

Statutory Document No. 2015/0130



Customs and Excise Act 1993

CONTROL OF EXPLOSIVES PRECURSORS REGULATIONS 2014 (APPLICATION) ORDER 2015

Approved by Tynwald: 19 May 2015
Coming into Operation: 1 June 2015

The Treasury makes the following Order under sections 1¹ and 3 of the Customs and Excise Act 1993.

1 Title

This Order is the Control of Explosives Precursors Regulations 2014 (Application) Order 2015.

2 Commencement

This Order comes into operation on 1 June 2015.

3 Application of the Control of Explosives Precursors Regulations 2014

- (1) The Control of Explosives Precursors Regulations 2014² (“the applied legislation”) has effect in the Island, as part of the law of the Island, subject to the exceptions, modifications and adaptations in the Schedule to this Order.
- (2) The text of the applied legislation is annexed to this Order.

¹ Section 1(3)(d) provides for the application in the Island of any enactment of Parliament prohibiting, restricting, or relating to, the import or export of any thing into or from the United Kingdom, and section 1(3)(db) the application in the Island of any enactment of Parliament prohibiting, restricting, or relating to the buying or selling of goods in the United Kingdom or elsewhere.

² SI 2014 No. 1942.

MADE **15TH APRIL 2015**

W E Teare
Minister for the Treasury

SCHEDULE

[article 3(1)]

EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS SUBJECT TO WHICH
THE CONTROL OF EXPLOSIVES PRECURSORS REGULATIONS 2014 [SI 2014
NO. 1942] HAVE EFFECT IN THE ISLAND

<u>Regulation</u>	<u>Subject matter</u>	<u>Exception, modification or adaptation</u>
1	Citation and commencement.	(1) In paragraph (1), omit the words from “and come” onwards. (2) Omit paragraph (2).
2	General interpretation.	(1) After the definition of “the EU Regulation”, insert – ❧ “exports” includes removal from the Island and exportation from the Island to a place outside the United Kingdom; ❧. (2) Omit the definition of “Great Britain”. (3) In the definition of “supply”, after “making available” insert ❧ for exportation or removal from the Island ³ ❧.
3	Meaning of “regulated explosives precursor” and “reportable explosives precursor	(1) In paragraph (6) – (a) in both sub-paragraphs (a) and (b), at the end of each add ❧ (of Parliament) ❧; (b) in sub-paragraph (c) – (i) after both “Human Medicines Regulations 2012” and “(Clinical Trials) Regulations 2004” insert ❧ (of Parliament) ❧; and (ii) after “Medicines Act 1968” insert ❧ (an Act of Parliament) ❧; and (c) in sub-paragraph (d), at the end add ❧ (of Parliament) ❧.

³ Section 182 of the Customs and Excise Management Act 1986 is concerned with the removal of goods to the Island from the United Kingdom, and section 183 with the removal of goods from the Island to the United Kingdom. Such removals are not normally regarded as importations or exportations.

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		(2)	Add new paragraph (9) - 64 (9) The references to legislation in paragraph (6) include references to any legislative instrument that replaces or supersedes (with or without modification) any of that legislation. 22 .
4	Activities prohibited without a licence.	Omit.	
5	Supply of regulated explosives precursors.	(1)	For paragraph (1) substitute - 64 (1) A person commits an offence if the person supplies a regulated explosives precursor to a member of the general public without first verifying, where the supply involves export from the Island, that the member of the general public has a licence issued or recognised in accordance with Article 7 of the EU Regulation by the United Kingdom or a member State, as the case may be, where he or she is acquiring the explosives precursor allowing him or her to acquire or possess (or acquire, possess and use) the explosives precursor. 22 .
6	Reporting of suspicious transactions, disappearances and thefts.	(2)	Omit paragraphs (7) and (8).
		(1)	Omit paragraphs (5) and (6).
		(2)	In paragraph (7), for “Secretary of State”, on both occasions, substitute 64 Treasury 22 .
		(3)	In paragraph (8), omit “or (5)”.
7 to 9	Licences.	Omit.	
10	Recognised non-GB licences.	(1)	In paragraph (1), for “Secretary of State” substitute 64 Treasury 22 .
		(2)	For paragraph (4) substitute - 64 (4) “Relevant Northern Ireland legislation” means - (a) regulations made under the Explosives

