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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**HEALTH AND SAFETY**

**The Explosives Regulations 2014**

*Made - - - - 23rd June 2014*

*Laid before Parliament 1st July 2014*

*Coming into force in accordance with regulation 1*

The Secretary of State is a Minister designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> in relation to the placing on the market, transfer and safety of explosives for civil use.

It appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes —

- (a) in part, regulation 8 and paragraph 15 of Schedule 11,
- (b) regulations 39 to 42 and Schedules 9, 10 and 12, and
- (c) to the extent that they relate to the provisions in (a) and (b) above, regulations 2(1), 3(4)(b) and (14) and (17) and 43 to 45,

under section 2(2) of that Act.

The Secretary of State makes the other provisions of these Regulations —

- (a) in exercise of the powers conferred by sections 15(1), (2), (3)(a) and (c), (4), (5), (6)(b) and (9), 18(2)(za) and (a), 43(2), (4), (5) and (6), 80(1) and 82(3)(a) of, and paragraphs 1(1), (2), (3) and (4), 2, 3, 4, 5, 6(1), 7, 12, 15(1), 16, 18 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 <sup>M3</sup> (“the 1974 Act”); and
- (b) apart from the modifications referred to in the next paragraph, for the purpose of giving effect without modifications to proposals submitted —
  - (i) by the Health and Safety Executive under section 11(3) <sup>M4</sup> of the 1974 Act after carrying out consultations in accordance with section 50(3) of the 1974 Act <sup>M5</sup>; and
  - (ii) by the Office for Nuclear Regulation under section 81(1)(a)(iv) of the Energy Act 2013 <sup>M6</sup> after carrying out consultations in accordance with section 81(3) of that Act.

It appears to the Secretary of State that—

- (a) the modifications to the Acts referred to in paragraphs 2 to 8 of Part 1 of Schedule 13;
  - (b) the modifications to the instruments referred to in paragraphs 11, 12, 14, 16, 18, 20, 21, 24 and 30 of Part 2 of that Schedule; and
  - (c) the repeals in relation to the Acts marked with an asterisk in Part 1 of Schedule 14,
- are expedient as set out in section 80(1) of the 1974 Act.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

It also appears to the Secretary of State not to be appropriate to consult bodies in respect of those modifications and repeals in accordance with section 80(4) of the 1974 Act.

#### Marginal Citations

- M1** S.I. 1993/2661, to which there are amendments not relevant to these Regulations.
- M2** 1972 c.68; section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006](#) (c. 51), [section 27\(1\)\(a\)](#) and by the [European Union \(Amendment\) Act 2008](#) (c. 7), [Part 1](#) of the Schedule.
- M3** 1974 c. 37; section 15 was amended by [Employment Protection Act 1975](#) (c. 71), [Schedule 15](#), paragraph 6, the [Criminal Law Act 1977](#) (c. 45), [Schedule 12](#), the [Offshore Safety Act 1992](#) (c. 15), [section 4](#), the [Health and Safety \(Offences\) Act 2008](#) (c. 20), [Schedules 3](#) and 4, the [Energy Act 2013](#) (c. 32), [Schedule 12](#), paragraph 5, S.I. 2002/794 and S.I. 2008/960. There are other amendments to section 15 not relevant to these Regulations. Section 18(2) was amended by the [Energy Act 2013](#), [Schedule 12](#), paragraph 6. Section 43(6) was substituted by the [Employment Protection Act 1975](#), [Schedule 15](#), paragraph 12 and amended by S.I. 2002/794. Paragraph 2 of [Schedule 3](#) was amended by the [Customs and Excise Management Act 1979](#) (c. 2), [Schedule 4](#), paragraph 12.
- M4** [Section 11](#) was substituted by S.I. 2008/960 and amended by the [Energy Act 2013](#) (c.32), [Schedule 12](#), paragraph 2.
- M5** [Section 50\(3\)](#) was amended by the [Employment Protection Act 1975](#) (c. 71), [Schedule 15](#), paragraph 16(3), the [Health and Social Care Act 2012](#) (c. 7), [Schedule 7](#), paragraphs 4 and 6, the [Energy Act 2013](#) (c. 32), [Schedule 12](#), paragraph 11 and S.I. 2008/960.
- M6** 2013 c. 32.

## PART 1

### INTRODUCTION

#### Citation and commencement

1.—(1) These Regulations may be cited as the Explosives Regulations 2014 and, save as provided in paragraph (2), come into force on 1st October 2014.

(2) Regulations 33(7) and 36, and regulations 43 and 44 and [Schedule 11](#) to the extent that those provisions relate to regulations 33(7) and 36, come into force on 5th April 2015.

#### Interpretation

2.—(1) In these Regulations —

“the 1974 Act” means the [Health and Safety at Work etc. Act 1974](#);

“the 2005 Regulations” means the [Manufacture and Storage of Explosives Regulations 2005](#)

<sup>M7</sup>,

<sup>F1</sup> ...

<sup>F2</sup> ...

“ammonium nitrate blasting intermediate” means a substance assigned in accordance with the United Nations Recommendations the U.N. no. 3375;

[<sup>F3</sup>“approved body” has the meaning given to it in regulation 69 (approved bodies);]

“authorised defence site” has the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998 <sup>M8</sup>;

[<sup>F4</sup>“authorised representative” means a person established [<sup>F5</sup>in the United Kingdom] who has received a written mandate from the manufacturer to act on the manufacturer’s behalf in relation to specified tasks;]

“black powder” means an intimate mixture, with or without sulphur, of charcoal or other carbon with potassium nitrate or sodium nitrate, whether the mixture is in meal, granular, compressed or pelletised form, being an explosive substance assigned in accordance with the United Nations Recommendations the U.N. no. 0027 or 0028;

<sup>F6</sup> ...

“centre point”, in relation to a store or a building, means the centre point of the store or building determined as far as is reasonably possible;

“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 <sup>M9</sup>; and
- (b) in relation to Scotland, means the person appointed to the office of chief constable under section 7(1)(a) of the Police and Fire Reform (Scotland) Act 2012 <sup>M10</sup>; and

in relation to an area, means the chief officer of police for that area;

“civil explosive” means an explosive which has been or would be classified in accordance with the United Nations Recommendations as falling within Class 1 but it does not include—

- (a) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997 <sup>M11</sup>;
- (b) any explosive which it is shown is intended for lawful use by the armed forces or the police of any country; [<sup>F7</sup>or]
- (c) a pyrotechnic article; <sup>F8</sup>...
- (d) <sup>F9</sup> ...

<sup>F10</sup> ...

“Class 1” means Class 1 in respect of explosives or the classification of dangerous goods as set out in the United Nations Recommendations;

“the Commission” means the Commission of the European Union;

<sup>F11</sup> ...

[<sup>F12</sup>“conformity assessment” means the process demonstrating whether the essential safety requirements relating to a civil explosive have been fulfilled;]

[<sup>F12</sup>“conformity assessment body” means a person who performs conformity assessment activities, including calibration, testing, certification and inspection;]

[<sup>F13</sup>“declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 41;]

“desensitised explosive” means —

- (a) a solid explosive substance which has been wetted with water or alcohol or diluted with one or more other substances; or
- (b) a liquid explosive substance which has been dissolved or suspended in water or one or more other substances,

to form a homogeneous mixture so as to suppress its explosive properties and which, without that treatment, would be classified in accordance with the United Nations Recommendations as falling within Class 1;

[<sup>F14</sup>“designated standard” has the meaning given to it in regulation 2A;]

[<sup>F15</sup>“the Directive” means [Directive 2014/28/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the member States relating to the making available on the market and supervision of explosives for civil uses (recast) [<sup>F16</sup> (as it has effect immediately before IP completion day)];]

“disposes”, in relation to explosives and explosive-contaminated items, means destroying the explosives or explosive-contaminated items or otherwise rendering them harmless;

[<sup>F17</sup>“distributor” means a person in the supply chain, other than a manufacturer or an importer, who makes a civil explosive available on the market and “distributes” in relation to Part 11 and “distribution” in relation to Part 13 are to be construed accordingly]

[<sup>F18</sup>“economic operator” means a manufacturer, authorised representative, importer, distributor or any person who engages in the storage, use, transfer, import, export or trading of civil explosives;]

[<sup>F18</sup>“enforcing authority”, in relation to Part 13, means the Executive;]

[<sup>F18</sup>“essential safety requirements” means the requirements set out in Schedule 9 (essential safety requirements);]

<sup>F19</sup> ...

“the Executive” means the Health and Safety Executive <sup>M12</sup>;

“explosive” means —

- (a) any explosive article or explosive substance which would —
  - (i) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or
  - (ii) be classified in accordance with the United Nations Recommendations as —
    - (aa) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and
    - (bb) falling within Class 1; or
- (b) a desensitised explosive,

but it does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance;

“explosive article” means an article containing one or more explosive substances;

“explosives certificate” has the meaning given in regulation 4(1);

“explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —

- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;

“firearm” has the meaning given in section 57(1) of the Firearms Act 1968 <sup>M13</sup>;

“fireworks” means the explosive articles assigned in accordance with the United Nations Recommendations any of the U.N. nos. 0333 to 0337;

“GB nuclear site” has the meaning given in section 68 of the Energy Act 2013 <sup>M14</sup>;

F20 ...

“harbour” means a harbour which is within the jurisdiction of a harbour authority and includes—

- (a) the areas of water within the jurisdiction of that harbour authority; and
- (b) land within the jurisdiction of, or occupied by, the harbour authority and used in connection with the loading and unloading of ships,

but does not include the areas of water which are within the jurisdiction not only of the harbour authority but also of another harbour authority and which are used primarily by ships using berths within the harbour of that other harbour authority;

“harbour authority” has the meaning given in section 57 of the Harbours Act 1964 <sup>M15</sup>;

“hazard type” means any of hazard type 1 explosive, hazard type 2 explosive, hazard type 3 explosive or hazard type 4 explosive;

“hazard type 1 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a mass explosion hazard;

“hazard type 2 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a serious projectile hazard but does not have a mass explosion hazard;

“hazard type 3 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard and either a minor blast hazard or a minor projectile hazard, or both, but does not have a mass explosion hazard;

“hazard type 4 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard or slight explosion hazard, or both, with only local effect;

“headquarters” means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999 <sup>M16</sup>;

“Her Majesty's Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employee of the department of the Secretary of State having responsibility for defence attached to those forces;

“holder” in relation to an explosives certificate means the person named in the explosives certificate as a person fit to acquire, or to acquire and keep, explosives;

[<sup>F21</sup>“importer”, in relation to civil explosives, means any person who—

- (a) is established in the United Kingdom and places a civil explosive from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a civil explosive on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

“licence”, save in the definition of “prohibited person”, means a licence for the manufacture or storage of explosives granted under regulation 13 and includes a varied licence;

“licensee” means a person who has been granted a licence under regulation 13 and includes a person to whom a licence is transferred and a person treated under regulation 18 as being licensed;

“licensing authority” has the meaning assigned to it by Schedule 1;

“local authority”, apart from in paragraph 6(1)(c) of Schedule 11, means, in relation to —

- (a) the City of London, the Common Council for the City of London;
- (b) an area in the rest of London, the London borough council for that area;
- (c) an area where there is a metropolitan county fire and rescue authority, that authority;
- (d) the Isles of Scilly, the Council of the Isles of Scilly;
- (e) an area in the rest of England, the county council for that area or where there is no county council for that area, the district council for that area;
- (f) an area in Scotland, the council for the local government area; and
- (g) an area in Wales, the county council or the county borough council for that area;

[<sup>F22</sup>“making available on the market” means any supply for distribution, consumption or use on the market [<sup>F23</sup>of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;]

“manufacture” includes—

- (a) in relation to explosive articles, their repair, modification, disassembly or unmaking;
- (b) in relation to explosive substances, their reprocessing, modification or adaptation;

but it does not include the packing, unpacking, re-packing, labelling or testing of explosives or the division of an amount of explosives stored in bulk into smaller amounts and the placing of those smaller amounts into containers;

[<sup>F24</sup>“manufacturer”, in relation to civil explosives, means a person who—

- (a) manufactures a civil explosive, or has a civil explosive designed or manufactured; and
- (b) markets that civil explosive under that person’s name or trade mark or uses it for their own purposes;]

[<sup>F24</sup>“market surveillance authority” means the Executive;]

“mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals;

[<sup>F25</sup>“mobile explosives manufacturing unit” means a moveable unit, whether mounted on a vehicle or not, for manufacturing and charging explosives from dangerous goods that are not explosives, with the unit consisting of various tanks, bulk containers and related equipment;]

“new nuclear build site” has the meaning given in regulation 2A of the Health and Safety (Enforcing Authority) Regulations 1998 <sup>M17</sup>;

<sup>F26</sup> ...

“the ONR” means the Office for Nuclear Regulation <sup>M18</sup>;

“ONR regulated site” has the meaning given in paragraph (11);

“percussion caps” means items intended for use in small arms ammunition or small arms assigned in accordance with the United Nations Recommendations the UN no. 0044 or 0378;

[<sup>F27</sup>“place on the market” means the first making available on the market [<sup>F28</sup>of Great Britain], and related expressions must be construed accordingly;]

“police force”, for the purposes of [<sup>F29</sup>regulations 3(10)(b) and (11)(e)] and 27(3)(e), includes—

- (a) the police force known as the British Transport Police Force <sup>M19</sup>; and
- (b) the constabulary known as the Civil Nuclear Constabulary by virtue of section 52(1) of the Energy Act 2004 <sup>M20</sup>;

“preparation” means a mixture of two or more substances or a solution of any substance or substances;

“prohibited person” means a person, other than a person in respect of whom an order has been made under regulation 22(4), who—

- (a) has been convicted of any offence under the Explosive Substances Act 1883 <sup>M21</sup>, or
- (b) has been sentenced to a sentence which is excluded from rehabilitation under the Rehabilitation of Offenders Act 1974 <sup>M22</sup> by virtue of section 5(1) and (1A) of that Act; or
- (c) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974 <sup>M23</sup>, for a term exceeding 30 months, but not exceeding 48 months, and less than the period of 7 years has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 42 months from that day for those under the age of 18 at the time of conviction; or
- (d) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974, for a term exceeding 6 months, but not exceeding 30 months, and less than the period of 48 months has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 24 months from that day for those under the age of 18 at the time of conviction; or
- (e) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974, for a term not exceeding 6 months and less than the period of 24 months has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 18 months from that day for those under the age of 18 at the time of conviction; or
- (f) has been sentenced to a sentence of service detention, within the meaning of section 5(8) of the Rehabilitation of Offenders Act 1974 <sup>M24</sup>, for a recordable service offence and less than the period of 12 months has elapsed, beginning with the day on which the sentence is completed, or less than 6 months from that day for those under the age of 18 at the time of conviction, and, for these purposes —
  - (i) “conviction” includes a finding or a substituted finding that is treated as a conviction by virtue of section 376 of the Armed Forces Act 2006 <sup>M25</sup>; and
  - (ii) “recordable service offence” has the meaning given by article 2(1) of the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009 <sup>M26</sup> and paragraph 4 of Schedule 2 to that Order;

“propellant” means a deflagrating explosive used as a propellant in firearms;

“public consultation zone” means the area around the store or proposed store, or the building where the manufacture of explosives takes place or is proposed to take place, which, from the centre point of the store or building, has a radius equivalent to double the greatest separation distance required by virtue of these Regulations to apply in the case of that store or building;

“pyrotechnic article” means any article containing 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;

“pyrotechnic substance” means an explosive substance of a kind designed to produce an effect by heat, light, sound, gas or smoke, or a combination of any of these, as a result of non-detonative, self-sustaining, exothermic chemical reactions;

[<sup>F30</sup>“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;]

[<sup>F30</sup>“recall” means taking any measure aimed at achieving the return of a civil explosive that has already been made available to the end-user and related expressions must be construed accordingly;]

“recipient competent authority document” has the meaning in regulation 8(9);

[<sup>F31</sup>“relevant authority” means any public authority which has a function under these Regulations or a function under another enactment in relation to the security or traceability of civil explosives;]

[<sup>F32</sup>“relevant conformity assessment procedure” means a conformity assessment procedure referred to in regulation 66 (conformity assessment procedures);]

“relevant explosive” means an explosive for which an explosives certificate is required under regulation 5 for acquiring or keeping that explosive, or would be so required were it not for regulation 3(7), and, in relation to regulations 35 and 37 and paragraph 4 of Schedule 4 it also includes—

- (a) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997 <sup>M27</sup>; and
- (b) smokeless powder,

even though, and to the extent that (in the case of smokeless powder), an explosives certificate is not required for their acquisition or keeping;

“relevant police force” means in the case of an explosives certificate—

- (a) which will certify that the holder is a fit person to keep explosives, the police force for the police area in which the place of keeping is or is to be situated,
- (b) which will certify only that the holder is a fit person to acquire explosives, the police force for the police area in which the applicant for a certificate resides or, in the case of a body corporate, in which the applicant has its registered office, or, if it has no registered office, its principal office,
- (c) which has been issued, the police force stated in the certificate;

“renewal of a licence” means the granting of a licence to follow a previous licence without any amendment or gap in time;

“restricted substance” means any collection of substances which would if mixed form one or more explosive substances and which has been prepared for that purpose;

“separation distance” means the distance between the store or the building or other place in or at which explosives are, or are to be, manufactured and a building, or other place in or at which people are or are likely to be present either all the time or from time to time;

“ship” includes every description of vessel used in navigation;

“shooters' powder” means —

- (a) black powder,
- (b) smokeless powder which is manufactured for use in small arms, or
- (c) any other substance or preparation based on potassium nitrate or nitro cellulose, whether in powder, pelletised or granular form, used, or to be used, as a propellant;



“site” means the whole area under the control of the same person and, for these purposes —

- (a) all places adjoining each other under the control of the same person are to be treated as a whole area; and
- (b) two or more areas under the control of the same person separated only by a road, railway or inland waterway are to be treated as a whole area;

“small arms” means any of—

- (a) <sup>F33</sup> a firearm with a calibre not larger than 19.1 millimetres designed to fire ammunition consisting of a propelling charge and an inert projectile;
- (b) <sup>F33</sup> a shotgun as defined by section 1(3) of the Firearms Act 1968 <sup>M28</sup>; or
- (c) <sup>F33</sup> a firearm intended to fire blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge;

“small arms ammunition” means the explosive articles assigned in accordance with the United Nations Recommendations the U.N. no. 0012, 0014 or 0055 which are intended exclusively for use in small arms;

“smokeless powder” means an explosive substance assigned in accordance with the United Nations Recommendations the U.N. no. 0509 or 0161 and which is intended exclusively for use in firearms;

“store” means a building, enclosed area or metal structure in which explosives are, or are to be, stored;

“substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

[<sup>F34</sup>“technical documentation” has the meaning given in regulation 40(b) (technical documentation and conformity assessment);]

[<sup>F34</sup>“technical specification” means a document that prescribes technical requirements to be fulfilled by a civil explosive;]

“transfer”, in relation to explosives, means —

- (a) in regulations 3(14) and 8, any physical movement of explosives apart from movement within one site and whether or not transferring possession of or property in the explosives is involved; and
- (b) for all other provisions, transferring possession of or property in the explosives, save that, in relation to regulation 38(2) it is limited to a transfer of possession;

[<sup>F35</sup>“UK marking” means the marking in the form set out in Annex 2 of RAMS;

“UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS;]

“U.N. no.” means United Nations Serial Number, that is to say one of the four-digit numbers devised by the United Nations as a means of identification of types of explosives in accordance with the United Nations Recommendations;

“United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26 April 1957)) <sup>M29</sup> as revised or reissued from time to time;

“visiting force” has the same meaning as it does for the purposes of any provision of Part 1 of the Visiting Forces Act 1952 <sup>M30</sup>;

“water-based”, in relation to explosives, means explosives which are based on water and ammonium nitrate and assigned in accordance with the United Nations Recommendations the U.N. no. 0241; and

“wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006 <sup>M31</sup>.

[<sup>F36</sup>“withdraw”, when used in relation to a civil explosive, means taking any measure aimed at preventing a civil explosive in the supply chain from being made available on the market and related expressions must be construed accordingly.]

(2) For the purposes of these Regulations, the manufacture or storage of ammonium nitrate blasting intermediate is deemed to be the manufacture or storage of an explosive.

(3) For the purposes of measuring any distance required to be a separation distance by virtue of these Regulations, the distance to be measured is the horizontal distance between the outside edge of the store or the building or other place in or at in which the explosives are, or are to be, manufactured and the nearest point of the building or other place which the separation distance applies to.

(4) Any reference in these Regulations to the quantity of an explosive is to be construed as a reference to the net mass of explosive substance.

(5) For the purposes of these Regulations and subject to paragraph (6), “storage” in relation to explosives means their possession for any period after their manufacture, save for—

- (a) any period during which they are being prepared at any place for use at that place; and
- (b) any period during which they are being transported beyond the place where they are stored.

(6) Subject to paragraph (7), where, during any transport of any explosive beyond the place where it is stored, that explosive is, or is to be, kept at any place for more than twenty-four hours, that keeping is to be treated as storage within the meaning of these Regulations and the provisions of these Regulations apply to that keeping accordingly, notwithstanding any application of the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 <sup>M32</sup> to that transporting.

