
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 273

**The Explosives (Hazard Information and Packaging
for Supply) Regulations (Northern Ireland) 2009**

PART 3

MISCELLANEOUS

Enforcement

14.—^[F1](1) To the extent that they would not otherwise do so, Articles—

- (a) 18 to 30 (approval of codes of practice; enforcement; indemnification of inspectors; power to obtain information and restrictions on disclosure of information);
- (b) 31 to 39 (provisions as to offences); and
- (c) 43(2) (civil liability),

of the 1978 Order shall apply to these Regulations and the CLP Regulation as if these Regulations and the CLP Regulation were health and safety regulations for the purposes of that Order except that these Articles shall not apply to duties placed by the CLP Regulation on the competent authority or the Member State.

^[F2](1A) The maximum penalty for an offence under this regulation is—

- (a) on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.]

(2) Any function of the Secretary of State for Northern Ireland under any other provision of the 1978 Order under or in respect of health and safety regulations (including their enforcement) shall be exercisable as if these Regulations and the CLP Regulation were health and safety regulations for the purpose of that Order to the extent that they would not otherwise do so.

(3) Notwithstanding anything in the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(1) and subject to paragraph (4), the enforcing authority for these Regulations and the CLP Regulation shall be the Secretary of State.

(4) Where a substance or preparation is supplied, or a substance, mixture or article falling within the meaning of and the provisions of the CLP Regulation is placed on the market within the meaning of the CLP Regulation in or from premises which are registered under section 75 of the Medicines Act 1968(2), the enforcing authority shall be the Department of Health, Social Services and Public Safety.]

(1) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31 and S.R. 2007 No. 291

(2) 1968 c. 67; section 75(8) was amended by S.I. 1968/1699

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Regs. 14-17 revoked (except to the extent they continue to apply for the purposes of enforcing reg. 12 of S.R. 2009/273) (with effect in accordance with reg. 11(b) of the amending Rule) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **11(b)** (with reg. 2)
- F2** Reg. 14(1A) inserted (31.5.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(3), **12(2)** (with reg. 2)

Commencement Information

- I1** Reg. 14 in operation at 24.8.2009, see [reg. 1](#)

Defence

15. ^[F1]In any proceedings for an offence for a contravention of any of the provisions of these Regulations and the CLP Regulation it shall be a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

Textual Amendments

- F1** Regs. 14-17 revoked (except to the extent they continue to apply for the purposes of enforcing reg. 12 of S.R. 2009/273) (with effect in accordance with reg. 11(b) of the amending Rule) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **11(b)** (with reg. 2)

Commencement Information

- I2** Reg. 15 in operation at 24.8.2009, see [reg. 1](#)

Application within the territorial sea

16. ^[F1]Within the territorial sea these Regulations and the CLP Regulation shall apply only to and in relation to an activity to which any of paragraphs 2 to 6 of Schedule 6 applies.]

Textual Amendments

- F1** Regs. 14-17 revoked (except to the extent they continue to apply for the purposes of enforcing reg. 12 of S.R. 2009/273) (with effect in accordance with reg. 11(b) of the amending Rule) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **11(b)** (with reg. 2)

Commencement Information

- I3** Reg. 16 in operation at 24.8.2009, see [reg. 1](#)

Revocation and Amendment

17.—^[F1](1) The Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000 are revoked⁽³⁾.

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(2) The regulation in Schedule 7 shall be amended to the extent specified in that table.]

Textual Amendments

F1 Regs. 14-17 revoked (except to the extent they continue to apply for the purposes of enforcing reg. 12 of S.R. 2009/273) (with effect in accordance with reg. 11(b) of the amending Rule) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **11(b)** (with reg. 2)

Commencement Information

I4 Reg. 17 in operation at 24.8.2009, see [reg. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 3 Pt. 1 para. 7 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 8 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 9 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 10 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 11 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 12 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 13 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 14 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 15 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 16 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 17 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 18 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 3 Pt. 1 para. 19 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section A para. 1 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section A para. 2 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section A para. 3 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section A para. 4 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section B para. 1 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section B para. 2 coming into force by [S.R. 2009/273 reg. 1](#)
- Sch. 4 Pt. 2 Section C para. 1 coming into force by [S.R. 2009/273 reg. 1](#)
- Preamble words substituted by [S.R. 2014/26 reg. 2\(a\)](#) (This amendment not applied to legislation.gov.uk. S.R. 2014/26 revoked (28.2.2014) by S.R. 2014/47, regs. 1(1), 3)