- Act (Northern Ireland) 1970 (1970 c.10 (N.I.) of Parliament) by virtue of the Explosives (Northern Ireland) Order 1972 (S.I. 1972 No. 730 (N.I. 3));
- (b) any legislative instrument that implements the EU Regulation in Northern Ireland; and
- (c) any legislative instrument that replaces or supersedes (with or without modification) anything falling within sub-paragraph (a) or (b). **22**.
- 12 Penalties.
- (1) For paragraph (1) substitute -
23 (1) A person guilty of an offence under regulation 4 or 5(1) is liable -
- (a) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or both; or
- (b) on summary conviction, to custody for a term not exceeding 3 months or to a fine not exceeding £5,000, or both. **22**.
- (2) In paragraph (2) for “level 2” to the end substitute **23** £500 **22**.
- (3) For paragraph (3) substitute -
23 (3) A person guilty of an offence under regulation 6 is liable on summary conviction to custody for a term not exceeding 3 months or to a fine not

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			exceeding £5,000, or to both. 22 .
		(4)	In paragraph (5) -
		(a)	omit “, or Act of the Scottish Parliament,”; and
		(b)	for sub-paragraph (b) substitute -
		23 (b)	the period of 3 months next after the date on which evidence sufficient in the opinion of the Attorney General to justify a prosecution comes to the knowledge of the Treasury. 22 .
		(5)	Omit paragraph (6).
		(6)	In paragraph (8) -
		(a)	for sub-paragraph (a) substitute -
		23 (a)	the public analyst; 22 ; and
		(b)	in sub-paragraph (b), for “Secretary of State” substitute 23 Treasury 22 .
		(7)	Omit paragraph (9).
13	Offences by bodies corporate etc.		Omit paragraph (3).
14	Application of PACE powers.	(1)	In the heading, for “PACE” substitute 23 Police Powers and Procedures Act 1998 22 .
		(2)	For regulation 14 substitute -
		23 14	Sections 11, 20 and 21 of the Police Powers and Procedures Act 1998 (powers of entry and search) apply in relation to an offence under regulation 5(3) or (4) or regulation 6 as in relation to an offence triable on information. 22 .
15 to 18	Consequential amendments.		Omit.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in Island law the Control of Explosives Precursors Regulations 2014⁴ (“the applied Regulations”) insofar as those Regulations are concerned with the export or removal to the United Kingdom of regulated explosives precursors or reportable explosives precursors.

The term “regulated explosives precursors” covers the substances listed in Annex I of Regulation (EU) No. 98/2013 of the European Parliament and of the Council of 15th January 2013 on the marketing and use of explosives precursors⁵ (“the EU Regulation”) and includes mixtures and other substances that include those substances. Save in relation to the reporting duties in regulation 6, this category only applies to a substance if it is present in a concentration higher than the level specified in Annex I of the EU Regulation.

The term “reportable explosives precursors” covers the substances listed in Annex II of the EU Regulation. It is only relevant for the purposes of the reporting duties in regulation 6. Again, it includes mixtures and other substances that include listed substances.

Certain of the controls imposed by the applied regulations concerned with possession and use of substances do not come into effect until March 2016.

The EU Regulation established harmonised rules in Member States concerning the availability, possession and use of chemicals and mixtures that could be misused for the illicit manufacture of explosives. Its purpose is to control the sale of these substances to the general public, and ensure that suspicious transactions, thefts and losses of these chemicals are reported to the appropriate authorities. The chemicals that will be controlled by the applied Regulations are listed at Annexes 1 and 2 of the EU Regulation.

The applied Regulations provide for offences and associated penalties. These offences include inappropriate supply; failure to report suspicious behaviours to the authorities; failure to record transaction details; and export or removal to the United Kingdom otherwise than in accordance with a licence.

⁴ SI 2014 No. 1942.

⁵ OJ No L39, 9.2.2013, p1-11.