(7) Paragraph (6) does not apply to explosives in respect of which there is in existence an explosives licence granted under [<sup>F37</sup>regulation 17 of the Dangerous Goods in Harbour Areas Regulations 2016].

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

- (a) to a member of the police force in respect of which the chief officer is the chief officer of police;
- (b) to a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011 <sup>M33</sup> (civilian staff); or
- (c) to a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 <sup>M34</sup> (police staff),

and any such delegation must be made in writing by that chief officer.

(9) Any reference in the definitions in this regulation of “desensitised explosive”, “explosive substance”, “pyrotechnic article”, “pyrotechnic substance” or “substance” to liquid, gas, gaseous form or vapour, means, respectively, liquid, gas, gaseous form or vapour at normal atmospheric temperature and pressure.

(10) Any reference to acquiring an explosive means acquiring possession of or property in the explosive.

(11) For the purposes of these Regulations, a site is an ONR regulated site if it or any part of it is—

- (a) a GB nuclear site;
- (b) an authorised defence site; or
- (c) a new nuclear build site.

[<sup>F38</sup>(12) In Part 13, “risk” means a risk, other than a minimal risk, which—

- (a) could arise from lawful and readily predictable human behaviour; and
- (b) may result in—
  - (i) harm to the health or safety of any person;
  - (ii) unintended damage to property; or
  - (iii) unintended harm to the environment.]

[<sup>F38</sup>(13) Until the entry into force of any amendment made to Annex II (technical regulations, standards, testing and certification) to the EEA Agreement by a Decision of the EEA Joint Committee, inserting a reference to the Directive into that Annex, references in regulations 2(1) and 8 and Part 13 and its related Schedules to, as the case may be, “an EEA state”, “another EEA state”, “the EEA state”, “other EEA state” or “other EEA states” are to be construed as referring to, respectively, “a member State”, “another member State”, “the member State”, “other member State” and “other member States”.]

#### Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 2\(2\)\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 2\(2\)\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 2\(2\)\(c\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 2\(1\)](#) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(ii\)](#) (with [regs. 2\(1\), 15](#))
- F5** Words in [reg. 2](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), [reg. 1\(2\)](#), [Sch. 5 para. 1\(3\)](#)
- F6** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 2\(2\)\(e\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F7** Word in [reg. 2\(1\)](#) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(iv\)\(aa\)](#) (with [regs. 2\(1\), 15](#))
- F8** Word in [reg. 2\(1\)](#) omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(iv\)\(bb\)](#) (with [regs. 2\(1\), 15](#))
- F9** Words in [reg. 2\(1\)](#) omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(iv\)\(cc\)](#) (with [regs. 2\(1\), 15](#))
- F10** Words in [reg. 2\(1\)](#) omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(v\)](#) (with [regs. 2\(1\), 15](#))
- F11** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 2\(2\)\(f\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F12** Words in [reg. 2\(1\)](#) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), [regs. 1](#), [4\(a\)\(vi\)](#) (with [regs. 2\(1\), 15](#))

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F13** Words in reg. 2(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(g)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 2(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(h)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(vii)** (with regs. 2(1), 15)
- F16** Words in reg. 2(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/852), regs. 2(2), 4(2), **Sch. 1 para. 1(f)(i)**); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(1) substituted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(viii)** (with regs. 2(1), 15)
- F18** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(ix)** (with regs. 2(1), 15)
- F19** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(j)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(k)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 2(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(l)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xii)** (with regs. 2(1), 15)
- F23** Words in reg. 2(1) substituted (31.12.2020) by S.I. 2019/696, Sch. 16 para. 2(2)(m) (as substituted by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), **4(5)(a)**)
- F24** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xiii)** (with regs. 2(1), 15)
- F25** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xiv)** (with regs. 2(1), 15)
- F26** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(n)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xvi)** (with regs. 2(1), 15)
- F28** Words in reg. 2(1) substituted (31.12.2020) by S.I. 2019/696, Sch. 16 para. 2(2)(o) (as substituted by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), **4(5)(b)**)
- F29** Words in reg. 2(1) substituted (6.4.2015) by The Mines Regulations 2014 (S.I. 2014/3248), reg. 1(2), **Sch. 5 para. 18(a)(i)** (with reg. 1(3))
- F30** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xvii)** (with regs. 2(1), 15)
- F31** Words in reg. 2(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 2(2)(p)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 2(1) inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, **4(a)(xviii)** (with regs. 2(1), 15)

- F33** Word in reg. 2(1) substituted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(a\)\(ii\)](#) (with reg. 1(3))
- F34** Words in reg. 2(1) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, [4\(a\)\(xix\)](#) (with regs. 2(1), 15)
- F35** Words in reg. 2(1) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 16 para. 2\(2\)\(q\)](#) (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in reg. 2(1) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, [4\(a\)\(xx\)](#) (with regs. 2(1), 15)
- F37** Words in reg. 2(7) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016 \(S.I. 2016/721\)](#), reg. 1, [Sch. 5 para. 12\(a\)](#) (with reg. 5)
- F38** Reg. 2(12)(13) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, [4\(b\)](#) (with regs. 2(1), 15)

#### Modifications etc. (not altering text)

- C1** [Reg. 2\(1\)](#) modified (E.) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 46(2), [Sch. 7 para. 13](#)

#### Marginal Citations

- M7** [S.I. 2005/1082](#), to which there are amendments not relevant to these Regulations.
- M8** [S.I. 1998/494](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.
- M9** 1996 c. 16.
- M10** 2012 asp 8.
- M11** 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.
- M12** The Health and Safety Executive is established by section 10(1) of the Health and Safety at [Work etc. Act 1974 \(c. 37\)](#).
- M13** 1968 c.27.
- M14** 2013 c.32.
- M15** 1964 c.40.
- M16** [S.I. 1999/1736](#), amended by [S.I. 2009/705](#); there are other amending instruments but none is relevant.
- M17** [S.I. 1998/494](#), relevant amending instruments are [S.I. 2005/1082](#), 2007/2598, 2009/693 and 2014/469.
- M18** The Office for Nuclear Regulation is established by section 77 of the [Energy Act 2013 \(c.32\)](#).
- M19** The British Transport Police Force was established by section 20 of the [Railways and Transport Safety Act 2003 \(c. 20\)](#) as of 1st July 2004, replacing the British Transport Police Force which comprised constables appointed under section 53 of the British Transport Commission Act 1949 (12 & 13 Geo c.xxix).
- M20** 2004 c.20.
- M21** 1883 c. 3.
- M22** 1974 c. 53; section 5(1) was amended by the [Armed Forces Act 1976 \(c. 52\)](#), [Schedule 9](#), paragraph 20(4), the [Criminal Justice \(Scotland\) Act 1980 \(c. 82\)](#), [section 83\(2\)](#) and Schedule 7, paragraph 24, the [Criminal Justice Act 1982 \(c. 48\)](#), [sections 77](#) and 78 and, respectively, Schedule 14, paragraph 36(a) and (b) and Schedule 16, the [Criminal Justice Act 1988 \(c. 33\)](#), [Schedule 8](#), paragraph 9(a), the [Powers of the Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), [Schedule 9](#), paragraph 48(1) and (2)(a) and (b), the [Criminal Justice Act 2003 \(c. 44\)](#), [Schedule 32](#), Part 1, paragraph 18(1) and (2)(a) and (b), the [Armed Forces Act 2006 \(c. 52\)](#), section 378, [Schedule 16](#), paragraph 65(1) and (2)(a)(i), (ii) and (iii), (2)(b) and (3) and the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [section 139\(1\)](#) and (2) and Schedule 21, Part 1, paragraph 2. Section 5(1A) was inserted by the [Armed Forces Act 1976 \(c. 52\)](#), [Schedule 9](#), paragraph 20(5) and amended by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [section 139\(1\)](#) and (3).
- M23** 1974 c.53; section 5(2) to (8) was substituted by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c.10\)](#), [section 139](#).
- M24** 1974 c. 53; section 5(2) to (11) was substituted by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [Part 3](#), [section 139\(1\)](#) and (4).

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- M25** 2006 c. 52.  
**M26** S.I. 2009/1922, to which there are amendments not relevant to these Regulations.  
**M27** 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.  
**M28** 1968 c. 27; section 1(3)(a) was substituted by the [Firearms \(Amendment\) Act 1988 \(c. 45\)](#), [section 2\(2\)](#).  
**M29** Current edition (1997); ISBN 92-1-139057 5.  
**M30** 1952 c.67. “Visiting force” is defined in section 12 of that Act.  
**M31** 2006 c.46.  
**M32** S.I. 2009/1348, to which there are amendments not relevant to these Regulations.  
**M33** 2011 c. 13.  
**M34** 2012 asp 8.

### [<sup>F39</sup>Interpretation: designated standard

**2A.**—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means technical specification which is—

- (a) adopted by a recognised standardisation body [<sup>F40</sup>or an international standardising body] for repeated or continuous application with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
  - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
  - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

[<sup>F41</sup>(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing a reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent



with [<sup>F42</sup>such] technical specifications adopted by the other recognised standardisation bodies [<sup>F43</sup>or by international standardising bodies as the Secretary of State considers to be relevant.]

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) In this regulation, a reference to a “product” is a reference to a civil explosive.

(9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.

(10) Regulations made under paragraph (9) are to be made by statutory instrument.

(11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F39** Reg. 2A inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 3** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 7(a)**; S.I. 2020/1662, reg. 2(ee)
- F41** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 7(b)**; S.I. 2020/1662, reg. 2(ee)
- F42** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 7(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F43** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 7(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

#### Application and extent

**3.—**(1) Except as provided by paragraphs (2) and (3), these Regulations extend to England and Wales and Scotland.

(2) In Schedule 13—

- (a) the amendments made by paragraphs 16, 20 and 30 extend to Scotland only; and
- (b) the amendments made by paragraphs 11 and 14 extend to England and Wales only.

(3) Regulation 29 extends to Northern Ireland <sup>M35</sup> in so far it applies to the importation of pyrotechnic articles and substances.

[<sup>F44</sup>(4) Subject to the following provisions of this regulation, these Regulations apply—

- (a) within Great Britain, and
- (b) except for regulations 4, 5, 31 and 32, outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) order 2013.]

(5) In Schedule 13—

- (a) the amendments made by paragraph 14(2) and (4) apply in relation to England only; and
- (b) the amendments made by paragraph 14(3) and (5) of that Schedule apply in relation to Wales only.

(6) Regulations 4, 5, 11, 19, 21, 22, 31, 32, 35 and 37 do not apply to any explosive nuclear device.

- (7) Regulation 5 does not apply to the acquisition or keeping of explosives by or on behalf of—
- (a) any officer referred to in section 74 of the Explosives Act 1875 <sup>M36</sup> exercising the power of seizure under that section;
  - (b) constables acting in the execution of their duties;
  - (c) a person—
    - (i) appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011(civilian staff); or
    - (ii) appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 (police staff),
 who, in either case, is duly authorised in writing by the chief officer of police for the relevant police area;
  - (d) customs officers acting in the performance of their functions;
  - (e) the Crown, in respect of any explosive which—
    - (i) is in premises occupied on behalf of the Crown for, or
    - (ii) is intended for use for,
 naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for defence or that of the Secretary of State having responsibility for home affairs;
  - (f) the service authorities of visiting forces or any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 <sup>M37</sup>;
  - (g) a police force;
  - (h) the Executive; or
  - (i) the ONR.
- (8) Regulations 6, 7, 9, 10, 12 to 18, 20, 23 and 26 to 30 do not apply to—
- (a) any activity to which [<sup>F45</sup>Part 5 of the Dangerous Goods In Harbour Areas Regulations 2016 applies];
  - (b) any activity to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 <sup>M38</sup> apply, apart from any activity which is to be treated as storage by virtue of regulation 2(6);
  - (c) the master or crew of a ship or to the employer of such persons in respect of the normal shipboard activities of a ship's crew which are carried out solely by the crew under the direction of the master and in this sub-paragraph the reference to the normal shipboard activities of a ship's crew includes —
    - (i) the construction, reconstruction or conversion of a ship outside, but not inside, Great Britain; and
    - (ii) the repair of a ship save repair when carried out in dry dock;
  - (d) the transport of explosives by air;
  - (e) an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 <sup>M39</sup>;
  - <sup>F46</sup>(f) .....
- (9) Regulations 6, 7, 12 to 14, 16 to 18, 20, 23 and 27 do not apply to the manufacture or storage of explosives, at any site under the control of the Secretary of State having responsibility for defence, or held for the purposes of a visiting force or headquarters, under a scheme approved by that Secretary of State which—



- (a) provides for their safe manufacture and storage; and
- (b) prescribes —
  - (i) separation distances, or
  - (ii) a combination of separation distances and other safety measures, which are designed to ensure a standard of safety which is equivalent to that ensured by the separation distances prescribed by regulation 27 and Schedule 5.
- (10) Regulations 6, 7, 12 to 14, 16 to 18, 20, 23 <sup>F47</sup>, 27] and 29 do not apply to explosives—
  - (a) seized by constables acting in the execution of their duties,
  - (b) received by a police force from a member of the public; or
  - (c) which, for reasons of public safety or protection of property, are undergoing ordnance disposal by—
    - (i) persons under the direction of a member of Her Majesty's Forces or civilian employees of the department of the Secretary of State having responsibility for defence authorised in writing by that Secretary of State to carry out ordnance disposal; or
    - (ii) persons under the direction of a constable or authorised in writing by the chief officer of police to carry out ordnance disposal.
- (11) Regulation 7 does not apply to—
  - (a) the Executive;
  - (b) the ONR;
  - (c) a local authority;
  - (d) the Commissioners for Her Majesty's Revenue and Customs;
  - (e) a police force;
  - (f) a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011 <sup>M40</sup> (civilian staff) who is duly authorised in writing by the chief officer of police to store explosives; and
  - (g) a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 <sup>M41</sup> (police staff) who is duly authorised in writing by the chief officer of police to store explosives.
- (12) Regulations 7, 12 to 14, 16 to 18, 20, 23, 27, 29 and 30 do not apply to explosives seized by an inspector appointed under section 19 of the 1974 Act in the performance of the inspector's functions.
- (13) Regulations 7 and 30 do not apply to—
  - (a) constables in the execution of their duties;
  - (b) customs officers in the performance of their functions; or
  - (c) inspectors appointed under section 19 of the 1974 Act in the performance of their functions.
- (14) Regulations 8 and <sup>F48</sup>39 to 77] do not apply in respect of the transfer of civil explosives to, by or on behalf of, or where, following the transfer, the explosives are in the possession of—
  - (a) a person exercising a power of seizure under section 74 of the Explosives Act 1875;
  - (b) constables acting in the execution of their duties;
  - (c) a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff) who is duly authorised in writing by the chief officer of police in respect of such transfer or possession;

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- (d) a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 (police staff) who is duly authorised in writing by the chief officer of police in respect of such transfer or possession;
  - (e) customs officers acting in the performance of their functions;
  - (f) the Crown in respect of any civil explosives which are intended for use for the purposes of the department of the Secretary of State having responsibility for defence or that of the Secretary of State having responsibility for home affairs;
  - (g) inspectors appointed under section 19 of the 1974 Act exercising their power to take possession of and detain articles or substances under section 20(2)(i) of that Act as modified by Schedule 12 to these Regulations;
  - (h) the Executive; or
  - (i) the ONR.
- (15) Regulations 33, 34 and 36 do not apply to—
- (a) an explosive which is transported and delivered without packaging or in a mobile explosives manufacturing unit for its direct unloading into the blast-hole;
  - [<sup>F49</sup>(aa) an explosive manufactured at a blasting site that is loaded immediately after being produced;]
  - (b) fuses, which are cord-like non-detonating igniting devices;
  - (c) safety fuses, which consist of a core of fine grained black powder surrounded by a flexible woven fabric with one or more protective outer coverings and which, when ignited, burn at a predetermined rate without any external explosive effect; or
  - (d) cap-type primers, which consist of a metal or plastic cap containing a small amount of primary explosive mixture that is readily ignited by impact and which serve as igniting elements in small arms cartridges or in percussion primers for propelling charges.
- <sup>F50</sup>(16) .....
- <sup>F50</sup>(17) .....
- <sup>F50</sup>(18) .....

#### Textual Amendments

- F44** Reg. 3(4) substituted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **5(a)** (with regs. 2(1), 15)
- F45** Words in reg. 3(8) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016 \(S.I. 2016/721\)](#), reg. 1, **Sch. 5 para. 12(b)** (with reg. 5)
- F46** Reg. 3(8)(f) revoked (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), **Sch. 4 Pt. 2** (with reg. 1(3))
- F47** Word in reg. 3(10) inserted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), **Sch. 5 para. 18(b)** (with reg. 1(3))
- F48** Words in reg. 3(14) substituted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **5(b)** (with regs. 2(1), 15)
- F49** Reg. 3(15)(aa) inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **5(c)** (with regs. 2(1), 15)
- F50** Reg. 3(16)-(18) omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **5(d)** (with regs. 2(1), 15)

### Marginal Citations

- M35** By virtue of section 84(1) of the Health and Safety at Work etc. Act 1974, Parts I and IV of that Act extend to Northern Ireland “so far as may be necessary to enable regulations under section 15 to be made and operate for the purposes mentioned in paragraph 2 of Schedule 3. That paragraph includes, as a subject matter for such regulations, prohibiting the import into the United Kingdom of articles or substances of any specified description.
- M36** [1875 c.17 \(38 & 39 Vict\)](#); section 74 was amended by [S.I. 1974/1885](#) and by the [Energy Act 2013](#) (c. 32), [Schedule 12, Part 5, paragraphs 50](#) and 52.
- M37** [1964 c. 5](#).
- M38** [S.I. 2009/1348](#), to which there are amendments not relevant to these Regulations.
- M39** [S.I. 1995/738](#), amended by [S.I. 2002/2175](#); there are other amending instruments but none is relevant.
- M40** [2011 c.13](#).
- M41** [2012 asp 8](#).

## PART 2

### AUTHORISATIONS

#### Authorisation to acquire or acquire and keep explosives

4.—(1) An explosives certificate is a certificate certifying that the person to whom it is issued is a fit person—

- (a) to acquire explosives; or
- (b) to acquire and keep explosives,

in accordance with the terms of the explosives certificate.

(2) An explosives certificate must be in a form approved for the time being for the purposes of this regulation by the Executive.

5.—(1) Subject to paragraph (3), no person may acquire any explosives unless—

- (a) that person has a valid explosives certificate certifying that person to be a fit person to acquire explosives;
- (b) that person acquires no more explosives than any quantity referred to in the explosives certificate;
- (c) where the explosives certificate specifies the description of explosives which that person is a fit person to acquire, that person acquires only explosives of that description; and
- (d) where the explosives certificate specifies purposes for which that person is a fit person to acquire explosives, that person acquires them only for those purposes.

(2) Subject to paragraph (3), no person may keep explosives unless that person—

- (a) has a valid explosives certificate certifying that person to be a fit person to keep explosives;
- (b) keeps no more explosives than the quantity referred to in the explosives certificate;
- (c) where the explosives certificate specifies the description of explosives which that person is a fit person to keep, keeps only explosives of that description; and
- (d) keeps them at any place specified in the explosives certificate.

(3) Paragraphs (1) and (2) do not apply to —

- (a) the explosives as referred to in Schedule 2;

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- (b) pyrotechnic articles apart from those as referred to in Schedule 3; or
- (c) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997 <sup>M42</sup>.

(4) For the purposes of this regulation, where a person acts as an agent to acquire a relevant explosive for another person, the agent is to be treated as if the agent, as well as that other person, had acquired the relevant explosive and the provisions of paragraph (1) accordingly apply to the agent as well as to that other person.

#### Marginal Citations

**M42** 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.

### Authorisation to manufacture explosives

6.—(1) Subject to paragraph (2), no person may manufacture explosives unless that person holds a licence for that manufacture and complies with the conditions of that licence.

(2) Paragraph (1) does not apply to—

- (a) the manufacture of explosives for the purpose of laboratory analysis, testing, demonstration or experimentation (but not for practical use or supply) where the total quantity of explosives being manufactured at any time does not exceed 100 grams, but nothing in this sub-paragraph is to be taken as authorising any acquisition or keeping of explosives for which an explosives certificate is required by virtue of regulation 5, without such a certificate;
- (b) the making or unmaking of small arms ammunition, or ammunition with inert projectiles intended for use in recreational or occupational firearms, or the preparation of cartridges for use with firearms which are to be used at historical re-enactment events, where the total quantity of primer and propellant used at any one time does not exceed 2 kilograms and, for these purposes, the quantity of propellant used includes propellant removed from cartridges;
- (c) the preparation of shot firing charges in connection with their use;
- (d) the preparation, assembly, disassembly and fusing of firework displays at the place of intended use;
- (e) the preparation, assembly and fusing of fireworks, in quantities of no more than 10 kilograms at a time, at a site in relation to which a person holds a licence for the storage of explosives, for the purposes of a firework display to be put on by that person;
- (f) the preparation, assembly and fusing of explosives commissioned for use in theatrical, television or cinematic special effects;
- (g) the reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive substance;
- (h) the mixing for immediate use of—
  - (i) ammonium nitrate with fuel oil; or
  - (ii) ammonium nitrate blasting intermediate with another substance, at a mine or quarry to produce an explosive which is not cap-sensitive;
- (i) the use of desensitised explosives in the manufacture of products which are not in themselves explosives; or
- (j) the manufacture 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 a licence

to manufacture explosives and that manufacture by the wholly-owned subsidiary is in accordance with the conditions of that licence.

