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STATUTORY INSTRUMENTS

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**1979 No. 1378**

**HEALTH AND SAFETY**

**The Explosives Act 1875 (Exemptions) Regulations 1979**

<i>Made</i>	- - - -	<i>30th October 1979</i>
<i>Laid before Parliament</i>		<i>8th November 1979</i>
<i>Coming into Operation</i>		<i>31st December 1979</i>

The Secretary of State, in exercise of the powers conferred on him by section 15(1) and (5)(b) of the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Explosives Act 1875 (Exemptions) Regulations 1979 and shall come into operation on 31st December 1979.

**Power to grant exemptions**

2.—(1) Subject to paragraph (2) of this Regulation, the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by any provision of Part I (except sections 30 to 32) or Part II of the Explosives Act 1875<sup>(2)</sup> or by any Regulation, Order in Council or Order made under such provisions, or under section 83 of that Act, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption, and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it and that the security of the explosives will not be so prejudiced.

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(1) section 15 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.  
(2) the relevant amending instrument is S.I. 1974/1885.

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Signed by order of the Secretary of State.

30th October 1979

*Patrick Mayhew*  
Joint Parliamentary Under Secretary of State  
Department of Employment

### EXPLANATORY NOTE

These Regulations provide for the Health and Safety Executive to grant exemptions from any requirement or prohibition imposed by any provision of Part I (except sections 30 to 32) or Part II of the Explosives Act 1875 or by any Regulation, Order in Council or Order made under such provisions or under section 83 of that Act. The Health and Safety Executive may attach conditions to any exemption and shall only grant an exemption if it is satisfied that the health and safety of persons likely to be affected by the exemption and the security of the explosives will not be prejudiced in consequence of it.