Guide to Explosives Legislation In Ireland

Issued by the Office of the Government Inspector of Explosives
GD 6/2010

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Status: This document is an aide-memoire. It should not be taken or quoted as an authority for action. It is not a legal interpretation of, or substitution for, the legislation, and is non-exhaustive. The guidance may be amended or updated from time to time without notice.
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**Sources of Additional Information:**

| Guidance Documents and Forms | Guidance Documents relating to the import, storage, manufacture and transport of explosives are available at: http://www.justice.ie and on request from the Department. Application forms are available at http://www.justice.ie |
| Workplace Law | Information from Health & Safety Authority at; http://www.hsa.ie |

**Note**

Explosives legislation is complex and is derived from many sources, including Acts (including primary legislation which dates from 1875), Orders in Council (OCs), Orders of Secretary of State (OSS), Statutory Instruments (SIs) and related legislation from several Government Departments and EU Directives, Decisions and Regulations. This guidance document will be reviewed and updated from time to time. It should also be noted that explosives legislation is currently under review and a consolidated set of modern explosives legislation is planned for the near future.
1) **Primary Legislation**
   a) **Explosives Act, 1875** (as amended by the Criminal Justice Act 2006)
      The Primary Act dealing with Explosives is the Explosives Act, 1875 whose objective is “to control the manufacture, keeping, sale, conveyance and importation of explosives for legitimate purposes”.

   b) **Explosive Substances Act, 1883**
      The Explosive Substances Act, 1883 is intended “to enable the law to deal more effectively with the criminal use of explosives for injuring persons or property”, and deals with causing explosions, making or possession of explosive under suspicious circumstances, search, seizure etc.

   c) **Explosives Act, 1923**
      This Act amends the Explosives Act, 1875, and includes precautions to be taken by occupiers and age restrictions on employees in explosives sites.

   d) **Dangerous Substances Act, 1972**
      The Dangerous Substances Act, 1972, deals with Explosives, Petroleum and other dangerous substances. The explosives section deals with import, keeping, sale, purchase, certificates, manufacture, marking, records and fireworks. However, the commencement order for that part dealing with explosives was never signed, so the explosives part never came into primary legislation.

   e) **Carriage of Dangerous Goods by Road Act 1998 (No 43 of 1998)**
      This Act allows Ireland to be a contracting party to the ADR (ADR is the name given to the European Agreement concerning the International Carriage of Dangerous Goods by Road) and enables effect to be given to the ADR Framework Directive and Checks Directive.

   f) **Criminal Justice Act 2006 (No 26 of 2006)**
      This Act, *inter alia*, amends the Explosives Act 1875 in the following areas:
      Section 68 substitutes Section 80 of the Explosives Act, with new offences, penalties and Garda powers relating to misuse and possession of fireworks.
      Section 69 (and Schedule 2) increases the penalties awardable in the 1875 Act.

2) **Secondary Legislation**
   A non-exhaustive list of current secondary legislation relating to explosives is included at Annex 1.

3) **EU Legislation**
   A non-exhaustive list of current EU legislation relating to explosives is included at Annex 2.
4) Manufacture of Explosives

The Explosives Act, 1875 (EA) states that explosives are to be manufactured only at a factory lawfully existing or licensed under this Act (EA Section 4). Certain processes are also deemed to be manufacture (EA Section 105).

a) Licensing of Explosives Factories or Magazines

The licensing of explosive factories/magazines is regulated under sections 6, 7 and 8 of the Explosives Act 1875. The following steps apply to any application to manufacture explosives at a factory:

- Section 6: Application (see form on DJE website).
- Section 7: Local authority assent.
- Section 8: Grant & confirmation of licence.
- Section 9: Regulation.
- Section 10: General Rules
- Section 11: Special rules.

