
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 224

**The Control of Explosives Precursors
etc. Regulations (Northern Ireland) 2014**

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014.

(2) These Regulations come into force on 2nd September 2014.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(1);

“acquiring” means taking into your possession, custody or control;

“authorised officer” means a person authorised by the Chief Constable(2) under regulation 27(2);

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006(3), as amended from time to time;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(4) and “within a designated area” includes over and under it(5);

“EEA State” means, at any time—

(a) a state which at that time is a member State, or

(b) any other state which at that time is a party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993(6), as modified or supplemented from time to time;

(1) S.I. 1978/1039 (N.I. 9); relevant amendments are referenced in these Regulations.

(2) The terms “Chief Constable”, “constable”, “police officer” and “police support staff” are defined in section 43 of the Interpretation Act (Northern Ireland) 1954.

(3) OJ No L 353, 31.12.2008, p1.

(4) 1964 c. 29; section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23) and section 103 of the Energy Act 2011 (c. 16).

(5) The law in force in Northern Ireland applies for the determination of such questions arising out of acts or omissions taking place in the “Northern Irish area”, which comprises the part of the area designated by S.I. 1968/891 which lies west of the “Northern Irish border” (see S.I. 1980/184).

(6) OJ No L 1, 03/01/1994, p. 3, and OJ No L 1, 03/01/1994, p. 572.

“Great Britain” includes the territorial sea of the United Kingdom other than the part adjacent to Northern Ireland;

“importing into Northern Ireland” includes importing into any part of the territorial sea (notwithstanding regulation 17)(7);

“licence” (unless otherwise indicated) means a licence granted under regulation 5;

“member of the general public” means an individual(8) who is acting for purposes not connected with that individual’s trade, business or profession (and a trade, business or profession may include the performance of a function of a public nature within the meaning of section 6 of the Human Rights Act 1998(9));

“member State” has the same meaning as in Part 2 of Schedule 1 to the European Communities Act 1972(10);

“mixture” means a mixture or solution composed of two or more substances;

“organisation” means any body corporate and any combination of persons or other unincorporated association;

“possessing” means having in your possession, custody or control;

“the Precursors Regulation” means Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors(11), as amended from time to time;

“public place” means any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (including any road within the meaning of the Roads (Northern Ireland) Order 1993(12));

“recognised non-NI licence” has the same meaning as in regulation 11;

“responsible person” has the same meaning as in regulation 6;

“substance” means a chemical element and its compounds in the natural state or obtained by any manufacturing process—

- (a) including any additive necessary to preserve its stability and any impurity deriving from the process used, but
- (b) excluding any solvent that may be separated without affecting the stability of the substance or changing its composition;

“supply” includes supply to another person—

- (a) in return for payment or free of charge;
- (b) for the purpose of the safe disposal of the substance;

“transport” means transfer or conveyance; and

“using” includes processing, formulating, storing, treating or mixing, including in the production of an article.

(7) Under the Health and Safety at Work (Northern Ireland) Order 1978, “Northern Ireland” includes the territorial sea adjacent to Northern Ireland.

(8) “Individual” means a natural person and does not include a corporation (section 46 of the Interpretation Act (Northern Ireland) 1954).

(9) Section 6 was amended by paragraph 1 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4).

(10) 1972 c. 68; Part 2 of Schedule 1 was amended by paragraph 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c. 7).

(11) OJ L 39, 9.2.2013, p. 1–11.

(12) S.I. 1993/3160; there are no relevant amendments.

(2) The Interpretation Act (Northern Ireland) 1954(**13**) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.