

## Summary: Intervention & Options

<b>Department /Agency:</b> Northern Ireland Office	<b>Title:</b> Impact Assessment of the Explosives (Amendment) Regulations (Northern Ireland) 200[ ]	
<b>Stage:</b> Initial Assessment	<b>Version:</b> Final	<b>Date:</b> 8 July 2008
<b>Related Publications:</b>		

Available to view or download at:

<http://www.nio.gov.uk/index/public-consultation/documents.htm>

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What is the problem under consideration? Why is government intervention necessary?

The issues are -

1. on the devolution of explosives licensing, the law would still require persons wishing to keep explosives to apply for an overnight storage exemption from the Secretary of State, which PSNI consider is no longer necessary in the improved security situation; and
2. as part of the normalisation process, PSNI is seeking to end its role in supervising the use of explosives. To facilitate this, it has requested that shotfirers are subject to a more rigorous counter terrorist check rather than to the current statutory fit and responsible person assessment by the PSNI.

What are the policy objectives and the intended effects?

The amendments are intended to -

1. reduce unnecessary bureaucracy for businesses keeping explosives; and
2. ensure that controls on the use of explosives are adequate to facilitate the normalisation of policing.

What policy options have been considered? Please justify any preferred option.

1. The 3 options were to make the proposed amendments to the 1970 Regulations, do nothing or transfer the function to the Department of Justice. The second option would result in unnecessary costs for dutyholders and the third would be inconsistent with the policy intent behind the devolution of explosives policy and legislation.
2. The 3 options were to make the proposed amendments to the 1976 Regulations, do nothing or to remove background checks. The second option would not facilitate the normalisation process and the third was discounted as explosives remain terrorist-attractive.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The policy will be reviewed when the Explosives Act (Northern Ireland) 1970 is reviewed.

**Ministerial Sign-off** For consultation stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:

Paul Goggins

..... Date: 29 July 2008

## Summary: Analysis & Evidence

<b>Policy Option: Initial proposal</b>	<b>Description: Costs and benefits of the Amending Regulations</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>	Description and scale of <b>key monetised costs</b> by 'main affected groups' The main costs are those associated with applicants completing the security check questionnaire		
	<b>One-off</b> (Transition) <span style="float: right;">Yrs</span>			
	£ 0	<b>Average Annual Cost</b> (excluding one-off)		
	£ 157.50	<b>Total Cost (PV)</b>		£ 157.50
	Other <b>key non-monetised costs</b> by 'main affected groups'			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>	Description and scale of <b>key monetised benefits</b> by 'main affected groups'		
	<b>One-off</b> <span style="float: right;">Yrs</span>			
	£ 0	<b>Average Annual Benefit</b> (excluding one-off)		
	£ 0	<b>Total Benefit (PV)</b>		£ 0
	Other <b>key non-monetised benefits</b> by 'main affected groups'			

**Key Assumptions/Sensitivities/Risks** Key assumptions are that the NIO pays the Defence Vetting Agency to perform the the security check, applicants complete the questionnaire in work time, security clearances are valid for 10 years and the number of persons licensed to be shot firers is 84.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range</b> (NPV) £	<b>NET BENEFIT</b> (NPV Best estimate) £
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What is the geographic coverage of the policy/option?			Northern Ireland	
On what date will the policy be implemented?			late 2008	
Which organisation(s) will enforce the policy?			NIO	
What is the total annual cost of enforcement for these organisations?			£ no additional	
Does enforcement comply with Hampton principles?			Yes	
Will implementation go beyond minimum EU requirements?			N/A	
What is the value of the proposed offsetting measure per year?			£ 0	
What is the value of changes in greenhouse gas emissions?			£ 0	
Will the proposal have a significant impact on competition?			No	
Annual cost (£-£) per organisation (excluding one-off)	Micro 0	Small 0	Medium 0	Large 0
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)	
Increase of £ 31.50	Decrease of £ 0	<b>Net Impact</b>	£ 31.50.....

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### **SUMMARY OF PROPOSALS**

#### **Amendment of the Explosives Regulations (Northern Ireland) 1970**

Regulation 10 of the Explosives Regulations (Northern Ireland) 1970 is a security measure which prohibits the holding of explosives in stores or registered premises between sunset and sunrise except under exemption by the Secretary of State. If, after devolution, the provision remains, persons wishing to keep explosives overnight in a store or registered premises would have to apply to both the Secretary of State for a certificate of exemption (since the security of explosives will remain a reserved matter) and to the new Department of Justice for a licence or certificate of registration under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006. We have the PSNI's agreement that the provision is no longer considered a necessary safeguard given the improving security situation and that it may be revoked.