Note that this is a completely independent and separate legislation and process from the planning procedure, and involves the following steps:

i) Application for license. (See Section 6 of the Act). The applicant submits a draft license to the Minister, (in practice the applicant consults the GIE and the application is examined and modified where necessary) and the completed draft licence should contain the following elements:

- details of the site,
- distances to be maintained,
- construction details,
- processes and quantities of explosive in each location in the factory,
- location and explosive limit for each magazine,
- man limits and
- special terms or conditions.

ii) Approval and Issue of draft licence. If approved by the Minister, the draft licence is then issued to the applicant with permission to apply to the local authority for their assent to the establishment of the factory/magazine on the proposed site.

iii) Application for assent. (See Section 7 of the Act). When application for assent is made, the local authority starts a process which involves the following steps:

Publication of notice of time and place of a hearing for the application, together with any objectors. The notice will include details of where and when the draft licence may be inspected by persons interested. The local authority fixes the time and place for the hearing (normally a month after publication of notice).

iv) Grant and confirmation of licence (See Section 8 of the Act). The local authority on hearing the applicant and objectors can assent absolutely, or assent with conditions, or dissent. After considering the decision of local authority and any appeal by the applicant, the Minister may, (if the local
authority dissents), refuse the licence, or may modify the licence to meet the reasons stated by the local authority. The licence is not finally confirmed until the factory/magazine is sufficiently completed to justify the use.

b) **On Site Manufacture of Explosives** The on-site manufacture of emulsion explosives at mines and quarries is also subject to a site specific licence for each location as described below under S.I. no 365 of 1997

c) **Relevant Secondary Legislation**

i) **S.I. No 365 of 1997 Ammonium Nitrate Mixtures Exemption Order, 1997** states that AN mixtures are exempt from the manufacture provisions of the EA, provided the person manufacturing the explosive holds a licence issued by the Minister. This applies to ANE pump truck operations in quarries and mines. The licences are site specific and issued to the manufacturer and not the quarry, (although they are sometimes colloquially known as “quarry licenses”.) Note that these licenses are licenses to manufacture explosive substances only and not blasting licences.

ii) **S.I. No 115 of 1995 European Communities (Placing on the Market and Supervision of Explosives for Civil Uses)** which gives effect to Commission Directive 93/15/EEC and requires that when a licence for manufacture is issued that the licensee be capable of complying with the technical commitments they assume. (Note this will be replaced in 20 Apr 2016 when the recast Directive 2014/28/EU is transposed.)

iii) **S.I. No 133 of 2009 as amended by S.I. 106 of 2012 European Communities (System for the identification and traceability of explosives for civil uses) Regulations.** These Regulations give effect to Commission Directives 2008/48/EC and 2012/4/EU setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses. The aim of the Directives is to strengthen the control of explosives for civil uses by requiring manufacturers of explosives to place a unique identification on each explosive article, thus helping to combat terrorism. These Regulations, with the exception of regulations 4(4), 7, 8, and 9 relating to data collection, came into effect on 5th April 2013. The remaining regulations come into effect on 5th April 2015
5) **Keeping and Storage of Explosives**

The **Explosives Act, 1875** states that, (with certain exceptions for private use and not for resale, see below), explosives shall not be kept at any place except as follows (EA Section 5):

- Licensed factory or Magazine
- Store (licensed by the local authority)
- Premises registered for keeping explosive

There are three general modes of storage of explosives catered for in the legislation:

a) **Magazine Licence**

**Sections 6-14 of the Explosives Act 1875** deal with application, local authority assent, grant of licence, regulation, general & special rules and devolution of licence. (Note that the procedure is identical to that described above for a factory licence).

Any person may apply for a magazine licence, however the procedure requires local authority assent, which also include a public assent hearing. (Application Form on DJE website).

The local authority may dissent all-together or may assent with conditions. In theory there is no upper explosives limit, although in practice, explosives limits are curtailed by available safety/separation distances, (internal safety distances between facilities within the site and external safety distances between the site and public roads, housing and other vulnerable features).

A Government Inspector of Explosives (GIE) should be consulted regarding the appropriate separation distances to be maintained.

