

SCHEDULE 5

Regulation 46

AMENDMENTS TO THE CLASSIFICATION AND LABELLING OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 1991

1. The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991⁽¹⁾ shall be amended as follows.

2. In regulation 2 (interpretation)–

(1) omit the definition of “Class 1”;

(2) for the definition of “classified” substitute–

““classified” means classified in accordance with–

(a) regulation 14 of the Carriage of Explosives Regulations (Northern Ireland) 2006⁽²⁾ in relation to carriage by road or by rail;

(b) regulation 11 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997⁽³⁾ in relation to carriage by ship; or

(c) regulation 11c of the Air Navigation (Dangerous Goods) Regulations 2002⁽⁴⁾ in relation to carriage by air;”;

(3) omit the definitions of “Compatibility Group” and “Division”;

(4) for the definition of “hazard classification code” substitute–

““hazard classification code” means the division number as set out in paragraph 2.1.1.4 of the United Nations Recommendations, followed by the compatibility group letter, as set out in paragraph 2.1.2 of those Recommendations, for the article, substance, combination or unit load in question which is assigned on classification in accordance with regulation 3;”;

(5) for the definition of “name” substitute–

““name” means in relation to an explosive article or explosive substance–

(a) the name under which it is or is to be marketed; or

(b) in the case of a military explosive, the name designated in writing for that explosive substance or article by the Secretary of State for Defence;”;

(6) at the end of the definition of “unit load”, add the following definition–

““the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G (XXIII) of 26th April 1957)) [Current Edition (2003): ISBN 92-1-139090-7], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of six months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued; and”;

(7) for the definition of “United Nations Serial Number” substitute–

““United Nations Serial Number” means the serial number set out in paragraph 3.2.1 of the UN Recommendations which is assigned to the article, substance, combination or unit load in question on classification in accordance with regulation 3 as a means of identification.”

(1) S.R. 1991 No. 516

(2) S.R. 2006 No. 182

(3) S.I. 1997/2367

(4) S.I. 2002/2786

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

3. In regulation 3 (classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof), for paragraph (2) substitute—

“(2) An article, substance, combination or unit load to which these Regulations apply may not be—

- (a) imported into the United Kingdom in the course of or for, private use or use at work, or conveyed unless it has been classified and that classification has been approved in writing by the Secretary of State, or, in the case of a military explosive, by the Secretary of State for Defence; and
- (b) conveyed, kept or supplied unless it and any packaging comply with any labelling requirements imposed in respect of them by these Regulations.”.

4. In regulation 4(1), for sub-paragraphs (b) and (c) substitute the following sub-paragraph—

“(b) which has not been classified or which has been allocated on classification the United Nations Serial Number 0190 and which—

- (i) does not include any initiating explosives;
 - (ii) is a commercial sample or a sample for one or more of the following purposes, namely research and development, quality control, their testing or in connection with an application for their classification; and
 - (iii) is in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,
- and in this sub-paragraph “initiating explosives” means explosives intended solely to cause the detonation of other explosives; or”.

5. For regulation 6 (labelling of an article, substance or combination), substitute—

“Labelling of an article, substance or combination

6. —

(1) A packaged article or substance, or a combination to which these Regulations apply shall bear a label in accordance with paragraph 12 of Schedule 3.

(2) An unpackaged article, other than a firework, to which these Regulations apply, shall bear a label in accordance with paragraph 13 of Schedule 3.”.

6. Regulations 7 (labelling of an article, substance or combination not in Class 1) and 9 (labelling or arrangement of a unit load) shall be omitted.

7. In regulation 10 (labelling generally), in paragraph (1), for “6, 7, 8 and 9” substitute “6 and 8”.

8. In regulation 12A, in paragraph (a) for “3(2)(b), 6 or 9” substitute “3(2)(b) or 6”.

9. In regulation 13(2), for the words from “he is satisfied” to the end of the paragraph substitute “he is satisfied that the environment, the security of the explosives and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it”.

10. Omit Schedules 1 and 2.

11. In Schedule 3 (labels)—

(1) omit paragraphs 1 to 11;

(2) in paragraph 12—

- (a) in the heading, omit the words “in Class 1”;

- (b) in the first line for “The other label required by regulation 6(1) and (3)” substitute “The label required by regulation 6(1)”; and
- (c) omit sub-paragraph (a);
- (3) in paragraph 13–
 - (a) in the heading, omit the words “in Class 1”;
 - (b) in the first line for “The other label required by regulation 6(2) and (4)” substitute “The label required by regulation 6(2)”; and
 - (c) omit paragraph (a); and
- (4) omit paragraphs 16 and 17.