(3) Where any of the activities in paragraph (2) for which a licence is not required are to take place at a site in relation to which a person holds a licence, the activity may only be carried out there where to do so would not result in a breach of the conditions of that licence.

(4) In this regulation—

- (a) “cap-sensitive” means an explosive which gives a positive result when tested in accordance with the Series 5(a) test of the Manual of Tests and Criteria, fifth revised edition <sup>M43</sup>, supporting the United Nations Recommendations;
- (b) “quarry” has the meaning given in regulation 3 of the Quarries Regulations 1999 <sup>M44</sup>;
- (c) “recreational or occupational firearms” means hand-held firearms intended for the shooting of—
  - (i) wild game, vermin or, in the course of carrying on activities in connection with the management of an estate, wildlife; or
  - (ii) prepared inanimate objects;
- (d) “shot firing charges” means charges used in shot firing operations; and
- (e) “supply” means making available with a view to distribution or use, whether by the person making it available to another and whether for reward or free of charge.

#### Marginal Citations

**M43** ISBN 978 – 92 – 1 – 139135 – 0.

**M44** [S.I. 1999/2024](#), to which there are amendments not relevant to these Regulations.

### Authorisation to store explosives

7.—(1) Subject to paragraph (2), no person may store explosives unless that person holds a licence for their storage and complies with the conditions of that licence.

(2) Paragraph (1) does not apply to—

- (a) the storage of one or more of the following—
  - (i) no more than 10 kilograms of shooters' powder;
  - (ii) no more than 5 kilograms of—
    - (aa) shooters' powder; or
    - (bb) any hazard type 3 or 4 explosive, or desensitised explosive, which is not a relevant explosive, or a combination of hazard type 3 or 4 explosives, or desensitised explosives, which are not relevant explosives; or
    - (cc) a combination of shooters' powder and any hazard type 3 or 4 explosives, or desensitised explosives, which are not relevant explosives;
  - (iii) no more than 15 kilograms of percussion caps or small arms ammunition or a mixture of them;
- (b) the storage of no more than 7 kilograms of—
  - (i) hazard type 1 or 2 explosives, or
  - (ii) a combination of hazard type 1 or 2 explosives with explosives of another hazard type,for no longer than 24 hours;

- (c) the storage of hazard type 3 or 4 explosives for no longer than 24 hours;
  - (d) the storage of no more than 100 kilograms of—
    - (i) hazard type 3 explosives consisting of fireworks;
    - (ii) shooters' powder; or
    - (iii) a combination of shooters' powder and hazard type 3 and 4 explosives consisting of fireworks,
 provided that the explosives are stored for no longer than is necessary and in any event no more than 5 consecutive days in their place of intended use;
  - (e) the storage of—
    - (i) no more than 250 kilograms of hazard type 4 explosives provided that the explosives are stored for no longer than is necessary and in any event no more than 5 consecutive days in their place of intended use; or
    - (ii) no more than 50 kilograms of hazard type 4 explosives consisting solely of fireworks provided that the fireworks are stored for no longer than 21 consecutive days and are not for sale or for use at work;
  - (f) the storage of desensitised explosives which have been assigned in accordance with the United Nations Recommendations the U.N. no. 2059, 2555, 2556 or 2557; or
  - (g) 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 a licence to store explosives and that storage by the wholly-owned subsidiary is in accordance with any condition of that licence.
- (3) For the purposes of paragraph (2)—
- (a) no more than one of the exceptions listed in subparagraphs (a) to (g) of paragraph (2) may be relied on in relation to explosives stored at the same site at the same time, irrespective of the person who is storing them; and
  - (b) the quantities referred to in that paragraph are the maximum quantities of the explosives they respectively relate to which may be present at a site at any one time.
- (4) Where any storage to which paragraph (2) applies for which a licence is not required is to take place at a site in relation to which a person holds a licence, that storage may only take place there where to do so would not result in a breach of the conditions of that licence.

### **Authorisation to transfer civil explosives**

8.—(1) Before any civil explosives are transferred, the consignee must obtain from the competent authority <sup>F51</sup>..., a recipient competent authority document which grants approval for the transfer.

(2) No person may consign any civil explosives for carriage to a place outside Great Britain unless the approval of the [<sup>F52</sup>relevant competent authority] has been obtained.

(3) No person may consign any civil explosives for carriage unless that person is satisfied that the consignee has the recipient competent authority document required by paragraph (1).

(4) No person may carry civil explosives unless the civil explosives are accompanied by the recipient competent authority document required by paragraph (1) or a copy of that document certified by or on behalf of the consignee to be a true copy thereof.

(5) For the purposes of this regulation, any transfer of civil explosives to a place outside [<sup>F53</sup>the United Kingdom] is treated as a transfer which will terminate at the place where the civil explosives are immediately before leaving [<sup>F53</sup>the United Kingdom].

(6) The consignee of any civil explosives must retain the recipient competent authority document or a copy thereof for a period of 3 years from the completion of the transfer.

(7) This regulation does not apply to the transfer of any component of small arms ammunition by a person for that person's own sporting or other recreational use and not for sale, or to the transfer of such component following which the component is in the possession of a person for such purposes.

(8) Except as part of a transfer carried out in accordance with this regulation, the importation of civil explosives into the United Kingdom is prohibited.

[<sup>F54</sup>(8A) A recipient competent authority document issued under this regulation may be granted for such period as the competent authority determines and may be revoked by notice in writing by that authority on grounds of safety or security.]

[<sup>F55</sup>(9) In this regulation—

- (a) “competent authority” means the Executive; and
- (b) “recipient competent authority document” means a document issued in accordance with this regulation by the competent authority;
- (c) “relevant competent authority” means—
  - (i) in respect of a transfer or part of a transfer which takes place within Great Britain, the Executive; and
  - (ii) in respect of a transfer or part of a transfer which takes place in Northern Ireland, the body which discharges in Northern Ireland similar functions to those discharged by the Executive under these Regulations in relation to Great Britain.]

[<sup>F56</sup>(10) A transfer document issued under the Directive, which was valid immediately before IP completion day is deemed to be a valid recipient competent authority document for the purposes of this regulation after IP completion day, until such time as it expires or is withdrawn by a relevant competent authority.]

#### Textual Amendments

- F51** Words in [reg. 8\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(2\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F52** Words in [reg. 8\(2\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(3\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F53** Words in [reg. 8\(5\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(4\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F54** [Reg. 8\(8A\)](#) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(5\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F55** [Reg. 8\(9\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(6\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F56** [Reg. 8\(10\)](#) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 4\(7\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#), [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/852), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(f\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

### Prohibition concerning the acquisition and supply of fireworks

9.—(1) No person may—

- (a) acquire more than 50 kilograms of fireworks unless that person (“Person A”), or another person on behalf of Person A, holds a valid licence for the storage of those fireworks; or
- (b) sell or otherwise transfer to any person (“Person B”) more than 50 kilograms of fireworks unless Person B shows to the person selling or otherwise transferring the fireworks a valid licence for the storage by Person B of those fireworks.

(2) This regulation does not apply to a person who is transporting fireworks on behalf of another person.

## PART 3

### DEFENCES IN RELATION TO REGULATIONS 5 TO 7

#### Defence

10.—(1) In proceedings against a person for a contravention of regulation 5(2), it is a defence for that person to prove that the keeping of explosives in contravention of that provision was caused by an emergency being an emergency which that person took all reasonable precautions and exercised all due diligence to avoid.

(2) In proceedings against a person for a contravention of regulation 6(1) which involves using a building or part of a building licensed for the manufacture of explosives, for another manufacturing process not specified in the licence, it is a defence for that person to prove that—

- (a) that use was temporary;
- (b) that other process of manufacture involved explosive of the same, or a lower, hazard type than the explosives which the conditions of the licence permit in, as the case may be, that building or part of a building;
- (c) the maximum quantity of explosives in that building or part of a building at any one time permitted under the conditions of the licence was not exceeded; and
- (d) that person informed—
  - (i) where that person's licence was granted by the ONR, the ONR; or
  - (ii) otherwise, the Executive,
 as soon as was reasonably practicable after the start of that use.

(3) In proceedings against a person for a contravention of regulation 7(1), it is a defence for that person to prove that the storage of explosives without a licence or in breach of a condition of a licence was caused by an emergency being an emergency which that person took all reasonable precautions and exercised all due diligence to avoid.

(4) In proceedings against a person for a contravention of regulation 7(1) where it is alleged against that person that the storage concerned was for a period longer than a period (“the permitted period”) referred to in regulation 7(2)(b), (c), (d) or (e)(i) or (ii), it is for that person to prove that the storage concerned was for no longer than the permitted period.



## PART 4

### APPLICATIONS FOR AND GRANT OF AUTHORISATIONS

#### **Application for and issuing of an explosives certificate to acquire or acquire and keep any relevant explosive**

**11.—**(1) Subject to paragraphs (4) to (6), an application for an explosives certificate must be made to the chief officer of police for the relevant police force.

(2) An application for an explosives certificate must be in a form approved for the time being for the purposes of this regulation by the Executive.

(3) A chief officer of police must issue an explosives certificate to an applicant if satisfied that the applicant is a fit person to hold an explosives certificate in accordance with any terms of that certificate.

(4) This paragraph applies with respect to an explosives certificate which would, if granted, certify only that the holder is a fit person to acquire explosives and where the person who would be the holder is not resident in Great Britain or, in the case of a body corporate, does not have a registered office or any other office in Great Britain.

(5) Where paragraph (4) applies, the application for an explosives certificate may be made by a person resident in Great Britain who has knowledge of and control over any occasion when the person to whom the certificate would relate would acquire or use explosives.

(6) An application pursuant to paragraphs (4) and (5) must be made to the chief officer of police for the police area in which the person who makes the application resides or, in the case of a body corporate, has its registered office or, if it has no registered office, its principal office.

(7) The holder of an explosives certificate must inform the chief officer of police who issued it of any change in the holder's address or, where the holder is a body corporate or partnership, of its proper address for the purposes of section 46(4) of the 1974 Act, either before or immediately after any such change occurs.

#### **Applications for licences to manufacture or store explosives**

**12.** An application for a licence must be made to the licensing authority on a form approved for the time being for the purposes of this regulation by the Executive.

#### **Grant of licences**

**13.—**(1) A licence or a renewal of a licence may be granted—

- (a) where the licensing authority is a local authority, for such period not exceeding five years as the licensing authority determines;
- (b) where the licensing authority is the chief officer of police, the Executive or the ONR, for such period not exceeding five years as that licensing authority determines, save that, where the applicant for the licence or renewal of a licence has been granted an explosives certificate, the licence or renewal, as the case may be, may only be granted for any period not exceeding the due expiry date of that explosives certificate; or
- (c) for any period or without a time limit in a case—
  - (i) to which paragraph (3) applies; or
  - (ii) to which paragraph (3) does not apply by virtue of paragraph (4)(d), (e), (f), or (g); or
  - (iii) where the application is for a licence, or a renewal of a licence, relating only to the manufacture or storage of ammonium nitrate blasting intermediate.

(2) Subject to paragraph (3), the licensing authority must grant a licence or renewal of a licence unless any of the grounds for refusing to do so referred to in regulation 20 apply.

(3) Subject to paragraph (4), where the Executive or the ONR is the licensing authority in respect of an application for a licence the procedure set out in regulation 14 applies for obtaining the assent of—

- (a) the local authority, or
- (b) each local authority where the proposed site which is the subject of the application for a licence is situated partly within the area of one local authority and partly within the area of another,

and the Executive or the ONR, as the case may be, must refuse to grant the licence unless the local authority, or each local authority, as the case may be, has so assented.

(4) Paragraph (3) does not apply—

- (a) where—
  - (i) the application is for a licence to store no more than 2000 kilograms to which paragraph (a)(i) or (b) of the definition of “explosive” in regulation 2(1) applies; and
  - (ii) the applicant has not notified the relevant licensing authority that the separation distances which would be required by regulation 27 and Schedule 5 could not be complied with;
- (b) to an application for a licence relating to the manufacture of explosives by means of on-site mixing;
- (c) to an application for a licence relating to the manufacture or storage of ammonium nitrate blasting intermediate;
- (d) to an application for a licence relating to the manufacture or storage of explosives by a person who wishes to carry on such manufacture or storage within a part of a site where another person already holds a licence for the manufacture or storage of explosives; and either —
  - (i) the application relates to manufacturing or storage activities which would be permitted at that part of the site under the existing licence; or
  - (ii) in the opinion of the relevant licensing authority or a local authority whose assent would otherwise be required, no significant new health and safety issues are raised by the application;
- (e) to an application for a licence relating to the manufacture of explosives by a police force maintained pursuant to section 2 of the Police Act 1996<sup>M45</sup> or sections 2 and 3 of the Police and Fire Reform (Scotland) Act 2012<sup>M46</sup> for their operational purposes or the training of members of that police force in relation to those purposes;
- (f) to an application for a licence for the manufacture or storage of explosives at a site which, immediately before any grant of that application, is one which the disapplication in regulation 3(9) applies to and, in the opinion of the relevant licensing authority, no significant new health and safety issues are raised by the application; or
- (g) to an application for a licence to follow, without a gap in time, a licence in respect of which paragraph (3) did not apply by virtue of sub-paragraph (e) or (f) and, in the opinion of the relevant licensing authority, no significant new health and safety issues are raised by the application.

(5) Every licence must include conditions which specify—

- (a) the site and, within it, the places where the explosives may be stored, or, in the case of a licence to manufacture explosives, where they may be manufactured;

(b) the hazard type, if any, the description and maximum amount of explosives which may be—

(i) stored or otherwise present, or

(ii) in the case of licence to manufacture explosives, manufactured,  
at any one time at any place so specified.

(6) In addition to the matters specified in paragraph (5), a licence which is granted by the relevant licensing authority in cases where the assent of the local authority was required pursuant to paragraph (3) or in cases where that assent was not required by virtue of paragraph (4)(b), (c), (d), (e), (f) or (g)—

(a) must be granted subject to such conditions as the relevant licensing authority considers appropriate which relate to separation distances;

(b) may be granted subject to such conditions as the relevant licensing authority considers appropriate which relate to—

(i) the construction, siting or orientation of any building (including any protective works around the building) where the activity will be carried on;

(ii) the activities which may be undertaken in specified buildings, rooms within those buildings, other structures or other places within the site; and

(iii) the manufacture and storage of the ingredients of explosives or articles or substances which are liable to ignite spontaneously or are flammable or otherwise dangerous in ways which could initiate or aggravate a fire or explosion,

and in this sub-paragraph—

“activity” means the manufacture or storage of explosives and includes any handling, on-site transport, testing, use and disposal of explosives and “activities” is to be construed accordingly; and

“construction” means the materials used in, and the design of, a building; and

(c) may, where both the manufacture and storage of explosives at the same site was applied for, cover both that manufacture and storage for the purposes of, respectively, regulations 6 and 7.

(7) In addition to the matters specified in paragraphs (5) and (6), where a licensing authority grants a licence which relates to the storage of pyrotechnic articles at any site where those articles are to be offered for sale, the licensing authority may attach such conditions to the licence as it considers appropriate which relate to—

(a) the storage and display of those articles in areas where they can be purchased;

(b) the prevention of risk of fire arising in respect of those articles; and

(c) the safe use of fire escapes in that area.

(8) Every person who, in a case to which paragraph (3) applies or a case to which that paragraph does not apply by virtue of paragraph (4)(c), (d), (e), (f) or (g) is granted a licence to manufacture or store explosives must ensure that the relevant licensing authority and the local planning authority in whose area the manufacture or storage takes place is, within 28 days of the licence being—

(a) granted; or

(b) varied in a way which affects the separation distances required to be maintained,

given a plan of the site and its immediate surrounding area showing the separation distances required to be maintained pursuant to the licence or varied licence.

(9) A licence granted pursuant to this regulation must be in a form approved for the time being for the purposes of this regulation by the Executive.

(10) In this regulation—

- (a) “local planning authority”, in relation to an area—
  - (i) in England and Wales has the same meaning as it has in Part I of the Town and Country Planning Act 1990<sup>M47</sup> save that, where there is more than one local planning authority, it means the district planning authority for the district; and
  - (ii) in Scotland means the council for the local government area;
- (b) “on-site mixing” means the mixing at any place of non-explosive substances or preparations to form an explosive for immediate use at that place; and
- (c) “relevant licensing authority” means the Executive or the ONR (as the case may be).

#### Marginal Citations

**M45** 1996 c.16; section 2 was amended by the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#), [Schedule 16](#), paragraph 4.

**M46** 2012 asp 8.

**M47** 1990 c.8. Part 1 of the Town and Country Planning Act 1990 has been amended by the [Planning and Compensation Act 1991 \(c. 34\)](#), [Schedule 7](#), paragraph 9, the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#), [Schedule 21](#), paragraphs 28 and 29, the [Local Government \(Wales\) Act 1994 \(c.19\)](#), [sections 18](#) and 19 and [Schedule 18](#), the [Environment Act 1995 \(c.25\)](#), [section 67](#) and [Schedule 10](#), paragraph 32, [Schedule 22](#), paragraph 42, and [Schedule 24](#), the [Greater London Authority Act 1999 \(c.29\)](#), [Schedule 34](#), the [Public Audit \(Wales\) Act 2004 \(c.23\)](#), [Schedule 2](#), paragraph 13, the [Greater London Authority Act 2007 \(c.24\)](#), [sections 31](#), 32 and 35, the [Local Government and Public Involvement in Health Act 2007 \(c.28\)](#), [Schedule 28](#), the [Housing and Regeneration Act 2008 \(c.17\)](#), [Schedule 8](#), paragraph 52, and [Schedule 16](#), the [Planning Act 2008 \(c.29\)](#), [section 190](#), the [Localism Act 2011 \(c.20\)](#), [Schedule 9](#), paragraph 3, and [Schedule 22](#), paragraphs 30 to 32, the [Growth and Infrastructure Act 2013 \(c.27\)](#), [section 28](#), [Schedule 1](#), paragraphs 1 and 2, and [Schedule 2](#), paragraph 2. The amendments made by the Greater London Authority Act 1999, the Leasehold Reform, Housing and Urban Development Act 1993 and [Schedule 22](#) to the Localism Act 2011 are not yet in force. Functions of the Secretary of State, so far as exercisable in relation to Wales, have been transferred to the National Assembly for Wales by the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#).

#### Local authority assent procedure in relation to licence applications

**14.—**(1) Where this regulation applies by virtue of regulation 13(3), the relevant licensing authority must, subject to regulation 20, issue the applicant with a draft licence containing the conditions which that licensing authority proposes to attach to the licence.

(2) The applicant must as soon as reasonably practicable send a copy of the application and draft licence to the local authority in whose area the manufacture or storage is proposed to take place.

(3) Within 28 days of sending to the local authority the information specified in paragraph (2), the applicant must—

- (a) cause to be published in a newspaper circulating in the locality where the manufacture or storage of explosives is proposed to take place a notice which must—
  - (i) give details of the application;
  - (ii) invite representations on matters affecting the health and safety of persons other than the applicant's employees to be made in writing to the local authority within 28 days of the date that the notice is first published; and

- (iii) give an address within the area of the local authority at which a copy of the application and draft licence may be inspected and the address of the local authority to which any representations must be sent; and
- (b) take other reasonable steps to give that information to every person who resides or carries on a business or other undertaking within the public consultation zone.
- (4) The local authority must send a copy of any representations referred to in paragraph (3)(a)(ii) to the applicant as soon as reasonably practicable after receiving them.
- (5) In considering whether to assent, the local authority must have regard only to health and safety matters.
- (6) Subject to paragraph (7), the local authority must, before deciding whether to assent to the application, hold a public hearing within 4 months of the date of its receipt of the copy of the application and draft licence referred to in paragraph (2).
- (7) If, after the period of 28 days referred to in paragraph (3)(a)(ii) has elapsed, the local authority has received no objection to the application, or has only received objections which in its opinion are frivolous or immaterial, it may assent to the application without holding a hearing.
- (8) Not less than 28 days before the hearing referred to in paragraph (6), the local authority must publish notice of the date, time and place fixed for the hearing in a newspaper circulating in the locality and send a copy of the notice to—
  - (a) the applicant;
  - (b) any person who made representations referred to in paragraph (3)(a)(ii); and
  - (c) the relevant licensing authority,within 7 days from its publication.
- (9) The local authority must notify the applicant and the relevant licensing authority of its decision within 7 days of making it.
- (10) If the local authority fails to—
  - (a) send a copy of the notice referred to in paragraph (8) to the relevant licensing authority within 3 months from the date that a copy of the application and draft licence was sent to it pursuant to paragraph (2); or
  - (b) notify the relevant licensing authority of its decision in accordance with paragraph (9), within 2 months from the date of publication of the notice referred to in paragraph (8),that licensing authority may make a written request to the local authority for it to state in writing whether it assents to the application.
- (11) If the local authority does not respond to the written request within 28 days from the date of the request, the local authority is deemed to have assented to the application.
- (12) The applicant must pay a fee to the local authority for the performance by that authority of their functions under this regulation, which fee must not exceed the sum of the costs reasonably incurred by that authority in performing those functions.
- (13) In this regulation—
  - (a) “applicant” means the applicant for a licence or variation of a licence, as the case may be, and “application” means that person’s application; and
  - (b) “relevant licensing authority” has the meaning given in regulation 13(10)(c).