**Relevant Secondary Legislation**

**S.I. No 450 of 1994 Classification and Labelling of Explosives Order, 1994** deals with the requirement that all UN Class 1 explosives which are conveyed or kept (other than certain exemptions) must be labelled in accordance the package/article requirements in the order. (See also S.I. No 133 of 2009 as amended by S.I. 106 of 2012 on identification and labelling).

b) **Local Authority Stores**

i) **Section 15-20 of Explosives Act and the Stores for Explosives Order 2007 - S.I. No. 804 of 2007** (Note this Order replaced Stores for Explosives Order 1955 – S.I. No 42 of 1955) deal with licensing and regulation of stores by the local authority. Any person may apply for a licence with the local authority and the application fee is fixed by the local authority within the limit set in the Act. The Application Form and Order is available on DJE website [www.justice.ie](http://www.justice.ie).
ii) The local authority shall not grant the licence unless satisfied that the fire officer and a Garda have inspected the store and confirmed that it meets their requirements. Prior to the granting of a licence, the applicant must ensure that a risk assessment on possible fire and explosion hazards is carried out and that the store is at all times operated under the supervision of a competent person. The licence may be granted for a period of up to 5 years. Construction requirements for the store are also detailed in the Order. Additional guidance on Fire Safety aspects of local authority stores is available from Department of Environment, the local authority, or from the DJE website.

iii) In this Order, for the purposes of storage, explosives are divided into four hazard types and the maximum quantity of explosives (of any hazard type) permitted to be stored in a local authority store is 2,000Kgs. The explosive limit is determined by the available separation distances. Comprehensive tables showing the separation distances required to be kept between a store and any other infrastructure for each hazard type and quantity of explosives are contained in Schedule 4 to the S.I. There are some exemptions from separation distances for the storage of small arms ammunition provided for in the S.I, once certain conditions are met. Controlled substances, (including ammonium nitrate, sodium chlorate, nitrobenzene, potassium nitrate, sodium nitrate and emulsion matrix) up to a maximum quantity of 50,000Kgs, may also be stored in a local authority store subject to certain conditions.

c) Registered Premises

i) Sections 21-29 of Explosives Act 1875 (and Appendix F of Guide to Act) deal with registration of premises for storage of explosives with the local authority and the regulation of the premises. Any person can apply to the local authority and if the fee\(^1\) is paid (equivalent to one shilling) and if the general rules are observed, then the local authority registers the premises to permit the storage (Application Form on DJE website). The registration must be renewed annually. There are two modes of storage, each with different limits and sub-divided into three Groups:

- **Mode A**: A substantial building (constructed of brick, iron, stone or concrete or an excavation in solid rock) or a securely constructed fireproof safe detached from a dwelling at a safe distance from a street or public place. General limit = 90.72 kg (200lbs) mixed explosives.
- **Mode B**: A substantial receptacle or safe inside a dwelling house or public room. General limit = 22.68kg (50lbs) or double this if kept in a fireproof safe.

\(^1\) Note the fee mentioned in the Act for registration or renewal is: “not exceeding one shilling, as may be fixed by that authority”
registered premises
mixed explosives
explosive limits

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<tr>
<th>Mode A</th>
<th>Gp 1 G.P. or shooters powder and SAA</th>
<th>Gp 2 Fireworks and SAA</th>
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<td></td>
<td>200lbs (90.72kg) + 500lbs SAA (NEC)</td>
<td>200lbs (Gross Wt) + 500lbs SAA (NEC)</td>
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<td>Mode B</td>
<td>50lbs (22.68kg) + 500lbs SAA (NEC)</td>
<td>50lbs (Gross Wt) + 500lbs SAA (NEC)</td>
<td>15lbs + 500lbs SAA (NEC)</td>
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SAA = Small arms ammunition, which includes shotgun, pistol and rifle ammunition.

NEC = Net Explosive Content, i.e. the weight of propellant powder or explosive not including the weight of ctge/case/packaging etc.

SAA powder weight is usually given in grains, 1lb = 7,000 grains of powder, 500lbs = 106,000 x 30 grain ctges, 41,000 x 85 grain ctges, or 83,000 x 42 grain ctges.

d) **Keeping of Explosives for private use and not for sale**

Order in Council No 12 provides for a person to apply for a Garda Certificate that he is a fit person, to keep for private use, up to 10 lbs of an authorised explosive, for any industrial, agricultural, sporting or other special purpose, (as specified on the certificate). The certificate is valid for up to one year from date of issue.

