

**2003 No. 415**

**HEALTH AND SAFETY**

**Notification of Installations Handling Hazardous Substances  
(Amendment) Regulations (Northern Ireland) 2003**

*Made* - - - - - *23rd September 2003*

*Coming into operation* *27th October 2003*

The Department of Enterprise, Trade and Investment(a), being the Department concerned(b), in exercise of the powers conferred on it by Articles 17(1), (2), (3), (5) and 55(2) of, and paragraphs 1(1) and 14(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order(c), after the carrying out by the said Executive of consultations in accordance with Article 46(3) of the 1978 Order(d), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Notification of Installations Handling Hazardous Substances (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 27th October 2003.

**Amendment of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984**

2.—(1) The Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984(e) shall be amended in accordance with the following paragraphs.

(2) In regulation 3, after the word “months” there shall be inserted the words “or, in the case of a hazardous substance consisting of ammonium nitrate or a mixture containing ammonium nitrate, at least 4 weeks”.

(3) In regulation 7, after paragraph (1) there shall be inserted the following paragraph –

“(1A) Paragraph (1) shall not apply where ammonium nitrate or a mixture containing ammonium nitrate is the hazardous substance by reason of which the activity is notifiable.”

(4) After regulation 8 there shall be added the following regulation –

**“Transitional provision for ammonium nitrate**

9. Where –

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(a) Formerly the Department of Economic Development: *see* S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)

(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(c) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(d) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(e) S.R. 1984 No. 177, as amended by S.R. 1985 No. 175, S.R. 1997 No. 193 and S.R. 1999 No. 150

- (a) on 27th October 2003 a person is undertaking an activity in which there is or is liable to be at any one time a notifiable quantity or more of a hazardous substance consisting of ammonium nitrate or a mixture containing ammonium nitrate; or
- (b) a person commences such activity within 4 weeks after that date,

it shall be sufficient compliance with regulation 3(1) if he notifies to the Executive the particulars specified in Schedule 2 within 4 weeks after that date.”

(5) In Part I of Schedule 1, there shall be added at the end of column 1 the entry “Ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content is more than 15.75% but does not exceed 27.65% of the mixture by weight.” and in column 2 the corresponding entry “150”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 23rd September 2003.

(L.S.)

*Michael J. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

## EXPLANATORY NOTE

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

The Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 (S.R. 1984 No. 177) (“the 1984 Regulations”) prohibit the handling of certain hazardous substances in a quantity equal to or exceeding the quantity specified in Part I of Schedule 1, unless the Health and Safety Executive for Northern Ireland (“the Executive”) has been notified.

These Regulations amend the 1984 Regulations to include ammonium nitrate and mixtures containing ammonium nitrate by –

- (a) inserting in regulation 3, 4 weeks as the minimum period of notice in the case of a hazardous substance consisting of ammonium nitrate or a mixture containing ammonium nitrate;
- (b) excepting those substances from regulation 7(1), which provides that the enforcing authority for a site at which they are handled is always the Executive;
- (c) adding regulation 9, containing transitional provision; and
- (d) adding the description of ammonium nitrate and mixtures containing ammonium nitrate to the list of hazardous substances in Part I of Schedule 1.

In Great Britain, the corresponding Regulations are the Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 (S.I. 2002/2979). Copies of the Regulatory Impact Assessment relating to those Regulations together with a Northern Ireland Supplement are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast, BT6 9FR from where copies may be obtained on request.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.

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