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## EXPLANATORY NOTE

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

1. These Regulations make new provision for licensing the manufacture and storage of explosives and for registration in respect of the storage of explosives. As such, they repeal a large number of provisions contained in the Explosives Act 1875 (“the 1875 Act”) and instruments made under it, which provided the framework for the previous regulatory regime in relation to the manufacture and storage of explosives.

2. The definition of explosive in regulation 2(1) does not include acetylene, which continues to be regulated under provisions of the 1875 Act and instruments made under it. The document “the United Nations Recommendations”, to which the definition of “explosive” refers, and the Manual of Tests and Criteria, fourth edition, which supports those Recommendations, can be obtained from TSO Bookshop, 16 Arthur Street, Belfast, BT1 4GD.

3. Subject to certain disapplications, a person wishing to store explosives must maintain the relevant separation distance prescribed by Schedule 1 between a store and buildings and other places not on the site where the storage takes place (regulation 5). “Separation distance” is defined in regulation 2(1).

4. As before, a person wishing to manufacture or store explosives requires a licence or certificate of registration to do so (regulations 9 and 10). This requirement is subject to the disapplications included in regulations 9 and 10.

5. In certain cases the public hearing procedure is required before a licence may be granted (regulations 11(4) and (5), and 12).

6. Where a smaller quantity of explosives is to be stored, a person may apply to the Secretary of State for registration rather than seeking a licence for it (regulation 13).

7. Grounds for refusing a licence or registration or varying a licence are set out in, respectively, regulations 14 and 15. The grounds for revoking a licence or registration are set out in regulation 16. Licences and registrations may be transferred (regulation 18).

8. Fees are payable for the issue, variation (licences only), transfer or replacement of licences and certificates of registration (regulation 19 and Schedule 4).

9. The Secretary of State is required to maintain a register of certain information relating to licences granted or certificates of registration issued by him (regulation 21 and Schedule 5).

10. Prohibitions concerning explosives are contained in regulations 23 and 24. Power to grant exemptions from the requirements or prohibitions imposed by the Regulations is included under regulation 25. Regulation 26 contains savings and transitional provisions so that, for example, licences granted under the 1875 Act which were valid immediately before the coming into operation of these Regulations continue in operation on their existing terms subject to any variation, revocation or their expiry.

11. Amendments to legislation are made by regulation 27(1) and Schedule 6. Repeals and revocations of legislation are made by regulation 27(2) and (3) and Schedule 7.

12. A person who contravenes the Regulations or any requirement or prohibition under them is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.

**Changes to legislation:** *There are currently no known outstanding effects for the The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006. (See end of Document for details)*

**13.** A copy of the regulatory impact assessment in respect of these Regulations can be obtained from Firearms and Explosives Branch, Room B4.16, Castle Buildings, Stormont Estate, Belfast, BT4 3SG.

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