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2 This certificate is known in the Garda Siochana as a “C49” form.
6) **Sale of Explosives**

The sale of explosives is dealt with in **EA Section 30-32:**

- Section 30 restricts sale in public places
- Section 31 makes it an offence to sell to a child under 13 years
- Section 32 requires sales to be in closed labelled packages.

(See also sale of pyrotechnics including fireworks on page 14 and sale of Deemed Explosives (page 16))

**Relevant Secondary Legislation**

a) **S.I. 115 of 1995 European Communities (Placing on the Market and Supervision of Explosives for Civil Uses)** (which transposes Council Directive 93/15/EEC), requires that no person shall place explosives (except pyrotechnic articles etc), on the market unless:

i) The explosives satisfy the essential safety requirements in the Directive

ii) Conformity of explosives to requirements has been attested, in accordance with EC Type examination, Module B, together with:

• Type conformity, Module C, or
• Production quality assurance, Module D, or
• Product quality assurance, Module E, or
• Product verification, Module F or
• Unit verification, Module G.

iii) The CE mark has been affixed,

iv) The explosives are properly marked

b) **S.I. No 133 of 2009 as amended by S.I. 106 of 2012 European Communities (System for the identification and traceability of explosives for civil uses) Regulations, 2009.** These Regulations give effect to Commission Directives 2008/48/EC and 2012/4/EU setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses. The aim of the Directives is to strengthen the control of explosives for civil uses, thus helping to combat terrorism.

The Regulations require the unique labelling of explosives in accordance with the schedule to the regulations. Manufacturers, traders and users of explosives are also required to tighten record keeping and stock management. This should allow the identification and traceability of an explosive from its production site and its first placing on the market until its final user and use, thereby assisting in the prevention of theft and ensuring that any thefts or losses are quickly detected.

The Regulations also amend the European Communities (Placing on the Market and Supervision of Explosives for Civil Uses) Regulations 1995 (S.I. No. 115 of 1995). Penal sanctions for those who contravene the 1995 to 2012 Regulations are prescribed.
These Regulations, with the exception of regulations 4(4), 7, 8, and 9 relating to data collection, came into effect on 5th April 2013. The remaining regulations come into effect on 5th April 2015

7) Sale of Deemed Explosives  (See page 17)

8) Conveyance/Transport of Explosives

a) By Road
   Carriage of Dangerous Goods by Road Act 1998 (No 43 of 1998) and associated Regulations
   This Act allows Ireland to be a contracting party to the ADR and enables effect to be given to the ADR Framework Directive and Checks Directive.

   Relevant Secondary Legislation
   i) European Communities (Carriage of Dangerous Goods By Road and Use of Transportable Pressure Equipment) Regulations. Currently: S.I. No 349 of 2011 as amended by S.I. No 238 of 2013)

   The Regulations are updated every two years in line with the ADR with certain derogations for national transport, as provided for in separate regulations made under the European Communities Act, 1972.

   These Regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, including the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. They apply the provisions of the Annexes A and B to the "European Agreement Concerning the International Carriage of Dangerous Goods by Road" (ADR)

   The Regulations place duties on the various participants associated with the carriage of the dangerous goods. They contain requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their carriage. The Regulations require that the drivers, and others involved in the carriage of the dangerous goods by road, be adequately trained and, in the case of drivers, hold certificates of such training. The Regulations also contain provisions on an EC harmonised approach to the road checks aspect of their enforcement.

