

## SCHEDULE 5

### AMENDMENTS

#### PART 2

#### AMENDMENTS TO SECONDARY LEGISLATION

##### **The Health and Safety (Enforcing Authority) Regulations 1998**

**41.** For regulation 4(7) of the Health and Safety (Enforcing Authority) Regulations 1998<sup>(1)</sup> (exceptions), substitute —

“(7) Notwithstanding the preceding provisions of this regulation and subject to paragraphs (8) to (10), a licensing authority shall be the enforcing authority for the Manufacture and Storage of Explosives Regulations 2005 (“the 2005 Regulations”) and section 23 of the Explosives Act 1875 —

- (a) for a site in relation to which it has granted a person a licence for the manufacture or storage of explosives at that site under regulation 13 of the 2005 Regulations or registered a person in respect of such storage at that site under regulation 11 of those Regulations;
- (b) where, in relation to a deemed licence or deemed registration, it would have been the licensing authority by virtue of paragraph 1 of Schedule 1 to the 2005 Regulations if an application for a licence or registration had been made under those Regulations; and
- (c) where, in any other case than those referred to in sub-paragraphs (a) and (b)—
  - (i) it would be the licensing authority by virtue of paragraph 1 of Schedule 1 to those Regulations if an application for a licence or registration is, or should have been, made under those Regulations, or
  - (ii) it would have been the licensing authority had not the requirements of regulation 9(1) or, as the case may be, 10(1) been disapplied by virtue of any of the provisions of, respectively, regulation 9(2) or 10(2) applying in the case concerned.

(8) The Executive shall be the enforcing authority for the 2005 Regulations in respect of the manufacture of ammonium nitrate blasting intermediate.

(9) A licensing authority which is a local authority shall be the enforcing authority for regulation 25 of the 2005 Regulations in the area of that local authority.

(10) The enforcing authority for regulation 6 of the 2005 Regulations where a person disposes of explosives or decontaminates explosive-contaminated items at a place other than at a site in relation to which a person has a licence to manufacture or store explosives under regulation 13 of the 2005 Regulations or is registered in respect of such storage under regulation 11 of those Regulations, shall be —

- (a) where the disposal or decontamination is carried out by, or on behalf of, a person who holds a licence granted by the Executive under those Regulations in a case in which the assent of the local authority was required under regulation 13(3) of those Regulations before the licence was granted, the Executive;

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<sup>(1)</sup> [S.I. 1998/494](#), to which there are amendments not relevant to these regulations.

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

- (b) subject to sub-paragraph (a), where the local authority is by virtue of the Health and Safety (Enforcing Authority) Regulations 1998 the enforcing authority for the premises or part of premises at which the disposal or decontamination is carried out, the local authority; or
- (c) in any other case, the Executive.

(11) For the purposes of paragraphs (7) to (10), “ammonium nitrate blasting intermediate”, “disposes”, “licence”, “licensing authority”, “registered” and “site” have the same meanings as they are given by regulation 2(1) of the 2005 Regulations and “deemed licence” and “deemed registration” have the same meanings as they are given by regulation 27(19) of those Regulations.”.