

SCHEDULES

SCHEDULE 12

Explosives

Powers exercisable by the Secretary of State

4.—(1) For purposes connected with any reserved matter falling within paragraph 12 or 20 of Schedule 3 to the Northern Ireland Act 1998(1) (reserved matters: firearms and explosives; import and export controls), the Secretary of State may continue to exercise the following functions (“transferred functions”)—

- (a) any function that is transferred by paragraph 1(1) or 2(1) above;
- (b) any power to make regulations that is transferred by virtue of paragraph 3 above.

^{F1}(2)

(3) Any power of the Secretary of State by virtue of sub-paragraph (1) above to make orders or regulations is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

(4) Orders and regulations made by the Secretary of State are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946(3) applies accordingly.

(5) Subject to what follows, sub-paragraphs (1) to (4) above do not affect the transfer of any function to a Northern Ireland department by or by virtue of any of paragraphs 1 to 3 above.

(6) The following regulations continue in effect as if made, by virtue of sub-paragraph (1) above, by the Secretary of State in the exercise of the relevant transferred function—

- (a) the Explosives Regulations (Northern Ireland) 1970(4);
- (b) the Explosives Regulations (Northern Ireland) 1971(5);
- ^{F2}(c)
- ^{F3}(d)
- ^{F4}(e)
- ^{F5}(f)
- (g) the Explosives (Amendment) (No. 2) Regulations (Northern Ireland) 1973(6);

^{F6}(h)

^{F7}(i)

(1) 1998 c. 47.
(2) S.I. 1979/1573 (N.I. 12).
(3) 1946 c. 36.
(4) S.R. & O (N.I.) 1970 No. 110.
(5) S.R. & O (N.I.) 1971 No. 332.
(6) S.R. & O (N.I.) 1973 No. 474.

Changes to legislation: There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Powers exercisable by the Secretary of State. (See end of Document for details)

(j) the Explosives Regulations (Northern Ireland) 1977(7);

^{F8}(k)

(l) regulation 21 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(8);

(m) the Marking of Plastic Explosive for Detection Regulations (Northern Ireland) 1996(9);

^{F9}(n)

^{F10} ...

(7) So far as in effect immediately before the coming into force of this Order, any other order or regulations made in the exercise of a transferred function continue in effect as if made by the Department of Justice ^{F11}...

(8) The orders covered by sub-paragraph (7) include Orders in Council made under section 43, 83 or 104 of the Explosives Act 1875(10).

(9) The Secretary of State’s functions—

- (a) under any regulations covered by sub-paragraph (6) are retained by the Secretary of State;
- (b) under any orders or regulations covered by sub-paragraph (7) are transferred to the Department of Justice.

(10) Orders and regulations made by Northern Ireland departments in the exercise of transferred functions have effect subject to orders and regulations made by the Secretary of State in the exercise of transferred functions.

(11) Further and in particular, a Northern Ireland department may not use any transferred function ^{F12}... to revoke, modify or otherwise affect the Secretary of State’s functions by virtue of this paragraph (or any order or regulations made by the Secretary of State by virtue of this paragraph).

(12) In relation to orders and regulations made by the Secretary of State by virtue of this paragraph, the Health and Safety at Work (Northern Ireland) Order 1978(11) has effect as if references to the Department concerned were references to the Secretary of State.

Textual Amendments

- F1** Sch. 12 para. 4(2) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(i)** (with reg. 31)
- F2** Sch. 12 para. 4(6)(c) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F3** Sch. 12 para. 4(6)(d) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F4** Sch. 12 para. 4(6)(e) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F5** Sch. 12 para. 4(6)(f) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F6** Sch. 12 para. 4(6)(h) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F7** Sch. 12 para. 4(6)(i) omitted (2.9.2014) by virtue of [The Control of Explosives Precursors etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/224\)](#), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)

(7) S.R. (N.I.) 1977 No. 128.
 (8) S.R. (N.I.) 1995 No. 87.
 (9) S.R. (N.I.) 1996 No. 262.
 (10) 1875 c. 17.
 (11) S.I. 1978/1039 (N.I. 9).

Changes to legislation: *There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Powers exercisable by the Secretary of State. (See end of Document for details)*

- F8** Sch. 12 para. 4(6)(k) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F9** Sch. 12 para. 4(6)(n) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **29(10)(b)(ii)** (with reg. 31)
- F10** Words in Sch. 12 para. 4(6) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **29(10)(b)(iii)** (with reg. 31)
- F11** Words in Sch. 12 para. 4(7) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **29(10)(b)(iv)** (with reg. 31)
- F12** Words in Sch. 12 para. 4(11) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **29(10)(b)(v)** (with reg. 31)

Commencement Information

- I1** Sch. 12 para. 4 in force at 12.4.2010, see **art. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Powers exercisable by the Secretary of State.