ireland) 1924 (c. 5 (N.I.)).

(3) In Schedule 3 (Acts relating to functions transferred to the Treasury), omit the reference to section 72 of the Explosives Act 1875 (c. 17).

Sex Discrimination (Northern Ireland) Order 1976

10. In Schedule 4 to the Sex Discrimination (Northern Ireland) Order 1976⁽¹⁰⁾ (statutory provisions relevant for purposes of Article 56), omit the entries relating to the Explosives Act 1875 and the Explosives Act (Northern Ireland) 1924.

Judicature (Northern Ireland) Act 1978

11. In Schedule 5 to the Judicature (Northern Ireland) Act 1978⁽¹¹⁾ (minor and consequential amendments), omit the entry relating to the Explosives Act 1875.

Pollution Control and Local Government (Northern Ireland) Order 1978

12. Until the coming into force of its repeal by the Environmental Protection Act 1990⁽¹²⁾ the definition of “waste” in Article 36 of the Pollution Control and Local Government (Northern Ireland) Order 1978⁽¹³⁾ has effect as if the reference to the Explosives Acts 1875 to 1970 were a reference to these Regulations.

Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

13.—(1) The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979⁽¹⁴⁾ is amended as follows.

(2) In Schedule 1 (excepted professions, offices, employments and occupations)—

(a) in Part II (offices and employment), omit paragraph 6;

(b) in Part III (regulated occupations), omit paragraph 8 and in paragraph 9 omit “, magazine”; and

(c) in Part IV (interpretation), for the words “50(1)” to the end substitute “2(2) of the Firearms (Northern Ireland) Order 2004;”.

(3) In Schedule 2 (excepted licences, certificates and permits)—

(a) in paragraph 1, from the words “Firearms certificates issued” to “section 13 of that Act;” substitute “Any application for the grant of a firearm certificate under the Firearms (Northern Ireland) Order 2004 or any request for any authority under that Order;” and

(b) omit paragraph 3.

⁽⁹⁾ S.I. 1973/2163, to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ S.I. 1976/1042 (N.I. 15).

⁽¹¹⁾ 1978 c. 23.

⁽¹²⁾ 1990 c. 43. Section 30 of the Control of Pollution Act 1974 is prospectively repealed by Schedule 16 of the Environmental Protection Act 1990.

⁽¹³⁾ S.I. 1978/1049 (N.I. 19).

⁽¹⁴⁾ S.R. 1979/195, to which there are amendments not relevant to these Regulations.

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(4) In paragraph 14 of Schedule 3 (excepted proceedings), omit the words “on an application to the police or a court of summary jurisdiction for a certificate under any Order in Council made under section 43 of the Explosives Act 1875 as to the fitness of the applicant to keep explosives and”.

Environmental Protection Act 1990

14.—(1) The Environmental Protection Act 1990⁽¹⁵⁾ is amended as follows.

(2) In section 75(2) (meaning of waste) as enacted, for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(3) In section 142(7) (powers to obtain information), for “Explosive Substances Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

Merchant Shipping Act 1995

15. In Schedule 13 to the Merchant Shipping Act 1995⁽¹⁶⁾ (consequential amendments), omit paragraph 5.

Waste and Contaminated Land (Northern Ireland) Order 1997

16. In Article 33(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁷⁾ (power to obtain information about potentially hazardous substances), for the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Factory and Workshop Act 1901, use of locomotives and wagons on lines and sidings, Regulations 1906

17. In the Factory and Workshop Act 1901, use of locomotives and wagons on lines and sidings, Regulations 1906⁽¹⁸⁾, in the provisions on Application which begin with the words “Nothing in these Regulations shall apply to”, for sub-paragraph (i) substitute “(i) Any site for the manufacture of explosives which is specified in a licence granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

Order in Council No. 30 dated 2nd February 1937

18. After the proviso in Order in Council No. 30 dated 2nd February 1937⁽¹⁹⁾, insert—

“For the purpose of paragraph (1) of the proviso, all buildings and places adjoining each other and occupied together shall be deemed to be the same premises.”.

The Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970

19.—(1) The Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970⁽²⁰⁾ are amended as follows.

