

Draft Letter to Des Browne

Des Browne MP
Minister for Work
Department for Work and Pensions

Proposals for new regulations on the manufacture and storage of explosives

I am writing to send you the Health and Safety Commission's proposals for new regulations on the manufacture and storage of explosives. The package includes the draft regulations, explanatory memorandum, regulatory and competition assessment, and draft Approved Code of Practice.

The new regulations will replace the Explosives Act 1875. The Explosives Act 1875 is one of the few major pre-Health and Safety at Work Act pieces of legislation that is still in force. While the Act itself has stood the test of time well there have been significant changes in the industry and in the wider economy.

The new regulations replace not only most of the Explosives Act but also 48 items of secondary legislation. The major benefit from the new legislation will be in reducing the complexity of the legislation. This work forms part of HSC/E's contribution to the government's 'better regulation' effort as well as to meet the obligations under section 1(2) of HSWA to progressively replace pre-1974 legislation.

We expect that the proposals will produce savings in both enforcement and compliance costs.

The proposals have been developed in close consultation with the CBI, TUC, local authorities and other interested parties.

The proposals maintain the strengths of the existing framework while bringing the law up to date and making it easier to understand. They will also help to improve standards by bringing together guidance on best practice in one document. Where necessary, the framework has been strengthened and enforcement responsibilities rationalised.

The proposals will also strengthen the law on the storage of fireworks. The storage of fireworks is well regulated by the local authorities in partnership with HSE, and injuries resulting from the storage of fireworks are very rare. However, the Commission recognises that the legislation on storage plays an important role in support of the wider regime for the control of fireworks. HSE has worked closely with local authorities (and DTI) in the development of the regulations and sought to address the issues they have identified, in order to strengthen the hand of enforcers in dealing with illegal storage (and by extension, with illicit trading).

I would welcome approval of the regulations. Subject to your agreement HSC would wish that the regulations can be laid before Parliament early in the New Year to allow plenty of time to prepare for the coming into force of the regulations in May of next year.

I would also welcome your consent for the Commission to approve a Code of Practice to support the regulations.

Bill Callaghan
Chair, Health and Safety Commission