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 STATUTORY INSTRUMENTS
 

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2008 No.

**HEALTH AND SAFETY**
**The Health and Safety (Miscellaneous Amendments and  
Revocations) Regulations 2008**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes these Regulations —

(a) in exercise of the powers conferred upon him by section 2(2) of the European Communities Act 1972(a), section 143(2) of the Mines and Quarries Act 1954(b) and sections 15(1), (2), (3)(c), and (9) 18(2)(a) and 82(3)(a) of, and paragraphs 1(1), 4, 5, 6(1) 7, 8(1), 9, 11, 13(2), 14 and 16, of Schedule 3 to, the Health and Safety at Work etc Act 1974(c) (“the 1974 Act”), and

(b) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3) of the 1974 Act.

The Secretary of State is a Minister designated in relation to the control and regulation of genetically modified organisms(d).

Before submitting proposals to the Secretary of State, the Health and Safety Executive consulted the bodies that appeared to it to be appropriate as required by section 50(3) of the 1974 Act .

**Citation and commencement**

1. These Regulations may be cited as the Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2008 and shall come into force on 6<sup>th</sup> April 2008.

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- (a) 1972 c.68. As regards Scotland, see also section 57(1) of the Scotland Act 1998 (c. 46), which provides that, despite the transfer to the Scottish Ministers by virtue of that Act of functions in relation to the observing and implementing obligations under community law, any function of a Minister of the Crown in relation to any matter shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.
- (b) 1954 c. 70 (2 & 3 Eliz 2); subsections (1) to (4) of section 141, which included the power to make regulations, were repealed by S.I. 1974/2013, with a saving for regulations made and in force under that section; section 143(2) provides an express power to revoke special regulations.
- (c) 1974 c.37. section 11 is substituted by S.I. 2008/960; sections 15(1) and 50(3) are amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively and section 50(3) is further amended by the Health Protection Agency Act 2004, Schedule 3, paragraph 5(1) and (3) and S.I. 2008/960.
- (d) S.I. 1991/755.

## Extension outside Great Britain

2. The amendments made by regulation 3(1) and Schedule 1 to the Control of Explosives Regulations 1991(a) shall extend outside Great Britain in the same way that those Regulations extend outside Great Britain by virtue of regulation 14 of those Regulations.

## Amendments and revocations

3.—(1) The instruments referred to in Schedule 1 are amended in accordance with that Schedule.

(2) The instruments referred to in Schedule 2 are revoked.

Signed by authority of the Secretary of State for Work and Pensions

	<i>Name</i>
Address	Parliamentary Under-Secretary of State
Date	Department for Work and Pensions

## SCHEDULE 1

Regulation 3(1)

## AMENDMENTS

### The Control of Explosives Regulations 1991

1.—(1) The Control of Explosives Regulations 1991(b) are amended as follows.

(2) In regulation 2 —

(a) for the definition of “chief officer of police”, substitute —

““chief officer of police”—

(a) in relation to England and Wales, has the same meaning as in section 101(1) of the Police Act 1996(c); and

(b) in relation to Scotland, means the person appointed to the office of chief constable pursuant to section 4 of the Police (Scotland) Act 1967(d);”;

(b) after paragraph (8) insert —

“(8A) The performance of any function given to the chief officer of police under these Regulations may be delegated by him, to such an extent and subject to such conditions as he may specify —

(a) to a member of the police force in respect of which he is the chief officer of police;

(b) to a person employed to assist that police force as mentioned in section 15 of the Police Act 1996 (civilian employees); or

(c) to a person employed or appointed in relation to that police force as mentioned in section 9 of the Police (Scotland) Act 1967 (civilian employees),

and any such delegation shall be made in writing by that chief officer of police.”; and

(c) after paragraph (9), insert —

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(a) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

(b) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

(c) 1996 c.16; section 101(1) is amended by the Greater London Authority Act 1999, sections 312(1)(a) and (b), (2) and (3), 423 and Schedule 34, Part VII and the Anti-terrorism, Crime and Security Act 2001, section 101, Schedule 7, paragraphs 20 and 27; section 15 is amended by the Greater London Authority Act 1999 (c.29) section 325 and Schedule 27, paragraph 74(1) to (4).

(d) 1967 c.77; section 4(3) is repealed by the Local Government (Scotland) Act 1973, sections 146(4), 237(1) and Schedule 29; section 9 is amended by the Police and Magistrates’ Courts Act 1994 (c.29), section 49, and by the Criminal Justice (Scotland) Act 2003 (asp 7), section 76(1) to (3).