⁽¹⁵⁾ 1990 c. 43.

⁽¹⁶⁾ 1995 c. 21.

⁽¹⁷⁾ S.I. 1997/2778 (N.I. 19), to which there are amendments not relevant to these Regulations.

⁽¹⁸⁾ S.R. & O. 1906/679.

⁽¹⁹⁾ S.R. & O. 1937/54, amended by S.R. & O. (N.I.) 1947 No. 128 and S.R. 1979 No. 290.

⁽²⁰⁾ S. R. & O. (N.I.) 1970 No. 106.

(2) For the definition of “explosives store” in regulation 2(1) (interpretation), substitute—
““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or certificate of registration issued under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006;”.

(3) In regulation 32(a) (shot firing — additional provisions for shafts, winzes and raises), for the words from “workshop used” to the end substitute “suitable place for that purpose appointed by the manager of the mine.”.

The Explosives Regulations (Northern Ireland) 1970

20.—(1) The Explosives Regulations (Northern Ireland) 1970(21) are amended as follows.

(2) In regulation 3 (saving for Explosives Acts)—

(a) omit “Except as provided by Regulation 5”; and

(b) for the words “Explosives Act (Northern Ireland) 1924” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(3) In regulation 4(3) (police consent under section 1 of the Act of 1970), for the words from “Minister under the Act” to the end substitute “Secretary of State under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(4) Regulation 5 (manufacture etc. of ammonium nitrate mixtures) is revoked.

(5) In the Schedule, omit Forms 3 and 4.

The Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981

21. In paragraph 2 of Schedule 1 to the Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981(22) (exempted matter), for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991

22. In regulation 5(2)(h) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(23) (application of these Regulations), for the words “or the Explosives (Northern Ireland) Order 1972” substitute “, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

23.—(1) The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(24) are amended as follows.

(2) In regulation 3(3) (classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof), omit “Subject to regulation 11,”.

(3) Regulation 11 (classification and labelling under these regulations shall satisfy classification and labelling provisions of the Explosives Act 1875) is revoked.

(21) S.R. & O. (N.I.) 1970 No. 110, to which there are amendments not relevant to these Regulations.

(22) S.R. 1981 No. 340.

(23) S.R. 1991 No. 509.

(24) S.R. 1991 No. 516, to which there are amendments not relevant to these Regulations.

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The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993

24. Schedule 3 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993⁽²⁵⁾ is amended as follows—

- (a) in substance 50 in Part A (named substances), for the words “to which the Explosives Act 1875 applies” substitute “for which a licence, granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006, is required”; and
- (b) in categories 4 and 5 of Part B (categories of substances and preparations not specifically named in Part A), for the words “or magazine subject to assent procedures under section 7 of the Explosives Act 1875” substitute “subject to the public hearing procedure under regulation 12 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993

25.—(1) The Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993⁽²⁶⁾ are amended as follows.

- (2) In regulation 3 (application)—
 - (a) in 3(2)(a), for “Firearms Orders 1981 to 1992” substitute “Firearms (Northern Ireland) Order 2004”; and
 - (b) in 3(3)(a), for “Section 53 of the Explosives Act 1875” substitute “Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978”.
- (3) Regulation 11 and Schedule 4 (modifications) are revoked.

The Toys (Safety) Regulations 1995

26. In Schedule 3 to the Toys (Safety) Regulations 1995⁽²⁷⁾, in the note at the end marked with an asterisk, after the words “Manufacture and Storage of Explosives Regulations 2005” insert “and the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Explosives in Harbour Areas Regulations (Northern Ireland) 1995

27. For regulation 3(3)(e) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995⁽²⁸⁾ (application), substitute—

- “(e) a berth which forms part of a site—
 - (i) licensed under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 in cases where, in relation to the application for that licence, the public hearing procedure was required pursuant to regulation 11(4) of those Regulations; or
 - (ii) which is deemed to be licensed under those Regulations by virtue of regulation 26 of those Regulations in cases where, in relation to that deemed licence, the public hearing procedure would have been required pursuant to regulation 11(4) of those Regulations had the licence been applied for under those Regulations;”.

⁽²⁵⁾ S.R. 1993 No. 275.

