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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 123**

**HEALTH AND SAFETY**

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

<i>Made</i>	- - - -	<i>14th March 2012</i>
<i>Laid before Parliament</i>		<i>15th March 2012</i>
<i>Coming into operation</i>		<i>5th April 2012</i>

The Secretary of State makes these regulations in exercise of the powers conferred by Articles 17(1), (2), (3)(c), 4(b) and (5) and 55 (2) of, and paragraphs 1(1) and (4), 2, 5(1), 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(1) (“the 1978 Order”), as applied and modified, in relation to explosives, by Article 53 of the 1978 Order(2). In accordance with Article 46(1)(3) of the 1978 Order, as so applied and modified, the Secretary of State has consulted with the Health and Safety Executive for Northern Ireland and such other bodies as appear to the Secretary of State to be appropriate.

**Citation and commencement**

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

**Amendment of the Identification and Traceability of Explosives Regulations (Northern Ireland) 2010**

2.—(1) The Identification and Traceability of Explosives Regulations (Northern Ireland) 2010(4) 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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(1) [S.I. 1978/1039 \(N.I.9\)](#).  
(2) Article 53 was repealed by paragraph 3(3) of Schedule 12 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 ([S.I. 2010/976](#)) but with a saving in paragraph 4(1)(b) for purposes connected with any reserved matter falling within paragraph 12 or 20 of Schedule 3 to the Northern Ireland Act 1998 ([c. 47](#)). The security of explosives is a reserved matter by virtue of paragraph 12 of Schedule 3 to the Northern Ireland Act 1998.  
(3) Article 46(1) was amended by [S.I. 1998/2795 \(N.I.18\)](#) Article 6 and paragraph 18 of Schedule 1.  
(4) [S.I. 2010/143](#).

- (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](#)(5), a system for the identification and traceability of explosives for civil uses(6) 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.”.

Northern Ireland Office  
14th March 2012

*Owen Paterson*  
One of Her Majesty’s Principal Secretaries of  
State

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(5) 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).

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

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## EXPLANATORY NOTE

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

These Regulations amend the Identification and Traceability of Explosives Regulations (Northern Ireland) 2010 (“the 2010 Regulations”), which implement, as regards Northern Ireland, 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”).

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](#)(7) which amends the 2008 Directive.

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.

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).

A copy of the transposition note in relation to this partial implementation of the 2012 Directive can be obtained from the Northern Ireland Office, at the same 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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(7) OJ L 50, 22.2.2012, p. 18.