
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 223

The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015

Consequential amendments to the Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992

3.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992(1) shall be amended as follows.

(2) In regulation 2(1)—

(i) in the definition of “the Fire Authority”, for the words “the Fire Authority for Northern Ireland”, substitute “the Northern Ireland Fire and Rescue Service Board”; and

(ii) before the definition of “site” insert—

““relevant ammonium nitrate mixtures” means ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content exceeds 15.75% of the mixture by weight;”.

(3) In regulation 2(3)—

(i) after the words “the total quantity of dangerous substances” insert “or relevant ammonium nitrate mixtures”;

(ii) for “such substances” substitute “dangerous substances or relevant ammonium nitrate mixtures”; and

(iii) after “any dangerous substances” insert “or relevant ammonium nitrate mixtures”.

(4) After regulation 4(3), insert —

“(4) The person in control of a site shall ensure that there is not present at any one time a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site unless there has been notified in writing to the Fire Authority the particulars specified in Part I of Schedule 2.

(5) Where a notification has been made under paragraph (4) and a change specified in Part II of Schedule 2 takes place, the person in control of the site shall forthwith notify that change in writing to the Fire Authority.

(6) Where a change specified in paragraph 1 or 2 of Part II of Schedule 2 has been notified under paragraph (5), any resumption in the presence of a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site shall be subject to a fresh notification under paragraph (4).”.

(5) For regulation 8 (Enforcing authority), substitute —

“8. The enforcing authority for these Regulations shall be the Fire Authority except that—

- (a) the enforcing authority for regulation 4(1) and 4(2) shall be ascertained in accordance with the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999; and
 - (b) the enforcing authority for regulations 5 to 7 in relation to a site occupied by a body specified in regulation 5(4) of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 shall be the Executive.”.
- (6) In regulation 10, after (2), add—
- “3) Where a notification in respect of relevant ammonium nitrate mixtures has been made to the Executive on or after 1st June 2015 and on or before 1st July 2015 as if that notification were being made pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 as that regulation was in operation immediately before the coming into operation of regulation 3 of the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015, that notification is deemed to be a notification to the Fire Authority pursuant to regulation 4 of these Regulations.”.
- (7) In the heading of Part I of Schedule 2, after “4(1)” add “AND (4)”.
- (8) After paragraph 4 of Part I of Schedule 2, insert—
- “4A. The total quantity of relevant ammonium nitrate mixtures which is, or is liable to be, present.”.
- (9) After paragraph 5 of Part I of Schedule 2, add—
- “6. The date on which it is anticipated that a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures will be present, or if they are already present, a statement to that effect.”.
- (10) In the heading of Part II of Schedule 2, after “4(2)” add “AND (5)”.
- (11) In paragraph 1 of Part II of Schedule 2, after “substances” insert “or relevant ammonium nitrate mixtures”.
- (12) For paragraph 2 of Part II of Schedule 2, substitute—
- “2. The reduction of the total quantity of dangerous substances present to below 25 tonnes, other than a temporary reduction, or the reduction of the total quantity of relevant ammonium nitrate mixtures to below 150 tonnes, other than a temporary reduction.”.