

---

STATUTORY INSTRUMENTS

---

**1983 No. 1140**

**The Classification and Labelling  
of Explosives Regulations 1983**

**Citation and commencement**

1. These Regulations may be cited as the Classification and Labelling of Explosives Regulations 1983 and shall come into operation on 1st November 1983.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“Class 1” means Class 1 in respect of explosives or the classification of dangerous goods as set out in the Second Revised Edition of the Recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods published in Chicago in 1982 on behalf of the United Nations by the International Regulations Publishing and Distributing Organization<sup>(1)</sup>;

“classified” in relation to an article, substance, combination or unit load means assessed by the Health and Safety Executive or, in the case of a military explosive, by the Secretary of State and—

- (a) (i) assigned to Class 1,
- (ii) assigned to a Division and Compatibility Group,
- (iii) designated as an article, substance, combination or unit load, and
- (iv) in the case of an article or substance, allocated a United Nations Serial Number, or
- (b) excluded from Class 1 and designated as or as not presenting a significant hazard from explosion

;

“combination” means a combination in the same packaging of articles or substances or of one or more of each of them;

“Compatibility Group” means one of the compatibility groups in Class 1 set out in column 1 of Schedule 2 and “Compatibility Group letter” means the letter assigned to a Compatibility Group by column 2 of that Schedule;

“Division” means one of the divisions, into which Class 1 is divided, set out in column 1 of Schedule 1 and “Division number” means the number assigned to a Division by column 2 of that Schedule;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance, or
- (b) a mixture of solid or liquid substances or both,

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

---

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“hazard classification code” means the Division number followed by the Compatibility Group letter of an article, substance, combination or unit load as assigned on classification;

“inner packaging” means the packaging immediately surrounding an article, substance or combination, except when it is the only packaging, but it does not include any envelope, case or contrivance forming part of an article;

“label” includes “mark” and related expressions shall be construed accordingly;

“military explosive” means any article, substance, combination or unit load to which these Regulations apply—

- (a) under the control of the Secretary of State, or otherwise held for the service of the Crown, for the purposes of the Ministry of Defence,
- (b) under the control of a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 or of the service authorities of a visiting force within the meaning of any of the provisions of Part 1 of the Visiting Forces Act 1952, or otherwise held for the service of such a headquarters, organisation or visiting force, or
- (c) the conveyance of which is certified by the Secretary of State to be in connection with the execution of a contract with the Secretary of State or with a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 or with the service authorities of a visiting force within the meaning of any of the provisions of Part 1 of the Visiting Forces Act 1952

;

“name” means in relation to an explosive article or explosive substance its name—

- (a) as shown in “List of Authorised Explosives” or “List of Classifications of Explosives” both being lists issued by the Health and Safety Executive or in any of the various lists of classifications for military explosives issued by the Ministry of Defence, all the foregoing as revised or re-issued from time to time;
- (b) as shown in a licence issued in respect of its manufacture or importation by the Health and Safety Executive or the Secretary of State, or
- (c) as otherwise approved in writing by the Secretary of State

;

“outer packaging” means the packaging immediately surrounding an article, substance or combination where it is the only packaging and in any other case the outermost packaging but does not include—

- (a) any envelope, case or contrivance forming part of an article, or
- (b) any type of freight container, aircraft container, container with integral pallet, aircraft pallet or vehicle

;

“supply” means (whether as principal or agent for another) supply in the course of, or for use at, work by way of—

- (a) sale, offer for sale, lease, hire or hire purchase,
- (b) commercial sample,

(c) transfer from a factory, warehouse or other place of work and its curtilage to another place of work, whether or not in the same ownership, or

(d) importation into the United Kingdom,

and related expressions shall be construed accordingly;

“unit load” means the unit formed when packages or unpackaged articles are assembled on or in a device which enables them to be mechanically handled as one unit, but which is not any type of freight container, aircraft container, container with integral pallet, aircraft pallet, or vehicle;

“United Nations Serial Number” means one of the four-digit numbers devised by the United Nations and allocated by the Health and Safety Executive or the Secretary of State to an explosive article or explosive substance as a means of identification.

(2) Unless the context otherwise requires, any reference in these Regulations to—

(a) a numbered Regulation or Schedule is a reference to the Regulation of, or Schedule to, these Regulations bearing that number;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation or Schedule in which the reference appears.