Annex

STATUTORY INSTRUMENTS

2014 No. 1942

HEALTH AND SAFETY

The Control of Explosives Precursors Regulations 2014

<i>Made - - - -</i>	<i>18th July 2014</i>
<i>Laid before Parliament</i>	<i>24th July 2014</i>
<i>Coming into force - -</i>	<i>2nd September 2014</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁶ in relation to the notification and control of substances⁷.

The Secretary of State, in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972⁸, makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for any reference to an Annex of Regulation (EU) No 98/2013⁹ of the European Parliament and of the Council of 15th January 2013 on the marketing and use of explosives precursors to be construed as a reference to that Annex as amended from time to time.

Citation and commencement

1. (1) These Regulations may be cited as the Control of Explosives Precursors Regulations 2014.

(2) ...*Omitted.*

⁶ 1972 c.68.

⁷ European Communities (Designation) (No. 3) Order 1981 (S.I. 1981/1536).

⁸ Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

⁹ OJ No L39, 9.2.2013, p1-11.

General interpretation

2. In these Regulations—

“the EU Regulation” means Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15th January 2013 on the marketing and use of explosives precursors;

“exports” includes removal from the Island and exportation from the Island to a place outside the United Kingdom;

... Omitted;

“licence” (unless otherwise indicated) means a licence granted under regulation 7;

“member of the general public” means an individual who is acting (alone or with others) for purposes not connected with his or her trade, business or profession or the performance by him or her of a public function;

“mixture” means a mixture or solution composed of two or more substances;

“recognised non-GB licence” has the meaning given in regulation 10;

“substance” means a chemical element and its compounds in the natural state or obtained by any manufacturing process—

(a) including any additive necessary to preserve its stability and any impurity deriving from the process used, but

(b) excluding any solvent that may be separated without affecting the stability of the substance or changing its composition;

“supply” means any kind of supply or making available *for exportation or removal from the Island*, whether in return for payment or free of charge.

Meaning of “regulated explosives precursor” and “reportable explosives precursor”

3. (1) This regulation defines what is meant for the purposes of these Regulations by “regulated explosives precursor” and “reportable explosives precursor”.

(2) Except for the purposes of regulation 6, “regulated explosives precursor”—

(a) means a substance listed in Annex I of the EU Regulation in a concentration higher than the corresponding limit value set out in that Annex, and

(b) includes a mixture or other substance in which a substance listed in that Annex is present in a concentration higher than the corresponding limit value,

but, in each case, only if the substance or mixture is not excluded.

- (3) For the purposes of regulation 6, “regulated explosives precursor”—
- (a) means a substance listed in Annex I of the EU Regulation, and
 - (b) includes a mixture or other substance in which a substance listed in that Annex is present,

but, in each case, only if the substance or mixture is not excluded.

- (4) “Reportable explosives precursor”—
- (a) means a substance listed in Annex II of the EU Regulation, and
 - (b) includes a mixture or other substance in which a substance listed in that Annex is present,

but, in each case, only if the substance or mixture is not excluded.

- (5) A substance or mixture is “excluded” if it is—
- (a) medicinal, or
 - (b) contained in a specific object.
- (6) For these purposes, a substance or mixture is “medicinal” if it is—
- (a) a medicinal product as defined by regulation 2 of the Human Medicines Regulations 2012¹⁰ (*of Parliament*),
 - (b) an investigational medicinal product as defined by regulation 2 of the Medicines for Human Use (Clinical Trials) Regulations 2004¹¹ (*of Parliament*),
 - (c) a substance to which Part 12 of the Human Medicines Regulations 2012 (*of Parliament*) or Part 6 of the Medicines for Human Use (Clinical Trials) Regulations 2004 (*of Parliament*) applies by virtue of an order under section 104 or 105 of the Medicines Act 1968¹² (*an Act of Parliament*) (whether applying subject to exceptions and modifications or not and, in the case of an order under section 104, whether the substance is referred to in the order as a substance or an article), or

¹⁰ S.I. 2012/1916.

¹¹ S.I. 2004/1031.

¹² 1968 c.67.

- (d) a veterinary medicinal product as defined by regulation 2 of the Veterinary Medicines Regulations 2013¹³ (*of Parliament*).

