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## EXPLANATORY NOTE

*(This note is not a part of the Regulations)*

1. These Regulations make provision with respect to the placing on the market and the supervision of transfers (defined in regulation 8) of explosives. They come into force as provided in regulation 1.

2. The Regulations implement as respects Great Britain Council Directive [93/15/EEC](#) on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses (OJ No. L121, 15.5.93, p. 20), so far as the Directive requires implementation by legislation, except for Article 10.

3. The Regulations apply to all explosives as defined in regulation 2, subject to exceptions specified in regulation 3.

4. Regulation 4 prohibits any person from placing any explosives on the market unless they satisfy essential safety requirements (set out in Schedule 1), have been subject to conformity attestation procedure in accordance with regulation 5, and have had the CE marking (described in Schedule 3) affixed to them in accordance with regulation 7.

5. Regulation 6 makes provision in connection with the appointment by the Secretary of State of notified bodies for the purposes of the attestation procedure.

6. Regulation 8 establishes a system for the supervision of transfers of explosives. Before any explosives are moved, apart from movement on the same site, the consignee must obtain a recipient competent authority document from the competent authority for the place within the European Communities where the transfer will terminate.

7. There are provisions as to the keeping of records in connection with transfers in regulation 8(6) and Part II of Schedule 4.

8. Regulation 9 and Schedule 2 make provision for enforcement. By virtue of regulation 8(8) transfers which are not in accordance with regulation 8 and which constitute importation will be prohibited.

9. The Regulations extend to and in relation to premises and activities outside Great Britain in accordance with regulation 10.

10. Regulation 11 empowers the Health and Safety Executive to grant exemptions from the Regulations subject to the conditions set out in that regulation.

11. Provisions of the Explosives Act [1875 \(c. 17\)](#) are modified as specified in Part I of Schedule 4. Orders in Council which have been replaced by these Regulations are revoked as specified in regulation 14.