   These regulations give the power to inspectors appointed by the Competent Authority to carry out spot checks on vehicles and premises. This is a requirement of the ADR and is contained in provisions in Chapter 1.8.1 of the ADR.

   ii) S.I. 115 of 1995 European Communities (Placing on the Market and Supervision of Explosives for Civil Uses) requires that no explosives may be transferred within the State (whether export, import or internal transfer) except under authority of a Recipient Competent Authority Document, (RCAD Forms used are TD1/TD 2. Internal transfers within
iii) S.I. No 251 of 1995 Conveyance of Explosives (Amendment) Byelaws, 1995 require that vehicle engine not be run while doors are open, loading/unloading or refuelling except where vehicle is equipped with an engine powered lifting mechanism and protected exhaust.

iv) S.I. No 450 of 1994 Classification and Labelling of Explosives Order, 1994, deals with the requirement that all UN Class 1 explosives which are conveyed must be labelled in accordance the package/article requirements in the order

b) **By Rail**
   S. I. No. 651 of 2010: European Communities (Transport of Dangerous Goods by Rail) Regulations 2010 applies the requirements of RID to carriage by rail in this State.

c) **By Sea**

d) **By Air**

e) **By Inland Waterway**
   European Provisions Concerning the International Carriage of Dangerous Goods by Inland Waterways.
9) **Importation/Export of Explosives**

a) **Importation**

Section 40.9 of the EA provides for the granting of an importation licence from the Minister for any explosive, and may include any conditions and restrictions as he sees fit for the protection of the public from danger.

**Relevant Secondary Legislation**

i) **S.I. 115 of 1995 European Communities (Placing on the Market and Supervision of Explosives for Civil Uses)** requires that no explosives may be transferred (by way of import), unless the consignee applies (Application Form is called a TD 3), to the recipient competent authority (The Minister) for approval of the transfer. Approval shall be by means of a recipient competent authority document (TD 4).

ii) **S.I. No. 449 of 1994 (Import of Explosives Order)** applies to all explosives except pyrotechnic articles, deemed explosives, and lifesaving devices in vehicles. It requires that no person shall import into the state any explosive unless

- the explosive is classified for transport in accordance with the UN Scheme of classification (as set out in the 8th revised edition (or later) of the Recommendations prepared by the UN Committee of Experts on the Transport of Dangerous Goods), and,
- It conforms in composition, character and quality to the description in a cert of authorisation issued by the appropriate authority in the country of manufacture and which specifies the use or application for which the explosives is to be placed on the market, and,
- It has such security markings as may be directed by the Garda Siocháná.

iii) **S.I. No 362 of 1993 European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations, 1993** gives effect to Council Directives 9/77/EEC on transfers of ammunition and provide for European Firearms Pass and procedures for transfer of ammunitions and records to be kept by firearms dealers.

b) **Exportation**

**Relevant Secondary Legislation**

i) **S.I No 405 of 1983 Control of Exports Order, 1983** and **S.I. No 884 of 2005 Control of Exports Order, 2005** require that listed goods (including explosives and pyrotechnics) can only be exported under licence (Note this licence is issued by the Minister for Jobs Enterprise and innovation and not Justice)

ii) **S.I. 115 of 1995 European Communities (Placing on the Market and Supervision of Explosives for Civil Uses)** requires that no explosives may be transferred (by way of export), unless the consignor provides the
10) Pyrotechnics/ Fireworks

Note that the general requirements for explosives throughout this document also apply to pyrotechnics. This Section details specific additional requirements for pyrotechnics, which include fireworks.

a) Explosives Act 1875

Fireworks are defined as explosives under the Act (Section 3, O.C. 1(a)). Fireworks are specifically mentioned in the Act as follows:

- Casting, firing or throwing in highway.. (Section 80, amended as below)*
- Importation licence required for.. (O.C. 10 (a)).
- Keeping of ..(Sections 5, 40, O.C.s 6, 12, 16, 16(a), 16(b)).
- Manufacture of .. (Sections 48, 49, O.C. 4)
- Packing of.. (O.S.S 7 (15)
- Admixtures prohibited .. (O.C. 19)
- Police Certificate not required for keeping of .. (O.C. 6A, 12, 16)
- Sale of .. Sections 30, 31, 40 (4), O.C. 9)
- Shop Goods .. (O.C. 16A).
- Admixtures prohibited… (Section 3 (b))
- Duty of local authority and police (re Sec 80 above), (Appx K, 15)


Amends Explosives Act 1875, Sec 80, regarding fireworks offences* (Section 68) and increases in penalties (Section 69 and Schedule 2). New offences for unlicensed fireworks include any person who:

- Ignites a firework
- Throws, directs or propels an ignited firework at person or property
- Possesses with intent to sell or supply.
- Gardai are given powers to request names, search without warrant persons, vehicles, vessels, aircraft, seize and detain and arrest without warrant. New penalties: on summary conviction - fine Euro 2,500 or 6 months imprisonment or both, on indictment – Euro10,000 or 5 years or both.

