

## SCHEDULE

Regulation 17

### Amendments

#### **The Dangerous Substances in Harbour Areas Regulations 1987**

1. In regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987, for the definition of “military explosive”, substitute ““military explosive” has the same meaning as in regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(1);”.

#### **The Docks Regulations 1988**

2. In regulation 21(3)(d) of the Docks Regulations 1988, for “regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983”, substitute “regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(2)”.

#### **The Control of Explosives Regulations 1991**

3. In regulation 2(1) of the Control of Explosives Regulations 1991—

(a) omit the definition of “the 1983 Regulations”; and

(b) for the definition of “name”, substitute—

““name” means in relation to an explosive article or explosive substance—

(a) the name under which it is or is to be marketed; or

(b) in the case of a military explosive (within the meaning of regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(3)), the name designated in writing for that explosive article or substance by the Secretary of State for Defence;”.

#### **The Placing on the Market and Supervision of Transfers of Explosives Regulations 1993**

4. In regulation 2(1) of the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993—

(a) omit the definition of “the 1983 Regulations”; and

(b) in the definition of “explosives”, for “assigned on classification in accordance with the 1983 Regulations to”, substitute “classified in accordance with the UN Recommendations as falling within”; and

(c) at the end of the definition of “notified body”, for “.” substitute—

“; and

“UN Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26th April 1957))(4) as revised or reissued from time to time.”.

(1) S.I. 2009/1348, as amended by S.I. 2011/1885.

(2) S.I. 2009/1348, as amended by S.I. 2011/1885.

(3) S.I. 2009/1348, as amended by S.I. 2011/1885.

(4) Current edition: 2011, ISBN 9789211391411.

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

5. In regulation 2(1) of the Marking of Plastic Explosives for Detection Regulations 1996, for the definitions of “explosive article” and “explosive substance”, substitute—

- ““explosive article” means an article containing one or more explosive substances;
- “explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of a vapour, which is—
  - (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
  - (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”.

### **The Dangerous Substances and Explosive Atmospheres Regulations 2002**

6. In Schedule 5 to the Dangerous Substances and Explosive Atmospheres Regulations 2002, omit “The Classification and Labelling of Explosives Regulations 1983 (S.I. 1983/1140);”.

### **The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003**

7. In regulation 2(2) of the Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003(5) —

- (a) in the definition of “classified explosive”, for “Classification and Labelling of Explosives Regulations 1983” substitute “UN Recommendations”;
- (b) omit “and” at the end of the definition of “sampling body”;
- (c) at the end of the definition of “unique numbered copy”, for “.” substitute—
  - “; and
  - “UN Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26th April 1957))(6) as revised or reissued from time to time.”.

### **The Health and Safety (Fees) Regulations 2010**

8.—(1) The Health and Safety (Fees) Regulations 2010(7) are amended as follows.

- (2) In regulation 9 —
  - (a) in paragraph (7), for “, 6 and 7” substitute “and 6”; and
  - (b) in paragraph (8) —
    - (i) for “, 6 and 7” substitute “and 6”; and
    - (ii) omit the words from “, save that where in column 2” to the end of that paragraph.
- (3) In Schedule 8 —
  - (a) omit Part 7; and
  - (b) in Part 8, omit entry (c).

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(5) S.I. 2003/1082.

(6) Current edition: 2011, ISBN 9789211391411.

(7) S.I. 2010/579.

## **The Pyrotechnic Articles (Safety) Regulations 2010**

**9.**—(1) The Pyrotechnic Articles (Safety) Regulations 2010<sup>(8)</sup> are amended as follows.

(2) In regulation 46(5) insert at the end “or the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009<sup>(9)</sup> on or after 24th October 2011”.

(3) For regulation 47(5) substitute—

“(5) A theatrical pyrotechnic article or another pyrotechnic article or a category 4 firework that falls within paragraph (1) benefits from that provision whether it is classified—

- (a) for the purposes of the Classification and Labelling of Explosives Regulations 1983<sup>(10)</sup> before 24th October 2011;
- (b) for the purposes of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991<sup>(11)</sup> before or after 4th July 2013; or
- (c) for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 before or after 4th July 2013.”.

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<sup>(8)</sup> S.I. 2010/1554.

<sup>(9)</sup> S.I. 2009/1348, as amended by S.I. 2011/1885.

<sup>(10)</sup> S.I. 1983/1140 as amended by the following S.I.s: 1996/2093, 1999/303, 2004/568, 2005/1082, 2007/1573 and 2010/1554. It was revoked by S.I. 2011/1885.

<sup>(11)</sup> S.R. (N.I.) 1991 No 516 as amended by S.R. (N.I.) 2006 No 182 and 2006 No 425.