

SCHEDULE 31

Amendment of the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016

Insertion of regulation 2A

3. After regulation 2 insert—

“Interpretation: designated standard

2A.—(1) Subject to paragraphs (6) and (7), “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body for repeated or continuous application with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee of Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenlec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing a reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with technical specifications adopted by the other recognised standardisation bodies.

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

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

(8) In this regulation, a reference to a “product” is a reference to a civil explosive.

(9) The Department may by regulations amend the list of recognised standardisation bodies in paragraph (3) to reflect any changes in the name or structure of those bodies made by the Secretary of State.

(10) Regulations made under paragraph (9) are subject to negative resolution.”.