

## SCHEDULE 6

### AMENDMENTS

#### PART 1

#### AMENDMENTS TO PRIMARY LEGISLATION

##### **Explosives Act 1875**

1.—(1) The 1875 Act is amended as follows.

(2) Omit sections 4 to 22 and for section 23 (precautions against fire or explosion to be taken by occupier) substitute—

##### **“Precautions against unauthorised access**

23.—(1) The occupier of every premises at which gunpowder is manufactured or stored shall take all due precaution for preventing unauthorised persons having access to the premises or to the gunpowder therein.

(2) In the event of any breach (by any act or default) of subsection (1), the occupier shall be guilty of an offence.

(3) In this section, “premises” has the meaning given by Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978.”.

(3) Omit sections 24 to 29, 33, 35 to 38, 40 and 41.

(4) In section 43 (power to prohibit manufacture, storage and carriage of specially dangerous explosives)—

(a) omit “, either absolutely, or except in pursuance of a license of the Secretary of State under this Act”; and

(b) for the words from “Provided that” to “conveyance of explosives” substitute “A person who manufactures, keeps or conveys any explosive in contravention of any such Order shall be guilty of an offence and liable to the penalties specified in Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978.”.

(5) Omit sections 44 to 51, 57 to 60 and 62 to 66.

(6) Omit sections 71, 72, 77 to 79, 81 and 82.

(7) In section 83 (provisions as to Orders in Council and orders of Secretary of State), omit—

(a) “, and a Secretary of State may by order,”; and

(b) “or orders of the Secretary of State, as the case may be,”.

(8) Omit sections 84 to 88.

(9) In section 97 (exemption of Government factories, &c., from the Act), omit paragraphs (3) and (4) and the words from “Provided that” to the end of the section.

(10) Omit sections 98 and 101.

(11) In section 102 (saving clause as to liability), omit the words from “A continuing certificate” to the end of the section.

(12) Omit sections 103, 105 and 106.

(13) In section 108 (general definitions)—

(a) in the definition of “this Act”, omit “certificate, byelaw, regulation, rule,”;

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- (b) in the definition of “store”, omit “an existing gunpowder store as defined by this Act, or” and “licensed by a license granted under this Act”; and
  - (c) omit the definitions of “existing”, “factory magazine”, “harbour authority”, “canal company”, “railway company”, “safety cartridges” and “Gunpowder Act 1860”.
- (14) Omit sections 119 to 121.
- (15) Omit Schedules 1 and 2.

#### **Merchant Shipping Act 1894**

2. In section 446(3) of the Merchant Shipping Act 1894(1) (dangerous goods), for “Explosives Act, 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

#### **Uniformity of Laws Act (Northern Ireland) 1922**

3. In section 9 of the Uniformity of Laws Act (Northern Ireland) 1922(2) (definitions), for “Explosives Act, 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

#### **Celluloid and Cinematograph Film Act 1922**

4. In section 9 of the Celluloid and Cinematograph Film Act 1922(3) (definitions), in the definition of “celluloid”, for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

#### **Petroleum (Consolidation) Act (Northern Ireland) 1929**

5. In section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(4) (interpretation), for “Explosives Act, 1875” substitute “Health and Safety at Work (Northern Ireland) Order 1978”.

#### **Acquisition of Land (Authorisation Procedure) Act 1946**

6. In Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946(5) (minor and consequential amendments), omit the entry relating to the Explosives Act 1875.

#### **Financial Provisions Act (Northern Ireland) 1968**

7. In Schedule 1 to the Financial Provisions Act (Northern Ireland) 1968(6) (variation of fees etc.), omit the entry relating to the Explosives Act 1875.

#### **Explosives Act (Northern Ireland) 1970**

- 8.—(1) The Explosives Act (Northern Ireland) 1970(7) is amended as follows.
- (2) In section 1 (making and dealing with explosives)—
- (a) in subsection (1), for the words “Explosives Acts” to “under those Acts” substitute “Explosives Act 1875 (in this Act referred to as “the 1875 Act”) or of any instrument

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(1) 1894 c. 60.

(2) 1922 c. 20.

(3) 1922 c. 35.

(4) 1929 c. 13, to which there are amendments not relevant to these Regulations.

(5) 1946 c. 49 (9 & 10 Geo. 6.).

(6) 1968 c. 25, to which there are amendments not relevant to these Regulations.

(7) 1970 c. 10, to which there are amendments not relevant to these Regulations.

made under that Act, the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”;

(b) in subsection (3)(a), for the word “magazine” substitute “store keeping more than 2000 kilograms of explosives”; and

(c) for subsection (4A), substitute—

“Subsections (1) and (2) shall not apply to—

(a) fireworks of such categories as may be prescribed by Explosives regulations; and

(b) those desensitised explosives listed in Schedule 2 to the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006.”.