⁽²⁶⁾ S.R. 1993 No. 488.

⁽²⁷⁾ S.I. 1995/204, to which there are amendments not relevant to these Regulations.

⁽²⁸⁾ S.R. 1995 No. 87.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

28.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997⁽²⁹⁾ are amended as follows.

(2) In Schedule 2 (dangerous occurrences)—

(a) in Part I (general)—

(i) for paragraph 6(1)(a), substitute—

“(a) any unintentional fire, explosion or ignition at a site—

(i) where explosives are manufactured by a person who holds a licence, or who does not hold a licence but is required to, in respect of that manufacture under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006; or

(ii) where explosives are stored by a person who holds a licence or is registered, or who is not licensed but is required to be in the absence of any registration, in respect of that storage under those Regulations;

(aa) the unintentional explosion or ignition of explosives at a place other than a site described in sub-paragraph (1)(a), not being one—

(i) caused by the unintentional discharge of a weapon where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to do; or

(ii) where a fail-safe device or safe system of work functioned so as to prevent any person from being injured in consequence of the explosion or ignition;”;

(ii) at the end of paragraph 6(1)(e), insert “or from any intentional fire or ignition”; and

(iii) for paragraph 6(2), substitute—

“(2) In this paragraph—

“danger zone” means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives; and

“explosives” has the same meaning as in the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(3) In Schedule 7 (statutory provisions requiring the notification of events which are not required to be notified or reported under the Regulations), omit the entry relating to the Explosives Act 1875.

The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999

29. For regulation 3 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999⁽³⁰⁾ (application), substitute—

“3. These Regulations shall not apply to an industrial activity involving substances to which the Explosives Acts (Northern Ireland) 1875 to 1970, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 apply.”.

⁽²⁹⁾ S.R. 1997 No. 455.

⁽³⁰⁾ S.R. 1999 No. 90.

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The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 1999

30. In regulation 3(18)(a) of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 1999⁽³¹⁾ (amendment of the principal Regulations), for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Building Regulations (Northern Ireland) 2000

31. For paragraph 1(a) of Class 1 of Schedule 1 to the Building Regulations (Northern Ireland) 2000⁽³²⁾ (classes of exempted buildings), substitute—

- “(a) Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

The Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000

32. In regulation 3 of the Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000⁽³³⁾ (application), after the words “Explosives Acts (Northern Ireland) 1875 to 1970” insert “and the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Explosives (Fireworks) Regulations (Northern Ireland) 2002

33.—(1) The Explosives (Fireworks) Regulations (Northern Ireland) 2002⁽³⁴⁾ are amended as follows.

(2) In the definition of “enforcing authority” in regulation 2(1) (interpretation), for the words “1994” substitute “2005”.

(3) In regulation 3 (savings for Explosives Acts), for “Explosives Act (Northern Ireland) 1924” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(4) In regulation 4(2) (prohibition on the possession, purchase, sale, acquisition, handling or use of fireworks), after the word “prohibited” insert “by a person other than a Government Inspector, Constable or representative of an enforcing authority acting in his capacity as such”.

(5) In regulation 8 (labelling requirements)—

- (a) in paragraph (2), for the word “packet” substitute “packaging”; and
(b) in paragraph (3), after the word “firework” insert “the packaging of”.

(6) For regulation 9(b) (fireworks exempt from prohibition), substitute—

- “(b) any person licensed under regulation 11, or registered under regulation 13, of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 to keep classified fireworks for the purpose of wholesale or retail trade;”.

(7) In regulation 11(2) (display of notice and certificate), for the words “of premises under section 5 of the Explosives Act 1875” substitute “under regulation 13 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

(8) In Schedule 3 (scale of licence fees), for the words “Where the attendance of any persons at a fireworks display will not exceed 1000;” substitute “Where the attendance of any persons at a fireworks display will exceed 100 but will not exceed 1000;”.

⁽³¹⁾ S.R. 1999 No. 496 to which there are amendments not relevant to these Regulations.

⁽³²⁾ S.R. 2000 No. 389.

⁽³³⁾ S.R. 2000 No. 1646, to which there are amendments not relevant to these Regulations.