“(10) Any reference in the definitions in this regulation of “desensitised explosive”, “explosive substance” or “substance” to, as the case may be, liquid, gas, gaseous form or vapour means, respectively, liquid, gas, gaseous form or vapour at normal atmospheric temperature or pressure.”.

(3) In regulation 3, for sub-paragraph (c) of paragraph (3), substitute —

“(c) a person employed to assist that police force as mentioned in section 15 of the Police Act 1996 (civilian employees) or a person employed or appointed in relation to that police force as mentioned in section 9 of the Police (Scotland) Act 1967 (civilian employees); or”.

(4) Omit regulation 4(10).

(5) In regulation 5(3) —

(a) in sub-paragraph (a), for “3 years” substitute “5 years”; and

(b) omit sub-paragraph (b).

(6) In regulation 14(1), for “1989” substitute “2001”.

(7) In regulation 15(2)(a), for “licensed factory or magazine” substitute “site in relation to which the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to the 2005 Regulations”.

(8) In Schedule 1, under the heading “EXCEPTIONS”, insert “PART 1” and at the end insert —

## “PART 2

Model rocket motors, which —

(a) are allocated the U.N. no. 0186, 0272, 0349, 0351 or 0471;

(b) are intended to be used for the propulsion of model rockets or similar articles; and

(c) in respect of each individual model rocket motor, have a net mass of explosive content of no more than 1 kilogram.”

### **The Health and Safety (Enforcing Authority) Regulations 1998**

**2.—**(1) The Health and Safety (Enforcing Authority) Regulations 1998(a) are amended as follows.

(2) In regulation 4 —

(a) after paragraph (8) insert —

“(8A) The Executive shall be the enforcing authority for the 2005 Regulations in respect of site at which there is stored ammonium nitrate blasting intermediate or ammonium nitrate blasting intermediate and other explosives.”;

(b) in paragraph (9), at the beginning insert “Except as provided in paragraph (9A),”;

(c) after paragraph (9), insert —

“(9A) The Executive shall be the enforcing authority for regulation 25 of the 2005 Regulations at a site in relation to which it has granted a person a licence for the manufacture or storage of explosives under regulation 13 of the 2005 Regulations or registered a person in respect of such storage under regulation 11 of those Regulations.

(9B) A licensing authority shall be the enforcing authority for regulation 3 of the Management of Health and Safety at Work Regulations 1999(b) in relation to any manufacture or storage of explosives for which it is the enforcing authority by virtue of paragraph (7).”;

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(a) S.I. 1998/494, amended by S.I. 2005/1082 and 2007/2598; there are other amending instruments but none is relevant.

(b) S.I. 1999/3242, to which there are amendments not relevant to these Regulations.

(d) in paragraph (11), omit “local authority”; and

(e) after paragraph (11), insert —

“(12) In paragraph (9) and sub-paragraph (a) of paragraph (10), “local authority” has the same meaning as it is given by regulation 2(1) of the 2005 Regulations.”.

### **The Genetically Modified Organisms (Contained Use) Regulations 2000**

**3.**—(1) For paragraph (7) of regulation 24 of the Genetically Modified Organisms (Contained Use) Regulations 2000(a), substitute —

“(7) Copies of the register as regards Great Britain shall be maintained at the offices of the Executive at Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.”.

### **The Manufacture and Storage of Explosives Regulations 2005**

**4.**—(1) The Manufacture and Storage of Explosives Regulations 2005(b) are amended as follows.

(2) In regulation 2(9), omit the words from “and includes” to the end.

(3) For sub-paragraph (f) of regulation 3(2), substitute —

“(f) the storage of explosives below ground at a mine, where the explosives are for use at that mine for the getting of minerals or ensuring the safety of the mine.”.

(4) In regulation 5 —

(a) for paragraph (2), substitute —

“(2) Paragraph (1) shall not apply to —

(a) desensitised explosives; or

(b) explosives which are stored under a licence granted by the Executive in cases —

(i) where the assent of the local authority was required pursuant to regulation 13(3); or

(ii) where that assent was not required by virtue of regulation 13(4)(c) or (e);”;

and

(b) in paragraph (3) —

(i) after sub-paragraph (a), insert —

“(aa) a combined total of 5 kilograms of shooters’ powder and model rocket motors;” ;

(ii) for sub-paragraph (d)(i), substitute —

“(i) 4 kilograms of explosive kept for operational purposes, including ordnance disposal and the training of dogs for the detection of explosives; or” ;

(iii) in subparagraph (d)(ii), insert “solely” after “kept”; and

(c) after paragraph (7), insert —

“(8) In this regulation, “model rocket motors” means explosive articles which —

(a) are allocated the U.N. no. 0186, 0272, 0349, 0351 or 0471;

(b) are intended to be used for the propulsion of model rockets or similar articles; and

(c) in respect of each individual model rocket motor, have a net mass of no more than 1 kilogram.”.