(7) A substance or mixture is “contained in a specific object” if it is contained in—

- (a) an object that, during production, is given a special shape, surface or design that determines its function to a greater degree than does its chemical composition, or
- (b) an article that contains explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions, including—
 - (i) pyrotechnic equipment falling within the scope of Council Directive 96/98/EC¹⁴ on marine equipment, and
 - (ii) percussion caps intended specifically for toys falling within the scope of Council Directive 88/378/EEC¹⁵ concerning the safety of toys.

(8) References in this regulation to an Annex of the EU Regulation are to that Annex as amended from time to time.

(9) *The references to legislation in paragraph (6) include references to any legislative instrument that replaces or supersedes (with or without modification) any of that legislation.*

Activities prohibited without a licence

4. ...*Omitted.*

Supply of regulated explosives precursors

5. (1) *A person commits an offence if the person supplies a regulated explosives precursor to a member of the general public without first verifying, where the supply involves export from the Island, that the member of the general public has a licence issued or recognised in accordance with Article 7 of the EU Regulation by the United Kingdom or a member State, as the case may be, where he or she is acquiring the explosives precursor allowing him or her to acquire and possess (or acquire, possess and use) the explosives precursor.*

(2) In order to verify that someone has the requisite licence, it is sufficient for these purposes to—

- (a) inspect the person’s licence, and

¹³ S.I. 2013/2033.

¹⁴ OJ No L046, 17.2.1997, p25-56.

¹⁵ OJ No L187, 16.07.1988, p1-13.

(b) inspect the form of identification specified in that licence (or, if no form is specified, a form of identification sufficient to allow the supplier to verify that the person is the holder of the licence in question).

(3) A person commits an offence if the person supplies a regulated explosives precursor to a member of the general public without first entering details of the transaction (or causing details of the transaction to be entered) in the licence that the person inspected for the purposes of paragraph (1).

(4) A person commits an offence if the person supplies a regulated explosives precursor to a member of the general public without first ensuring that a warning label is affixed to the packaging in which the explosives precursor is supplied.

(5) A “warning label” is a label clearly indicating that the acquisition, possession and use of the explosives precursor in question are subject to a restriction as set out in Article 4 of the EU Regulation.

(6) Before 3rd March 2016, paragraphs (1) and (5) have effect as if the references to possession and use of the explosives precursor were omitted.

(7) ...*Omitted.*

(8) ...*Omitted.*

Reporting of suspicious transactions, disappearances and thefts

6. (1) A supplier must report any relevant transaction that it makes or proposes to make if the supplier has reasonable grounds for believing the transaction to be suspicious.

(2) A “relevant transaction” is a transaction involving the supply of a regulated explosives precursor or a reportable explosives precursor to a customer, whether an end user or a customer higher up the supply chain and whether a business or a private customer.

(3) A relevant transaction is “suspicious” if there are reasonable grounds for suspecting that the explosives precursor in question is intended for the illicit manufacture of explosives.

(4) In deciding whether there are reasonable grounds for suspecting such a thing, regard must be had to all the circumstances of the case, including in particular where the prospective customer—

(a) appears unclear about the intended use of the explosives precursor,

(b) appears unfamiliar with the intended use of the explosives precursor or cannot explain it plausibly,

- (c) intends to buy regulated explosives precursors in quantities, combinations or concentrations uncommon for private use,
- (d) is unwilling to provide proof of identity or place of residence, or
- (e) insists on using unusual methods of payment, including large amounts of cash.

(5) ...*Omitted*.

(6) ...*Omitted*.

(7) A duty under this regulation to “report” something is a duty to give notice of it to the *Treasury* as soon as reasonably practicable and in accordance with such requirements as may be published from time to time by the *Treasury* for the purposes of this paragraph.

(8) A person who fails to comply with paragraph (1) commits an offence.

Licences

7. ...*Omitted*.

Applications for a licence

8. ...*Omitted*.

Internal review of decisions with regard to a licence

9. ...*Omitted*.

Recognised non-GB licences

10. (1) The *Treasury* must publish a list from time to time of recognised member States (if any).

(2) A member State is “recognised” for these purposes if licences granted by the competent authority of that State in accordance with the EU Regulation are recognised in the United Kingdom under Article 7(6) of that Regulation.