⁽³⁴⁾ S.R. 2002 No. 147.

The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002

34. In regulation 3(7) (application) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002⁽³⁵⁾, for the words “Explosives Acts (Northern Ireland) 1875 to 1970 or the Explosives (Northern Ireland) Order 1972” substitute “Explosives Acts (Northern Ireland) 1875 to 1970, the Explosives (Northern Ireland) Order 1972 or the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005

35. In paragraph 2 of Schedule 3 to the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005⁽³⁶⁾ (accuracy classes for filling instruments), for the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

The Carriage of Explosives Regulations (Northern Ireland) 2006

36.—(1) The Carriage of Explosives Regulations (Northern Ireland) 2006⁽³⁷⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “safe and secure place” substitute—

““safe and secure place” means a safe and secure place within a site—

- (a) in relation to which a person is licensed to manufacture or store explosives under regulation 11 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 or is registered in respect of such storage under regulation 13 of those Regulations; or
- (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983;”.

(3) For regulation 3(1) (application), substitute—

“(1) The Regulations shall apply to explosives and other dangerous goods within the meaning of—

- (a) the Explosives Acts (Northern Ireland) 1875 to 1970 or the Explosives (Northern Ireland) Order 1972 and to any regulations, orders or other instruments of a legislative character made or having effect under those provisions; or
- (b) the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

The Quarries (Explosives) Regulations (Northern Ireland) 2006

37. For the definition of “explosives store” in regulation 2 of the Quarries (Explosives) Regulations (Northern Ireland) 2006⁽³⁸⁾ (interpretation), substitute—

““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or registration issued under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006;”.

⁽³⁵⁾ S.R. 2002 No. 301.

⁽³⁶⁾ S.R. 2005 No. 27.

⁽³⁷⁾ S.R. 2006 No. 182.

⁽³⁸⁾ S.R. 2006 No. 204.

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SCHEDULE 7

Regulation 27(2) and (3)

REPEALS AND REVOCATIONS

PART 1

REPEALS

1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
Explosives Act 1875.	c.17.	<p>Sections 4 to 22, 24 to 29, 33, 35 to 38, 40 and 41.</p> <p>In section 43, the words “, either absolutely, or except in pursuance of a license of the Secretary of State under this Act”.</p> <p>Sections 44 to 51, 57 to 60, 62 and 66.</p> <p>Sections 71, 72, 77 to 79, 81 and 82.</p> <p>In section 83, the words “, and a Secretary of State may by order” and “or orders of the Secretary of State, as the case may be,”.</p> <p>Sections 84 to 88.</p> <p>In section 97, paragraphs (3) and (4) and the words from “Provided that” to the end.</p> <p>Sections 98 and 101.</p> <p>In section 102, the words from “A continuing certificate” to the end.</p> <p>Sections 103, 105 and 106.</p> <p>In section 108—</p> <p>(a) in the definition of “this Act”, the words “certificate, byelaw, regulation, rule,”;</p>

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1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
		(b) in the definition of “store”, the words “an existing gunpowder store as defined by this Act, or” and “licensed by a license granted under this Act”; and (c) the definitions of “existing”, “factory magazine”, “harbour authority”, “canal company”, “railway company”, “safety cartridges” and “Gunpowder Act 1860”. Sections 119 to 121. Schedules 1 and 2.
Explosives Act (Northern Ireland) 1924.	c.5.	The whole Act.
Acquisition of Land (Authorisation Procedure) Act 1946.	c.49.	In Schedule 4, the entry relating to the Explosives Act 1875.
Financial Provisions Act (Northern Ireland) 1968.	c.25.	In Schedule 1, the entry relating the Explosives Act 1875.
Explosives Act (Northern Ireland) 1970.	c.10.	In section 5, the words “and, so far as it applies to those sections, in section 87 of that Act.”.
Northern Ireland (Modification of Enactments — No. 1) Order 1973.	S.I. 1973/2163.	In Schedule 1, the reference to the Explosives Act (Northern Ireland) 1924.
		In Schedule 3, the reference to section 72 of the Explosives Act 1875.
Sex Discrimination (Northern Ireland) Order 1976.	S.I. 1976/1042 (N.I. 15).	In Schedule 4, the entries relating to the Explosives Act 1875 and the Explosives Act (Northern Ireland) 1924.
Judicature (Northern Ireland) Act 1978.	c.23.	In Schedule 5, the entry relating to the Explosives Act 1875.