## **Registers and retention of documents**

- 15.—**(1) The licensing authority must—
- (a) maintain a register in accordance with Schedule 4;

- (b) keep a copy of any licence granted by it (together with a copy of the application for the licence) for as long as the licence remains valid; and
  - (c) (except where the Executive is the licensing authority), send to the Executive on request a copy of any part of the register or other document specified in this paragraph within such time as the Executive may direct.
- (2) For the purposes of this regulation and Schedule 4, in the case to which regulation 3(9) applies disapplying regulations 6, 7, 12 to 14, 16 to 18, 20, 23 and 27, any reference to—
- (a) the licensing authority or licensee is to be construed as a reference to the Secretary of State having responsibility for defence;
  - (b) any licence granted is to be construed as a reference to the scheme referred to in regulation 3(9);
  - (c) separation distances is to be construed as a reference to the separation distances prescribed in the scheme approved by the Secretary of State having responsibility for defence.

## PART 5

### VARIATION AND TRANSFER OF AUTHORISATIONS TO MANUFACTURE OR STORE EXPLOSIVES AND DEATH, BANKRUPTCY OR INCAPACITY OF A LICENSED PERSON

#### Variation of licences

- 16.—**(1) The licensing authority which grants a licence may vary it—
- (a) where there has been a change in circumstances such that the separation distances can no longer be maintained and a consequent reduction in the maximum amount of explosive that may be stored is required;
  - (b) (where the Executive or the ONR (as the case may be) is the licensing authority in cases where the assent of the local authority was required pursuant to regulation 13(3) , or in cases where that assent was not required by virtue of regulation 13(4)(b), (c), (d), (e), (f) or (g), before the grant of the licence) where there has been a material change in circumstances so that a variation is necessary to ensure safety; or
  - (c) in relation to any of the matters it relates to, by agreement with the licensee.
- (2) Subject to paragraphs (7) and (8), a licence may be varied on the grounds referred to in paragraph (1)(a) or (b) without the agreement of the licensee.
- (3) Where the Executive or the ONR is the licensing authority in cases where the assent of the local authority—
- (a) was required under regulation 13(3) before the grant of the licence; or
  - (b) was not required by virtue of regulation 13(4)(f) or (g); or
  - (c) was required under regulation 13(3) of the 2005 Regulations, before the grant of the licence; or
  - (d) would have been required under regulation 13(3) of the 2005 Regulations but for the operation of regulation 27(4) or (13) of those Regulations,
- the provisions of regulation 14 apply in respect of a proposed variation referred to in paragraph (4) as if the reference in regulation 14(1) to regulation 13(3) were a reference to regulation 16(3).
- (4) A proposed variation for the purposes of paragraph (3) is one which—

- (a) relates to changes in the permitted quantities or types of explosive as a result of which the licensee could be required to maintain a separation distance greater than the separation distance required before the variation and, in the opinion of the Executive or the ONR, as the case may be, or the local authority concerned, significant new health and safety issues are raised by that proposed variation;
- (b) would increase the period of the licence by more than twelve months; or
- (c) would remove the period of the licence so that it would be unlimited as to time,

and the Executive or the ONR, as the case may be, must refuse to grant a varied licence unless the local authority, or each local authority in the case referred to in regulation 13(3), has so assented.

(5) Where a licensing authority proposes to vary a licence without the agreement of the licensee it must, before taking any such action, notify the licensee of its proposed course of action and afford the licensee the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(6) Representations made for the purpose of [F57 paragraph (5)] may be made in writing, or both in writing and orally.

(7) Where the licensing authority decides to vary a licence without the agreement of the licensee it must provide the licensee with written reasons for its decision.

(8) Where the licensing authority varies a licence without the agreement of the licensee, that variation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period referred to in paragraph (5).

(9) In this regulation, any reference to varying a licence includes varying its conditions.

#### Textual Amendments

**F57** Words in reg. 16(6) substituted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(c\)](#) (with [reg. 1\(3\)](#))

#### Transfer of licences

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

(2) A licensing authority must grant an application for a transfer of a licence 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 licence to store explosives; or
- (b) to manufacture explosives, in the case of an application to transfer a licence to manufacture explosives.

(3) Where a licensing authority is of an opinion referred to in sub-paragraph (a) or (b) of paragraph (2), it must, subject to regulation 20, refuse the application to transfer the licence.

#### Death, bankruptcy or incapacity of a licensee

**18.—**(1) If a licensee dies or becomes incapacitated, a person manufacturing or storing explosives in accordance with the conditions of the first-named person's licence is to be treated as being licensed in accordance with the first named person's licence until either—

- (a) the expiration of a period of 60 days starting with the date of such death or incapacity;
- (b) the grant or refusal of a new licence; or

(c) the transfer of, or a refusal to transfer, a licence, whichever is the earlier.

(2) If a licensee becomes bankrupt or, in the case of a company, goes into liquidation, administration or receivership or has a receiving order made against it, any liquidator, administrator, receiver or trustee in bankruptcy is to be treated as being the licensee.

## PART 6

### REFUSALS OF AUTHORISATIONS

#### Refusal of an explosives certificate

**19.**—(1) A chief officer of police must not issue an explosives certificate to a person if the chief officer of police is satisfied that the person is of unsound mind or intemperate habit.

(2) A chief officer of police must not issue an explosives certificate to a person unless the chief officer of police is satisfied that—

- (a) the person has good reason for acquiring the relevant explosives;
- (b) the person is a responsible person who may be permitted to acquire the relevant explosives without danger to public safety or peace;
- (c) the person will take all reasonable precautions to prevent access to the relevant explosives by unauthorised persons and to prevent loss of those explosives;
- (d) the person is not a prohibited person;
- (e) where the person is a body corporate, no director or secretary of the body corporate, and where the person is a Scottish firm, no partner in the firm, is a prohibited person;
- (f) where the application is for an explosives certificate relating only to acquisition of relevant explosives—
  - (i) it is not reasonably practicable for the applicant to be an occupier of a site for the storage of relevant explosives for which the person would be required to have a licence, and
  - (ii) either the relevant explosives will not be kept, or, if kept, the applicant will ensure that they are kept at a site where such storage is permitted pursuant to a licence or at a site occupied by the Secretary of State having responsibility for defence; and
- (g) where the application is for an explosives certificate relating to the keeping of relevant explosives, either—
  - (i) the applicant will ensure that the relevant explosives are kept at a site where the storage is permitted pursuant to a licence;
  - (ii) the relevant explosives will be kept at a site occupied on behalf of the Crown, or
  - (iii) in the case where the applicant does not hold a licence in respect of the storage of the relevant explosives, no licence is required to be held by the applicant in respect of that storage by virtue of regulation 7(2).

#### Refusal of a licence and draft licence and refusal of a renewal or transfer of a licence

**20.**—(1) Subject to paragraphs (3) to (5), the licensing authority must—

- (a) refuse an application for a licence; and



(b) where regulation 14(1) applies, refuse to issue the draft licence referred to in regulation 14(1),

where paragraph (2) applies.

(2) This paragraph applies where the licensing authority is of the opinion that—

(a) the proposed site or, within it, any place where the manufacture or storage of explosives is proposed to take place is unsuitable for that manufacture or storage; or

(b) the applicant is not a fit person—

(i) to store explosives, in the case of an application for a licence to store explosives; or

(ii) to manufacture explosives, in the case of an application for a licence to do so.

(3) Where a licensing authority proposes to refuse an application for—

(a) a licence;

(b) a renewal of a licence;

(c) a variation of a licence; or

(d) a transfer of a licence;

it must, before taking any such action, notify the applicant of its proposed course of action and afford that applicant the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(4) Representations made for the purpose of paragraph (3) may be made in writing, or both in writing and orally.

(5) Where the licensing authority decides to refuse an application for—

(a) a licence;

(b) a renewal of a licence;

(c) a variation of a licence; or

(d) a transfer of a licence;

it must provide the applicant with written reasons for its decision.

(6) A refusal by the licensing authority, pursuant to paragraph (1), to issue the draft licence referred to in regulation 14(1) is to be treated for the purposes of these Regulations as a refusal of an application for a licence.

## PART 7

### REVOCATION OF AUTHORISATIONS AND APPEALS AGAINST CERTAIN DECISIONS

#### Revocation and expiry of an explosives certificate

**21.—**(1) A chief officer of police may revoke an explosives certificate which that chief officer of police has issued if, at any time, that chief officer of police is satisfied that the holder was not when the explosives certificate was issued, or is no longer, a fit person to hold an explosives certificate in the terms of that explosives certificate.

(2) A chief officer of police must revoke an explosives certificate which that chief officer of police has issued if, at any time, that chief officer of police is satisfied that any of the conditions in paragraph (1) or (2) of regulation 19 was not met when the explosives certificate was issued, or is no longer met.

- (3) An explosives certificate ceases to be valid—
  - (a) 5 years after the date of issue; or
  - (b) after such lesser time as may be stated therein; or
  - (c) after notice of revocation by the chief officer of police for the relevant police force has been served on the holder of the certificate,

whichever happens first.

- (4) The holder of an explosives certificate must surrender it to the chief officer of police who issued it immediately after a notice of revocation has been served on that holder under paragraph (3) (c).

### **Appeals and applications to the Crown Court or Sheriff**

**22.**—(1) A person aggrieved by any decision of a chief officer of police to refuse an explosives certificate under regulation 19 or to revoke an explosives certificate under regulation 21 may appeal within 21 days of receiving notice of that decision.

(2) An appeal under this regulation in England and Wales is to be to the Crown Court and in Scotland is to be to the sheriff by way of summary application.

(3) The court hearing an appeal under this regulation may dismiss the appeal or allow the appeal and give directions to the chief officer of police to issue or restore the explosives certificate.

(4) A prohibited person may apply to the Crown Court or, in Scotland, to the sheriff by way of summary application for an order that that person is no longer a prohibited person and the court hearing any such application may make an order exempting that person from the provisions of these Regulations relating to a prohibited person.

### **Revocation of a licence**

**23.**—(1) The licensing authority which grants a licence may, subject to paragraphs (3), (4), (5) and (6), revoke that licence—

- (a) where there has been a change in circumstances such that the site or, within it, any place in which explosives are manufactured or stored which the licence relates to is no longer suitable for that manufacture or storage;
- (b) where it appears to the licensing authority on information obtained by it after the grant of the licence that the licensee is not a fit person—
  - (i) to store explosives, in the case of a person licensed to store explosives; or
  - (ii) to manufacture explosives, in the case of a person licensed to manufacture explosives; or
- (c) by agreement with the licensee.

(2) A person whose licence is revoked must ensure that—

- (a) all explosives are removed from a site as soon as is practicable after revocation of a licence in respect of that site;
- (b) those explosives are deposited at a site which is the subject of a licence which permits any storage resulting from that depositing, or suitable arrangements are made for those explosives to be disposed of; and
- (c) the licence is returned to the licensing authority within 28 days of the date that the revocation takes effect pursuant to paragraph (6).

(3) Where a licensing authority proposes to revoke a licence, it must, before taking any such action, notify the licensee of its proposed course of action and afford that person the opportunity

of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(4) Representations made for the purpose of paragraph (3) may be made in writing, or both in writing and orally.

(5) Where the licensing authority decides to revoke a licence, it must provide in writing to the licensee the reasons for its decision.

(6) Where the licensing authority revokes a licence, that revocation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period referred to in paragraph (3).

## PART 8

### LICENCES FOR SITES WHICH CEASE TO BE, OR BECOME, ONR REGULATED SITES

#### Licences for sites which cease to be ONR regulated sites

**24.**—(1) Where this regulation applies a licence granted by, or treated as granted by, the ONR is to be treated on and after the relevant date as a licence granted by the relevant licensing authority.

(2) This regulation applies where—

- (a) the site in respect of which the licence was granted ceases to be an ONR regulated site; and
- (b) the licence mentioned in sub-paragraph (a) remained in force immediately before the relevant date.

(3) In this regulation—

- (a) “relevant date” means, in relation to a site, the date on which the site ceased to be an ONR regulated site; and
- (b) “relevant licensing authority” means the licensing authority for the site determined in accordance with Schedule 1, other than paragraph 4 of that Schedule, as if an application for a licence were to be made.

#### Licences for sites which become ONR regulated sites

**25.**—(1) Where this regulation applies a licence granted by, or treated as granted by, a licensing authority (other than the ONR) is to be treated on and after the relevant date as a licence granted by the ONR.

(2) This regulation applies where—

- (a) the site in respect of which the licence was granted becomes an ONR regulated site; and
- (b) the licence mentioned in sub-paragraph (a) remained in force immediately before the relevant date.

(3) In this regulation “relevant date” means, in relation to a site, the date on which the site became an ONR regulated site.

## PART 9

### SAFETY OF EXPLOSIVES

#### Fire and explosion measures

**26.—**(1) Any person who manufactures or stores explosives must take appropriate measures—

- (a) to prevent fire or explosion;
- (b) to limit the extent of fire or explosion including measures to prevent the spreading of fires and the communication of explosions from one location to another; and
- (c) to protect persons from the effects of fire or explosion.

(2) For the purposes of paragraph (1), the reference to the manufacture or storage of explosives includes a reference to any handling, on-site transport and testing of explosives which is associated with that manufacture or storage.

(3) In this regulation, “fire or explosion” means unplanned fire or explosion at the site of manufacture or storage.

#### Separation distances

**27.—**(1) Subject to paragraphs (2) and (3), every person who stores explosives at a site must ensure that the relevant separation distance prescribed by Schedule 5 is maintained between a store and a building or other place to which that Schedule applies.

(2) Paragraph (1) does not apply to—

- (a) desensitised explosives; or
- (b) explosives which are stored under a licence granted by the Executive or the ONR 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), (d), (e), (f) or (g).

(3) Paragraph (1) does not apply to the storage of explosives where the total quantity of explosives stored at a site, excluding, in the case of sub-paragraphs (c) and (e), any amount of small arms ammunition, does not exceed—

- (a) 100 grams;
- (b) a combined total of 5 kilograms of shooters' powder and model rocket motors;
- (c) 30 kilograms of shooters' powder and 300 grams of percussion caps;
- (d) 200 detonators and —
  - (i) 5 kilograms of water-based explosive and detonating cord; or
  - (ii) 5 kilograms of water-based explosive or detonating cord; or
- (e) in the case of explosives kept by a police force —
  - (i) 16 kilograms of stun grenades; and
  - (ii) 4 kilograms of explosives kept for operational purposes other than the purpose referred to in paragraph (iii) but including ordnance disposal and the training of dogs for the detection of explosives; or
  - (iii) 30 kilograms of explosives kept solely for the purpose of gaining entry to premises; or
  - (iv) 30 kilograms of explosives kept solely for the purposes of ordnance disposal;

and the explosives are stored in a safe and suitable place with all due precautions for public safety.

(4) In this regulation—

(a) “model rocket motors” means explosive articles which—

(i) are assigned in accordance with the United Nations Recommendations the U.N. no. 0186, 0272, 0349, 0351 or 0471;

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

(iii) in respect of each individual explosive article, contain no more than 1 kilogram of explosive; and

(b) “stun grenades” means pyrotechnic articles designed to confuse, disorientate or distract a person which are assigned in accordance with the United Nations Recommendations the U.N. no. 0431 or 0432.

### **Discarding or disposing of explosives and decontamination of explosive-contaminated items**

**28.—**(1) Any person who discards or disposes of explosives or explosive-contaminated items must ensure, so far as is reasonably practicable, that they are discarded or disposed of safely.

(2) Any person who decontaminates explosive-contaminated items must ensure, so far as is reasonably practicable, that they are decontaminated safely.

### **Prohibitions concerning manufacture, storage and importation of certain explosives**

**29.—**(1) Subject to paragraph (2), no pyrotechnic substance which consists of—

(a) sulphur; or

(b) phosphorus,

mixed with chlorate of potassium or other chlorates or pyrotechnic article which contains any such mixture may be manufactured, stored or imported into the United Kingdom without the approval of the Executive.

(2) In determining whether to approve for the purposes of paragraph (1), the Executive must take into account—

(a) the risk of the mixture spontaneously combusting; and

(b) the potential for the mixture to become sensitive to ignition by friction or impact.

(3) A contravention of paragraph (1) concerning importation is punishable only under the 1974 Act.

## **PART 10**

### **SECURITY OF EXPLOSIVES: PREVENTING UNAUTHORISED ACCESS OR ACQUISITION**

#### **Unauthorised access**

**30.—**(1) Any person who manufactures, stores or keeps explosives must take all appropriate precautions for preventing unauthorised persons having access to—

(a) the places where those explosives are manufactured, stored or kept; or

(b) the explosives.

(2) No person may—

- (a) without the permission of the licensee, enter—
    - (i) any store within a site;
    - (ii) any building used for the manufacture of explosives within a site, or
    - (iii) any site, or any place within it, with clearly marked boundaries at which explosives are stored or manufactured,
 operating under a licence; or
  - (b) having so entered, refuse to leave that site when requested to do so by a constable or the licensee.
- (3) Where following a request referred to in paragraph (2)(b) the person who has entered that place without permission refuses to leave that site, a constable or the licensee may remove that person from the site using reasonable force, if necessary.
- (4) For the purposes of paragraphs (2) and (3)—
- (a) “enter” includes entering onto a roof of a store or a building in which explosives are manufactured; and
  - (b) “licensee” includes an employee or agent of a licensee.

### **Prohibitions concerning the transfer of relevant explosives**

**31.—**(1) No person may transfer any relevant explosive to another person (“the transferee”) unless—

- (a) the transferee has an explosives certificate certifying that the transferee is a fit person to acquire that relevant explosive;
- (b) the relevant explosive is for immediate export to a transferee resident outside the United Kingdom;
- (c) the [<sup>F58</sup>relevant] explosive is for immediate transport to Northern Ireland and the transferee has police consent under regulation 11(1) of the Explosives Regulations (Northern Ireland) 1970 <sup>M48</sup>;
- (d) the relevant explosive is for transport to an offshore installation in controlled waters as both those terms are defined in section 12 of the Mineral Workings (Offshore Installations) Act 1971 <sup>M49</sup>; or
- (e) the transferee is a person specified in regulation 3(7) and, where those provisions apply to a specified person only in particular circumstances or for particular purposes, those circumstances or purposes are satisfied in the case of the person concerned.

(2) For the purposes of this regulation, a person who acts as agent to transfer any relevant explosive for another person is to be treated as if the person acting as agent as well as that other person had transferred that relevant explosive as principal.

(3) For the purposes of this regulation, where any relevant explosive is transported (including being loaded or unloaded and during breaks which are reasonably incidental to completing the journey within a reasonable length of time) the relevant explosive is not to be treated as being transferred to or from a person who has possession of it only by reason of being—

- (a) a carrier;
- (b) a person engaged in the work of loading or unloading; or
- (c) the occupier of a place it passes through while on the journey.

(4) Nothing in paragraph (1)(b), in relation to the transfer to which it refers, is to be taken as meaning that any requirement under other legislation applying in relation to that transfer does not apply.

#### Textual Amendments

- F58** Word in reg. 31(1)(c) inserted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(d\)](#) (with [reg. 1\(3\)](#))

#### Marginal Citations

- M48** S. R. & O. (NI) No. 110, to which there are amendments not relevant to these Regulations.  
**M49** [1971 c. 61](#). The definitions of “controlled waters” and “offshore installation” were substituted, in relation to England, Wales and Scotland, by [S.I. 1995/738](#).

### Restrictions on prohibited persons

**32.—**(1) Subject to paragraph (3), no employer may knowingly employ a prohibited person in a position where the employee handles or has control of any relevant explosive or any restricted substance.

(2) Subject to paragraph (3), no prohibited person, regardless of whether the person satisfies regulation 5, may acquire, handle or have control of any relevant explosive or any restricted substance.

(3) This regulation does not apply to the employment of, or the acquisition, keeping, handling or control of any relevant explosive or any restricted substance in the course of their duties by, members of Her Majesty's Forces.

## PART 11

### SECURITY OF EXPLOSIVES: TRACEABILITY, RECORDS AND REPORTING LOSS

#### Unique identification of civil explosives

**33.—**(1) Subject to paragraphs (3) and (4), any person who manufactures a civil explosive must, as soon as is practicable after that manufacture and before the civil explosive may be moved away from the site where it is manufactured—

- (a) mark each civil explosive item referred to in Schedule 7 relating to the civil explosive with a unique identification in accordance with that Schedule;
- (b) where an associated label in respect of that marking is required by that Schedule, attach the label in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, place that tag in accordance with the applicable provisions of that Schedule.

