EXPLANATORY MEMORANDUM TO

THE CONSTRUCTION (USE OF EXPLOSIVES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2007

2007 No. 299

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Regulations amend definitions within the Construction (Use of Explosives) Regulations (Northern Ireland) 1997 to align them to those contained in the Construction (Design and Management) Regulations (Northern Ireland) 2007 (S.R.2007 No. 291). Those Regulations implement in Northern Ireland the requirements of Directive 92/57/EEC (O.J. No. L245,26.8.92,p.6) ("the Directive") on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 In Northern Ireland explosives are a matter reserved to the United Kingdom government. Therefore it is for the Secretary of State for Northern Ireland, using powers conferred by the Health and Safety at Work (Northern Ireland) Order 1978, to amend the existing regulations to satisfy the European Commission (EC) that the Commission Directives referred to in paragraph 2.1 have been implemented.

4.2 The Department of Enterprise, Trade and Investment (DETI) has made similar regulations to cover design and management issues affecting all materials other than explosives (the Construction (Design and Management) Regulations (Northern Ireland) 2007).

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

5.2 The Regulations are closely based on and do not differ materially from the Construction (Use of Explosives) Regulations 1997 in so far as the latter apply to explosives.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Secretary of State is required to implement EC Directives relating to health and safety arrangements relating to the use of explosives.

7.2 The Regulations will implement the latest EC Directives relating to health and safety at construction sites.

7.3 Joint consultation on the Regulations was carried out by HSENI between 19 August 2005 and 31 October 2005. Industry, central and local government, section 75 equality groups etc were consulted. No adverse comments were received.

7.4 The Secretary of State will publish a notice in the Belfast Gazette announcing the new Regulations and interested parties will be informed by letter of their coming into operation. The Regulations will also appear on the NIO website.

8. Impact

8.1 A full Regulatory Impact Assessment (RIA) in respect of these Regulations was not prepared as, in principle, the Regulations should have a very similar impact in Northern Ireland to that in Great Britain, with due allowance for differences of scale between the two jurisdictions. A comparison of the Northern Ireland costs and benefits against the costs and benefits associated with the Great Britain Regulations was prepared. The RIA Declaration and the Northern Ireland Costs and Benefits document are held at Firearms and Explosives Branch of the Northern Ireland Office.

9. Contact

Eric Kingsmill at the Northern Ireland Office (Tel: 028 9052 2738 or e-mail: eric.kingsmill@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.