



Northern
Ireland
Office

Proposals to make Explosives (Amendment) Regulations

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PROPOSALS MAKE EXPLOSIVES AMENDMENT REGULATIONS

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The Consultative Document is available on the Northern Ireland Office website at: www.nio.gov.uk/index/public-consultation/documents.htm

Copies of this document are also available free of charge on request. Please contact Firearms and Explosives Branch by telephone (028) 905 20056 (or see paragraph 9 for alternative contact details).

The documents may be made available, on request, in different formats for individuals with particular needs. A text-phone request facility is also available by phoning (028) 905 27668.

INTRODUCTION

1. This Consultative Document (CD) sets out the Secretary of State's proposals for Regulations (at Annex 1) to amend the Explosives Regulations (Northern Ireland) 1970, the Explosives (No. 2) Regulations (Northern Ireland) 1976 (the Shot Firer Regulations) and the Explosives Regulations (Northern Ireland) 1977. Comments are invited on the draft Regulations.
2. The CD will be of interest to everyone involved in the storage of explosives, and persons in the quarrying and mining industries.

BACKGROUND

3. The amendments are relatively minor and are mainly intended to facilitate the devolution of responsibility for policy, legislation and statutory functions in relation to explosives health and safety matters and the PSNI's objective to withdraw its presence at quarries as the security situation permits.

THE DRAFT REGULATIONS

4. The following paragraphs summarise the proposed amendments -

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. As consideration of the security of stores forms part of the licensing and registration process, we have the PSNI's agreement that the provision is no longer considered a necessary safeguard given the improved security situation since the 1970 Regulations were made 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 of the Explosives Regulations (Northern Ireland) 1970 described at paragraph 2(a).

COSTS AND BENEFITS

5. The initial impact assessment is at Annex 2. The costs to industry are considered to be minimal and are limited to the costs of the vetting of shot firers, which lasts for 10 years. The removal of the prohibition on overnight storage of explosives and the exemption certificate requirement will result in less bureaucracy.

EQUALITY IMPACT

6. Section 75 of the Northern Ireland Act 1998 requires public authorities to have due regard to the need to promote equality of opportunity and to the desirability of promoting good relations between certain groups of people. A screening of the proposals (Annex 3) has indicated that no section 75 group will be adversely affected by the proposals and that they need not be subject to a full Equality Impact Assessment.

INVITATION TO COMMENT

7. All views are welcome but the key proposals are -

- A. to revoke the provision prohibiting on the storage of explosives overnight in a store and registered premises except under a certificate of exemption granted by the Secretary of State; and
- B. to replace the statutory fit and responsible person requirement in the Shot Firer Regulations with administrative vetting.

We will acknowledge receipt of all the comments that we receive and will try to answer any questions raised.

8. An electronic version of this document is available to view and be downloaded from the NIO website (www.nio.gov.uk). Hard copies will be posted on request. The text phone details are provided below. Copies in various other formats, including large print, Braille, audio cassette, computer disc etc, may be made available on request. If you wish to access the document in an alternative format or language, please let us know and we will do our best to assist you.

9. Please send your comments, which should include your name and a contact address, in whatever format you choose to:

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so as to arrive not later than 5pm on Friday 31 October 2008.

10. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

11. If you want your information to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information that you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

12. The Department will process your personal data in accordance with the DPA and this will mainly mean that your personal data will not be disclosed to third parties.

13. If you have any concerns or complaints about the consultation process, you should contact the Northern Ireland Office's consultation co-ordinator, Donna Knowles, on (028) 905 27015, or by e-mail at donna.knowles@nio.x.gsi.gov.uk. Alternatively, you may write to her at the Equality Branch, Central Management Unit, Northern Ireland Office, Stormont House Annexe, Stormont Estate, Belfast, BT4 3SH.

CONSULTATION CRITERIA

The Government's general consultation criteria are to:

- * consult widely throughout the consultation process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
- * be clear about what the proposals are, who may be affected, what questions are being asked and the timescale for responses;
- * ensure that the consultation is clear, concise and widely accessible;
- * give feedback on the responses received and how the consultation process influenced policy;
- * monitor the Department's effectiveness at consultation, including through the use of a designated consultation co-ordinator; and
- * ensure that consultation follows better regulation best practice, including carrying out a regulatory impact assessment if appropriate.