(2) The unique identification must—

- (a) comprise the components described in Schedule 6; and
- (b) be marked on or firmly affixed to the civil explosive item concerned in a way which ensures that it is durable and clearly legible.

(3) Paragraph (1) does not apply where the civil explosive is manufactured for export and is marked with an identification in accordance with the requirements of the importing country for allowing traceability of the civil explosive.

(4) Where a civil explosive is subject to a further manufacturing process after its original manufacture, the manufacturer must mark each civil explosive item relating to the civil explosive

subjected to that further process, with a new unique identification only if the original unique identification is no longer marked in the way that paragraph (2)(b) requires and any new marking so required must be done as soon as is practicable after that further process and before the civil explosive may be moved away from the site where it is manufactured.

(5) Subject to paragraph (6), a person who imports a civil explosive into Great Britain must, as soon as is practicable after import and before acquisition of the civil explosive by another person—

- (a) mark each civil explosive item referred to in Schedule 7 relating to the civil explosive with a unique identification in accordance with that Schedule;
- (b) where an associated label in respect of that marking is required by that Schedule, attach the label in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, place that tag in accordance with the applicable provisions of that Schedule.

(6) Paragraph (5) does not apply where the civil explosive items are marked with a unique identification before importation.

(7) Where a distributor repackages a civil explosive, the distributor must ensure that—

- (a) the civil explosive items relating to the civil explosive have the unique identification marked on or affixed to them in accordance with Schedule 7;
- (b) where an associated label in respect of that marking is required by that Schedule, the label is attached in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, that tag is placed in accordance with the applicable provisions of that Schedule.

(8) For the purposes of this regulation and Schedule 7—

- (a) “civil explosive item” means a civil explosive article, a container containing a civil explosive substance or each smallest packaging unit containing civil explosive;
- (b) “civil explosive article” means an article containing one or more civil explosive substances; and
- (c) “civil explosive substance” means an explosive substance in a civil explosive.

#### **Attribution of manufacturing site codes for civil explosives**

**34.—**(1) This regulation applies for the purposes of the attribution of a three digit code (referred to in this regulation as the “code”) to a site where civil explosives are manufactured, which is unique to that site and is a component of the unique identification described in Schedule 6.

(2) For each site within Great Britain at which civil explosives are manufactured—

- (a) the manufacturer must apply to the Executive for it to attribute a code for the site; and
- (b) the Executive must attribute the code and inform the manufacturer accordingly.

(3) For the purposes of the attribution of a code to a site where civil explosives are manufactured in a country [<sup>F59</sup>other than the United Kingdom]—

- (a) paragraph (4) applies where the manufacturer is established in [<sup>F60</sup>the United Kingdom] and the place of import of the civil explosives is Great Britain;
- (b) paragraph (5) applies where the manufacturer is not established in [<sup>F61</sup>the United Kingdom] and the place of import of the civil explosives is Great Britain; and
- (c) paragraph (6) applies where the manufacturer is established in Great Britain and the place of import of the civil explosives is <sup>F62</sup>... Northern Ireland <sup>F63</sup>....

(4) Where this paragraph applies—



- (a) in the case where the manufacturer is established in Great Britain—
  - (i) the manufacturer must apply to the Executive for it to attribute a code for the site where the civil explosives are manufactured; and
  - (ii) the Executive must attribute the code and inform the manufacturer accordingly; and
- (b) in the case where the manufacturer is established in Northern Ireland <sup>F64</sup>...—
  - (i) the Executive must attribute a code for the site where the civil explosives are manufactured when it receives a request from the manufacturer to do so; and
  - (ii) the Executive must inform the manufacturer accordingly.
- (5) Where this paragraph applies—
  - (a) the importer must apply to the Executive for it to attribute a code for the site where the civil explosives are manufactured; <sup>F65</sup>...
  - <sup>F66</sup>(b) the importer must at the time of its application provide the Executive with the details of any site code previously attributed to those explosives; and
  - (c) the Executive must attribute the code (which may be the same as the code previously attributed to the explosives) and inform the importer accordingly.]
  - <sup>F67</sup>(6) Where this paragraph applies, the manufacturer must apply to the Secretary of State for Northern Ireland for the Secretary of State to attribute a code for the site where the civil explosives are manufactured.]

#### Textual Amendments

- F59** Words in [reg. 34\(3\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(a\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F60** Words in [reg. 34\(3\)\(a\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(a\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F61** Words in [reg. 34\(3\)\(b\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(a\)\(iii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F62** Word in [reg. 34\(3\)\(c\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(a\)\(iv\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F63** Words in [reg. 34\(3\)\(c\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(a\)\(v\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F64** Words in [reg. 34\(4\)\(b\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F65** Word in [reg. 34\(5\)\(a\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(c\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F66** [Reg. 34\(5\)\(b\)\(c\)](#) substituted for [reg. 34\(5\)\(b\)](#) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(c\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F67** [Reg. 34\(6\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 5\(d\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

## Records in relation to relevant explosives

**35.—**(1) Subject to paragraph (2), a person (“person A”) who acquires or keeps a relevant explosive must keep a record containing the information referred to in paragraph (3).

(2) The duty imposed by paragraph (1) does not apply to—

- (a) individuals who acquire any relevant explosive, otherwise than in connection with their work, solely for their own personal use; or
- (b) a relevant explosive which is produced by mixing at any place non-explosive substances or preparations to form a relevant explosive for immediate use at that place.

(3) The information referred to in paragraph (1) is—

- (a) the means of identifying the relevant explosive, including—
  - (i) its type;
  - (ii) its manufacturer;
  - (iii) a description of the relevant explosive and its name, product code or other information which enables the relevant explosive to be distinguished from every other explosive to which it is not identical;
- (b) the total number of any explosive articles, the total nominal mass of explosive substance not contained in explosive articles or, in the case of such substances in cartridge form, the total number of cartridges;
- (c) the location of the relevant explosive while it is in the possession of person A;
- (d) the name and address of any person to whom the relevant explosive is transferred; and
- (e) whether, while in the possession of person A, the relevant explosive has been—
  - (i) subjected to a further manufacturing process after its acquisition;
  - (ii) used;
  - (iii) transferred to another person; or
  - (iv) destroyed,
 and the date of any such further manufacturing process, use, transfer or destruction.

(4) The record of that information must be kept up to date by person A.

(5) The system applied by person A for collecting the information must be tested by person A at regular intervals to ensure its effectiveness and the quality of the information recorded.

(6) Person A must keep the record for a period of three years from the date when the relevant explosive concerned was used, transferred to another person or destroyed.

(7) Person A must protect the record against accidental or malicious damage or destruction.

(8) Person A must provide the enforcing authority with—

- (a) information as to the origin and location of each relevant explosive to which the record relates, where the enforcing authority requests it; and
- (b) the name of an employee or other person who would be able to provide the enforcing authority with that information at any time and the details necessary for that authority to be able to contact that individual.

(9) Where a business of person A which acquires or keeps any relevant explosive is to cease to trade, person A must notify the enforcing authority of that fact and offer any record still required to be kept pursuant to paragraph (6) to that authority.

(10) In paragraph (3)(a)(iii), “name” means, in relation to an explosive article or explosive substance—

- (a) the name under which it is or is to be marketed; or
- (b) in the case of a military explosive (within the meaning of regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 <sup>M50</sup>), the name designated in writing for that explosive article or substance by the Secretary of State having responsibility for defence.

(11) When regulation 36 is in force, this regulation, to the extent that it concerns civil explosives to which the duty in regulation 36(1) will then apply, ceases to have effect in relation to those civil explosives.

#### Marginal Citations

**M50** [S.I. 2009/1348](#), to which there are amendments not relevant to these Regulations.

### Records in relation to civil explosives

**36.**—(1) Subject to paragraph (2), a person (“person B”) who manufactures, imports, distributes, acquires or keeps any civil explosive must, in respect of any civil explosive manufactured in, or imported into, Great Britain on or after 5th April 2015, keep a record containing the information referred to in paragraph (3).

(2) The duty imposed by paragraph (1) does not apply to individuals who acquire any civil explosive, otherwise than in connection with their work, solely for their own personal use.

(3) The information referred to in paragraph (1) is—

- (a) the means of identifying and describing the civil explosive, including—
  - (i) its type; and
  - (ii) the unique identification in relation to the civil explosive;
- (b) the location of the civil explosive while it is in the possession of person B;
- (c) the name and address of any person to whom the civil explosive is transferred; and
- (d) whether, while in the possession of person B, the civil explosive has been—
  - (i) subjected to a further manufacturing process after its original manufacture;
  - (ii) used;
  - (iii) transferred to another person;
  - (iv) or destroyed,and the date of any such further manufacturing process, use, transfer or destruction.

(4) The record of that information must be kept up to date by person B.

(5) The system applied by person B for collecting the information must be tested by person B at regular intervals to ensure its effectiveness and the quality of the information recorded.

(6) Person B must keep the record for a period of ten years from the date when the civil explosive concerned was used, transferred to another person or destroyed.

(7) Person B must protect the record against accidental or malicious damage or destruction.

(8) Person B must provide the enforcing authority with—

- (a) information as to the origin and location of each civil explosive to which the record relates, where the enforcing authority requests it; and
- (b) the name of an employee or other person who would be able to provide the enforcing authority with that information at any time and the details necessary for that authority to be able to contact that individual.

(9) Where a business of person B which manufactures, imports, distributes, acquires or keeps civil explosives is to cease to trade, person B must notify the enforcing authority of that fact and provide any record still required to be kept pursuant to paragraph (6) to that authority, who must keep that record for the remainder of the period referred to in that paragraph.

## Reporting loss

**37.—**(1) Any person who acquires possession of, keeps, loads, unloads or transports any relevant explosive or is the occupier of a place where it is loaded or unloaded while on a journey must ensure that the loss of any relevant explosive is reported forthwith—

- (a) to the chief officer of police for the police area in which the loss occurs; or
- (b) if it is not known where the loss occurred, to the chief officer of police for the police area in which the loss is discovered, or
- (c) if the loss occurs or is discovered outside Great Britain, to any chief officer of police.

(2) Where the person required by paragraph (1) to ensure the reporting of a loss is a person who had acquired possession of the relevant explosive or was keeping it, that person must also confirm the report in writing without delay including the following information (whether or not previously supplied orally)—

- (a) the date and time that the loss was first discovered;
- (b) the place at which that discovery was made;
- (c) a description of each type of relevant explosive that has been lost sufficient to distinguish that type from other explosives which are similar but not identical;
- (d) for each type lost—
  - (i) the number of articles lost, or
  - (ii) the total nominal mass of each type of explosive substance lost, except that in the case of a substance in cartridge form, the number of cartridges lost may be given.

(3) Any person who transports, loads or unloads relevant explosive or is the occupier of a place where it is loaded or unloaded must also report the loss of any relevant explosive without delay to the consignor or, if the consignor is outside the United Kingdom, to the consignee.

(4) Any person making a report under paragraph (3) must provide the consignor or consignee with any information in the possession of the person making the report which the consignor or consignee needs to comply with paragraph (5).

(5) Any consignor or consignee to whom a loss is reported under paragraph (3) must without delay notify the loss in writing to the chief officer of police for the police area in which the loss was discovered, and also (if different) the chief officer of police who issued any explosives certificate held by the consignor or consignee which relates to the relevant explosive the loss of which has been so reported, giving the information listed in paragraph (2).

(6) Employees must inform their employer without delay if they become aware of any loss of any relevant explosive which their employer must report.

(7) Where any loss of a relevant explosive occurs at a site in relation to which the Executive is the licensing authority by virtue of Schedule 1, then any requirement in this regulation to report or supply information to a chief officer of police also includes a like requirement to report or supply the same information to the Executive.

(8) Where any loss of a relevant explosive occurs at a site in relation to which the ONR is the licensing authority by virtue of paragraph 4 of Schedule 1, then any requirement in this regulation to report or supply information to a chief officer of police also includes a like requirement to report or supply the same information to the ONR.

(9) The person required by paragraph (1) to ensure that a loss is reported must maintain adequate systems for ensuring that any loss of a relevant explosive is detected.

(10) That system must be tested by that person at regular intervals to ensure its effectiveness.

(11) In determining whether any relevant explosive is lost for the purposes of this regulation, no account is to be taken of any relevant explosive in respect of which it can be shown that the cause was not theft and that the relevant explosive no longer exists.

## PART 12

### SECURITY PROVISIONS IN RELATION TO PLASTIC EXPLOSIVES

#### Prohibitions in relation to unmarked plastic explosive

**38.**—(1) No person may manufacture any plastic explosive, the finished product of which is unmarked.

(2) No person may be in possession, nor transfer possession, of any unmarked plastic explosive.

(3) Paragraph (2) does not apply to a plastic explosive that is in the process of being manufactured.

(4) No person may import any unmarked plastic explosive into the United Kingdom.

(5) For the purposes of this regulation, a plastic explosive is marked if, at the time of its manufacture, it, or a sample of the plastic explosive, contains a detection agent of at least the concentration specified in the corresponding entry for that detection agent in column 2 of the Table in Part 2 of Schedule 8, whether that detection agent is introduced during the process of manufacture of the plastic explosive for the purpose of making the plastic explosive detectable or as a result of the normal formulation of that plastic explosive.

(6) In this regulation—

(a) “detection agent” means a substance named in column 1 of the Table in Part 2 of Schedule 8;

(b) “plastic explosive” has the meaning given by Part 1 of Schedule 8; and

(c) “unmarked” is to be construed in accordance with paragraph (5).

## [<sup>F68</sup>PART 13

### SUB-PART A: MAKING AVAILABLE ON THE MARKET – OBLIGATIONS OF ECONOMIC OPERATORS, SUB-PART B: CONFORMITY ASSESSMENT BODIES, SUB-PART C: NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

#### Textual Amendments

**F68** Pt. 13 (regs. 39-77) substituted for Pt. 13 (regs. 39-42) (and therefore original regs. 43, 44 renumbered as new regs. 78, 79, new reg. 80 substituted for original reg. 45 and original regs. 46-49 renumbered as new regs. 81-84) (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), [regs. 1, 7, 8, 9](#) (with [regs. 2\(1\), 15](#))

**SUB-PART A: MAKING AVAILABLE ON THE MARKET**  
**– OBLIGATIONS OF ECONOMIC OPERATORS**

**MANUFACTURERS**

**Design and manufacture in accordance with essential safety requirements**

**39.** Before placing a civil explosive on the market or using it for their own purposes, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential safety requirements.

**Technical documentation and conformity assessment**

**40.** Before placing a civil explosive on the market, or using it for their own purposes, a manufacturer must, in respect of that civil explosive—

- (a) have a relevant conformity assessment procedure carried out; and
- (b) draw up the technical documentation referred to —
  - (i) for a civil explosive in respect of which the conformity assessment procedure in regulation <sup>[F69]</sup>66(2)(a) is being carried out, in <sup>[F70]</sup>paragraph 2(2)(c) of Part 1 (Module B) of Schedule 17];
  - (ii) for a civil explosive in respect of which the conformity assessment procedure in regulation <sup>[F71]</sup>66(2)(b) is being carried out, in <sup>[F72]</sup>paragraph 46 of Part 6 (Module G) of Schedule 17].

**Textual Amendments**

- F69** Word in [reg. 40\(b\)\(i\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 6\(a\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F70** Words in [reg. 40\(b\)\(i\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 6\(a\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F71** Word in [reg. 40\(b\)\(ii\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 6\(b\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F72** Words in [reg. 40\(b\)\(ii\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 6\(b\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

**<sup>[F73]</sup>Declaration] of conformity and <sup>[F74]</sup>UK] marking**

**41.—(1)** Where the conformity of a civil explosive with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the civil explosive on the market or using it for their own purposes—

- (a) draw up a declaration of conformity in accordance with regulation 67 <sup>F75</sup>...; and
  - (b) affix the <sup>[F76]</sup>UK] marking in accordance with regulation 68 <sup>F77</sup>....
- (2)** The manufacturer must keep the EU declaration of conformity up to date.

(3) [<sup>F78</sup>Where a civil explosive is subject to more than one enactment requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

#### Textual Amendments

- F73** Word in [reg. 41 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(a)(i)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Word in [reg. 41 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(a)(ii)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in [reg. 41\(1\)\(a\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(b)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F76** Word in [reg. 41\(1\)\(b\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(c)(i)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in [reg. 41\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(c)(ii)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F78** [Reg. 41\(3\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 7(d)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Retention of technical documentation and <sup>F79</sup>... declaration of conformity

**42.** A manufacturer must keep the technical documentation and the <sup>F79</sup>... declaration of conformity drawn up in respect of a civil explosive for a period of 10 years beginning on the day on which the civil explosive is placed on the market.

#### Textual Amendments

- F79** Word in [reg. 42](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 8** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Compliance procedures for series production

**43.—(1)** A manufacturer of civil explosives which are manufactured by series production must ensure that, before placing such a civil explosive on the market, procedures are in place to ensure that any civil explosive so manufactured will be in conformity with this Part.

(2) In doing so, the manufacturer must take adequate account of —

- (a) any change in the design or characteristics of the civil explosive; and
- (b) any change in a [<sup>F80</sup>designated] standard or in another technical specification by reference to which the <sup>F81</sup>... declaration of conformity was drawn up.



**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

#### Textual Amendments

- F80** Word in [reg. 43\(2\)\(b\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 9\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F81** Word in [reg. 43\(2\)\(b\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 9\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

### Traceability of certain civil explosives excluded from the scope of regulations 33, 34 and 36

**44.—**(1) A manufacturer of a civil explosive which is excluded from the scope of regulations 33, 34 and 36 by virtue of regulation 3(15), must, before placing such a civil explosive on the market—

- (a) ensure that it bears a type, batch or serial number or other element allowing its identification, and
- (b) indicate on the civil explosive—
  - (i) any of—
    - (aa) the manufacturer's name;
    - (ab) registered trade name; or
    - (ac) trade mark; and
  - (ii) a single postal address at which they can be contacted.

(2) Where the small size, shape or design of the civil explosive does not allow the information specified in paragraph (1)(a) to be indicated on it, the manufacturer must ensure that such information is indicated on its packaging or in a document accompanying the civil explosive.

(3) Where it is not possible to indicate the information specified in paragraph (1)(b) on the civil explosive, the manufacturer must indicate that information on the packaging or in a document accompanying the civil explosive.

[<sup>F82</sup>(4) For a civil explosive that is to be made available on the market in Great Britain the contact details referred to in paragraph (1) must be provided in English.]

#### Textual Amendments

- F82** [Reg. 44\(4\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 10](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

### [<sup>F83</sup>Instructions and safety information

**45.—**(1) When placing a civil explosive on the market, a manufacturer must ensure that it is accompanied by instructions and safety information that are clear, legible and in easily understandable English.

(2) Any labelling on the civil explosive must be clear, legible and in easily understandable English.]



#### Textual Amendments

- F83** Reg. 45 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 11** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

### AUTHORISED REPRESENTATIVES

#### Appointment of authorised representative by written mandate

**46.**—(1) A manufacturer may, by written mandate, appoint a person [<sup>F84</sup>established in the United Kingdom] as their authorised representative to perform specified tasks on the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following in relation to a civil explosive covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 42 (retention of technical documentation and <sup>F85</sup>... declaration of conformity); and
- (b) perform the manufacturer's obligations under regulation 54 (provision of information and cooperation).

(3) A manufacturer must not delegate the performance of their functions under regulation 39 (design and manufacture in accordance with essential safety requirements) and regulation 40 (technical documentation and conformity assessment) to an authorised representative.

(4) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under this Part that the authorised representative is appointed by the manufacturer to perform and, accordingly—

- (a) as far as those duties are concerned, references in this Part (except in this regulation) to the manufacturer are to be taken as including a reference to the authorised representative; and
- (b) if the authorised representative contravenes or fails to comply with any of those duties, the authorised representative may be proceeded against as though the authorised representative were the manufacturer.

(5) A manufacturer who has appointed an authorised representative to perform on their behalf an obligation under this Part remains responsible for the proper performance of that obligation.

#### Textual Amendments

- F84** Words in [reg. 46\(1\)](#) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 12(a)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

- F85** Word in [reg. 46\(2\)\(a\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 12(b)** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

### IMPORTERS

#### Prohibition on placing on the market civil explosives which are not in conformity

**47.** An importer must not place a civil explosive on the market unless it is in conformity with the essential safety requirements.

## Requirements which must be satisfied before an importer places a civil explosive on the market

- 48.**—(1) Before placing a civil explosive on the market, an importer must ensure that—
- (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
  - (b) the manufacturer has drawn up the technical documentation;
  - (c) the civil explosive—
    - (i) bears the [<sup>F86</sup>UK] marking; and
    - (ii) is accompanied by the required documents; and
  - (d) the manufacturer has complied with the requirements, where applicable, set out in regulation 44 (traceability of certain civil explosives excluded from the scope of regulations 33, 34 and 36) to the extent not already covered by sub-paragraph (c)(ii).
- (2) In paragraph (1)(c)(ii), “required documents” means any documents that are required to be provided with the civil explosive pursuant to—
- (a) regulation 44(2) and (3); and
  - (b) regulation 45.