(3) References in these Regulations to a “recognised non-GB licence” are to—

(a) a licence granted in accordance with the EU Regulation by the competent authority of a member State that is included in the list (or latest list) published under paragraph (1), or

(b) a licence granted under relevant Northern Ireland legislation.

(4) “*Relevant Northern Ireland legislation*” means –

- (a) *regulations made under the Explosives Act (Northern Ireland) 1970 (1970 c.10 (N.I.) of Parliament) by virtue of the Explosives (Northern Ireland) Order 1972 (S.I. 1972 No. 730 (N.I. 3));*
- (b) *any legislative instrument that implements the EU Regulation in Northern Ireland; and*
- (c) *any legislative instrument that replaces or supersedes (with or without modification) anything falling within sub-paragraph (a) or (b).*

Proof of lack of knowledge

11. (1) In any proceedings for any offence under regulation 4 or 5, it is a defence for the accused to prove that the accused neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution that it is necessary for the prosecution to prove if the accused is to be convicted of the offence charged.

(2) This is subject to paragraph (4).

(3) Paragraph (4) applies where, in any proceedings for an offence under regulation 4 or 5—

- (a) it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or mixture involved in the alleged offence was the regulated explosives precursor that the prosecution allege it to have been, and
- (b) it is proved that the substance or mixture in question was that regulated explosives precursor.

(4) Where this paragraph applies—

- (a) the accused must not be acquitted of the offence charged by reason only of proving that the accused neither knew nor suspected nor had reason to suspect that the substance or mixture was the particular regulated explosives precursor alleged, but
- (b) the accused must be acquitted of the offence charged if—
 - (i) the accused proves that the accused neither believed nor suspected nor had reason to suspect that the substance or mixture was a regulated explosives precursor, or
 - (ii) the accused proves that the accused believed the substance or mixture to be a regulated explosives precursor such that, if it had in fact been that regulated explosives precursor, the accused would not at the material time have been committing any offence to which this regulation applies.

(5) Nothing in this regulation affects any defence that it is open to a person accused of an offence under regulation 4 or 5 to raise apart from this regulation.

Penalties

12. (1) *A person guilty of an offence under regulation 4 or 5(1) is liable –*

(a) *on conviction on information, to custody for a term not exceeding 2 years or to a fine, or both; or*

(b) *on summary conviction, to custody for a term not exceeding 3 months or to a fine not exceeding £5,000, or both.*

(2) A person guilty of an offence under regulation 5(3) or (4) is liable on summary conviction to a fine not exceeding £500.

(3) *A person guilty of an offence under regulation 6 is liable on summary conviction to custody for a term not exceeding 3 months or to a fine not exceeding £5,000, or to both.*

(4) In the case of proceedings against a person for an offence under these Regulations in connection with the supply of a regulated explosives precursor, where the act in question was done by an employee—

(a) it is not a defence that the employee acted without the authority of the employer, and

(b) any material fact known to the employee is deemed to have been known to the employer.

(5) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under regulation 5(3) or (4) or 6 may be commenced at any time—

(a) within the period of 12 months next after the date of commission of the offence, or

(b) *the period of 3 months next after the date on which evidence sufficient in the opinion of the Attorney General to justify a prosecution comes to the knowledge of the Treasury.*

(6) *...Omitted.*

(7) A document purporting to be a certificate signed by a person specified in paragraph (8) stating the result of an analysis made by that person is admissible in any proceedings under these Regulations as evidence of the matters stated in the certificate, but either party may require the person to be called as a witness.

(8) The persons are—

- (a) *the public analyst;*
 - (b) a person appointed by the *Treasury* to make analyses for the purposes of these Regulations.
- (9) ...*Omitted.*

Offences by bodies corporate etc

13. (1) If an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) The reference in paragraph (1) to a director, in relation to a body corporate whose affairs are managed by its members, is a reference to a member of the body corporate.

