

SCHEDULE 2

Regulations 7(3) and 9(3)

PROVISIONS RELATING TO EXPLOSIVES TO WHICH THE CE MARKING HAS BEEN AFFIXED

PART I

EXPLOSIVES WHICH DO NOT SATISFY THE REQUIREMENTS OF REGULATION 4(1)(a) AND (b)

1. Where it is satisfied that the CE marking has been affixed to explosives but that the explosives do not satisfy the requirements of sub-paragraphs (a) and (b) of paragraph (1) of regulation 4, the Executive may serve notice in writing requiring the person on whom it is served to take such measures as are necessary to ensure that the explosives do satisfy the requirements of the said sub-paragraphs.

2. Where it is satisfied that explosives in respect of which a notice has been served in accordance with paragraph 1 of this Schedule continue not to satisfy the requirements of sub-paragraphs (a) and (b) of paragraph (1) of regulation 4, the Executive may serve notice in writing requiring the person on whom it is served to take such measures as are necessary to ensure the explosives are withdrawn from the market.

PART II

EXPLOSIVES WHICH MAY COMPROMISE SAFETY WHEN USED FOR THEIR INTENDED PURPOSE

3. Where it is satisfied that explosives to which the CE marking has been affixed may compromise safety when being used for their intended purpose, the Executive may serve notice in writing requiring the person on whom it is served to take such measures as are necessary to ensure the explosives are withdrawn from the market.

PART III

SUPPLEMENTARY PROVISIONS

4. A notice referred to in Part I of this Schedule may be served on—
- (a) the manufacturer of the explosives or any person acting as agent for the manufacturer; or, failing them
 - (b) the person responsible for placing the explosives on the market.
5. A notice referred to in Part II of this Schedule may be served on any person the Executive has reasonable grounds for believing is in a position to take the measures specified in the notice.
6. A notice referred to in this Schedule may specify measures to be taken under the notice, may be subject to conditions and may have immediate effect or may allow such time for compliance as the Executive specifies in the notice.