

SCHEDULE 4

MODIFICATIONS

PART I

THE EXPLOSIVES ACT 1875

1. Except in its application to Northern Ireland, and as it applies to acetylene by virtue of Order in Council (No. 30) dated 2nd February 1937⁽¹⁾, section 40 of the Explosives Act 1875⁽²⁾ is modified by substituting the following sub-sections for sub-section (9)—

“(9) No person shall supply any explosive (other than gunpowder) unless the explosive—

- (a) conforms in composition, character and quality to the description of the explosive in a list signed by an inspector appointed by the Health and Safety Executive and duly authorised for that purpose, corresponding to the name of that explosive as shown in such list and in “List of Authorised Explosives” issued by the Health and Safety Executive⁽³⁾, such list and List as revised or re-issued from time to time; and
- (b) has been classified in accordance with any Order in Council made under section 106 of this Act and for the time being in force which defines, for the purposes of this Act, the composition, quality and character of any explosive⁽⁴⁾.

(10) The Health and Safety Executive shall ensure that any explosive which satisfies the requirements of sub-paragraphs (a) to (c) of regulation 4(1) of the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993 (S.I. 1993/2714) is classified in accordance with any Order in Council made under section 106 of this Act and is included in the list and in “List of Authorised Explosives” mentioned in sub-section (9)(a) of this section.

(11) In sub-section (9) of this section, “supply” shall be construed in accordance with section 46 of the Consumer Protection Act 1987 (1987 c. 43).”.

(1) S.R. & O. 1937/54.

(2) 1875 c. 17.

(3) The list current when these Regulations are made is “List of Authorised Explosives 1992”, ISBN 0 11 886396 7, published by HMSO.

(4) The Orders in force at the date of making these Regulations are Order in Council (No. 1) dated 5th August 1875 (Rev. VII p. 1) and Order in Council (No. 1B) dated 11th April 1913 (S.R. & O. 1913/481).