STATUTORY RULES OF NORTHERN IRELAND

2007 No. 299

HEALTH AND SAFETY

Construction (Use of Explosives) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*8th June 2007*
Coming into operation -	*9th July 2007*
To be laid before Parliament	

The Secretary of State, in exercise of the powers conferred by Articles 17(1) to (6), 40(2) to (4), 43(3), 54 and 55(2) of and paragraphs 1,2,3,5,6,11,13,14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**a**) as so applied and modified, and after consultation in accordance with Article 46(1) of that Order with the Health and Safety Executive for Northern Ireland and such other bodies as appear to him to be appropriate, makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Construction (Use of Explosives) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 9th July 2007.

Amendment of the Construction (Use of Explosives) Regulations (Northern Ireland) 1997

2. The Construction (Use of Explosives) Regulations (Northern Ireland) 1997(**b**) shall be amended in accordance with Schedule 1.

Peter Hain
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
8th June 2007

(**a**) SI 1978/1039 (NI9)
(**b**) S.R. 1997 No. 555

SCHEDULE 1

Regulation 2

Amendment of the Construction (Use of Explosives) Regulations (Northern Ireland) 1997

1. In regulation 2 "Interpretation"—

(a) for the definition "construction site" substitute the following definition—

""construction site" includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within it which is set aside for purposes other than construction work;".

(b) for the definition of "construction work" substitute the following definition—

""construction work" means the carrying out of any building, civil engineering or engineering construction work and includes—

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;

(b) the preparation for an intended structure, including site clearance, exploration and investigation (but not site survey) and the clearance or preparation of the site or structure for use or occupation at its conclusion;

(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements which, immediately before such disassembly, formed a structure;

(d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which, immediately before such disassembly, formed a structure; and

(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

but does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out; and;".

(c) for the definition of "structure" substitute the following definition—

""structure" means—

(a) any building, steel or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature, fixed plant and any structure similar to the foregoing; or

(b) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work.".

2. For regulation 5 substitute—

"**5**.—(1) So far as is reasonably practicable, explosives shall be stored, transported and used safely and securely.

(2) Without prejudice to paragraph (1), an explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused by it.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Construction (Use of Explosives) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 555) to align them to the Construction (Design and Management) Regulations (Northern Ireland) 2007 (S.R. 2007 No.291).

2. Schedule 1, paragraph 1 redefines (a) a "construction site"; (b) "construction work"; and (c) a "structure".

3. Schedule 1, paragraph 2 requires explosives to be stored, transported and used safely and securely, so far as is reasonably practicable.

4. In Great Britain the corresponding Regulations are the Construction (Design and Management) Regulations 2007 (S.I. 2007/320). The Great Britain Health and Safety Executive have prepared a full regulatory impact assessment in relation to these Regulations. A copy of that assessment together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where a copy may be obtained on request.

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