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1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.	S.R. 1979/195.	In Part II of Schedule 1, paragraph 6. In Part III of Schedule 1, paragraph 8 and in paragraph 9, the word “, magazine”. In Schedule 2, paragraph 3. In paragraph 14 of Schedule 3, the words “on an application to the police or a court of summary jurisdiction for a certificate under any Order in Council made under section 43 of the Explosives Act 1875 as to the fitness of the applicant to keep explosives and”.
Merchant Shipping Act 1995.	c.21.	In Schedule 13, paragraph 5.

PART 2 REVOCATIONS

1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
Order in Council (No. 1) Classifying Explosives.	5th August 1875 (Rev. VII, p.1).	The whole Order.
Order in Council (No. 2) Making General Rules for Factories for Explosives other than Gunpowder.	27th November 1875 (Rev. VII, p.7).	The whole Order.
Order in Council (No. 3) Relating to Magazines for Explosives other than Gunpowder, whether with or without Gunpowder.	27th November 1875 (Rev. VII, p.10).	The whole Order.
Order in Council (No. 4) Relating to Small Firework Factories.	27th November 1875 (Rev. VII, p.14).	The whole Order.
Order in Council (No. 6) Relating to Stores Licensed for Mixed Explosives.	27th November 1875 (Rev. VII, p.26).	The whole Order.
Order in Council (No. 11) Respecting Notice to be Given of Accidents Connected with	27th November 1875 (Rev. VII, p.42).	The whole Order.

1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
the Conveyance of Explosives other than Gunpowder.		
Order of Secretary of State (No. 1) Applying General Rules to Floating Magazines for Gunpowder.	27th November 1875 (Rev. VII, p.68).	The whole Order.
Order of Secretary of State (No. 2) Applying General Rules to Floating Magazines for Explosives other than Gunpowder, whether with or without Gunpowder.	27th November 1875 (Rev. VII, p.70).	The whole Order.
Order of Secretary of State as to Notice by Applicant for Factory or Magazine Licence.	20th May 1876 (Rev. VII, p.85).	The whole Order.
Order in Council (No. 6A) Amending Order in Council (No. 6) of the 27th November 1875 Relating to Stores Licensed for Mixed Explosives.	20th April 1883 (Rev. VII, p.34).	The whole Order.
Order in Council (No. 12) Relating to the Keeping of Explosive for Private Use and not for Sale.	20th April 1883 (Rev. VII, p.43).	The whole Order.
Order in Council (No. 13) Relating to the Exemption of Small Arm Nitro- Compounds from the Restrictions imposed in Orders in Council, 6(A), 7(A), and 12.	24th September 1886 (Rev. VII, p.46).	The whole Order.
Order in Council (No. 1A) Substituting New Provisions for those of Class 7 in the Order in Council of August 5, 1875, as to the Classification of Explosives.	12th December 1891 (noted Rev. VII, p.1).	The whole Order.
Order in Council (No. 15) Prohibiting Fireworks Consisting of or Containing Sulphur in Admixture with Chlorate of Potassium or other Chlorate.	S.R. & O. 1894/15.	The whole Order.
Order in Council (No. 16) Repealing and Consolidating the Previous Orders Relating	S.R. & O. 1896/964.	The whole Order.

