
Changes to legislation: Deregulation Act 2015, Paragraph 6 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 21

POISONS AND EXPLOSIVES PRECURSORS

Establishment of common regulatory system

6 After that section insert—

“4A Licences

- (1) The Secretary of State may grant a licence to a person on application by that person in accordance with this section.
- (2) The licence may permit the person to do one or more of the things listed in section 3(2) with respect to one or more of the regulated substances.
- (3) The term for which a licence is granted must not exceed 3 years, but this does not affect—
 - (a) a person's right to apply for a further licence to take effect on expiry of that term, nor
 - (b) any power of the Secretary of State under the terms and conditions of the licence to vary, suspend or revoke the licence before expiry of that term.
- (4) The Secretary of State may charge applicants a fee for processing applications for the grant or amendment of a licence or for the replacement of any lost, damaged or stolen licence.
- (5) The amount of any fees to be charged under subsection (4) must be specified in regulations made under subsection (10), and the amount specified must not exceed the reasonable cost of processing such applications.
- (6) In deciding whether to grant or amend a licence with respect to a substance, the Secretary of State must have regard to all the circumstances of the case, including in particular—
 - (a) the use intended to be made of the substance,
 - (b) the availability of alternative substances that would achieve the same purpose,
 - (c) the proposed arrangements to ensure that the substance is kept securely,
 - (d) any danger to public safety or public order that may be caused by possession of the substance, and
 - (e) whether the applicant is a fit and proper person to possess the substance.
- (7) But if there are reasonable grounds for doubting the legitimacy of the use intended to be made of the substance or the intentions of the user to use the

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substance for a legitimate purpose, the Secretary of State must in any event refuse the application so far as it relates to that substance.

- (8) A licence may be granted or amended subject to such terms and conditions as may be specified in the licence.
- (9) Examples of terms and conditions that may be specified include, for any substances with respect to which the licence is granted, terms and conditions about—
 - (a) storage,
 - (b) use,
 - (c) maximum quantities,
 - (d) maximum levels of concentration, and
 - (e) reporting of disappearances or thefts.
- (10) The Secretary of State may by regulations make provision about the procedure for applying for and determining applications for the grant or amendment of licences under this section, including provision as to—
 - (a) who may make an application,
 - (b) the form and manner in which an application is to be made and any documents or evidence that must accompany it,
 - (c) the amount and payment of any fees,
 - (d) the supply of any further information or document required to determine an application,
 - (e) notice and publication of any decision about an application, and
 - (f) the procedure for an internal review of any such decision.

4B Recognised non-GB licences

- (1) The Secretary of State must publish a list from time to time of recognised member States (if there are any).
- (2) A member State is “recognised” for these purposes if licences granted by the competent authority of that State in accordance with the Precursors Regulation are recognised in the United Kingdom under Article 7(6) of that Regulation.
- (3) References in this Act to a “recognised non-GB licence” are to—
 - (a) a licence granted in accordance with the Precursors Regulation by the competent authority of a member State that is included in the list (or latest list) published under subsection (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 (c.10 (N.I.)) by virtue of the Explosives (Northern Ireland) Order 1972 (S.I. 1972/730 (N.I. 3)),
 - (b) any legislative instrument that implements the Precursors Regulation in Northern Ireland, and
 - (c) any legislative instrument that replaces or supersedes (with or without modification) anything falling within paragraph (a) or (b) or this paragraph.

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(5) In this section—

- (a) references to the Precursors Regulation are to [Regulation \(EU\) No 98/2013](#) of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors, and
- (b) references to a legislative instrument are to—
 - (i) an Act or instrument made under an Act, or
 - (ii) any Northern Ireland legislation or instrument made under Northern Ireland legislation.”

Commencement Information

- I1** [Sch. 21](#) in force for certain purposes at Royal Assent, see [s. 115](#)
- I2** [Sch. 21 para. 6](#) in force at 20.4.2015 for specified purposes by [S.I. 2015/994, art. 5](#)
- I3** [Sch. 21 para. 6](#) in force at 26.5.2015 in so far as not already in force by [S.I. 2015/994, art. 6\(p\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)