

1978 No. 1723

HEALTH AND SAFETY

**The Compressed Acetylene (Importation)
Regulations 1978**

Made - - - - 29th November 1978

Laid before Parliament 30th November 1978

Coming into Operation 6th December 1978

The Secretary of State in exercise of the powers conferred on him by sections 15(1), (2), (3)(a) and (b), 43(2) and 82(3)(a) of, and paragraphs 2(1) and 4 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") as amended by section 116 of and paragraph 6 of Schedule 15 to the Employment Protection Act 1975(b) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Compressed Acetylene (Importation) Regulations 1978 and shall come into operation on 6th December 1978.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Importation of compressed acetylene

2.—(1) The provisions of section 40(9)(a) to (e) of the Explosives Act 1875(d) ("the 1875 Act") (which relate to the importation of explosives under licence) shall apply to the importation into the United Kingdom of acetylene which, at a temperature of 15.5° Celsius, is subject to a pressure exceeding 0.62 bar but not exceeding 18.0 bar above Normal atmospheric pressure; and any reference in those provisions to an explosive shall be deemed to include any such acetylene.

(2) A fee of £14 shall be payable to the Health and Safety Executive on the issue of each licence granted by virtue of paragraph (1) of this Regulation.

(3) This Regulation, except in its application of section 40(9)(d) and (e) of the 1875 Act (which relate to enforcement) to the importation of acetylene, applies to the Crown.

(a) 1974 c. 37.

(b) 1975 c. 71.

(c) 1889 c. 63.

(d) 1875 c. 17.

Modification of Order in Council No. 30 dated 2nd February 1937

3. Order in Council No. 30 dated 2nd February 1937(a), as amended(b) shall not apply to the importation of any acetylene under a licence issued by virtue of Regulation 2(1) of these Regulations; and where, but for the following provisions of this Regulation, the said Order in Council would have applied to any acetylene which has been imported under such a licence, that Order in Council shall not apply to that acetylene whilst it remains in the cylinder in which it was imported.

Albert Booth,

Secretary of State for Employment.

29th November 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 2 applies the provisions of section 40(9)(a) to (e) of the Explosives Act 1875 to acetylene at a pressure between 0.62 bar and 18.0 bar. Those provisions prohibit the importation of explosives into the United Kingdom except under licence issued by the Health and Safety Executive.

Hitherto Order in Council No. 30 dated 2nd February 1937 had prohibited the importation of compressed acetylene into the United Kingdom, and had imposed certain other restrictions in Great Britain in respect of compressed acetylene. Regulation 3 modifies that Order in Council so that it no longer prohibits importation if this is done under licence and no longer applies to the acetylene imported under licence whilst it remains in the cylinder in which it was imported.

(a) S.R. & O. 1937/54.

(b) S.R. & O. 1947/805.

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