Relevant Secondary Legislation

c) S.I. No 1 of 2010 as amended by S.I. 416 of 2010 and S.I. No 373 of 2013 - (EUROPEAN COMMUNITIES (PLACING ON THE MARKET OF PYROTECHNIC ARTICLES) Regulations, 2010


The Regulations restrict the sale, possession and use of the more hazardous categories of pyrotechnic articles, including fireworks, but allows for the sale to the general public of the least hazardous category of pyrotechnic articles (category 1 fireworks and category P1 pyrotechnics). The Regulations also set age limits for the sale of pyrotechnic articles.
The Regulations outline the obligations of the manufacturer, importer and distributor when placing pyrotechnic articles on the market and prohibit any person from placing any pyrotechnic article on the market unless they satisfy essential safety requirements, have been subject to conformity assessment procedure and have had the CE marking affixed to them.

The Regulations also makes provision for the appointment of authorised officers and of Notified Bodies.

The Regulations came into effect on 4 July 2013. However they provide transitional arrangements which permit

- A category 1, 2, or 3 firework which was legal to import or manufacture prior to the implementation of the Directive on 4 July 2010 and which is not in compliance with the Directive to continue to be placed on the market until 3 July 2017
- A pyrotechnic article (other than a category 1, 2 or 3 firework) which was legal to import or manufacture prior to the implementation of the Directive on 4 July 2013 and which is not in compliance with the Directive to continue to be placed on the market until 3 July 2017
- Transitional arrangements also apply to the labelling of all pyrotechnic articles with the exception of pyrotechnic articles for vehicles
- The 2013 amendment give effect to Art 47(2) of Directive 2013/29/EU (recast) on the withdrawal of certain articles which may not have conformed to the new Essential Safety Requirements of the Directive.

d) S.I No 129 of 1984: Keeping of Fireworks Order, 1984
This order restricts amounts of fireworks that may be kept in Registered Premises and in rooms where fireworks are sold to the public. (Amends O.C. 16, 16(a), and 16(b)).

e) S.I. No 450 of 1994 Classification and Labelling of Explosives Order 1994:
This Order allows the Minister to classify explosives, including fireworks, and sets outs labelling requirements which they must comply with whenever they are conveyed or kept

This order regulates the storage of explosives according to hazard type and quantity stored. Fireworks can be either hazard type 1, 2, 3 or 4, as determined by an inspector.

g) Local Authorities - Department of the Environment and Local Government - Planning and Development regulations
The provisions of the Part XVI of the Planning and Development Act, 2000 and related Regulations (S.I. 600 of 2001) require the organisers of certain types of large scale outdoor events, including fireworks displays, to obtain a licence from the local authority. The Regulation listed provides that a licence will be required
to hold such an outdoor event where the audience comprises 5,000 or more people.

h) **Carriage of Dangerous Goods by Road Act 1998 and Associated Regulations** (Transport, packing, labeling of pyrotechnics)

i) **Safety Health & Welfare at Work Act, 2005 and Associated Regulations (General Application) Regulations, 2007 (S.I. No 299 of 2007).** (H&S aspects and responsibilities in the workplace)

j) **Fire Services Act, 1981. and Associated Regulations** (General powers and input from Fire Services relating to fire risks)

k) **EU Pyrotechnic Legislation**

   See Irish transposition as S.I. No 1 of 2010 as amended by S.I. 416 of 2010 above.

