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## EXPLANATORY NOTE

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

1. These Regulations amend five sets of Regulations, which are referred to below, and revoke a number of old Regulations concerning mines (*regulation 3 and Schedule 1*).

2. In addition to making minor and drafting amendments, these Regulations make the following changes of substance.

3. The maximum period of validity of an explosives certificate under the Control of Explosives Regulations 1991 ([S.I. 1991/1531](#)) is now extended to five years. The amendments made get rid of the distinction between periods of validity for explosives certificates relating to the acquisition and keeping of explosives and those for acquisition only. The former were up to three years and are now up to five and the latter were up to one year but are now also up to five. The definition of chief officer of police is changed so that it is linked to statutory provisions and the power to delegate the chief officer of police's functions under those Regulations is now provided for in a separate provision. Certain model rocket motors are added to the list of explosives in Schedule 1 to those Regulations, which relates to exceptions to the Regulations (*paragraph 1 of Schedule 1*).

4. The Health and Safety (Enforcing Authority) Regulations 1998 ([S.I. 1998/494](#)) are amended so that the Health and Safety Executive ("the Executive") is the enforcing authority for the storage of ammonium nitrate blasting intermediate. The amendments also make the Executive the enforcing authority for section 25 of the Manufacture and Storage of Explosives Regulations 2005 ([S.I. 2005/1082](#)) ("the 2005 Regulations") at sites in relation to which it has granted a person a licence to manufacture or store explosives or registered a person for such storage (*paragraph 2 of Schedule 1*).

5. The amendment to the Genetically Modified Organisms (Contained Use) Regulations 2000 ([S.I. 2000/2831](#)) reflects a change of address at which copies are to be maintained of the register as regards Great Britain of notifications of activities involving genetic modification of micro-organisms. The copies are now to be maintained at the offices of the Executive at Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS (*paragraph 3 of Schedule 1*).

6. The amendments to the 2005 Regulations include the following. The period for which a registration may be granted by the Executive, or a chief officer of police, is extended to five years; but if the applicant has an explosive certificate, the period is to be up to the expiry date of that certificate. The requirement of regulation 13 of the 2005 Regulations for local authority assent before a licence may be granted is disapplied in two cases. Firstly, where the application is for a licence to follow a licence which was granted to follow a "deemed licence" within the meaning of the 2005 Regulations and, secondly, where the police are applying for a licence to manufacture explosives for their operational purposes or training in those purposes. In those cases, the requirements of regulation 5(1) of the 2005 Regulations as to separation distances are also disapplied. Regulation 16 of the 2005 Regulations is amended so that a licensing authority may vary a registration. Regulation 20 of the 2005 Regulations now provides that a transfer of a licence or a registration is to be refused if the licensing authority is of the opinion that the applicant is not a fit person to store or manufacture explosives, as the case may be. A new regulation 25A is added, placing a duty on manufacturers, importers and suppliers of pyrotechnic articles to ensure, so far as is reasonably practicable, that the net mass of explosive in the article does not exceed the amount they have specified on the article, its packaging or its accompanying document (*paragraph 4 of Schedule 1*).

7. The amendment in Schedule 1 to the Control of Noise at Work Regulations 2005 is for fully implementing Article 6(1) of Directive [2003/10/EC](#) (OJ No. L42, 15.2.2003, p.38) on the minimum

**Status:** This is the original version (as it was originally made).

health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)) read with Article 4(1) of Council Directive [89/656/EEC](#) on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (OJ No. L393, 30.12.1989, p. 18 – 28) (*paragraph 5 of Schedule 1*).

**8.** The revocations in Schedule 2 are of regulations, many of them special regulations for the purposes of the Mines and Quarries Act 1954, governing mines which have either been closed permanently or where the mechanical systems which were once used in them, and which the regulations concern, are no longer used.

**9.** A full impact assessment prepared of the effect that this instrument will have on the costs of business is available from the Health and Safety Executive's website (<http://www.hse.gov.uk/ria>) and the Better Regulation Executive's Impact Assessment library (<http://www.ialibrary.berr.gov.uk>). A copy of the impact assessment can also be requested from the Health and Safety Executive at 5S.3 Redgrave Court, Merton Road, Merseyside, L20 7HS. A copy is also annexed to the Explanatory Memorandum which is available alongside the instrument on the Office of Public Sector Information's website (<http://www.opsi.gov.uk/legislation.uk.htm>).