#### **Amendment of the Explosives (No. 2) Regulations (Northern Ireland) 1976 (the Shot Firer Regulations)**

At present police officers have control of detonators from their delivery to quarries until shot firers are ready to use them in a blast. However, the PSNI is working towards reducing its presence at quarries as the security situation permits and they have requested that shot firers should be subject to the more rigorous counter terrorist check (done by way of administrative vetting) rather than the police's "fit and responsible" person test that is required by regulation 7(c) of the Shot Firer Regulations. There is no objection to this from industry. We propose, therefore, to revoke the provision and that, at the same time, shot firers will be subject to the administrative vetting process. This has the benefit of enabling the remainder of the Regulations, which is concerned with the shot firer's competence, to devolve to the new Department of Justice.

#### **Amendment of the Explosives Regulations (Northern Ireland) 1977**

This amendment removes reference in a prescribed form (Form 6) to the certificate of exemption for the overnight storage of explosives and is consequential to the amendment to the Explosives Regulations (Northern Ireland) 1970 described at paragraph 2(a).

### **SUMMARY OF IMPACT**

The amendments to the Explosives (No. 2) Regulations (Northern Ireland) 1976 will have an impact on those applying for a shot firer's licence. As a consequence of the proposals, applicants will be subject to the administrative vetting procedure before they are granted a licence. This will require the completion of a Security Check Questionnaire. Security clearance is valid for 10 years.

## **COSTS AND BENEFITS**

### **Key assumptions and sensitivities**

#### **Costs -**

The number of shot firers who would need to be vetted = 84 (number of persons who currently have valid shot firer's licences)

Assumed hourly rate of a shot firer = £15

It takes one hour to complete the Security Check Questionnaire

Security clearance is valid for 10 years therefore costs can be spread over that period

#### **Admin burden –**

It takes 30 minutes to process a questionnaire

Processing is undertaken by a Grade C

Assumed hourly rate based on 2005 prices = £7.50

#### **Conclusion -**

Cost of introduction of administrative vetting process per annum for 10 years = £157.50

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

<b>Type of testing undertaken</b>	<b><i>Results in Evidence Base?</i></b>	<b><i>Results annexed?</i></b>
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	Yes
Sustainable Development	No	Yes
Carbon Assessment	No	Yes
Other Environment	No	Yes
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

# Annexes

## **Competition Assessment –**

The proposals will not have a significant impact on competition.

## **Small Firms Impact Test –**

The proposals will not have a disproportionate effect on small firms.

## **Legal Aid –**

The proposals do not introduce new criminal sanctions or civil penalties.

## **Sustainable Development –**

The proposals comply with the Sustainable Development Principles.

## **Carbon Assessment –**

The proposals do not lead to change in the emission of greenhouse gases.

## **Environmental Impact -**

The proposals will not –

- ↪ be vulnerable to the predicted effects of climate change;
- ↪ lead to a change in the financial costs or environmental impacts of waste management;
- ↪ impact significantly on air quality;
- ↪ involve any material change to the appearance of the landscape or townscape;
- ↪ change the degree of water pollution, levels of abstraction of water or exposure to flood risk;
- ↪ disturb or enhance habitat or wildlife; and
- ↪ affect the number of people exposed to noise or the levels of exposure.

## **Health Impact Assessment –**

The proposals will not have an impact on health, well-being or health inequalities.

## **Race Equality –**

- ↪ The consequences of the proposals will not differ according to people's racial group.
- ↪ There is no reason to believe that people could be affected differently by the proposals according to their racial group.
- ↪ There is no evidence that any of the proposals could discriminate unlawfully, directly or indirectly, against people from some racial groups.
- ↪ There is no evidence that people from some racial groups may have different expectations of the proposals.
- ↪ The proposals will not affect relations between certain racial groups.

↳ The proposals will not damage relations between any particular racial group and the Northern Ireland Office.

↳ The policy is not relevant to the race equality duty.

### **Disability Equality –**

The proposals have no impact on disability equality.

### **Gender Equality –**

The proposals will not affect men and women differently, or have any impact, positive or negative, on life chances or on gender stereotyping.

### **Human Rights –**

The proposals will not have an impact on human rights.

### **Rural proofing –**

The proposals will not have any significant differential impact in rural areas.