### Textual Amendments

- F86** Word in [reg. 48\(1\)\(c\)\(i\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 13](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

## Prohibition on placing on the market civil explosives considered not to be in conformity with the essential safety requirements

- 49.**—(1) Where an importer considers, or has reason to believe, that a civil explosive is not in conformity with the essential safety requirements, the importer must not place the civil explosive on the market.
- (2) Where the civil explosive presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

## Information identifying importer

- 50.**—(1) Before placing a civil explosive on the market, an importer must indicate on the civil explosive—
- (a) any of—
    - (i) the name;
    - (ii) registered trade name; or
    - (iii) registered trade mark of the importer; and
  - (b) a postal address at which the importer can be contacted.

[<sup>F87</sup>(1A) Paragraph (1) does not apply where the importer has imported the civil explosive from an EEA state or Switzerland and places it on the market within the period of [<sup>F88</sup>seven years] beginning with IP completion day, and before placing the civil explosive on the market, the importer sets out the information referred to in paragraph (1) in a document accompanying the civil explosive.]

- (2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and [<sup>F89</sup>a relevant authority].

(3) Where it is not possible to indicate the information specified in paragraph (1) on the civil explosive, the importer must indicate that information—

- (a) on the packaging; or
- (b) in a document accompanying the civil explosive.

#### Textual Amendments

- F87** Reg. 50(1A) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 14(a)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1246), regs. 1(3), **5**, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 2(2)(a)**, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(3)**); 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in reg. 50(1A) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3 para. (e)**
- F89** Words in reg. 50(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 14(b)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C2** Reg. 50 modified (temp.) (10.9.2019) by S.I. 2019/392, reg. 6 (as inserted by The Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1246), regs. 1(2)(4), **2(3)** (with reg. 18))

### [<sup>F90</sup>Instructions and safety information

**51.** When placing a civil explosive on the market, an importer must ensure that it is accompanied by instructions and safety information that are clear, legible and in easily understandable English.]

#### Textual Amendments

- F90** Reg. 51 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 15** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### Retention of technical documentation and <sup>F91</sup>... declaration of conformity

**52.** An importer must, for a period of 10 years beginning on the day on which the civil explosive is placed on the market—

- (a) keep a copy of the <sup>F92</sup>... declaration of conformity at the disposal of the market surveillance authority; and
- (b) ensure that the technical documentation can be made available to that authority, upon request.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F91** Word in [reg. 52 heading](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 16** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F92** Word in [reg. 52\(a\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 16** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### MANUFACTURERS AND IMPORTERS

#### Duty to take action in respect of civil explosives placed on the market which are considered not to be in conformity

**53.**—(1) A manufacturer or importer who considers, or has reason to believe, that a civil explosive which they have placed on the market is not in conformity with this Part must immediately take the corrective measures necessary to—

- (a) bring the civil explosive into conformity;
- (b) withdraw the civil explosive; or
- (c) recall the civil explosive.

(2) Where the civil explosive presents a risk, the manufacturer or importer must immediately inform the market surveillance authority<sup>F93</sup> ... of the risk, giving details of—

- (a) the respect in which the civil explosive is considered not to be in conformity with this Part; and
- (b) any corrective measures taken.

#### Textual Amendments

- F93** Words in [reg. 53\(2\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 17** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Provision of information and cooperation

**54.**—(1) A manufacturer or importer must, further to a reasoned request from the market surveillance authority, provide the authority with the information and documentation necessary to demonstrate that the civil explosive is in conformity with this Part—

- (a) in paper or electronic form; and
- [<sup>F94</sup>(b) in clear, legible and easily understandable English.]

(2) A manufacturer or importer must, at the request of the market surveillance authority, cooperate with the authority on any action taken to—

- (a) evaluate a civil explosive in accordance with paragraph 8 of Schedule 12 (evaluation of civil explosive presenting a risk);
- (b) eliminate the risks posed by a civil explosive which the manufacturer or importer has placed on the market.

### Textual Amendments

- F94** Reg. 54(1)(b) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 18** (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

## DISTRIBUTORS

### Duty to act with due care

**55.** When making a civil explosive available on the market, a distributor must act with due care to ensure that it is in conformity with this Part.

### Requirements which must be satisfied before a distributor makes a civil explosive available on the market

**56.—**(1) Before making a civil explosive available on the market, the distributor must verify that—

- (a) the civil explosive—
  - (i) bears the [<sup>F95</sup>UK] marking;
  - (ii) is accompanied by the required documents;
  - [<sup>F96</sup>(iii) is accompanied by instructions and safety information that are clear, legible and in easily understandable English;]
- (b) the manufacturer has complied with the requirements, where applicable, set out in regulation 44 (traceability of certain civil explosives excluded from the scope of regulations 33, 34 and 36) to the extent not already covered by sub-paragraph (a)(ii); and
- (c) the importer has complied with the requirements set out in regulation 50 (information identifying importer) to the extent not already covered by sub-paragraph (a)(ii).

(2) In paragraph (1)(a)(ii), “required documents” means the documents that are required to be provided with the civil explosive pursuant to—

- (a) regulation 44(2) and (3); and
- (b) regulation 50(3).

### Textual Amendments

- F95** Word in reg. 56(1)(a)(i) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 19(a)** (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Reg. 56(1)(a)(iii) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 19(b)** (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### Prohibition on making available on the market where civil explosive considered not to be in conformity with the essential safety requirements

**57.—**(1) Where a distributor considers, or has reason to believe, that a civil explosive is not in conformity with the essential safety requirements, the distributor must not make the civil explosive available on the market.

(2) Where the civil explosive presents a risk, the distributor must inform the following persons of the risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

### **Duty to take action in respect of civil explosives made available on the market which are not in conformity**

**58.**—(1) A distributor who considers, or has reason to believe, that a civil explosive which the distributor has made available on the market is not in conformity with this Part must make sure that the necessary corrective measures are taken to—

- (a) bring that civil explosive into conformity;
- (b) withdraw the civil explosive; or
- (c) recall the civil explosive.

(2) Where the civil explosive presents a risk, the distributor must immediately inform the market surveillance authority<sup>F97</sup> ... of that risk, giving details of—

- (a) the respect in which the civil explosive is considered not to be in conformity with this Part; and
- (b) any corrective measures taken.

#### **Textual Amendments**

**F97** Words in [reg. 58\(2\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 20](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Provision of information and cooperation**

**59.**—(1) A distributor must, further to a reasoned request from the enforcing authority, provide the authority with the information and documentation, in paper or electronic form, necessary to demonstrate that the civil explosive is in conformity with this Part.

(2) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a civil explosive in accordance with paragraph 8 of Schedule 12 (evaluation of civil explosives presenting a risk); and
- (b) eliminate the risks posed by a civil explosive which the distributor has made available on the market.

## *IMPORTERS AND DISTRIBUTORS*

### **Storage and transport**

**60.** Each importer and distributor must ensure that, while a civil explosive is their responsibility, its storage or transport conditions do not jeopardise its conformity with the essential safety requirements.

### Cases in which obligations of manufacturers apply to importers and distributors

**61.** An economic operator (“A”) who would, but for this regulation, be considered an importer or distributor, is to be considered a manufacturer for the purposes of this Part and is subject to the obligations of a manufacturer under this Part, where A—

- (a) places a civil explosive on the market under A’s own name or trademark; or
- (b) modifies a civil explosive already placed on the market in such a way that it may affect whether the civil explosive is in conformity with this Part.

### ALL ECONOMIC OPERATORS

### Translation of declaration of conformity

<sup>F98</sup>**62.** .....

#### Textual Amendments

**F98** Reg. 62 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 21** (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### Identification of economic operators

**63.—**(1) This regulation applies in relation to civil explosives excluded from the scope of regulations 33, 34 and 36 by virtue of regulation 3(15).

(2) An economic operator (“E”) who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the market surveillance authority—

- (a) any economic operator who has supplied E with a civil explosive to which this regulation applies; and
  - (b) any economic operator to whom E has supplied a civil explosive to which this regulation applies.
- (3) The relevant period is—
- (a) for information under paragraph (2)(a), a period of 10 years beginning on the day on which E was supplied with the civil explosive;
  - (b) for information under paragraph (2)(b), a period of 10 years beginning on the day on which E supplied the civil explosive.

### Prohibition on improper use of [<sup>F99</sup>UK] marking

**64.—**(1) An economic operator must not affix the [<sup>F100</sup>UK] marking to a civil explosive unless—

- (a) that economic operator is the manufacturer; and
- (b) the conformity of the civil explosive with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix to a civil explosive a marking (other than the [<sup>F100</sup>UK] marking) which purports to attest that the civil explosive is in conformity with the essential safety requirements.



(3) An economic operator must not affix to a civil explosive a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F100UK] marking.

(4) An economic operator must not affix to a civil explosive any other marking if the visibility, legibility and meaning of the [F100UK] marking would be impaired as a result.

#### Textual Amendments

- F99** Word in [reg. 64 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 22](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F100** Word in [reg. 64](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 22](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

#### [F101]Obligations which are met by complying with obligations in the Directive

**64A.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in [Article 2\(24\)](#);
- (c) “harmonised standard” has the meaning given to it in [Article 2\(16\)](#).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing a civil explosive on the market, the manufacturer—

- (a) ensures that the civil explosive has been designed and manufactured in accordance with the essential safety requirements set out in [Annex II](#);
- (b) ensures that the relevant conformity assessment procedures that apply to that civil explosive in accordance with [Article 20](#) have been carried out;
- (c) draws up the technical documentation referred to in [Annex III](#);
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking, in accordance with [Articles 22 and 23\(1\) to \(5\)](#);
- (f) draws up an EU declaration of conformity, in accordance with [Article 21](#); and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of [regulations 39, 40, 41\(1\) and 41\(3\)](#) are to be treated as being satisfied;
- (b) [regulations 41\(2\), 42, 43\(2\), 46\(2\) and 64](#) apply subject to the modifications in [paragraph \(10\)](#); and
- (c) [Schedule 12 paragraph 12](#) does not apply.

(4) Subject to paragraphs (6) and (7), paragraph (5) applies where, before placing a civil explosive on the market, the importer ensures that—

- (a) the relevant conformity assessment procedures that apply to that explosive in accordance with [Article 20](#) have been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in [Annex III](#); and
- (c) the civil explosive bears the CE marking referred to in [Article 23](#).

(5) Where this paragraph applies—



- (a) the requirements of regulation 48(1)(a) to (c) are to be treated as being satisfied; and
  - (b) regulations 47, 49(1), 52 and 60 apply subject to the modifications in paragraph (10).
- (6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 19.
- (7) Where paragraph (6) applies paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to carry out one of the conformity assessment procedures set out in Article 20.
- (8) Paragraph (9) applies where, before making a civil explosive available on the market, a distributor ensures that the civil explosive bears the CE marking referred to in Article 23.
- (9) Where this paragraph applies—
- (a) regulation 56(1)(a)(i) is to be treated as being satisfied; and
  - (b) regulations 57(1) and 60 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (9)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
  - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
  - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex II;
  - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures referred to in Article 20;
  - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

#### Textual Amendments

**F101** Regs. 64A-64D inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 23** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

#### Conformity assessment procedure obligation which is met by complying with the Directive

**64B.**—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (3) applies where, prior to the manufacture of a civil explosive, the manufacturer ensures that the conformity assessment procedure that applies to that explosive in accordance with Article 20(a) has been carried out.

(3) Where this paragraph applies—

- (a) any reference to “relevant conformity assessment procedure” in regulations 40(a), 41(1), 48(1)(a), 64(1)(b), 67(b) and 68(3) are to be read as including the conformity assessment procedure referred to in Article 20(a) of the Directive; and
- (b) any reference to “technical documentation” in regulations 40(b), 42, 48(1)(b), 52(b), and in paragraph 12(1)(d) of Part 1 of Schedule 12 and Schedule 17 is to be read as including

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

the technical documentation relating to the design of the civil explosive referred to in Annex III.

#### Textual Amendments

**F101** Regs. 64A-64D inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

#### Expiry of regulations 64A and 64B

**64C.**—(1) Subject to paragraph (2), regulation 64A ceases to have effect at the end of the period of [<sup>F102</sup>four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 64A—

- (a) any civil explosive which was placed on the market pursuant to regulation 64A may continue to be made available on the market on or after the expiry of regulation 64A;
- (b) any obligation to which a person was subject under regulation 64A in respect of a civil explosive placed on the market pursuant to regulation 64A continues to have effect after the expiry of regulation 64A, in respect of that civil explosive.

(3) Subject to paragraph (4), regulation 64B ceases to have effect at the end of the period of [<sup>F103</sup>four years] beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 64B in relation to a civil explosive prior to the expiry of regulation 64B, regulation 64B continues to apply in respect of that civil explosive where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex III of the Directive.

#### Textual Amendments

**F101** Regs. 64A-64D inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

**F102** Words in reg. 64C(1) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1 para. (h)**

**F103** Words in reg. 64C(3) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1 para. (h)**

## Qualifying Northern Ireland Goods

**64D.**—(1) In this regulation—

“the 2016 Regulations” means the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016;

“CE marking” has the meaning given to it in regulation 2(1) of the 2016 Regulations;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1) of the 2016 Regulations;

“technical documentation” has the meaning given to it in regulation 2(1) of the 2016 Regulations.

(2) Where paragraph (3) applies, a civil explosive is to be treated as being in conformity with Part 13 Sub-Part A.

(3) This paragraph applies where—

(a) a civil explosive—

(i) is in conformity with Part 3 Sub-Part A of the 2016 Regulations;

(ii) is qualifying Northern Ireland goods; and

(b) an importer has met the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(b) are that, before placing the civil explosive on the market, the importer—

(a) complies with regulation 50;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the civil explosive;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the civil explosive bears the CE marking.]

### Textual Amendments

**F101** Regs. 64A-64D inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 23** (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

## SUB-PART B: CONFORMITY ASSESSMENT

### Presumption of conformity

**65.**—(1) A civil explosive which is in conformity with a [<sup>F104</sup>designated] standard, or part of such a standard, <sup>F105</sup>... is to be presumed to be in conformity with the essential safety requirements covered by that standard, or that part of that standard.

(2) The presumption in paragraph (1) is rebuttable.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F104** Word in [reg. 65\(1\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 16 para. 24\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in [reg. 65\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 16 para. 24\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### [<sup>F106</sup>Conformity assessment procedures

**66.**—(1) Assessment of conformity of a civil explosive is carried out by an approved body in accordance with the procedures set out in Schedule 17.

(2) For the assessment of conformity of a civil explosive, the manufacturer must follow one of the following procedures set out in Schedule 17—

- (a) in Part 1 of Schedule 17, Type examination carried out by an approved body (Module B), and, at the choice of the manufacturer, one of the following procedures—
  - (i) in Part 2 of Schedule 17, conformity to type based on internal production control plus supervised product checks at random intervals (Module C2);
  - (ii) in Part 3 of Schedule 17, conformity to type based on quality assurance of the production process (Module D);
  - (iii) in Part 4 of Schedule 17, conformity to type based on product quality assurance (Module E);
  - (iv) in Part 5 of Schedule 17, conformity to type based on product verification (Module F);
- (b) in Part 6 of Schedule 17, conformity based on unit verification (Module G).]

#### Textual Amendments

- F106** [Reg. 66](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 16 para. 25](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### [<sup>F107</sup>Declaration] of conformity

**67.** The <sup>F108</sup>... declaration of conformity for a civil explosive must—

- (a) state that the fulfilment of the essential safety requirements has been demonstrated in respect of the civil explosive;
- (b) contain the elements specified in [<sup>F109</sup>Schedule 17,] for the relevant conformity assessment procedure followed in respect of the civil explosive; and
- (c) have the model structure set out in [<sup>F110</sup>Schedule 18.]

#### Textual Amendments

- F107** Word in [reg. 67 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 16 para. 26\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F108** Word in [reg. 67](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 26\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F109** Words in [reg. 67\(b\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 26\(c\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F110** Words in [reg. 67\(c\)](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 16 para. 26\(d\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

### [<sup>F111</sup>UK] marking

**68.**—(1) [<sup>F112</sup>The UK marking must be affixed visibly, legibly and indelibly—

- (a) to the civil explosive; or
- (b) where paragraph (1A) applies, to—
  - (i) a label affixed to the civil explosive; or
  - (ii) the accompanying documents.]

[<sup>F113</sup>(1A) For a period of [<sup>F114</sup>seven years] beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the civil explosive; or
- (b) the accompanying documents.]

(2) Where [<sup>F115</sup>paragraph (1A) does not apply and] it is not possible or warranted, on account of the nature of the civil explosive, to affix the [<sup>F116</sup>UK] marking in accordance with paragraph (1), the [<sup>F116</sup>UK] marking must be affixed to—

- (a) the packaging; and
- (b) the accompanying documents.

(3) The [<sup>F117</sup>UK] marking must be followed by the identification number of the [<sup>F118</sup>approved] body which carried out the relevant conformity assessment procedure for the civil explosive, where that body is involved in the production control phase.

(4) The identification number of the [<sup>F119</sup>approved] body must be affixed—

- (a) by the [<sup>F119</sup>approved] body itself; or
- (b) under the instructions of the [<sup>F119</sup>approved] body, by the manufacturer or the manufacturer's authorised representative.

(5) In the case of a civil explosive—

- (a) manufactured for the manufacturer's own use;
- (b) transported and delivered unpackaged or in a mobile explosives manufacturing unit for its direct unloading into the blast-hole; or
- (c) manufactured at the blasting site which is loaded immediately after being produced,

the [<sup>F120</sup>UK] marking must be affixed to the accompanying documents.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Explosives Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F111** Word in [reg. 68 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 27\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F112** [Reg. 68\(1\)](#) substituted (31.12.2020) by S.I. 2019/696, [Sch. 16 para. 27\(b\)](#) (as substituted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), [Sch. 3 para. 10\(5\)\(a\)](#))
- F113** [Reg. 68\(1A\)](#) inserted by S.I. 2019/696, [Sch. 16 para. 27\(ba\)](#) (as inserted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), [Sch. 3 para. 10\(5\)\(b\)](#))
- F114** Words in [reg. 68\(1A\)](#) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 3, [Sch. 2 para. \(g\)](#)
- F115** Words in [reg. 68\(2\)](#) inserted (31.12.2020) by S.I. 2019/696, [Sch. 16 para. 27\(c\)\(i\)](#) (as substituted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), [Sch. 3 para. 10\(5\)\(c\)](#))
- F116** Word in [reg. 68\(2\)](#) substituted (31.12.2020) by S.I. 2019/696, [Sch. 16 para. 27\(c\)\(ii\)](#) (as substituted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), [Sch. 3 para. 10\(5\)\(c\)](#))
- F117** Word in [reg. 68\(3\)](#) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, [Sch. 16 para. 27\(d\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F118** Word in [reg. 68\(3\)](#) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, [Sch. 16 para. 27\(d\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F119** Word in [reg. 68\(4\)](#) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, [Sch. 16 para. 27\(e\)](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F120** Word in [reg. 68\(5\)](#) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, [Sch. 16 para. 27\(f\)](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

## *[F121] SUB-PART C: Approval of Conformity Assessment Bodies*

### Textual Amendments

- F121** Pt. 13 Sub-Pt. C substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, [Sch. 16 para. 28](#) (with [Sch. 16 para. 29](#)) (as amended by S.I. 2020/676, regs. 1(1), 2, [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/852), regs. 2(2), 4(2), [Sch. 1 para. 1\(f\)\(iii\)\(iv\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

### Approved bodies

- 69.**—(1) An approved body is a conformity assessment body which—
- has been approved by the Secretary of State pursuant to the procedure set out in regulation 70 (approval of conformity assessment bodies); or
  - immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action under regulation 75(1) or (2) as they had effect before IP completion day to suspend or withdraw the body's status as a notified body.

(2) Paragraph (1) has effect subject to regulation 73 (restriction, suspension or withdrawal of approval).

(3) In this Sub-Part—

“notified body” means a body—

(a) which the Secretary of State had before IP completion day notified to the European Commission and to the other EEA states, in accordance with Article 24 of the Directive; and

(b) in respect of which no objections had been raised, as referred to in regulation 69(1)(b);

“approved body requirements” means the requirements set out in Schedule 15.

### **Approval of conformity assessment bodies**

**70.**—(1) The Secretary of State may approve only those conformity assessment bodies that qualify for approval.

(2) A conformity assessment body qualifies for approval if the first and second conditions below are met.

(3) The first condition is that the conformity assessment body has applied to the Secretary of State to become an approved body and that application is accompanied by—

(a) a description of—

(i) the conformity assessment activities that the conformity assessment body intends to carry out;

(ii) the conformity assessment procedure in respect of which the conformity assessment body claims to be competent;

(iii) the civil explosives in respect of which the conformity assessment body claims to be competent; and

(b) either—

(i) an accreditation certificate; or

(ii) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

(4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the approved body requirements.

(5) For the purposes of paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with paragraph (3)(b), as sufficient evidence that the conformity assessment body meets the approved body requirements.

