
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 366

HEALTH AND SAFETY

**The Making Available on the Market and Supervision of
Transfers of Explosives Regulations (Northern Ireland) 2016**

Made - - - - 29th September 2016

Coming into operation 21st October 2016

**THE MAKING AVAILABLE ON THE MARKET AND
SUPERVISION OF TRANSFERS OF EXPLOSIVES
REGULATIONS (NORTHERN IRELAND) 2016**

PART 1

INTRODUCTION

1. Citation and commencement
2. Interpretation
3. Application

PART 2

AUTHORISATION

4. Authorisation to transfer civil explosives

PART 3

SUB-PART A: MAKING AVAILABLE ON THE MARKET – OBLIGATIONS
OF ECONOMIC OPERATORS, SUB-PART B: CONFORMITY ASSESSMENT,
SUB-PART C: NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

SUB-PART A: MAKING AVAILABLE ON THE MARKET
– OBLIGATIONS OF ECONOMIC OPERATORS

MANUFACTURERS

5. Design and manufacture in accordance with essential safety requirements
6. Technical documentation and conformity assessment
7. EU declaration of conformity and CE marking

Changes to legislation: *There are currently no known outstanding effects for the The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016. (See end of Document for details)*

8. Retention of technical documentation and EU declaration of conformity
9. Compliance procedures for series production
10. Traceability of certain civil explosives excluded from the scope of regulations 4, 5 and 6 of the Identification and Traceability of Explosives Regulations (Northern Ireland) 2013 (ITOER (NI) 2013)
11. Instructions and safety information

AUTHORISED REPRESENTATIVES

12. Appointment of authorised representative by written mandate

IMPORTERS

13. Prohibition on placing on the market civil explosives which are not in conformity
14. Requirements which must be satisfied before an importer places a civil explosive on the market
15. Prohibition on placing on the market civil explosives considered not to be in conformity with the essential safety requirements
16. Information identifying importer
17. Instructions and safety information
18. Retention of technical documentation and EU declaration of conformity

MANUFACTURERS AND IMPORTERS

19. Duty to take action in respect of civil explosives placed on the market which are considered not to be in conformity
20. Provision of information and cooperation

DISTRIBUTORS

21. Duty to act with due care
22. Requirements which must be satisfied before a distributor makes a civil explosive available on the market
23. Prohibition on making available on the market civil explosives considered not to be in conformity with the essential safety requirements
24. Duty to take action in respect of civil explosives made available on the market which are not in conformity
25. Provision of information and cooperation

IMPORTERS AND DISTRIBUTORS

26. Storage and transport
27. Cases in which obligations of manufacturers apply to importers and distributors

ALL ECONOMIC OPERATORS

28. Translation of a declaration of conformity
29. Identification of economic operators
30. Prohibition on improper use of CE marking

SUB-PART B: CONFORMITY ASSESSMENT

31. Presumption of conformity
32. Conformity assessment procedures
33. EU declaration of conformity
34. CE marking

SUB-PART C: NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

35. Notified bodies
36. Notification
37. Presumption of conformity of notified bodies
38. Contents of notification
39. Monitoring
40. United Kingdom Accreditation Service
41. Changes to notifications
42. Operational obligations of notified bodies
43. Subsidiaries and contractors

PART 4

ENFORCEMENT OF THE REGULATIONS

44. Enforcement in relation to Part 2 and Part 3, market surveillance and further matters

PART 5

TRANSITIONAL PROVISIONS AND REVOCATION

45. Transitional provisions
46. Revocation
Signature

SCHEDULE 1 ESSENTIAL SAFETY REQUIREMENTS

1

(This Schedule reproduces, with minor modifications, the provision of Annex...

PART 1 — GENERAL REQUIREMENTS

1. Each civil explosive must be designed, manufactured and supplied in...
2. Each civil explosive must attain the performance characteristics specified by...
3. Each civil explosive must be designed and manufactured in such...

