
STATUTORY INSTRUMENTS

1996 No. 890

**The Marking of Plastic Explosives
for Detection Regulations 1996**

Citation and commencement

1. These Regulations may be cited as the Marking of Plastic Explosives for Detection Regulations 1996 and shall come into force on 31st July 1997 or on the day on which the Convention enters into force for the United Kingdom (such date to be notified by the Secretary of State in the London, Edinburgh and Belfast Gazettes) whichever is the earlier.

Interpretation

2.—(1) In these Regulations,

“authorised military device” means an explosive article, including, but not limited to, a shell, bomb, projectile, mine, missile, rocket, shaped charge, grenade or perforator, which, in any case, is manufactured solely for lawful military or police purposes;

“the Convention” means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1st March 1991;

“detection agent” means a substance named in column 1 of the Table in Part II of the Schedule to these Regulations;

“the Executive” means the Health and Safety Executive;

“explosive” shall be construed in accordance with Part I of the Schedule to these Regulations;

“explosive article” and “explosive substance” have the meanings respectively assigned to them by regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983(1);

“manufacture” means any process, including reprocessing, that is for the purpose of producing explosives and related expressions shall be construed accordingly;

“marked” shall be construed in accordance with paragraph (2) of this regulation and related expressions shall be construed accordingly;

“State Party to the Convention” means any state which has deposited in accordance with Article XIII of the Convention an instrument of ratification, acceptance, approval or accession to the Convention with the International Civil Aviation Organisation, or any other body from time to time designated the Depository under the Convention, and in respect of which a denunciation under Article XV of the Convention has not taken effect.

(2) For the purposes of these Regulations, an explosive is marked if it, or a sample of the explosive, contains a detection agent of at least the concentration specified in the corresponding entry for that detection agent in column 2 of the Table in Part II of the Schedule to these Regulations, whether that detection agent is introduced during the process of manufacture of the explosive for the purpose of making the explosive detectable or as a result of the normal formulation of that explosive.

Prohibition on manufacture

3. No person shall manufacture any explosive, the finished product of which is unmarked.

Prohibition on possession

4.—(1) No person shall have in his possession, nor transfer possession of, any unmarked explosive.

(2) Paragraph (1) of this regulation shall not apply to an explosive that is in the process of being manufactured.

(3) Paragraph (1) of this regulation shall not apply for a period of 3 years, commencing with the date of coming into force of these Regulations, to any unmarked explosive manufactured before these Regulations come into force.

(4) Paragraph (1) of this regulation shall not apply to any unmarked explosive in the possession of military or police personnel, where the explosive is incorporated as an integral part of an authorised military device, before the date which is 3 years after the date of coming into force of these Regulations.

(5) Notwithstanding paragraph (3), paragraph (1) of this regulation shall not apply for a period of 15 years, commencing with the date of coming into force of these Regulations, to any unmarked explosive which—

- (a) was manufactured before these Regulations come into force;
- (b) does not fall within paragraph (4); and
- (c) is in the possession of the authorities of a State Party to the Convention for military or police purposes.

Importation

5.—(1) No person shall import any unmarked explosive into the United Kingdom.

(2) Paragraph (1) of this regulation shall not apply for a period of 15 years, commencing with the date of coming into force of these Regulations, to any unmarked explosive manufactured before these Regulations come into force and imported by the authorities of a State Party to the Convention for military or police purposes.

Enforcement

6. Notwithstanding the provisions of the Health and Safety (Enforcing Authority) Regulations 1989⁽²⁾, the Executive shall be the enforcing authority for these Regulations in Great Britain and in those areas outside Great Britain to which these Regulations apply by virtue of regulation 7.

Extension outside Great Britain

7. These Regulations shall apply to and in relation to the activities and premises outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995⁽³⁾ as they apply within Great Britain.

Application to Northern Ireland

8. These Regulations, other than regulations 3, 4 and 6, shall extend to Northern Ireland.

(2) [S.I. 1989/1903](#).

(3) [S.I. 1995/263](#).

Home Office
19th March 1996

Michael Howard
One of Her Majesty's Principal Secretaries of
State