

This Statutory Instrument has been made in consequence of a defect in S.I. 2005/1082 and is being issued free of charge to all known recipients of that Statutory Instrument

S T A T U T O R Y I N S T R U M E N T S

2007 No. 2598

HEALTH AND SAFETY

The Manufacture and Storage of Explosives and the Health and Safety (Enforcing Authority) (Amendment and Supplementary Provisions) Regulations 2007

<i>Made</i> - - - -	<i>5th September 2007</i>
<i>Laid before Parliament</i>	<i>10th September 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Secretary of State makes these Regulations —

(a) in exercise of the powers conferred upon him by sections 15(1) and (3)(c), 18(2)(a) and 82(3)(a) of, and paragraph 4(2) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”); and

(b) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act .

Before submitting proposals for these Regulations to the Secretary of State, the Health and Safety Commission has consulted the bodies that appeared to it to be appropriate, as required by section 50(3) of the 1974 Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Manufacture and Storage of Explosives and the Health and Safety (Enforcing Authority) (Amendment and Supplementary Provisions) Regulations 2007 and shall come into force on 1st October 2007.

(2) In these Regulations —

- (a) “the 1998 Regulations” means the Health and Safety (Enforcing Authority) Regulations 1998(b); and
- (b) “the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005(c).

(a) 1974 c.37. Sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71) Schedule 15, paragraphs 6 and 16 respectively. The general purposes of Part I of the 1974 Act were extended by section 1(1) of the Offshore Safety Act 1992 (c.15).
(b) S.I. 1998/494, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.
(c) S.I. 2005/1082.

Amendment of the 2005 Regulations

2.—(1) The 2005 Regulations are amended as follows.

(2) In regulation 2(1) —

- (a) in the definition of “local authority”, in paragraph (c), before “fire and rescue authority” insert “metropolitan county”; and
- (b) in the definition of “registration”, omit “save in regulation 22 and Schedule 4”.

(3) In regulation 9, in paragraph (2)(a), for “those Regulations” substitute “the Control of Explosives Regulations 1991(a)”.

Amendment of the 1998 Regulations

3. Regulation 4(11) of the 1998 Regulations is amended by the insertion of “local authority,” after “licensing authority,”.

Supplementary provisions

4.—(1) Paragraph (2) applies in the case of licences granted by the Executive under regulation 13 of the 2005 Regulations before the commencement of these Regulations to which the assent of a fire and rescue authority was required pursuant to regulation 13(3) but the assent of a local authority other than a fire and rescue authority was obtained instead.

(2) Where this paragraph applies, the licence granted shall have effect after the commencement of these Regulations as if the assent of the relevant fire and rescue authority had been duly obtained.

(3) Paragraph (4) applies in the case of a licence or registration granted by a local authority other than a fire and rescue authority under, respectively, regulation 13 or 11 of the 2005 Regulations before the commencement of these Regulations, where the authority which had the power to grant the licence or registration was the fire and rescue authority instead.

(4) Where this paragraph applies the licence or registration shall have effect after the commencement of these Regulations as if it had been granted by the relevant fire and rescue authority.

(5) In respect of a site in relation to which a person has been granted such a licence or registration as is referred to in paragraph (3), regulation 4(7)(a) of the 1998 Regulations shall have effect as if it provided that the enforcing authority shall be the local authority which, before the commencement of these Regulations, granted the licence or registration.

(6) Where before the commencement of these Regulations a fire and rescue authority, other than a metropolitan county fire and rescue authority, was an enforcing authority for the purposes of regulation 4(7) of the 1998 Regulations, the county council or, if there is none, the district council shall be the enforcing authority in place of the fire and rescue authority in relation to the matters referred to in sub-paragraphs (a) to (c) of regulation 4(7) of the 1998 Regulations in the area of that county or district council, as the case may be.

(7) In this regulation, “licence”, “local authority”, “registration” and “site” have the same meanings as in the 2005 Regulations.

Signed by authority of the Secretary of State for Work and Pensions.

Bill McKenzie
Parliamentary Under-Secretary of State,
Department for Work and Pensions

5th September 2007

(a) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082) (“the 2005 Regulations”) and the Health and Safety (Enforcing Authority) Regulations 1998 (S.I. 1998/494) (“the 1998 Regulations”).

2. They correct errors in relation to the definitions of “registration” and “local authority” in the 2005 Regulations. In the definition of “local authority”, they now refer to “metropolitan county fire and rescue authority” instead of “fire and rescue authority” (regulation 2).

3. The Regulations amend regulation 4(11) of the 1998 Regulations so that “local authority” in that provision has the meaning given by the 2005 Regulations (regulation 3).

4. The Regulations treat certain licences granted by the Health and Safety Executive under the 2005 Regulations as having been granted with the relevant fire and rescue authority assent (regulation 4(1) and (2)). They also treat certain licences and registrations granted by local authorities other than fire and rescue authorities as having been granted by the latter authorities, who held the power to do so (regulation 4(3) and (4)). They make the local authorities which made those earlier grants responsible for enforcement of certain explosives legislation (regulation 4(5)). County and district councils will take over the enforcement role under the 1998 Regulations of fire and rescue authorities that are losing their role as licensing authorities under the 2005 Regulations (regulation 4(6)).

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STATUTORY INSTRUMENTS

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