(5) In regulation 7, for “between the age of 16 years and” substitute “under”.

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(a) S.I. 2000/2831, to which there are amendments not relevant to these Regulations.

(b) S.I. 2005/1082, amended by S.I. 2007/2598.

- (6) In regulation 9(2)(j), omit “terms and”.
- (7) In regulation 10 —
- (a) in paragraph (2)(e) and (f), before “days” wherever it appears insert “consecutive”;
  - (b) for paragraph (2)(h), substitute —
    - “(h) the storage of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds —
      - (i) a registration, or
      - (ii) a licence to store explosives
 and that storage by the wholly-owned subsidiary is in accordance with any term of that registration or condition of that licence.”; and
  - (c) in paragraph (3) —
    - (i) in sub-paragraph (a), omit “and” at the end; and
    - (ii) in sub-paragraph (b), omit “or explosive articles” and after that sub-paragraph insert — “and
      - (c) in sub-paragraphs (e) and (f), Christmas Day, Good Friday and, to the extent they are not the same as those, any day which under the Banking and Financial Dealings Act 1971(a) is a bank holiday shall not be included for the purposes of determining the period of consecutive days referred to in those sub-paragraphs.”.
- (8) In regulation 11 —
- (a) for paragraph (4), substitute —
    - “(4) A registration granted by a licensing authority which is a local authority shall remain in force for such period not exceeding two years as the licensing authority determines.
    - (4A) A registration granted by a licensing authority which is a chief officer of police or the Executive shall remain in force for such period not exceeding five years as that licensing authority determines, save that, where the applicant for registration has been granted an explosive certificate, the registration shall remain in force for any period not exceeding the due expiry date of that explosive certificate.”;
  - (b) in paragraph (5), omit “the exceptions listed in”;
  - (c) in paragraph (7), after “manufacture of explosives” insert “, other than manufacture not requiring a licence by virtue of regulation 9(2),”;
  - (d) in paragraph (8), omit “or explosive articles”;
  - (e) for paragraph (9), substitute —
    - “(9) .A renewal of registration granted by a licensing authority which is a local authority shall remain in force for such period not exceeding one year as the licensing authority determines.
    - (9A) A renewal of a registration granted by a licensing authority which is a chief officer of police or the Executive shall remain in force for such period not exceeding five years as that licensing authority determines, save that, where the applicant for registration has been granted an explosive certificate, the registration shall remain in force for any period not exceeding the due expiry date of that explosive certificate.”.
- (9) In regulation 13 —
- (a) in paragraph (1) —
    - (i) in sub-paragraph (b), for “three years” substitute “five years”;
    - (ii) in sub-paragraph (c), after “applies” insert “, or a case where paragraph (3) does not apply by virtue of paragraph (4)(e),”;
  - (b) in paragraph (4), after sub-paragraph (d) insert —

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(a) 1971 c. 80.

- “(e) to an application for a licence which is to follow, without a gap in time, a previous licence granted to follow, without a gap in time, a deemed licence for the purposes of regulation 27(3).”;
- (c) in paragraph (5), after “licence shall”, insert “include conditions which”;
- (d) in paragraph (6), after “paragraph (3)” insert “or in cases where that assent was not required by virtue of paragraph (4)(c) or (e)”;
- (e) in paragraph (9) —
- (i) for “up to one year”, substitute “up to two years as the licensing authority determines”;
- (ii) in sub-paragraph (a), for “one year period”, substitute “two year period”;
- (iii) in sub-paragraph (b) —
- (aa) for “solely” substitute “, whether solely or not,”; and
- (bb) for “three years” substitute “five years”; and
- (iv) in sub-paragraph (c), after “original licence” where it first appears insert “or where paragraph (3) did not apply to the application for the original licence by virtue of paragraph (4)(e),”.
- (10) In regulation 16 —
- (a) in paragraph (1)(b), after “13(3)” insert “, or in cases where that assent was not required by virtue of regulation 13(4)(e),”; and
- (b) after paragraph (2), insert —
- “(2A) The licensing authority which grants a registration may vary it —
- (a) where there has been a change of circumstances such that the separation distances can no longer be maintained and a consequent reduction in the amount of explosives that may be stored is required so as to reduce that amount to a quantity specified by the licensing authority which is below the maximum amount referred to in regulation 11(1) for the kind or kinds of explosives concerned;
- (b) where the person registered is a company and the name of the company changes;
- (c) so as to change the period for which the registration is in force; and
- (d) in relation to any of the matters it relates to, by agreement with the person registered.”.
- (11) In regulation 17, at the end of paragraph (1)(b), insert “or”.
- (12) In regulation 18 —
- (a) for sub-paragraph (a) of paragraph (1), substitute —
- “(a) refuse an application for —
- (i) a licence or registration;
- (ii) a renewal of a licence or registration; or
- (iii) a transfer of a licence or registration;”; and
- (b) for sub-paragraph (a) of paragraph (3), substitute —
- “(a) refuse an application for —
- (i) a licence or registration;
- (ii) a renewal of a licence or registration; or
- (iii) a transfer of a licence or registration;”.
- (13) For regulation 19 and the chapeau to that regulation, substitute —