### **Classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof**

3.—(1) Subject to Regulation 4, these Regulations shall apply to—

(a) explosive articles or explosive substances, whether in packaging or not;

(b) combinations in the same packaging of explosive articles or explosive substances or of one or more of each of such articles and substances;

(c) unit loads of any of the following—

(i) explosive articles, whether in packaging or not,

(ii) packaged explosive substances,

(iii) combinations in the same packaging of explosive articles or explosive substances or of one or more of each of such articles and substances;

except that in relation to supply only, these Regulations shall apply to the items specified in this paragraph only in so far as they are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect.

(2) An article, substance, combination or unit load to which these Regulations apply may not be conveyed, kept or supplied unless—

(a) it has been classified for the time being according to composition and in the form and packaging, if any, in which it is to be conveyed, kept or supplied; and

(b) it and any packaging comply with the labelling requirements, if any, imposed in respect of them by these Regulations.

(3) Subject to Regulation 11, nothing in paragraph (2) shall be construed as affecting any other requirement of law relating to the conveyance, keeping or supply of any article, substance, combination or unit load to which these Regulations apply.

### **Cases to which these Regulations do not apply**

4.—(1) These Regulations shall not apply to an article, substance, combination or unit load—

---

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

---

- (a) which complies with the classification and labelling requirements imposed in respect of it by or under the Explosives Act 1875, but this exception shall not apply after 1st November 1988, other than to the keeping of articles and substances manufactured, and combinations and unit loads formed, before 1st November 1983; or
  - (b) which is conveyed, kept or supplied solely in connection with an application for its classification; or
  - (c) which has not been classified and—
    - (i) is the subject of, or is used in, a research project, and
    - (ii) is not kept at, or conveyed through, any place to which persons not employed in, or otherwise concerned with, the project have access; or
  - (d) which is in transit on any aircraft, vessel or hovercraft, if—
    - (i) it is not to be unloaded in the United Kingdom, and
    - (ii) notification of its nature is given, before it enters the United Kingdom, to the airport manager, harbour master or person in charge of the hoverport, at the place at which it is to land or berth, except that such notification need not be given in the case of articles lawfully carried on board for the purpose of safety or in relation to anything carried on board a warship; or
  - (e) which is being transhipped from one aircraft, vessel or hovercraft to another for the purpose of being conveyed to a place outside the United Kingdom provided that there is compliance with the appropriate classification and labelling provisions of the International Maritime Dangerous Goods Code or the Technical Instructions for the Safe Transport of Dangerous Goods by Air, both as revised or re-issued from time to time and published respectively by the International Maritime Organisation and the Council of the International Civil Aviation Organisation; or
  - (f) which is being lawfully carried on the person, or in the baggage, of a passenger or member of the crew on an aircraft, vessel or hovercraft or in transit between one aircraft, vessel or hovercraft and another; or
  - (g) which is undergoing explosive ordnance disposal, other than dumping at sea, under the directions of a member of Her Majesty's forces or a constable.
- (2) These Regulations shall not apply to an article or substance—
- (a) which is in the process of manufacture, including any examination or testing carried out at the place of manufacture; or
  - (b) which has been removed from its packaging for the purpose of immediate use.
- (3) These Regulations shall not apply to fireworks, small arms ammunition or combinations in the same packaging of fireworks or small arms ammunition that—
- (a) are kept or supplied by the retailer thereof; or
  - (b) have been obtained from such a person.
- (4) These Regulations shall not apply to any explosive nuclear device or any component thereof.

### **Fees for testing**

5. If any testing is carried out by or on behalf of the Health and Safety Executive with the agreement of the applicant in connection with his application for the classification of an article, substance, combination or unit load, the applicant shall pay, prior to the issue of the decision, a fee of £25 for each man-hour of work certified as having been done in respect of that testing, excluding any typing, messenger or other ancillary work (for which no fee shall be payable).

### **Labelling of an article, substance or combination in Class 1**

6.—(1) A packaged article or substance or a combination to which these Regulations apply, assigned on classification to Class 1, Division 1.1, 1.2 or 1.3, shall bear two labels on its outer packaging, one in accordance with paragraphs 1, 2, 10 and 11, the other in accordance with paragraph 12, of Schedule 3.

(2) An unpackaged article to which these Regulations apply, assigned on classification to Class 1, Division 1.1, 1.2 or 1.3, shall bear two labels, one in accordance with paragraphs 3, 10 and 11, the other in accordance with paragraph 13, of Schedule 3.