(6) When deciding whether to approve a conformity assessment body that qualifies for approval, the Secretary of State may—

(a) have regard to any other matter which appears to the Secretary of State to be relevant; and

(b) set conditions that the conformity assessment body must meet.

(7) For the purposes of this regulation “accreditation certificate” means a certificate, issued by the UK national accreditation body, attesting that a conformity assessment body meets the approved body requirements.



### **Presumption of conformity of approved bodies**

**71.**—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a designated standard (or part of such standard), the Secretary of State is to presume that the conformity assessment body meets the approved body requirements covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

### **Monitoring**

**72.** The Secretary of State must monitor each approved body with a view to verifying that the body—

- (a) continues to meet the approved body requirements;
- (b) meets any conditions set—
  - (i) in accordance with regulation 70(6)(b); or
  - (ii) in the case of an approved body which was a notified body immediately before IP completion day, in accordance with conditions set under regulation 70(6)(b) as it applied immediately before IP completion day; and
- (c) carries out its functions in accordance with these Regulations.

### **Restriction, suspension or withdrawal of approval**

**73.**—(1) Where the Secretary of State determines that an approved body—

- (a) no longer meets an approved body requirement, or
- (b) is failing to fulfil its obligations under these Regulations, other than a condition referred to in regulation 72(b),

the Secretary of State must restrict, suspend or withdraw the body's status as an approved body under regulation 69 (approved bodies).

(2) Where the Secretary of State determines that an approved body no longer meets a condition referred to in regulation 72(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body under regulation 69.

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the non-compliance.

(4) Before taking action under paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing to the approved body of the proposed action and the reasons for it;
- (b) give the approved body an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
- (c) consider any such representations.

(5) Where the Secretary of State has taken action in respect of an approved body under paragraph (1) or (2), or where an approved body has ceased its activity, the approved body must, at the request of the Secretary of State—

- (a) transfer its files relating to the activities it has undertaken as an approved body to another approved body or to the Secretary of State; or
- (b) keep its files relating to the activities it has undertaken as an approved body available for the Secretary of State and market surveillance authorities for a period of 10 years from the date they were created.



(6) The activities undertaken as an approved body referred to in paragraph (5) include any activities that the body has undertaken as a notified body.

### **Operational matters in relation to approved bodies**

**74.**—(1) Subject to the terms of its appointment, an approved body must carry out the conformity assessment activities and procedures—

- (a) in respect of which the body's approval was given under regulation 70; or
- (b) in respect of which the body's notification as a notified body was made.

(2) Where an approved body carries out a conformity assessment procedure, it must do so in accordance with Schedule 16 (operational obligations of approved bodies).

(3) An approved body must make provision for a manufacturer to be able to make an appeal against a refusal by the approved body—

- (a) to issue a Type examination certificate referred to in Schedule 17 (conformity assessment procedures); or
- (b) to affix, or cause to be affixed, the body's identification number pursuant to regulation 68 (UK marking).

### **Subsidiaries and contractors**

**75.**—(1) An approved body may subcontract specific conformity assessment activities or use a subsidiary to carry out such activities provided—

- (a) the body is satisfied that the subcontractor or subsidiary meets the approved body requirements;
- (b) the body has informed the Secretary of State that it is satisfied that the subcontractor or subsidiary meets those requirements; and
- (c) the economic operator for whom the activities are to be carried out has consented to the activities being carried out by that person.

(2) The approved body which subcontracts specific conformity assessment activities or uses a subsidiary to carry out such activities remains responsible for the proper performance of those activities (irrespective of where the subcontractor or subsidiary is established).

(3) Where an approved body subcontracts, or uses a subsidiary to carry out, a specific conformity assessment activity, the approved body must, for a period of 10 years beginning on the day on which the activity is first carried out, keep available for inspection by the Secretary of State all relevant documentation concerning—

- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
- (b) the conformity assessment activity carried out by the subcontractor or subsidiary.

(4) In this regulation “subsidiary” has the meaning given to it in section 1159 of the Companies Act 2006 .

### **Register of approved bodies**

**76.**—(1) The Secretary of State must—

- (a) assign an approved body identification number to each approved body; and
- (b) compile and maintain a register of—
  - (i) approved bodies;
  - (ii) their approved body identification numbers;

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- (iii) the activities for which they have been approved; and
  - (iv) any restrictions on those activities.
- (2) The register referred to in paragraph (1) must be made publicly available.

### UK national accreditation body

77. The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the approved body requirements;
- (b) monitoring approved bodies in accordance with regulation 72; and
- (c) compiling and maintaining the register of approved bodies, in accordance with regulation 76.]]

## PART 14

### ENFORCEMENT OF THE REGULATIONS

#### Enforcement within Great Britain

[<sup>F122</sup>78]. Schedule 11, which makes provision —

- (a) determining the enforcing authority for these Regulations as they apply within Great Britain; and
- (b) determining the enforcing authority for regulation 3 of the Management of Health and Safety at Work Regulations 1999 <sup>M51</sup> as it applies to the manufacture and storage of explosives,

has effect.

#### Textual Amendments

**F122** Pt. 14 reg. 43 renumbered as Pt. 14 reg. 78 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **8(a)** (with regs. 2(1), 15)

#### Marginal Citations

**M51** 1999/3242, to which there are amendments not relevant to these Regulations.

#### Enforcement outside Great Britain

[<sup>F123</sup>79]. The Executive is the enforcing authority for these Regulations as they apply in any area outside Great Britain.

#### Textual Amendments

**F123** Pt. 14 reg. 44 renumbered as Pt. 14 reg. 79 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **8(a)** (with regs. 2(1), 15)

**[<sup>F124</sup>Enforcement in relation to regulation 8 and Part 13, market surveillance and further matters**

**80.** Schedule 12, which makes provision as to—

- (a) enforcement in relation to regulation 8 and Part 13;
- (b) market surveillance in relation to that Part;
- (c) compliance, withdrawal and recall notices; and
- (d) a defence of due diligence, appeals against notices and further provisions in relation to enforcement;

has effect.]

**Textual Amendments**

**F124** Pt. 14 reg. 80 substituted for Pt. 14 reg. 45 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **8(b)** (with regs. 2(1), 15)

## **PART 15**

### **POWER TO GRANT EXEMPTIONS AND MISCELLANEOUS PROVISIONS**

#### **Exemptions**

**[<sup>F125</sup>81].**—(1) Subject to paragraphs (2) and (4), the Executive may, by a certificate in writing, exempt any person or class of persons or any explosive or class of explosives from any requirement or prohibition imposed by these Regulations, and any such exemption may be granted subject to such conditions and to a limit of time and may be revoked by the Executive by a certificate in writing at any time.

(2) The Executive must not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it and that the security of explosives will not be prejudiced.

(3) Subject to paragraph (4), the Secretary of State having responsibility for defence may, in the interests of national security, by a certificate in writing, exempt any person or class of persons, any headquarters or any explosive or class of explosives from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by that Secretary of State by a certificate in writing at any time.

(4) The power to exempt in paragraph (1) or (3) does not apply to regulations 8, 33, 34, 36 [<sup>F126</sup>, 38 and Part 13] .

**Textual Amendments**

**F125** Pt. 15 reg. 46 renumbered as Pt. 15 reg. 81 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **9(a)** (with regs. 2(1), 15)

**F126** Words in Pt. 15 reg. 81(4) substituted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **9(a)** (with [regs. 2\(1\), 15](#))

### Savings and transitional provisions

**[<sup>F127</sup>82].**—(1) A licence granted under regulation 13 of the 2005 Regulations or deemed to have been so granted by virtue of regulation 27(1) of those Regulations which was valid immediately before the relevant date is deemed to be a licence granted under regulation 13 of these Regulations and continues in force, despite the revocation of the 2005 Regulations by these Regulations, on its existing terms and conditions, subject to—

- (a) any variation under regulation 16(1)(a) to (c) of these Regulations; or
- (b) its expiry on the date it was due to expire or its revocation under regulation 23 of these Regulations, whichever is the sooner.

(2) A registration granted under regulation 11 of the 2005 Regulations which was valid immediately before the relevant date is deemed to be a licence granted under regulation 13 of these Regulations and continues in force, despite the revocation of the 2005 Regulations by these Regulations, on its existing terms until the date it was due to expire or its revocation under regulation 23, whichever is the sooner.

(3) Where an application for a licence or variation of a licence under the 2005 Regulations has been made to, and received by, the licensing authority before the relevant date and the application has not been refused nor granted by that date, the application is deemed to be an application for a licence or, as the case may be, a variation of a licence under, respectively, regulation 12 or regulation 16 of these Regulations and the provisions of these Regulations apply to the application accordingly, subject to paragraph (4) in respect of cases to which the requirements of regulations 13(3) and 14 of the 2005 Regulations applied.

(4) In relation to the application of the requirements of regulations 13(3) and 14 of these Regulations to an application referred to in paragraph (3)—

- (a) a draft licence issued by the Executive or the ONR to the applicant under regulation 14(1) of the 2005 Regulations before the relevant date is deemed to be a draft licence for the purposes of regulation 14(1) of these Regulations;
- (b) a notice under regulation 14(3) or (8) of the 2005 Regulations which has been published before the relevant date in respect of the application is deemed to be a notice for the purposes of, respectively, regulation 14(3) or (8) of these Regulations;
- (c) if a public hearing for the purposes of regulation 14 of the 2005 Regulations would be held or continue to be held on or after the relevant date, it may continue to be so held and is deemed to be a hearing for the purposes of regulation 14 of these Regulations;
- (d) the assent to the application by the local authority pursuant to regulation 14 of the 2005 Regulations, or the assent by both local authorities to the application where the assent of both is required under that regulation, given before the relevant date is deemed to be assent for the purposes of regulations 13(3) and 14 of these Regulations.

(5) An explosives certificate granted under regulation 4 of the 1991 Regulations which was valid immediately before the relevant date is deemed to be an explosives certificate granted under regulation 11 of these Regulations and continues in force, notwithstanding the revocation of the 1991 Regulations by these Regulations, on its existing terms until the date it was due to expire or its revocation under regulation 21, whichever is the sooner.

(6) Where an application for an explosives certificate under the 1991 Regulations has been made to, and received by, the chief officer of police for the relevant police force before the relevant date and the application has not been refused nor granted by that date, the application is deemed to be an

application for an explosives certificate under regulation 11 of these Regulations and the provisions of these Regulations apply to the application.

(7) Despite the revocation of the 1993 Regulations by these Regulations, a recipient competent authority document issued under the 1993 Regulations which was valid immediately before the relevant date is deemed to be a valid recipient competent authority document for the purposes of regulation 8 of these Regulations.

(8) Where an application for a recipient competent authority document under the 1993 Regulations has been made to, and received by, the Executive before the relevant date and the application has not been refused nor granted by that date, the application is deemed to be an application for a recipient competent authority document under regulation 8 of these Regulations and the provisions of these Regulations apply to the application.

(9) In relation to the application of these Regulations to the storage of ammonium nitrate blasting intermediate by virtue of regulation 2(2), where a person is storing ammonium nitrate blasting intermediate on the relevant date, regulations 7, 12, 13, 14, 16 to 18, 20 and 23 do not apply to that storage by that person until 1st October 2017.

(10) Paragraph (11) applies to a person who, immediately before the relevant date, held—

- (a) a licence granted under regulation 13 of the 2005 Regulations; or
- (b) a registration granted under regulation 11 of the 2005 Regulations,

which, in either case, is deemed to be a licence granted under regulation 13 of these Regulations by virtue of, respectively, paragraph (1) or (2) of this regulation and, in respect of that licence or registration, was subject to the requirements of regulation 5 of the 2005 Regulations.

(11) A person to whom this paragraph applies is not subject to the requirements of regulation 27 until the later of—

- (a) 1st October 2015; or
- (b) the expiry of the licence or registration, as the case may be, deemed to be a licence under, respectively, paragraph (1) or (2); and

until that later date, that person must continue to comply with the requirements of regulation 5 of the 2005 Regulations [<sup>F128</sup>as if those Regulations had not been revoked by these Regulations].

(12) Where the storage of explosives at any place—

- (a) was immediately before the relevant date exempt from the requirement for a licence under the 2005 Regulations by virtue of an exemption certificate granted under regulation 26 of those Regulations; and
- (b) is not storage to which regulation 3(9) of these Regulations relates,

the person doing that storing is deemed to hold a licence granted by the Executive under regulation 13 with an expiry date of 1st October 2016.

(13) Paragraph (14) applies to a person who, immediately before the relevant date, acquires or is keeping explosives which do not require an explosives certificate under the 1991 Regulations but which do under these Regulations.

(14) A person to whom this paragraph applies is deemed to hold an explosives certificate under these Regulations which permits the acquiring and keeping of the explosives referred to in paragraph (13) until 1st October 2016.

(15) The amendments made by the 2005 Regulations to—

- (a) the Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations 1956 <sup>M52</sup>; and
- (b) the Miscellaneous Mines (Explosives) Regulations 1959 <sup>M53</sup>,

continue to have effect despite the revocation of the 2005 Regulations by these Regulations.

(16) The amendments made by the Explosives Act 1875 and 1923 Etc. (Repeals and Modifications) (Amendment) Regulations 1974 <sup>M54</sup> (“the Amendment Regulations”) to the Explosives Act 1875 and 1923 Etc. (Repeals and Modifications) Regulations 1974 <sup>M55</sup> continue to have effect despite the revocation of the Amendment Regulations by these Regulations.

(17) In this regulation—

- (a) “the 1991 Regulations” means the Control of Explosives Regulations 1991 <sup>M56</sup>;
- (b) “the 1993 Regulations” means the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993 <sup>M57</sup>;
- (c) “recipient competent authority document” has the same meaning as in regulation 8(9); and
- (d) “relevant date” means 1st October 2014.

#### Textual Amendments

**F127** Pt. 15 reg. 47 renumbered as Pt. 15 reg. 82 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **9(b)** (with regs. 2(1), 15)

**F128** Words in reg. 47(11) inserted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), **Sch. 5 para. 18(e)** (with reg. 1(3))

#### Marginal Citations

**M52** [S.I. 1956/1943](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

**M53** [S.I. 1959/2258](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

**M54** [S.I. 1974/2166](#).

**M55** [S.I. 1974/1855](#), amended by [S.I. 1974/2166](#); there are other amending instruments but none is relevant.

**M56** [S.I. 1991/1531](#), to which there are amendments not relevant to these Regulations.

**M57** [S.I. 1993/2714](#), to which there are amendments not relevant to these Regulations.

#### [<sup>F129</sup> **Transitional provision in relation to EU Exit**

**82A.—**(1) In this regulation—

“pre-exit period” means the period beginning with 20th April 2016 and ending immediately before IP completion day;

“product” means a civil explosive to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 16 of the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 40 as it had effect immediately before IP completion day in relation to that product

that action has effect as if it had been done under regulation 40 as it had effect on and after IP completion day.

[<sup>F130</sup>(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 20 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 66.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

#### Textual Amendments

**F129** Reg. 82A inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 29** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(f)(v)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**F130** Reg. 82A(5)(6) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **10(2)**

#### Repeals, revocations and amendments

[<sup>F131</sup>**83**].—(1) The primary legislation specified in Part 1 of Schedule 13 and the secondary legislation specified in Part 2 of that Schedule is amended in accordance with the provisions of that Schedule.

(2) The primary legislation specified in column 1 of Part 1 of Schedule 14 is repealed to the extent specified in column 3 of that Schedule.

(3) The secondary legislation specified in column 1 of Part 2 of Schedule 14 is revoked to the extent specified in column 3 of that Schedule.

#### Textual Amendments

**F131** Pt. 15 reg. 48 renumbered as Pt. 15 reg. 83 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), regs. 1, **9(b)** (with regs. 2(1), 15)

#### Review

[<sup>F132</sup>**84**].—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how other member States have implemented—

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- (a) Council Directive [93/15/EC](#) on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses <sup>M58</sup>, as amended by Regulation (EC) No [1882/2003](#) of the European Parliament and of the Council of 29th September 2003 <sup>M59</sup>, Regulation (EC) No [219/2009](#) of the European Parliament and of the Council of 11th March 2009 <sup>M60</sup> and Regulation (EU) No [1025/2012](#) of the European Parliament and of the Council of 25th October 2012 <sup>M61</sup> which are implemented by these Regulations; and
  - (b) Commission Directive [2008/43/EC](#) of 4th April 2008 setting up, pursuant to Council Directive [93/15/EEC](#), a system for the identification and traceability of explosives for civil uses <sup>M62</sup> as amended by Commission Directive [2012/4/EU](#) <sup>M63</sup>, which are implemented by these Regulations.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with 1st October 2014.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

#### Textual Amendments

**F132** Pt. 15 reg. 49 renumbered as Pt. 15 reg. 84 (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **9(b)** (with regs. 2(1), 15)

#### Marginal Citations

**M58** OJ No. L 121, 15.5.1993, p.20.  
**M59** OJ No. L 284, 31.10.2003, p. 1.  
**M60** OJ No. L 87, 31.3.2009 p. 109.  
**M61** OJ No. L 316, 14.11.2012, p. 12.  
**M62** OJ No. L 94, 5.4.2008, p.8.  
**M63** OJ No. L 50, 23.2.2012, p.18.

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

Department for Work and Pensions

*Mike Penning*  
Minister of State



## SCHEDULE 1

Regulation 2(1)

### MEANING OF “LICENSING AUTHORITY”

1. Subject to paragraphs 2 to 5, “licensing authority” means—
- (a) in relation to an application for a licence for the storage within one site of no more than 2000 kilograms of explosives to which paragraph (a)(i) or (b) of the definition of “explosive” in regulation 2(1) applies—
    - (i) the chief officer of police for the area in which the storage is to take place where—
      - (aa) any of the explosives are relevant explosives;
      - (bb) any of the explosives are ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997 <sup>M64</sup>;
      - (cc) any of the explosives are smokeless powder or percussion caps; or
      - (dd) the explosives are to be stored by a person who is registered as a firearms dealer under section 33 of the Firearms Act 1968 <sup>M65</sup>;
    - (ii) the local authority for the area in which the storage is to take place where none of the explosives are of a type to which sub-paragraph (a)(i) applies;
  - <sup>F133</sup>(b) the Executive where the explosives are to be stored—
    - (i) on the surface at a mine, whether in a building or not;
    - (ii) below ground at a mine; or
    - (iii) within a harbour;]
  - (c) where the application for a licence relates to the manufacture or storage of ammonium nitrate blasting intermediate, the Executive;
  - (d) in relation to an application for a licence in any other case, the Executive.

#### Textual Amendments

**F133** Sch. 1 para. 1(b) substituted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(f\)](#) (with [reg. 1\(3\)](#))

#### Marginal Citations

**M64** 1968 c.27, 1982 c.31, 1988 c.45, 1992 c.31, 1997 c.5 and 1997 c.64.

**M65** 1968 c.27; section 33(3) was amended by the [Firearms \(Amendment\) Act 1988 \(c. 45\)](#), [section 13\(1\)](#) and the [Firearms Act 1997 \(c. 5\)](#), [section 42\(2\)](#).

2. In any case falling within paragraph 1(a) and subject to paragraph 5, the applicant may apply instead to the Executive for a licence, in which case the Executive is to be the licensing authority in place of the chief officer of police or local authority.

3. Where a person wishes to manufacture and store explosives at the same site, and requires a licence for that manufacture and for that storage, the Executive is to be the licensing authority in respect of any application for a licence relating to that site and the reference to “an application” in paragraph 1(d) includes any such application.

4. The ONR is the licensing authority in relation to any application for a licence for the manufacture or storage of explosives on an ONR regulated site.

5. The applicant may only apply to the Executive pursuant to paragraph 2, where—

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- (a) the applicant has notified the Executive that the separation distances which would be required by regulation 27 and Schedule 5 could not be complied with; or
- (b) the application does not relate to the storage of pyrotechnic articles at any site where those articles are to be offered for sale and the applicant has already been granted a licence by the Executive under paragraph 1 which relates to another site.