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1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
to Premises Registered for the Keeping of Mixed Explosives.		
Order in Council (No. 19) Prohibiting Fireworks consisting of or containing Phosphorus in admixture with Chlorate of Potassium or other Chlorate.	S.R. & O. 1905/8.	The whole Order.
Order in Council (No. 16A) Varying the Order in Council (No. 16) of October 26, 1896 Relating to the Keeping of Fireworks on Registered Premises.	S.R. & O. 1906/380.	The whole Order.
Order in Council (No. 16B) Amending Order in Council of October 26, 1896 (No. 16) Relating to the Keeping of Mixed Explosives on Registered Premises.	S.R. & O. 1912/1861.	The whole Order.
Order in Council (No. 1B) Amending Order in Council of August 5, 1875 (No. 1) Relating to the Classification of Explosives.	S.R. & O. 1913/481.	The whole Order.
Order of Secretary of State (No. 2A) Amending Order of Secretary of State (No. 2) of November 1875 Applying General Rules to Floating Magazines for Explosives Other than Gunpowder, whether with or without Gunpowder.	S.R. & O. 1923/926.	The whole Order.
Order in Council (No. 3A) Amending the Order in Council of November 27, 1875 (No. 3), as to Magazines for Explosives Other than Gunpowder, whether with or without Gunpowder.	S.R. & O. 1925/40 .	The whole Order.
Order in Council (No. 2A) Amending the Order in Council of November 27, 1875 (No. 2), making General Rules for Factories for Explosives other than Gunpowder.	S.R. & O. 1925/41 .	The whole Order.

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1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
Order in Council (No. 4A) Amending the Order in Council of November 27, 1875 (No. 4) as to Small Firework Factories.	S.R. & O. 1925/42 .	The whole Order.
Order in Council (No. 6D) Amending the Order in Council of November 27, 1875 (No. 6), as to Stores Licensed for Mixed Explosives.	S.R. & O. 1925/43 .	The whole Order.
Order of the Minister of Home Affairs (No. 11), Dated August 10, 1925, Making Byelaws as to the Conveyance of Explosives on Roads, and in Certain Special Cases.	S.R. & O. (N.I.) 1925 No. 81 .	The whole Order except paragraph 3 and the second paragraph of paragraph 5.
Order in Council (No. 26) Relating to Picric Acid, Picrates and Mixtures of Picric Acid with other Substances.	S.R. & O. 1926/823 .	The whole Order.
Order in Council (No. 27) the Explosives (Di-Nitro- Phenol and Di-Nitro- Phenolate) Order, 1927.	S.R. & O. 1927/594 .	The whole Order.
Order in Council (No. 29) (The Liquid Oxygen Explosives Order, 1928).	S.R. & O. 1928/1045 .	The whole Order.
Order made by the Minister of Home Affairs, Dated March 15, 1940, Relating to the Conveyance of Detonators and Electric Detonators with other Explosive.	S.R. & O. (N.I.) 1940 No. 24 .	The whole Order.
Order made by the Minister of Home Affairs, Dated April 17, 1944, Altering the Byelaws Relating to the Conveyance of Detonators and Electric Detonators with other Explosive and to the Quantity of Explosive which may be Conveyed in any one Carriage.	S.R. & O. (N.I.) 1944 No. 34 .	The whole Order.
The Conveyance of Explosives Byelaws (Northern Ireland) 1953.	S.R. & O. (N.I.) 1953 No. 102 .	The whole Byelaws.

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1 <i>Title</i>	2 <i>Reference</i>	3 <i>Extent of repeal</i>
The Magazines for Explosives Order (Northern Ireland) 1953.	S.R. & O. (N.I.) 1953 No. 129.	The whole Order.
The Stores for Explosives Order (Northern Ireland) 1953.	S.R. & O. (N.I.) 1953 No. 130.	The whole Order.
The Explosives Regulations (Northern Ireland) 1970.	S.R. & O. (N.I.) 1970 No. 110.	In regulation 3, the words “Except as provided by Regulation 5”.
		Regulation 5.
		In the Schedule, Forms 3 and 4.
The Conveyance of Explosives Byelaws (Northern Ireland) 1971.	S.R. & O. (N.I.) 1971 No. 274.	The whole Byelaws.
The Explosives (Licensing of Stores and Registration of Premises) Variation of Fees Regulations (Northern Ireland) 1985.	S.R. 1985 No. 97.	The whole Regulations.
The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991.	S.R. 1991 No. 516.	In regulation 3(3), the words “Subject to regulation 11”.
		Regulation 11.
The Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993.	S.R. 1993 No. 488.	Regulation 11. Schedule 4.
The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997.	S.R. 1997 No. 455.	In Schedule 7, the entry relating to the Explosives Act 1875.