(3) A packaged article or substance or a combination to which these Regulations apply, assigned on classification to Class 1, Division 1.4 or 1.5, shall bear two labels on its outer packaging, one in accordance with paragraphs 4 to 7 and 10 and 11, the other in accordance with paragraph 12, of Schedule 3.

(4) An unpackaged article, other than a firework, to which these Regulations apply, assigned on classification to Class 1, Division 1.4, shall bear two labels, one in accordance with paragraphs 8, 10 and 11, the other in accordance with paragraph 13, of Schedule 3.

### **Labelling of an article, substance or combination not in Class 1**

7. An article, whether in packaging or not, a packaged substance or a combination to which these Regulations apply, which on classification is both excluded from Class 1 and designated as presenting a significant hazard from explosion, shall be labelled in accordance with paragraphs 9 to 11 of Schedule 3 when it is conveyed or kept.

### **Labelling of outer and inner packagings**

8.—(1) In addition to any labelling required by Regulation 6, where an outer packaging contains an explosive article listed in Schedule 4 or an explosive substance listed in Schedule 5, it shall be labelled in accordance with paragraph 14 of Schedule 3.

(2) Where an inner packaging contains an explosive substance listed in Schedule 5, it shall be labelled in accordance with paragraph 15 of Schedule 3.

### **Labelling or arrangement of a unit load**

9.—(1) A unit load to which these Regulations apply shall be labelled or arranged as follows—

- (a) if the same hazard classification code applies to all articles, substances or combinations to which these Regulations apply in the unit load, they shall be arranged so that the label on at least one such article or outer packaging is visible on each vertical face of the load, except that, in the case of a unit load assembled on or in a device with a base or straps, it shall be sufficient if such labels are placed on the base or the straps so that they are as visible as if they were on the load itself;
- (b) in any other case, the labels specified in paragraph (2) shall be placed on the base or straps of the device on or in which the unit load is assembled so that they are as visible as if they were on each vertical face of the load, or, if there is no base or straps or it is impracticable to fix the labels there, they may be placed on each vertical face of the load.

(2) The labels referred to in paragraph (1)(b) shall be those appropriate under Regulations 6(1) or (3) or 7, as the case may be, for a combination which has the same hazard classification code as the unit load as a whole except that the label described in paragraph 12 of Schedule 3 need not be shown.

## Labelling generally

10.—(1) The requirements of Regulations 6, 7, 8 and 9 and Schedule 3 shall be implemented by the use of durable labelling either—

- (a) directly onto the outside of the packaging, article, base or strap, as the case may be, or
- (b) on a piece of paper or other suitable material securely fixed to the outside of the packaging, article, base or strap, as the case may be, with one entire side of the label in contact with the relevant surface.

(2) Where, in order to comply with paragraph (1), the size of the packaging, article, base or strap, as the case may be, would necessitate a reduction in the size of the label, as an alternative, a full sized label may be affixed in some other safe and suitable manner.

## Classification and labelling under these Regulations shall satisfy classification and labelling provisions of the Explosives Act 1875

11. Where an article, substance, combination or unit load, assigned on classification to Class 1, complies with the labelling requirements, if any, imposed in respect of it by these Regulations, that classification and labelling shall be deemed to satisfy any corresponding provisions of the Explosives Act 1875 and of any instrument made under it; and that Act and any such instrument shall be modified accordingly.

## Defence in proceedings for contravening these Regulations

12. In any proceedings for an alleged contravention of, or breach of duty imposed by, these Regulations it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence or breach.

## Enforcement

13. Notwithstanding the provisions of the Health and Safety (Enforcing Authority) Regulations 1977(2), the enforcing authority for the purposes of these Regulations shall in all cases be the Health and Safety Executive.

## Power to grant exemptions

14.—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations any particular, or class of, article, substance, combination or unit load and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption, and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that neither the health and safety of persons who are likely to be affected by the exemption nor the security of the explosives will be prejudiced.

(3) The Secretary of State may, by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations any particular or class of military explosive and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

## Revocations

15. The following Regulations are hereby revoked—

- (a) Regulation 6(1)(a) and (c), (2) and (4) of the Conveyance by Road of Military Explosives Regulations 1977;
- (b) Regulation 6(1)(a) and (c), (2) and (4) of the Conveyance by Rail of Military Explosives Regulations 1977;
- (c) Regulation 7(1)(a) and (c), (2) and (3) of the Conveyance in Harbours of Military Explosives Regulations 1977.

Signed by order of the Secretary of State.

21st July 1983

*John Selwyn Gummer*  
Joint Parliamentary Under Secretary of State  
Department of Employment