   (See partial transposition mentioned as S.I No 373 of 2013 in 10.c) above). The remainder must be transposed and applies from 01 July 2015. The recast Directives include additional market surveillance obligations, and also update conformity assessment requirements and harmonise terms across a group of 9 Directives.

   This new Directive requires articles to be labelled with:
   - a numbering system which identifies the notified body which issued the relevant CE cert
   - the category of pyrotechnical article
   - the processing number used by the notified body for the article.

   This Directive is to be transposed by 30 April 2015, and applies from 17 Oct 2016

iv) **European Standards**
   CEN, the European Committee for Standardisation, have developed harmonised standards for almost all pyrotechnics (not all other pyrotechnic articles standards completed) which fall within the scope of the Directive, including fireworks. These standards define categories of use and also specify construction, performance, packaging, labelling and test methods.
for fireworks. The Directive gives legal status to the standards as EU harmonised standards and only pyrotechnics, including fireworks, which meet the standards and the essential safety requirements in the regulation, may be placed on the market within the EU. The relevant standards are:

- Category 1, 2 and 3 Fireworks: EN 15947 Parts 1-5: 2010
- Category 4 Fireworks: EN 16261 Parts 1-4: 2012
- Theatrical Pyrotechnics T1 and T2: EN 16256 Parts 1-5: 2012
- Pyrotechnic Articles for Vehicles: EN ISO 14451 Parts 1-10: 2013
- Other Pyrotechnic articles: Ignition Devices: prEN 16265 (to be published 2015)
- Other Pyrotechnic articles: Cartridges for powder actuated tools: prEN 16264 (to be published 2015)
- Other Pyrotechnic articles: pr EN 16263 Parts 1-5 (to be published 2015)

l) Summary of pyrotechnics/fireworks legislation

In summary, the main regulations are:

- S.I. No 1 of 2010 (as amended) for placing on the market of pyrotechnics
- S.I. 416 of 2010 for the placing on the market of pyrotechnics
- Explosives regulations for import, storage, and manufacture of fireworks.
- Carriage of Dangerous Goods regulations for transport of fireworks.
- Explosives Act (as amended by the Criminal Justice Act 2006) - penalties for possession, sale/supply and igniting/propelling/directing unlicensed fireworks and regulations for sale of fireworks.
- General Health and Safety regulations for work practices, (relevant to professional organised firework displays)
- General fire safety regulations, (relevant to public firework displays)
- Planning legislation for local authority event licensing, (relevant to some public firework displays)
11) Deemed Explosives and Explosive Precursors

**Explosives Act 1875.** The Minister, under Section 104 of the Act, may declare that “any substance which appears to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of the Act (subject to such exceptions, limitations and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act”. The following S.I.s have deemed certain substances to be explosives under this section:

- S.I. No. 233 of 1972 Explosives (Nitrobenzene) Order, 1972
- S.I. No. 273 of 1986 Explosives (Potassium Nitrate and Sodium Nitrate) Order, 1986

**Relevant Secondary Legislation for Deemed Explosives**

a) **S.I No 364 of 1997: The Sale of Explosives Order 1997:**
This order requires that certain substances which have been deemed as explosives (e.g. Ammonium Nitrate, Sodium Chlorate, Nitro Benzene, Potassium Nitrate, Sodium Nitrate), can only be sold to persons if they have the appropriate police certificate. This certificate to authorise the sale may be issued by a Garda Superintendent when satisfied that the explosives are for private use and not for resale, and are required for immediate use for industrial or agricultural purposes. The certificate can be for a specific purchase, or number of purchases and be limited to a specific period. The seller of the explosive must ensure that the purchaser has a valid Garda Cert and must countersign it and keep records of all transactions.

