

2021 No. 37

EXITING THE EUROPEAN UNION

HEALTH AND SAFETY

**The Explosives (Appointment of Authorities and Enforcement)
(Amendment) (EU Exit) Regulations (Northern Ireland) 2021**

Made - - - - *12th February 2021*

Coming into operation - *12th March 2021*

The Department of Justice, being a devolved authority(a), in exercise of the powers conferred by section 11 of, and paragraph 11M(1) of Part 1C of Schedule 2 to, the European Union (Withdrawal) Act 2018(b), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Explosives (Appointment of Authorities and Enforcement) (Amendment) (EU Exit) Regulations (Northern Ireland) 2021 and come into operation on 12th March 2021.

Amendment of Regulations

2.—(1) The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015(c) are amended as follows—

(2) In regulation 3(1) (interpretation)—

(a) in the definition of “competent authority”, for “Member State” substitute “relevant state”;

(b) after the definition of “inspector” insert—

““relevant state” means—

(a) Northern Ireland; or

(b) any EEA State;”.

(3) In regulation 5(1) (Application of the 1978 Order), for “Member State” substitute “relevant state”.

(4) In regulation 7 (Exemptions), in paragraph (1)(b), for “Member State” substitute “relevant state”.

(5) In Schedule 1 (Defence Exemption Certificates), in paragraph (7)(c), for “Member State” substitute “relevant state”.

(a) See Section 20(1) of 2018 c. 16

(b) 2018 c. 16; Paragraph 11M of Schedule 2 was inserted by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 22

(c) S.R. 2015 No. 236

Sealed with the Official Seal of the Department of Justice on 12th February 2021



Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made in exercise of the powers conferred by section 11 of, and paragraph 11M(1) of Part 1C of Schedule 2 to, the European Union (Withdrawal) Act 2018 (“the 2018 Act”) to make amendments addressing deficiencies arising from the United Kingdom’s withdrawal from the EU. These Regulations make amendments, in order to implement the Northern Ireland/Ireland Protocol in the Withdrawal Agreement (“the Protocol”).

The Protocol provides that the provisions of EU law listed in Annex 2 to the Protocol shall apply to and in the UK in respect of Northern Ireland. Annex 2 to the Protocol includes Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (“the CLP Regulation”). The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015, provide, in respect of Northern Ireland, in relation to explosives, for the appointment of competent authorities and the enforcement of the CLP Regulation.

These regulations make minor amendments to the Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015, and substitute EU references which are no longer appropriate. These amendments will ensure that the CLP Regulation can operate effectively within the existing legal framework, while ensuring Protocol obligations are met. The Regulations do not make any policy changes beyond the intent of ensuring the continued operability of the existing legislation.

An impact assessment has not been prepared for these Regulations as no, or no significant impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside these Regulations at www.legislation.gov.uk.

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