### **“Appeal against decisions concerning registrations**

**19.** A person may appeal to the Secretary of State against a decision of a licensing authority —

- (a) refusing to register him, to renew his registration or to transfer to him a registration held by another;
- (b) issuing him with a registration subject to a term which aggrieves him;
- (c) varying or refusing to vary his registration or a term of it; or
- (d) revoking his registration,

and the provisions of section 44(2) to (6) of the 1974 Act<sup>(a)</sup> (appeals in connection with licensing provisions) shall apply in respect of any such appeal.”.

(14) For regulation 20, substitute —

**“20.—**(1) A licence or registration may be transferred in writing by the licensing authority which issued the licence or registration to any other person who wishes to manufacture or store explosives in place of the licensee or the person who is registered and who applies to the licensing authority for the transfer.

(2) A licensing authority shall grant an application for a transfer of a licence or registration unless it is of the opinion that the applicant is not a fit person —

- (a) to store explosives, in the case of an application to transfer a registration or a licence to store explosives; or
- (b) to manufacture explosives, in the case of an application to transfer a licence to do so.

(3) Where a licensing authority is of an opinion referred to in sub-paragraph (a) or (b) of paragraph (2), it shall, subject to regulation 18, refuse the application to transfer the licence or registration, as the case may be.”.

(15) In regulation 21(1) —

- (a) for “terms”, substitute “conditions”;
- (b) for “or registration” where it first appears, substitute “or the terms of his registration”;
- (c) in sub-paragraph (a), for “28 days from”, substitute “a period of 60 days starting with the date of” and omit “or”; and
- (d) in sub-paragraph (b), at the end insert “; or

(c) the transfer of, or a refusal to transfer, a licence or registration.”.

(16) After regulation 25, insert —

### **“Information as to net mass of pyrotechnic articles**

**25A.** Where the manufacturer, importer or supplier of a pyrotechnic article specifies its net mass of explosive on the pyrotechnic article, its packaging or in a document accompanying the pyrotechnic article, he shall ensure, so far as is reasonably practicable, that the net mass of the explosive in that pyrotechnic article does not exceed the amount he so specifies on, as the case may be, the pyrotechnic article, the packaging or that document.”.

(17) Regulation 27(18) is revoked.

(18) In Schedule 1 —

- (a) in paragraph 1, in sub-paragraph (a)(iii), for “at a mine” substitute “on the surface at a mine, whether in a building or not,”; and

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<sup>(a)</sup> 1974 c.37; section 44 is amended by the Employment Protection Act 1975 (c. 71), sections 116 and 125(3), Schedule 15, paragraph 13 and Schedule 18 and by the Tribunals and Inquiries Act 1992 (c. 53), section 18(1) and Schedule 3, paragraph 9.

(b) in paragraph 3, after “manufacture” insert “explosives to which paragraph (1) of regulation 9 applies”.

(19) In Schedule 4 —

(a) for paragraph 2(g), substitute —

“(g) where separation distances are required by regulation 5 or a condition of the licence to be maintained around the store or the building where explosives are manufactured, a plan in a suitable scale sufficient to show those separation distances;” and

(b) in paragraph 4, omit “only” in both places where it appears.

### **The Control of Noise at Work Regulations 2005**

**5.** At the end of paragraph (4) of regulation 7 of the Control of Noise at Work Regulations 2005(a), add —

“and shall comply with any requirement of the Personal Protective Equipment Regulations 2002(b) which is applicable to them.”.

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(b) S.I. 2002/1144.