Changes to legislation: There are currently no known outstanding effects for the The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016. (See end of Document for details)

PART 2 — SPECIAL REQUIREMENTS

- SCHEDULE 2
4. As a minimum, the following information and properties – where...
 5. The various groups of civil explosives must at least also...
ENFORCEMENT POWERS IN RESPECT OF TRANSFERS, AND THE PLACING ON THE MARKET, OF CIVIL EXPLOSIVES, MARKET SURVEILLANCE, COMPLIANCE, WITHDRAWAL AND RECALL NOTICES, DEFENCE OF DUE DILIGENCE, APPEALS AGAINST NOTICES AND FURTHER PROVISIONS IN RELATION TO ENFORCEMENT
- PART 1 — ENFORCEMENT POWERS IN RESPECT OF TRANSFERS, AND THE PLACING ON THE MARKET, OF CIVIL EXPLOSIVES AND MARKET SURVEILLANCE
1. Enforcement powers, market surveillance and designation of market surveillance authority
 2. In Northern Ireland, the Department is designated as the market...
 3. In its enforcement of Sub-Parts A and B of Part...
 4. When enforcing Part 3, the enforcing authority must exercise its...
 5. Subject to paragraph 7, and to the extent that they...
 6. In relation to the enforcement of the provisions referred to...
 7. (1) For the purposes of the enforcement of the provisions...
 8. Evaluation of civil explosives presenting a risk
 9. Enforcement action in respect of civil explosives which are not in conformity and which present a risk
 10. EU safeguarding procedures
 11. Enforcement action in respect of civil explosives which are in conformity, but present a risk
 12. Enforcement action in respect of formal non-compliance
 13. Restrictive measures
- PART 2 — COMPLIANCE, WITHDRAWAL AND RECALL NOTICES
14. Compliance, withdrawal and recall notices
 15. Compliance notice
 16. Withdrawal notice
 17. Recall notice
 18. Compliance with a withdrawal or recall notice
 19. Interpretation
- PART 3 — DEFENCE OF DUE DILIGENCE, APPEALS AGAINST NOTICES AND FURTHER PROVISIONS IN RELATION TO ENFORCEMENT
20. Defence of due diligence
 21. Service of documents
 22. Action by enforcing authority
 23. Appeals against notices
 24. Appropriate court for appeals against notices
- SCHEDULE 3
- NOTIFIED BODY REQUIREMENTS**
1. A conformity assessment body must be established in the United...
 2. A conformity assessment body must be a third party body...
 3. (1) A conformity assessment body, its top level management and...
 4. A conformity assessment body, its top level management and the...
 5. A conformity assessment body, its top level management and the...
 6. A conformity assessment body must ensure that the activities of...
 7. A conformity assessment body and its personnel must carry out...
 8. A conformity assessment body must be capable of carrying out...

Changes to legislation: There are currently no known outstanding effects for the The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016. (See end of Document for details)

9. A conformity assessment body must have at its disposal—
10. A conformity assessment body must have the means necessary to...
11. The personnel responsible for carrying out conformity assessment activities must...
12. A conformity assessment body must be able to demonstrate the...
13. The remuneration of the top level management and the personnel...
14. A conformity assessment body must have, and must satisfy the...
15. A conformity assessment body must ensure that its personnel observe...
16. Paragraph 15 does not prevent the personnel from providing information...
17. A conformity assessment body must participate in, or ensure that...

SCHEDULE OPERATIONAL OBLIGATIONS OF NOTIFIED BODIES

- 4
 1. A notified body must carry out conformity assessments in accordance...
 2. A notified body must carry out conformity assessments in a...
 3. A notified body must perform its activities taking due account...
 4. A notified body must respect the degree of rigour and...
 5. Where a notified body finds that essential safety requirements or...
 6. Where, in the course of the monitoring of conformity following...
 7. Where the notified body has required a manufacturer to take...
 8. Paragraph 9 applies where a notified body is minded to—...
 9. Where this paragraph applies, the notified body must—
 10. A notified body must inform the Secretary of State of—...
 11. A notified body must make provision in its contracts with...
 12. A notified body must provide other bodies notified under the...
 13. A notified body must participate in the work of any...
- Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016.