

**2012 No. 638**

**HEALTH AND SAFETY**

**The Identification and Traceability of Explosives (Amendment)  
Regulations 2012**

<i>Made</i> - - - -	<i>1st March 2012</i>
<i>Laid before Parliament</i>	<i>6th March 2012</i>
<i>Coming into force</i> - -	<i>5th April 2012</i>

The Secretary of State makes these Regulations —

(a) in exercise of the powers conferred by sections 15(1) and (9) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”); and

(b) for the purpose of giving effect without modification to proposals submitted by the Health and Safety Executive under section 11(3) of the 1974 Act after carrying out consultations in accordance with section 50(3) of the 1974 Act.

**Citation and commencement**

1. These Regulations may be cited as the Identification and Traceability of Explosives (Amendment) Regulations 2012 and shall come into force on 5th April 2012.

**Extension outside Great Britain**

2. The amendments made by these Regulations to the Identification and Traceability of Explosives Regulations 2010(b) (“the 2010 Regulations”) shall apply outside Great Britain in the same way that the 2010 Regulations apply outside Great Britain by virtue of regulation 3(2) of the 2010 Regulations.

**Amendment of the Identification and Traceability of Explosives Regulations 2010**

3.—(1) The Identification and Traceability of Explosives Regulations 2010 are amended as follows.

(2) In regulation 1, for “5th April 2012” substitute “5th April 2013”.

(3) After regulation 7, insert —

“7A.—(1) The Secretary of State must from time to time —

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(a) 1974 c. 37; section 11 is substituted by S.I. 2008/960; sections 15(1) and 50(3) are amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively and section 50(3) is further amended by the Health Protection Agency Act 2004 (c. 17), Schedule 3, paragraph 5(1) and (3) and by S.I. 2008/960.

(b) S.I.2010/1004.

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how other member States have implemented Commission Directive 2008/43/EC setting up, pursuant to Council Directive 93/15/EC(a), a system for the identification and traceability of explosives for civil uses(b) which these Regulations implement.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

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

*C. Grayling*  
Minister of State,

1st March 2012

Department for Work and Pensions

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

1. These Regulations amend the Identification and Traceability of Explosives Regulations 2010 (“the 2010 Regulations”), which implement, as regards Great Britain, Commission Directive 2008/43/EC setting up, pursuant to Council Directive 93/15/EC, a system for the identification and traceability of explosives for civil uses (“the 2008 Directive”).

2. They amend the 2010 Regulations in two ways: firstly, by changing the commencement date to 5th April 2013 instead of 5th April 2012 and secondly, by inserting a new regulation 7A in the 2010 Regulations. The change to the commencement date is for the partial implementation of Articles 1.4 and 2.1 of Commission Directive 2012/4/EU(c) which amends the 2008 Directive.

3. The new regulation 7A requires the Secretary of State to review the operation and effect of the 2010 Regulations and publish a report within five years after regulation 7A comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the 2010 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

4. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

5. A copy of the transposition note in relation to this partial implementation of the 2012 Directive can be obtained from the Health and Safety Executive, International Branch, at the same

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(a) OJ L 121, 15.5.1993, p.20, amended by Regulation (EC) No. 1882/2003 of the European Parliament and the Council (OJ L 284, 31.10.2003, p.1) and Regulation (EC) No. 219/2009 of the European Parliament and the Council (OJ L 87, 31.3.2009, p.109).

(b) OJ L 94, 5.4.2008, p.8.

(c) OJ L 50, 22.2.2012, p. 18.

address (as can copies of the transposition note for the implementation of the 2008 Directive).  
Copies of these documents are available in the libraries of both Houses of Parliament.

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STATUTORY INSTRUMENTS

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The Identification and Traceability of Explosives (Amendment)  
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£4.00

E2829 03/2012 122829T 19585

ISBN 978-0-11-152120-5



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