## SCHEDULE 2

Regulation 3(2)

### REVOCATIONS

<i>Title of instrument</i>	<i>Reference</i>
The Rotherham Main Mine (Employment Below Ground) Special Regulations 1957	S.I. 1957/331
The Newman Spinney Mine (Electricity) Special Regulations 1958	S.I. 1958/1168
The Loch Aline Mine (Diesel Vehicles) Special Regulations 1958	S.I. 1958/1678
The Sandwith Anhydrite Mine (Electricity) Special Regulations 1959	S.I. 1959/141
The Subwealden Mine (Diesel Vehicles) Special Regulations 1959	S.I. 1959/1011
The Middleton-by-Wirksworth Limestone Mine (Diesel Vehicles) Special Regulations 1959	S.I. 1959/1520
The Linby Mine (Refuge Holes) Special Regulations 1960	S.I. 1960/132
The Parsonage Mine (Refuge Holes) Special Regulations 1960	S.I. 1960/133
The Sandwith Anhydrite Mine (Explosives) Special Regulations 1960	S.I. 1960/718
The Billingham Mine (Explosives) Special Regulations 1960	S.I. 1960/724
The Riber Mine (Explosives) Special Regulations 1960	S.I. 1960/1118
The Woodside Nos. 2 & 3 Mine (Diesel Vehicles) Special Regulations 1960	S.I. 1960/1291
The Moorgreen (Waterloo) Mine (Diesel Vehicles) Special Regulations 1960	S.I. 1960/2347
The Bestwood Mine (Diesel Vehicles) Special Regulations 1961	S.I. 1961/241
The Bates Mine (Diesel Vehicles) Special Regulations 1961	S.I. 1961/1273
The Hartley Bank Mine (Diesel Vehicles) Special Regulations 1961	S.I. 1961/1973
The Sandwith Anhydrite Mine (Diesel Vehicles) Special Regulations 1961	S.I. 1961/2305
The Grimethorpe Mine (Diesel Vehicles) Special Regulations 1961	S.I. 1961/2444
The Lynemouth Mine (Diesel Vehicles and Storage Battery Vehicles) Special Regulations 1961	S.I. 1961/2445
The Dollar Nos. 4 and 5 Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/13
The Lingdale Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/49
The Golborne Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/617
The Usworth Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/719
The Lea Hall Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/735
The North Skelton Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/763
The Calverton Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/931
The New Stamphill Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1002
The Coppice Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1020

The Brightling Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962 1094
The Horden Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1096
The Sutton Manor Mine (Steam Boilers) Special Regulations 1962	S.I. 1962/1286
The Easington Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1676
The Boldon Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1729
The Harton Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1730
The Heworth Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1731
The Wardley Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1732
The Washington "F" Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/1733
The Rufford Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/2059
The Trelewis Drift Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/2114
The Wharnccliffe Woodmoor 4 and 5 Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/2193
The Seaham Mine (Diesel Vehicles) Special Regulations 1962	S.I. 1962/2512
The Denby Grange Mine (Refuge Holes) Special Regulations 1962	S.I. 1962/2578
The Bold Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/28
The Newstead Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/45
The Dawdon Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/118
The Lambton "D" Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/132
The Herrington Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/353
The Thoresby Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/825
The Mainsforth Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/889
The Cousland No. 2 Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1035
The Westoe Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1096
The Ledston Luck Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1117
The Nostell Mine (Refuge Holes) Special Regulations 1963	S.I. 1963/1137
The Hem Heath Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1197
The Abernant Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1335
The Skelpie Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1469
The Blaengwrach New Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1470
The Albion Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1536
The Markham Main Mine (Steam Boilers) Special Regulations 1963	S.I. 1963/1545
The Silverwood Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1618
The Fforchaman Mine (Diesel Vehicles) Special Regulations 1963	S.I. 1963/1778
The Merry Lees Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/239
The Harelawhill Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/378
The Marley Hill Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/379
The Prince of Wales Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/539