(3) ...*Omitted.*

Application of *Police Powers and Procedures Act 1998* powers

14. *Sections 11, 20 and 21 of the Police Powers and Procedures Act 1998 (powers of entry and search) apply in relation to an offence under regulation 5(3) or (4) or regulation 6 as in relation to an offence triable on information.*

Consequential amendments

15. ...*Omitted.*

16. ...*Omitted.*

17. ...*Omitted.*

18. ...*Omitted.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to implement Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15th January 2013 on the marketing and use of explosives precursors (“the EU Regulation”) in England and Wales and Scotland. Separate regulations make provision to implement the EU Regulation in Northern Ireland.

These Regulations come into force on 2nd September 2014. This is subject to regulation 4(4), which postpones controls on the possession and use of substances until March 2016.

Regulation 3 defines the substances to which these Regulations apply. There are two categories of substance:

- (a) The first category is referred to in the Regulations as “regulated explosives precursors”. This covers the substances listed in Annex I of the EU Regulation and includes mixtures and other substances that include those substances. Save in relation to the reporting duties in regulation 6, this category only applies to a substance if it is present in a concentration higher than the level specified in Annex I of the EU Regulation.
- (b) The second category is referred to as “reportable explosives precursors”. This covers the substances listed in Annex II of the EU Regulation. It is only relevant for the purposes of the reporting duties in regulation 6. Again, it includes mixtures and other substances that include a listed substance.

Regulation 4 gives effect to Articles 4(1) and (6) of the EU Regulation. The government has chosen to establish a licensing regime in accordance with Article 4(2) of the EU Regulation. Regulation 4(1) therefore makes it an offence for members of the general public to import, acquire, possess or use a regulated explosives precursor without having a licence issued by the Home Office under regulation 7 or a licence recognised under regulation 10 (referred to as a “recognised non-GB licence”). In accordance with Article 16 of the EU Regulation, regulation 4 will not apply to the possession or use of a substance until 3rd March 2016, but it will apply to importation and acquisition of a substance from 2nd September 2014.

Regulation 5(1) implements Article 4(7) of the EU Regulation by making it a criminal offence to supply a regulated explosives precursor to a member of the general public without first verifying that the member of the general public has the requisite licence to acquire and possess (or acquire, possess and use) the substance in question.

Regulation 5(3) requires suppliers to enter details of each transaction on the customer’s licence. This is to assist suppliers in identifying suspicious transactions. Licences issued by the Home Office under regulation 7 will include a section in which details of transactions can be recorded.

Regulation 5(4) implements Article 5 of the EU Regulation by making it a criminal offence to supply a regulated explosives precursor to a member of the general public without affixing a “warning label” to the packaging in which it is supplied, warning people that it is

an offence to acquire, possess or use it without a licence. This is in addition to any other legal requirements about the labelling of dangerous substances.

Regulation 6 implements Article 9 of the EU Regulation by requiring those who supply substances (at any stage in the supply chain, including supply to businesses) to report suspicious transactions and by requiring businesses to report significant disappearances or losses of substances. Failure to comply with these reporting requirements will be a criminal offence. This regulation extends to a larger group of substances than the other regulations – it covers both “regulated” and “reportable” explosives precursors and, in the case of regulated explosives precursors, there is no minimum concentration level.

Regulations 7 to 9 establish the new licensing regime in accordance with Article 7 of the EU Regulation. Regulation 9 gives people the right to request an internal review of licensing decisions taken by the Secretary of State. Failing that, people may be entitled to apply for a judicial review of the decision, subject to the requirements of general public law.

Regulation 10 provides for the recognition of licences issued by the competent authorities of other member States recognised by the UK in accordance with Article 7(6) of the EU Regulation and for the recognition of licences issued in Northern Ireland.

Regulations 11 to 14 contain provision for the investigation, enforcement and prosecution of offences created by these Regulations. These provisions mirror certain provisions of the Poisons Act 1972.

Regulation 15 removes the entries for nitric acid and sulphuric acid from the Poisons List made under the Poisons Act 1972. Those substances appear in Annex I and Annex II respectively of the EU Regulation and will now be regulated in accordance with the EU Regulation.

Regulations 17 and 18 allow for spent cautions and convictions to be disclosed in connection with decisions to grant, amend, suspend, vary or revoke licences under regulation 7.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Home Office, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

A copy of the transposition note in relation to the implementation of the EU Regulation is also available from the Home Office, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.