(3) In sections 3(1) and (2) (explosives regulations), 8(1) (interpretation) and 10 (short title and citation), for the words “principal Acts” substitute “1875 Act”.

(4) In section 5 (RUC to have powers of inspectors)—

(a) for the words “sections 55, 75 and 86” substitute “sections 55 and 75”; and

(b) omit the words “and, so far as it applies to those sections, in section 87 of that Act,”.

(5) In section 8(3) (interpretation), for the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

#### **Northern Ireland (Modification of Enactments — No. 1) Order 1973**

9.—(1) The Northern Ireland (Modification of Enactments — No. 1) Order 1973(8) is amended as follows.

(2) In Schedule 1 (Acts relating to the functions transferred to Secretary of State), omit the reference to the Explosives Act (Northern Ireland) 1924 (c. 5 (N.I.)).

(3) In Schedule 3 (Acts relating to functions transferred to the Treasury), omit the reference to section 72 of the Explosives Act 1875 (c. 17).

#### **Sex Discrimination (Northern Ireland) Order 1976**

10. In Schedule 4 to the Sex Discrimination (Northern Ireland) Order 1976(9) (statutory provisions relevant for purposes of Article 56), omit the entries relating to the Explosives Act 1875 and the Explosives Act (Northern Ireland) 1924.

#### **Judicature (Northern Ireland) Act 1978**

11. In Schedule 5 to the Judicature (Northern Ireland) Act 1978(10) (minor and consequential amendments), omit the entry relating to the Explosives Act 1875.

#### **Pollution Control and Local Government (Northern Ireland) Order 1978**

12. Until the coming into force of its repeal by the Environmental Protection Act 1990(11) the definition of “waste” in Article 36 of the Pollution Control and Local Government (Northern Ireland) Order 1978(12) has effect as if the reference to the Explosives Acts 1875 to 1970 were a reference to these Regulations.

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(8) S.I. 1973/2163, to which there are amendments not relevant to these Regulations.

(9) S.I. 1976/1042 (N.I. 15).

(10) 1978 c. 23.

(11) 1990 c. 43. Section 30 of the Control of Pollution Act 1974 is prospectively repealed by Schedule 16 of the Environmental Protection Act 1990.

(12) S.I. 1978/1049 (N.I. 19).

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### **Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979**

13.—(1) The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979<sup>(13)</sup> is amended as follows.

- (2) In Schedule 1 (excepted professions, offices, employments and occupations)—
  - (a) in Part II (offices and employment), omit paragraph 6;
  - (b) in Part III (regulated occupations), omit paragraph 8 and in paragraph 9 omit “, magazine”; and
  - (c) in Part IV (interpretation), for the words “50(1)” to the end substitute “2(2) of the Firearms (Northern Ireland) Order 2004;”.
- (3) In Schedule 2 (excepted licences, certificates and permits)—
  - (a) in paragraph 1, from the words “Firearms certificates issued” to “section 13 of that Act;” substitute “Any application for the grant of a firearm certificate under the Firearms (Northern Ireland) Order 2004 or any request for any authority under that Order;” and
  - (b) omit paragraph 3.

(4) In paragraph 14 of Schedule 3 (excepted proceedings), omit the words “on an application to the police or a court of summary jurisdiction for a certificate under any Order in Council made under section 43 of the Explosives Act 1875 as to the fitness of the applicant to keep explosives and”.

### **Environmental Protection Act 1990**

14.—(1) The Environmental Protection Act 1990<sup>(14)</sup> is amended as follows.

- (2) In section 75(2) (meaning of waste) as enacted, for “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.
- (3) In section 142(7) (powers to obtain information), for “Explosive Substances Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

### **Merchant Shipping Act 1995**

15. In Schedule 13 to the Merchant Shipping Act 1995<sup>(15)</sup> (consequential amendments), omit paragraph 5.

### **Waste and Contaminated Land (Northern Ireland) Order 1997**

16. In Article 33(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(16)</sup> (power to obtain information about potentially hazardous substances), for the words “Explosives Act 1875” substitute “Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006”.

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<sup>(13)</sup> S.R. 1979/195, to which there are amendments not relevant to these Regulations.

<sup>(14)</sup> 1990 c. 43.

<sup>(15)</sup> 1995 c. 21.

<sup>(16)</sup> S.I. 1997/2778 (N.I. 19), to which there are amendments not relevant to these Regulations.