The Kellingley Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/567
The Ormonde Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/616
The Eden/South Medomsley Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/660
The Denby Hall Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/669
The Newbiggin Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/899
The Cwmgwili Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/1225
The Ryhope Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/1418
The Wearmouth Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/1476
The Pleasley Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/1614
The Huncoat Mine (Diesel Vehicles) Special Regulations 1964	S.I. 1964/1952
The Nailstone Mine (Precautions against Inrushes) Special Regulations 1964	S.I. 1964/1773
The Blackhall Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/41
The Langley Park Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/272
The Brandon Pit House Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/539
The South Crofty Mine (Locomotives) Special Regulations 1965	S.I. 1965/759
The Bevercotes Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/1194
The Fishburn Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/1430
The Stafford Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/1699
The Astley Green Mine (Steam Boilers) Special Regulations 1965	S.I. 1965/1915
The Trimdon Grange Mine (Diesel Vehicles) Special Regulations 1965	S.I. 1965/1997
The East Hetton Mine (Diesel Vehicles) Special Regulations 1966	S.I. 1966/141
The Dean and Chapter Nos. 1, 2 and 3 Mine (Diesel Vehicles) Special Regulations 1966	S.I. 1966/350
The Thorny Bank Mine (Diesel Vehicles) Special Regulations 1966	S.I. 1966/475
The Cairn Hill Mine (Refuge Holes) Special Regulations 1966	S.I. 1966/777
The Arley Mine (Diesel Vehicles) Special Regulations 1966	S.I. 1966/979
The Sallet Hole Mine (Storage Battery Locomotives) Special Regulations 1966	S.I. 1966/1325
The Ellington Mine (Diesel Vehicles and Storage Battery Vehicles) Special Regulations 1967	S.I. 1967/956
The Haig Mine (Diesel Vehicles) Special Regulations 1967	S.I. 1967/1291
The Glebe Mine (Locomotives and Diesel Vehicles) Special Regulations 1967	S.I. 1967/1335
The Groverake Mine (Storage Battery Locomotives) Special Regulations 1967	S.I. 1967/1545
The Fauld Mine (Diesel Vehicles) Special Regulations 1968	S.I. 1968/1295
The Brenkley Mine (Endless Rope Haulage) Special Regulations 1969	S.I. 1969/559
The Bagworth Mine (Pass-Byes) (Revocation) Special Regulations	S.I. 1969/727

1969

The Lynemouth Mine (Cable Reel Shuttle Cars) Special Regulations 1969	S.I. 1969/799
The Ellington Mine (Cable Reel Shuttle Cars) Special Regulations 1969	S.I. 1969/800
The Prince of Wales Mine (Captive Rail Diesel Locomotives) Special Regulations 1969	S.I. 1969/1377
The Whiteheaps Mine (Storage Battery Locomotives) Special Regulations 1969	S.I. 1969/1592
The Blackdene Mine (Storage Battery Locomotives) Special Regulations 1969	S.I. 1969/1876
The Bullcliffe Wood Mine (Suspended Chair Haulage Apparatus) Special Regulations 1970	S.I. 1970/36
The Aberpergwm Mine (Diesel Vehicles) Special Regulations 1970	S.I. 1970/613
The Blidworth Mine (Man-riding) (Revocation) Special Regulations 1970	S.I. 1970/1122
The New Stubbin Mine (Diesel Vehicles) (Revocation) Special Regulations 1970	S.I. 1970/1174
The Creswell Mine (Winding and Haulage) Special Regulations 1970	S.I. 1970/1230
The Maltby Main Mine (Methane Gas-Fired Steam Boilers) Special Regulations 1970	S.I. 1970/1428
The West Cannock No. 5 Mine (Diesel Vehicles) Special Regulations 1971	S.I. 1971/28
The Winsford Rock Salt Mine (Diesel Vehicles and Storage Battery Vehicles) Special Regulations 1971	S.I. 1971/50
The Lynemouth Mine (Cable Reel Shuttle Cars) (Amendment) Special Regulations 1971	S.I. 1971/111
The Ellington Mine (Cable Reel Shuttle Cars) (Amendment) Special Regulations 1971	S.I. 1971/139
The Silverwood Mine (Methane Gas-Fired Steam Boilers) Special Regulations 1971	S.I. 1971/1325
The Ashington Mine (Endless Rope Haulage) Special Regulations 1971	S.I. 1971/1578
The Littleton Mine (Refuge Holes) Special Regulations 1971	S.I. 1971/1703
The Riddings Drift Mine (Rope Hauled Sledge) Special Regulations 1971	S.I. 1971/1704
The Cotgrave Mine (Electric Lighting for Cinematography) Special Regulations 1972	S.I. 1972/371
The Marblaegis Mine (Diesel Vehicles) Special Regulations 1972	S.I. 1972/984
The Hatfield/Thorne Mine (Chain Haulage) Special Regulations 1972	S.I. 1972/1163
The Easington Mine (Man-riding) (Revocation) Special Regulations 1972	S.I. 1972/1179
The Savile Mine (Rope Hauled Sledge) Special Regulations 1972	S.I. 1972/1180
The Creswell Mine (Light Water Container Barrier) Special Regulations 1972	S.I. 1972/1351
The Vane Tempest Mine (Diesel Vehicles) (Revocation) Special	S.I. 1972/1364