b) **S.I. No 365 of 1997 Ammonium Nitrate Mixtures Exemption Order, 1997**
states that AN mixtures are exempt from the manufacture provisions of the EA, provided the person manufacturing the explosive holds a licence issued by the Minister. (This applies to ANE pump truck operations in quarries and mines. The licences are site specific and are issued to the manufacturer and not the quarry, although they are sometimes called “quarry licenses”.)
Explosive Precursors and EU Regulation 98/2013:
An explosives precursor is a chemical substance which can be made into an improvised explosive with relative ease e.g. by mixing or blending with other substances, or by simple chemical processing. Precursors include a wide range of commonly used chemicals and include certain fertilisers, acids, bleaches and fuels. Following on from the Madrid (2004) and London (2005) bombings, an EU Action Plan on Enhancing the Security of Explosives was formulated, and from that came “EU Regulation 98/2013 on the marketing and use of explosive precursors”. The aim of this Regulation to regulate the making available, possession and use of certain chemicals to the general public. The Regulation provides for Member States to:

- restrict the access of the general public to the substances/concentrations in question,
- have a licensing/registration system to allow legitimate use by the general public,
- require records to be kept of sales
- have a contact point for reporting suspicious activities,
- lay down penalties for infringements.

The EU Regulation entered into force on 2nd September 2014.

Relevant Secondary Legislation on Explosives Precursors:

S.I. No 611 of 2014, the European Union (Marketing and Use of Explosives Precursors Regulations 2014
a) The EU Regulation takes direct effect across the Community; however a Statutory Instrument (S.I.) is required to give effect to Ireland’s approach to implementing the Regulation. Each Member State is also obliged to lay down rules on penalties applicable to infringements and measures to ensure they are implemented. In this context the Irish legislation, which complements the EU Regulation, is S.I. No 611 of 2014, the European Union (Marketing and Use of Explosives Precursors Regulations 2014.

b) These Regulations restrict the access by the general public (as defined within the EU Regulation) to certain chemical substances, of certain concentrations, by requiring a Garda Restricted Explosives Precursor Certificate for the introduction into the State, acquisition, possession or use of the substances listed in Annex I to the EU Regulation.

The Regulations outline the obligations of economic operators if intending to make these particular substances, above a certain concentration level, available to the general public. The Regulations also require the reporting of any suspicious transactions, significant disappearances or theft of the substances listed in both Annex I and Annex II of the EU Regulation, to a designated Garda national contact point.

The Regulations set out the offences and penalties associated with a breach of these Regulations. The Regulations came into operation on 31 December 2014.
12) Use of Explosives

Note that the use of explosives (including pyrotechnics) in the workplace is regulated under Health and Safety legislation and not under the Explosives Act. (See http://www.hsa.ie). The following legislation, inter alia, is relevant:

- Safety Health and Welfare at Work Act 2005
- S.I. No 299 of 2007 (Safety, Health & Welfare at Work (General Application) Regulations 2007
- S.I. No. 123/1972: Mines (Explosives) Regulations, 1972; (Currently being redrafted by HSA)
## Annex 1

### Current Secondary legislation relating to Explosives

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<th>S.I. No.</th>
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<td>Ammonium Nitrate Mixtures Exemption Order, 1997</td>
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<td>Appointment and training of DGSAs</td>
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<td>Export of listed goods (including explosives) requiring licence from Min ET&amp;E</td>
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<td>2010</td>
<td>European Communities (Placing on the market of pyrotechnic articles) Regulations, 2010</td>
<td>Categorisation, essential safety requirements, quality assurance systems, CE marking, conditions and restrictions for sale of pyrotechnic articles including fireworks.</td>
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<td>416</td>
<td>2010</td>
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<td>EC 27/1972 Directive 2007/23/EC</td>
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<td>349</td>
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<td>The Regulations apply to the transport by road, in tanks, in bulk and in packages, of dangerous goods, including the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. The Regulations and the ADR place duties on the various participants associated with the transport by road of dangerous goods. They contain requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their transport. The Regulations and ADR require that the drivers, and others involved in the transport by road of the dangerous goods, be adequately trained and, in the case of drivers, hold certificates of such training. The Regulations also contain provisions on an EU harmonised approach to the road checks aspect of their enforcement.</td>
<td>EC 27/1992 Directive 2008/68/EC 2012/45/EU</td>
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<td>Entry</td>
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<td>106</td>
<td>2012</td>
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<td>611</td>
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## Civil Explosives

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## Transport of Dangerous Goods

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