

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 236

The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015

PART 4

EXEMPTIONS, PENALTIES, DUE DILIGENCE DEFENCE

Exemptions

7.—(1) A person shall be exempt from compliance with provisions imposing requirements or prohibitions in the CLP Regulation, if that person—

- (a) has the benefit of a defence exemption certificate made by the Secretary of State in respect of that provision; or
- (b) can demonstrate that the appropriate authorities of another [^{F1}relevant state] have exempted that person from compliance in the interests of defence.

(2) Schedule 1 (defence exemption certificates) shall have effect.

8.—(1) These Regulations shall not apply to a substance or mixture which is a sample taken by an authority responsible for the enforcement of any requirement of, or prohibition imposed by or under, the CLP Regulation.

(2) In this regulation, “substance” and “mixture” have the same meaning as they have in the CLP Regulation.

F1 Words in [reg. 7\(1\)\(b\)](#) substituted (12.3.2021) by [The Explosives \(Appointment of Authorities and Enforcement\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/37\)](#), [regs. 1, 2\(4\)](#)

Commencement Information

- I1** [Reg. 7](#) in operation at 1.6.2015, see [reg. 1\(2\)](#)
- I2** [Reg. 8](#) in operation at 1.6.2015, see [reg. 1\(2\)](#)

Penalties

9. The maximum penalty for an offence under Article 31 of the 1978 Order as applied by these Regulations to the CLP Regulation shall be—

- (a) on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding the statutory minimum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.

Changes to legislation: There are currently no known outstanding effects for the The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015, PART 4. (See end of Document for details)

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Commencement Information

I3 [Reg. 9](#) in operation at 1.6.2015, see [reg. 1\(2\)](#)

Due diligence defence

10. In any proceedings for an offence under Article 31(1)(c) of the 1978 Order, as applied by these Regulations to the CLP Regulation, it shall be a defence for the person charged to prove that that person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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Commencement Information

I4 [Reg. 10](#) in operation at 1.6.2015, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015, PART 4.