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The Vane Tempest Mine (Endless Rope Haulage) Special Regulations 1972	S.I. 1972/1357
The Ledston Luck Mine (Rope Hauled Sledge) Special Regulations 1972	S.I. 1972/1389
The Hucknall Mine (Endless Rope Haulage) Special Regulations 1972	S.I. 1972/1630
The Glass Houghton Mine (Rope Hauled Sledge) Special Regulations 1972	S.I. 1972/1831
The Bentinck Mine (Endless Rope Haulage) Special Regulations 1972	S.I. 1972/1952
The Newstead Mine (Endless Rope Haulage) Special Regulations 1972	S.I. 1972/2036
The Longriggs Mine (Diesel Vehicles) Special Regulations 1973	S.I. 1973/371
The Nostell Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/737
The Pye Hill Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/917
The Savile Mine (Diesel Vehicles) Special Regulations 1973	S.I. 1973/940
The Calverton Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1003
The Cadley Hill Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1005
The Annesley Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1041
The Whitwick Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1042
The Cotgrave Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1043
The Linby Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1044
The Gedling Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1073
The Babbington Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1074
The Ash Grove No. 1 Mine (Diesel Vehicles) Special Regulations 1973	S.I. 1973/1206
The Creswell Mine (Light Water Container Barrier) Special Regulations 1973	S.I. 1973/1339
The Bagworth Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1499
The Rawdon Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1524
The Moorgreen Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1633
The Bates Mine (Endless Rope Haulage) Special Regulations 1973	S.I. 1973/1689
The Elsecar Main Mine (Diesel Vehicles) Special Regulations 1974	S.I. 1974/710
The Cynheidre/Pentremawr (Escape Breathing Apparatus) Special Regulations 1974	S.I. 1974/1101
The Bilsthorpe Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/1176
The Rixey Park Mine (Storage Battery Locomotives) Special Regulations 1974	S.I. 1974/1866
The Collins Green Mine (Employment Below Ground) Special Regulations 1974	S.I. 1974/1917
The Desford Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/1963

The Silverdale Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2049
The Whitwick Mine (Diesel Vehicles) Special Regulations 1974	S.I. 1974/2112
The Markham Main Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2198
The Frickley/South Elmsall Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2199
The Ellistown Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2200
The Hatfield/Thorne Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2201
The Santon Main Mine (Diesel Vehicles) Special Regulations 1974	S.I. 1974/2217
The Askern Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2218
The Kellingley Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2219
The Measham Mine (Endless Rope Haulage) Special Regulations 1974	S.I. 1974/2220
The Kiveton Park (Diesel Vehicles) Special Regulations 1974	S.I. 1974/2224
The Shilbottle Mine (Endless Rope Haulage) Special Regulations 1975	S.I. 1975/1078
The Baddesley Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/27
The Birch Coppice Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/28
The High Moor Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/43
The Warsop Main Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/44
The Snibston Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/82
The Monktonhall Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/479
The Snibston Mine (Diesel Vehicles) Special Regulations 1976	S.I. 1976/480
The Bogside Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/482
The Polkemmet Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/483
The Arkwright Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/484
The Bolsolver Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/485
The Shirebrook Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/486
The Westthorpe Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/487
The Daw Mill Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/556
The Whitwell Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/967
The Seafield Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/1445
The Solsgirth Nos. 1 & 2 Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/1607
The Killoch Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/1608
The Bilston Glen Mine (Endless Rope Haulage) Special Regulations	S.I. 1976/1609

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The New Hucknall Mine (Endless Rope Haulage) Special Regulations 1976	S.I. 1976/1610
The Cardowan Mine (Endless Rope Haulage) Regulations 1976	S.I. 1976/1612
The Yorkshire Main Mine (Endless Rope Haulage) Regulations 1976	S.I. 1976/1654
The Frances Mine (Endless Rope Haulage) Regulations 1976	S.I. 1976/1655
The High Moor Mine (Diesel Vehicles) Regulations 1976	S.I. 1976/1733
The Markham Mine (Diesel Vehicles) Regulations 1976	S.I. 1976/1734
The Blackdene Mine (Storage Battery Locomotives) Special Regulations 1976	S.I. 1976/1827
The Bentinck Mine (Diesel Engined Stone Dusting Machine) Regulations 1976	S.I. 1976/2046
The High Moor Mine (Cable Reel Shuttle Cars) Regulations 1976	S.I. 1976/2052
The Bentley Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/203
The Murton Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/225
The Donisthorpe Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/243
The Rossington Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/483
The Goldthorpe/Highgate Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/658
The Ireland Mine (Diesel Vehicles) Regulations 1977	S.I. 1977/735
The Dinnington Main Mine (Revocation of Special Regulations) Regulations 1977	S.I. 1977/737
The Blaenserchan Mine (Diesel Vehicles) Regulations 1977	S.I. 1977/917
The Parsonage Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/1593
The Hapton Valley Mine (Diesel Vehicles) Regulations 1977	S.I. 1977/1696
The Treeton Mine (Refuge Holes) Special Regulations 1977	S.I. 1977/1758
The Golborne Mine (Endless Rope Haulage) Regulations 1977	S.I. 1977/1855
The Cynheidre/Pentremawr Mine (Escape Breathing Apparatus) (Amendment) Regulations 1977	S.I. 1977/2036
The Cwmgwili Mine (Escape Breathing Apparatus) Regulations 1977	S.I. 1977/2106
The Gascoigne Wood Mine (Refuge Holes) Regulations 1978	S.I. 1978/33
The Thoresby Mine (Cable Reel Load-Haul-Dump Vehicles) Regulations 1978	S.I. 1978/119
The Sallet Hole Nos. 1 & 2 Mines (Diesel Vehicles) Regulations 1978	S.I. 1978/761
The Trelewis Drift Mine (Diesel Vehicles) Regulations 1978	S.I. 1978/1376
The High Moor Mine (Cable Reel Load-Haul-Dump Vehicles) Regulations 1979	S.I. 1979/1293
The Boulby Mine (Diesel Vehicles) Regulations 1979	S.I. 1979/1532
The Whitwell Mine (Teleplatform Haulage and Refuge Holes) Regulations 1979	S.I. 1979/1769
The Sallet Hole No. 2 Mine (Storage Battery Locomotives) Special	S.I. 1980/1203

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The Harworth Mine (Cable Reel Load-Haul-Dump Vehicles) Regulations 1980	S.I. 1980/1474
The Point of Ayr Mine (Diesel Vehicles) Regulations 1980	S.I. 1980/1705
The Glebe Mine (Locomotives and Diesel Vehicles) Special Regulations 1981	S.I. 1981/1502
The Mines (Endless Rope Haulage) Regulations 1983	S.I. 1983/711
The Point of Ayr and Cadley Hill Mines (Drift) Regulations 1983	S.I. 1983/712
The Houghton Main Mine (Steam Boilers) Regulations 1983	S.I. 1983/1360
The Kellingley Mine (Steam Boilers) Regulations 1985	S.I. 1985/1162
The Gascoigne Wood Mine (Refuge Platforms) Regulations 1985	S.I. 1985/1262

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

1. These Regulations amend the health and safety regulations referred to below. They also revoke a number of old local regulations concerning mines.

2. In addition to making minor and drafting amendments, the Regulations make the following changes of substance.

3. The period of validity of an explosive certificate under the Control of Explosives Regulations 1991 (S.I. 1991/1531) is now extended to five years from three. The definition of chief officer of police is changed so that it is linked to statutory provisions and the power to delegate the chief officer of police's functions under those Regulations is now provided for in a separate provision. Certain model rocket motors are added to the list of explosives in Schedule 1 to those Regulations, which relates to exceptions to the Regulations (regulation 1).

4. The Health and Safety (Enforcing Authority) Regulations 1998 (S.I. 1998/494) are amended so that the Health and Safety Executive ("the Executive") is the enforcing authority for the storage of ammonium nitrate blasting intermediate. The amendments also make the Executive the enforcing authority for section 25 of the Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082) at sites in relation to which it has granted a person a licence to manufacture or store explosives or registered a person for such storage (regulation 2).

5. The amendment to the Genetically Modified Organisms (Contained Use) Regulations 2000 (S.I. 2000/2831) reflects a change of address for where the copies are to be maintained of the register as regards Great Britain of notifications of activities involving genetic modification of micro-organisms. The copies are now to be maintained at the offices of the Executive at Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS (regulation 3).

6. The amendments to the Manufacture and Storage of Explosives Regulations 2005 (S.I.2005/1082) ("the 2005 Regulations") include the following. The period for which a registration may be granted by the Executive, or a chief officer of police, is extended to five years; but if the applicant has an explosive certificate, the period is to be up to the expiry date of that certificate. The requirements of regulation 13 of the 2005 Regulations for local authority assent to a licence application are now disapplied in certain cases. These are limited to a few cases where "deemed licences" within the meaning of the 2005 Regulations were held. In those cases, the requirements of regulation 5(1) of the 2005 Regulations on separation distances are also disapplied. Regulation 16 of the 2005 Regulations is amended so that a licensing authority may vary a registration which has been granted. Regulation 20 of the 2005 Regulations now provides that a transfer of a licence or a registration is to be refused if the licensing authority is of the

opinion that the applicant is not a fit person to store or manufacture explosives, as the case may be (regulation 4).

**7.** The amendment in Schedule 1 to the Control of Noise at Work Regulations 2005 is for fully implementing Article 6(1) of Directive 2003/10/EC (OJ No. L42, 15.2.2003, p.38) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (regulation 5).

**8.** The revocations in Schedule 2 concern local regulations governing mines which have either been closed permanently or where the mechanical systems which were once used in them, and which the local regulations concern, are no longer used.