## SCHEDULE 2

Regulation 5(3)(a)

## EXPLOSIVES NOT REQUIRING AN EXPLOSIVES CERTIFICATE

**PART 1**

## LIST OF EXPLOSIVES

<b>Explosives</b>	<b>U.N. no</b>
2-AMINO-4, 6-DINITROPHENOL, WETTED with not less than 20% water by mass	3317
<b>CARTRIDGES, OIL WELL</b>	<b>0277</b>
CARTRIDGES, OIL WELL	0278
CARTRIDGES FOR TOOLS, BLANK	0014
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0446
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0447
CORD, IGNITER	0066
CUTTERS, CABLE, EXPLOSIVE	0070
FUSE, NON-DETONATING	0101
FUSE, SAFETY	0105
1-HYDROXYBENZOTRIAZOLE, ANHYDROUS	0508
1-HYDROXYBENZOTRIAZOLE, MONOHYDRATE	3474
LIGHTERS, FUSE	0131
5-MERCAPTOTETRAZOL-1-ACETIC ACID	0448
NITROCELLULOSE SOLUTION, FLAMMABLE with not more than 12.6% nitrogen, by dry mass, and not more than 55% nitrocellulose	2059
NITROCELLULOSE WITH WATER (not less than 25% water, by mass)	2555
NITROCELLULOSE WITH ALCOHOL (not less than 25% alcohol, by mass, and not more than 12.6% nitrogen, by dry mass)	2556
NITROCELLULOSE with not more than 12.6% nitrogen, by dry mass, MIXTURE WITH or WITHOUT PLASTICIZER, WITH OR WITHOUT PIGMENT	2557
4-NITROPHENYLHYDRAZINE, with not less than 30% water, by mass	3376
PRIMERS, CAP TYPE	0044

PRIMERS, CAP TYPE	0378
SODIUM PICRAMATE, dry or wetted with less than 20% water by mass	0235
SODIUM PICRAMATE, WETTED with not less than 20% water, by mass	1349
TETRAZOL-1-ACETIC ACID	0407

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## PART 2

### FURTHER LIST OF EXPLOSIVES

1. Ammunition intended for use in small arms.
2. Ammunition consisting of a propelling charge and an inert projectile intended for use in the industrial tools commonly known as kiln-guns
3. Blank ammunition intended for use in small arms.
4. Cartridges, which are empty but with a primer which—
  - (a) are assigned in accordance with the United Nations Recommendations the U.N. no 0055 or 0378;
  - (b) are intended for use in small arms; and
  - (c) would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the U.N. no 0055 or 0378.
5. Cartridges power device which—
  - (a) is assigned in accordance with the United Nations Recommendations the U.N. no 0275, 0276, 0323 or 0381;
  - (b) is designed to produce mechanical actions such as inflation, linear or rotary motion, projection of fastening devices or extinguishing agents; and
  - (c) consists of a casing with a charge of deflagrating explosive and a means of ignition.
6. A desensitised explosive which is—
  - (a) a medicinal product as defined in regulation 2 of the Human Medicines Regulations 2012 <sup>M66</sup>, or
  - (b) a veterinary medicinal product as defined in regulation 2 of the Veterinary Medicines Regulations 2013 <sup>M67</sup>.

#### Marginal Citations

**M66** [S.I. 2012/1916](#), to which there are amendments not relevant to these Regulations.

**M67** [S.I. 2013/2033](#).

7. A desensitised explosive which is a substance specified in an order made under section 104 or 105 of the Medicines Act 1968 <sup>M68</sup> which is for the time being in force and which directs that specified provisions of the Human Medicines Regulations 2012 or the Medicines for Human Use (Clinical Trials) Regulations 2004 <sup>M69</sup> are to have effect in relation to that substance as such provisions

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have effect in relation to medicinal products as defined in regulation 2 of the Human Medicines Regulations 2012.

#### Marginal Citations

**M68** 1968 c. 67; sections 104 and 105 were amended by [S.I. 2004/1031](#), 2006/2407 and 2012/1916.

**M69** [S.I. 2004/1031](#), to which there are amendments not relevant to these Regulations.

8. Any desensitised explosive acquired, in a quantity not exceeding 5 grams, for the purposes of—

- (a) research, analysis or testing at a University;
- (b) research, analysis or testing by or on behalf of the Crown; or
- (c) the application of forensic science by or on behalf of a police force or the Crown.

9. Any desensitised explosive acquired, in a quantity not exceeding 1 gram, for the purposes of calibration or testing of explosives detection equipment at a port, airport or any other publicly accessible place.

10. Explosive articles which—

- (a) are assigned in accordance with the United Nations Recommendations 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 explosive article, contain no more than 1 kilogram of explosive.

11. The explosive substance Isosorbide Dinitrate which has been desensitised by mixture with not less than 60% lactose, mannose starch or calcium hydrogen phosphate and which is—

- (a) assigned in accordance with the United Nations Recommendations the U.N. no 2907; and
- (b) intended for use as an active pharmaceutical ingredient.

12. The explosive substance Nitrogen Triiodide with the chemical formulation NI<sub>3</sub>, in a quantity not exceeding 0.5 grams which has been manufactured for, and is used for, demonstration purposes as part of an educational activity within the meaning of section 1(3) of the Further Education Act 1985 <sup>M70</sup> and either it is wholly used up in the demonstration or any amount remaining is destroyed immediately after it.

#### Marginal Citations

**M70** 1985 c. 47.

13. A solution of the explosive substance Nitroglycerine in alcohol which is—

- (a) assigned in accordance with the United Nations Recommendations the U.N. no 1204 or 3064; and
- (b) intended for use as an active pharmaceutical ingredient.

14. Any pyrotechnic substance, in a quantity not exceeding 0.5 grams, which has been manufactured for, and is used for, demonstration purposes as part of an educational activity within the meaning of section 1(3) of the Further Education Act 1985 and either it is wholly used up in the demonstration or any amount remaining is destroyed immediately after it.

15. The explosive substance smokeless powder which is—

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- (a) assigned in accordance with the United Nations Recommendations the U.N. no 0161 or 0509 or which has been recovered from ammunition or blank ammunition intended for use in firearms; and
- (b) acquired by a person who either is registered as a firearms dealer under section 33 of the Firearms Act 1968 <sup>M71</sup> or holds —
  - (i) a permit granted under section 7 of that Act <sup>M72</sup>;
  - (ii) a firearms certificate granted under section 27 of that Act <sup>M73</sup>;
  - (iii) a shotgun certificate granted under section 28 of that Act <sup>M74</sup>; or
  - (iv) a permit granted under section 17 of the Firearms (Amendment) Act 1988 <sup>M75</sup>.

#### Marginal Citations

- M71** 1968 c.27; section 33 was amended by the Firearms (Amendment) Act 1988 (c. 45), [section 13\(1\)](#), and the Firearms Act 1997 (c. 5), [section 42\(2\)](#).
- M72** Section 7 was amended by the Firearms (Amendment) Act 1997 (c.5), [Schedule 2](#), paragraph 2(2).
- M73** Section 27 was amended by the Firearms (Amendment) Act 1988 (c.45), [section 23\(5\)](#), by S.I. 1992/2823, the Firearms (Amendment) Act 1997 (c.5), [section 38](#), and by S.I. 2010/1759.
- M74** Section 28 was amended by the Firearms (Amendment) Act 1988 (c.45), [section 3](#), by S.I. 1992/2823, the Firearms (Amendment) Act 1997 (c.5), [Schedule 3](#), and by S.I. 2010/1759.
- M75** 1988 c. 45; section 17 was amended by S.I. 1992/2823, by the Firearms (Amendment) Act 1997 (c. 5), [Schedule 2](#), paragraph 19, and by S.I. 2011/2175.

**16.** A solution of the explosive substance 2,4, 6- Trinitrophenol in a concentration no greater than 2% weight per volume intended for use as an analytical reagent, stain, dye or fixative.

### SCHEDULE 3

Regulation 5(3)(b)

#### PYROTECHNIC ARTICLES REQUIRING AN EXPLOSIVES CERTIFICATE

1. Pyrotechnic articles which are or would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the UN no. 0350, 0352, 0353, 0354, 0355, 0356, 0462, 0463, 0464, 0465, 0466, 0467, 0468, 0469, 0470 or 0472.
2. Pyrotechnic articles which—
  - (a) are or would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the UN no. 0349, 0351 or 0471; and
  - (b) are not intended to be used for the propulsion of model rockets or similar articles.
3. Pyrotechnic articles which—
  - (a) are or would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the UN no. 0033, 0034, 0035, 0037, 0038, 0039, 0171, 0254, 0291, 0297, 0299, 0399 or 0400; and
  - (b) are intended to be dropped as bombs from an aircraft.
4. Pyrotechnic articles which—
  - (a) are or would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the UN no. 0451, 0329, 0330, 0450 or 0449; and

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- (b) are intended to be dropped as torpedoes from an aircraft or dispatched from an installation on land or a vessel.
- 5. Tracers for ammunition which are or would, if packaged for transport, be assigned in accordance with the United Nations Recommendations the UN no. 0212 or 0306.

## SCHEDULE 4

Regulation 15

### REGISTERS

1. The licensing authority must maintain a register (“the register”) containing the information listed in paragraph 2 which relates to licences granted by it.
2. The following information must be included in the register—
  - (a) the name of the licensee;
  - (b) the licensee's permanent address, unless the licensee's home address is the licensee's only permanent address;
  - (c) the address of the site where the explosives are manufactured or stored (where that differs from any address included pursuant to sub-paragraph (b));
  - (d) the hazard type if any, the description and maximum amount of explosive which may be stored or otherwise present at any one time in any place which is specified in the licence;
  - (e) the nature of the business of the licensee and the intended use of the explosives;
  - (f) the kind of explosives manufactured or stored;
  - (g) where separation distances are required by regulation 27 or by 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;
  - (h) a map in a suitable scale sufficient to show the location of any stores; and
  - (i) the kind of store concerned, including the material out of which it is constructed.
3. Subject to paragraphs 7 and 8, where the licence only relates to explosives which are not relevant explosives, the licensing authority must—
  - (a) ensure that the information referred to in paragraph 2(a) to (d) in respect of that licence is available for inspection at an office of the licensing authority, at all reasonable times and free of charge, by members of the public; and
  - (b) provide a copy of the entry in the register relating to the information referred to in paragraph 2(a) to (d) in respect of that licence to a member of the public who requests a copy and pays a charge which must not exceed the reasonable cost of providing the copy.
4. Subject to paragraphs 7 and 8, where the licence relates to explosives which are relevant explosives, whether or not it also relates to other explosives, the licensing authority must —
  - (a) ensure that the information referred to in paragraph 2(a) to (d) in respect of that licence is available for inspection at an office of the licensing authority, at all reasonable times and free of charge, by a person who resides or, in the case of an undertaking, is situated within a public consultation zone concerned in relation to the licence; and
  - (b) provide a copy of the entry in the register relating to the information referred to in paragraph 2(a) to (d) in respect of that licence to such a person as is referred to in sub-paragraph (a) who requests a copy and pays a charge which must not exceed the reasonable cost of providing the copy.

5. The register may be kept in any form, including electronically.

6. The licensee in relation to any site in which explosives are manufactured or stored, must, where requested in writing to do so by the owner or, if not the same person, the occupier, of any premises falling within any separation distance applying in relation to that site, provide to the requesting person within 28 days of the request a scale plan of the area of land falling within that separation distance.

7. The requirements of paragraphs 3 and 4 do not apply where the information referred to in paragraph 2 is in respect of any site to which a licence relates which is used only for the storage of—

- (a) less than 500 kilograms of hazard type 1 explosive or hazard type 2 explosive;
- (b) less than 2 tonnes of hazard type 3 explosive or hazard type 4 explosive; or
- (c) any explosives for a period of less than four weeks.

8. The requirements of paragraphs 3 and 4 do not apply where the information referred to in paragraph 2 is in respect of a licensed site in relation to which regulation 13 did not apply to the licence application for that site by virtue of regulation 13(4)(e), (f) or (g).

9. Where the licensing authority is a local authority or the ONR, that licensing authority must notify the Executive in writing, within 28 days of receipt of a written request by the Executive to do so, as to such information as is contained in the register it maintains relating to the information referred to in paragraph 2 as the Executive may require.

10. Nothing in this Schedule prevents a licensing authority from disclosing any of the information included in the register it maintains to—

- (a) a fire and rescue service;
- (b) a joint planning board;
- (c) a local planning authority; or
- (d) a police force;

for the purposes of the exercise of their respective functions.

11. For the purposes of paragraph 10, “local planning authority” and “joint planning board” have the meanings they are given in, respectively, sections 1 and 2 of the Town and Country Planning Act 1990 <sup>M76</sup>.

#### Marginal Citations

**M76** 1990 c.8. Section 1 was amended by the [Leasehold Reform, Housing and Urban Development Act 1993](#) (c. 28), [Schedule 21](#), paragraph 28, the [Local Government Wales Act 1994](#) (c. 19) section 18(2) to (6) and 66(8) and Schedule 18, the [Environment Act 1995](#) (c. 25), [Schedule 10](#), paragraph 32(1) and Schedule 24, and by the [Greater London Authority Act 2007](#) (c.24), [section 31](#). Section 2 was amended by the [Local Government \(Wales\) Act 1994](#), sections 19(1) and (4) and 66(8) and Schedule 18, the [Environment Act 1995](#), Schedule 10, paragraph 32(2), Schedule 22, paragraph 42, and Schedule in [Health Act 2007](#) (c.28), [Schedule 18](#).

## SCHEDULE 5

Regulation 27

### SEPARATION DISTANCES

1.—(1) In this Schedule—

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“brick-built” means having an outer structure which is wholly or mainly of brick, concrete, stone or other similar material;

“bridleway” has the meaning given in the Highways Act 1980 <sup>M77</sup>;

“curtain walling” means the glass, masonry or other cladding which is suspended from the structural framework of a building;

“dangerous goods” means dangerous goods to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 <sup>M78</sup> apply;

“distance”, save in the definition of “reference zone”, means the minimum distance;

“footpath” has the meaning given in the Highways Act 1980;

“footway” has the meaning given in the Highways Act 1980;

“lightly-used road” means a road used ordinarily by more than 20 and no more than 500 vehicles every 24 hours;

“major road” means a road used ordinarily by more than 10,000 vehicles every 24 hours;

“metal-built” means built wholly or mainly of steel or other metal;

“minor road” means a road used ordinarily by more than 500 vehicles every 24 hours, other than a major road;

“mounded” means surrounded by suitable mounds;

“place of public resort” means a place where more than 100 persons are present, or are likely to be present, at any one time on a weekly or more frequent basis;

“processing” means the packing, unpacking, re-packing, labelling or testing of explosives or the division of an amount of explosives stored in bulk into smaller amounts and the placing of those smaller amounts into containers;

“protected place of Class A” means a—

- (a) bridleway;
- (b) footpath;
- (c) footway;
- (d) lightly used road; or
- (e) waterway;

“protected place of Class B” means a—

- (a) dock;
- (b) jetty;
- (c) minor road;
- (d) pier;
- (e) railway line;
- (f) reservoir;
- (g) river wall;
- (h) runway for the use of aircraft; or
- (i) sea wall;

“protected place of Class C” means a —

- (a) major road; or
- (b) place of public resort;

“protected place of Class D” means—



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- (a) a building, whether a dwelling or not, but not including a vulnerable building;
- (b) a place, other than a building to which paragraph (a) applies, that is used for the storage in bulk of dangerous goods other than goods which are explosives; or
- (c) a place, not within the site where the explosives are stored and other than a building to which paragraph (a) applies, that is used for—
  - (i) the storage of explosives; or
  - (ii) the manufacture or processing of explosives;

“protected place of Class E” means a vulnerable building;

“protected place of Class F” means a building within the site where the explosives are stored, other than—

- (a) a building that is occupied by a person other than the licensee;
- (b) a building that is a vulnerable building;
- (c) a building that is normally occupied by more than 20 people; or
- (d) a building that is used for the storage in bulk of dangerous goods other than goods which are explosives;

“protected place of Class G” means a building or other place within the site where the explosives are stored that is used for the storage of explosives;

“protected place of Class H” means a building or other place within the site where the explosives are stored that is used for the manufacture or processing of explosives;

“reference zone” means the area around a store having the radius from the centre point of the store specified in column 2 of the relevant Supplementary Table;

“road” means any thoroughfare on which the movement of vehicles is allowed; and

“vulnerable building” means a building or structure of vulnerable construction, that is to say—

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5 m<sup>2</sup> and extending over more than 50% or 120 m<sup>2</sup> of the surface of any elevation;
- (b) a building of more than three storeys above ground or 12 m in height with solid walls and individual glass panes or frangible panels larger than 1.5 m<sup>2</sup> and extending over at least 50% of any elevation;
- (c) a building of more than 400 m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5 m<sup>2</sup> extending over at least 50% or 120 m<sup>2</sup> of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

(2) Any reference in this Schedule to a thoroughfare (however described), jetty, pier, waterway or railway line does not include any part of a thoroughfare, jetty, pier, waterway or railway line within the site—

- (a) in which the store is situated; and
- (b) which are occupied by the person storing the explosives.

(3) Subject to paragraph 8, any reference in this Schedule to “store” is to the store mentioned in regulation 27(1) in relation to which separation distances are required by that provision to be maintained.

(4) Any reference in this Schedule to a quantity of explosives shown in column 1 of a Table is to—

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- (a) a quantity in a store; or
- (b) in cases where sub-paragraph (b) of paragraph 7 is being relied on, the sum total of the quantity of explosives in a store and the protected place of Class G to which sub-paragraph (b) of paragraph 7 applies,

which is more than the lower figure but not more than the higher figure in column 1 in the same row of the Table.

(5) Any reference in this Schedule to a building is to a building in or at which people are, or are likely to be, present either all the time or from time to time.

(6) For the purposes of this Schedule, where explosives of different hazard types are in one store, the explosives must be treated as belonging to the hazard type which would require the greatest separation distance for the total quantity of those explosives and the separation distance must be determined in relation to that total quantity.

(7) For the purposes of this Schedule, the radius for a reference zone applying in a particular case is the number in the entry in column 2 of the relevant Supplementary Table corresponding to the quantity of explosives shown in column 1 of the Supplementary Table.

(8) For the purposes of this Schedule, any reference to “bridleway”, “footpath”, “footway” or “waterway” does not include, respectively, a bridleway, footpath, footway used, or waterway navigated, by no more than, ordinarily, 20 persons in any 24 hour period.

(9) For the purposes of this Schedule, an area of low population density is an area where the maximum number of dwellings in a reference zone is equal to or less than the number specified in the entry in column 3 of the relevant Supplementary Table.

(10) Save as stated in paragraph (c) of the definition of “protected place of Class D” and subject to sub-paragraph (2), the references to the places referred to in the definitions from “protected place of Class A” to the definition of “protected place of Class E” are references to such places whether within a site or outside it.

#### Marginal Citations

**M77** 1980 c. 66; “bridleway”, “footpath” and “footway” are defined in section 139.

**M78** S.I. 2009/1348, to which there are amendments not relevant to these Regulations.

#### 2. Where the storage is—

- (a) of hazard type 1 explosive in a brick-built mounded store, Table 1;
- (b) of hazard type 1 explosive in a brick-built unmounded store, Table 2;
- (c) of hazard type 1 explosive in a metal-built mounded store, Table 3;
- (d) of hazard type 1 explosive in a metal-built unmounded store with no detonator annex attached, Table 4;
- (e) of hazard type 1 explosive in a metal-built unmounded store with a detonator annex attached, Table 5;
- (f) of hazard type 2 explosive, some or all items being of more than 0.7 kg net mass in a mounded store, Table 6;
- (g) of hazard type 2 explosive, some or all items being of more than 0.7 kg net mass in an unmounded store, Table 7;
- (h) of hazard type 2 explosive, every item being of 0.7 kg net mass or less in a mounded store, Table 8;
- (i) of hazard type 2 explosive every item being of 0.7 kg net mass or less in an unmounded store, Table 9

- (j) of hazard type 3 explosive, Table 10;
- (k) of hazard type 4 explosive, Table 11,

applies, and any reference in this Schedule to a relevant Table is a reference to the Table which applies by virtue of this paragraph.

**3.** For each of Table 1, 3, 4 or 5 where that Table applies, a Supplementary Table for determining the separation distance between a store and a dwelling in an area of low population density applies as follows—

- (a) for Table 1, Supplementary Table 1A;
- (b) for Table 3, Supplementary Table 3A;
- (c) for Table 4, Supplementary Table 4A; and
- (d) for Table 5, Supplementary Table 5A,

and any reference in this Schedule to a relevant Supplementary Table is a reference to the Supplementary Table which applies by virtue of this paragraph.

**4.—(1)** Paragraph 5 is subject to paragraph 6.

(2) Paragraphs 5 and 6 are subject to sub-paragraph (b) of paragraph 7 for determining the quantity of explosives to be applied —

- (a) for determining the relevant separation distance for the purposes of paragraphs 5 and 6, and
- (b) for paragraph 1(7) in relation to the radius for a reference zone,

in cases where sub-paragraph (b) of paragraph 7 is being relied on.

**5.** The distance between a store and any protected place of Class A, B, C, D, E, F or H is the distance specified in the entry in the column for that Class of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table.

**6.** Where—

- (a) Table 1, 3, 4 or 5 applies; and
- (b) the number of dwellings in the reference zone is equal to or less than the number specified in the entry in column 3 of the relevant Supplementary Table corresponding to the quantity of explosives shown in column 1 of the Supplementary Table,

the distance between a store and any dwelling is the distance (if any) specified in the corresponding entry in column 4 of the Supplementary Table.

**7.** The distance between a store and any protected place of Class G is either—

- (a) the distance specified in the entry in the column for that Class of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table; or
- (b) any lesser distance, provided that the quantity of explosives for determining the relevant separation distance for the purposes of paragraphs 5 and 6, and for paragraph 1(7) in relation to the radius for a reference zone, is the sum total of the quantity of explosives in the store and the protected place of Class G for which there is to be any lesser distance.

**8.** For cases where sub-paragraph (b) of paragraph 7 is being relied on, paragraph 1(6) has effect as if the reference to “one store” were a reference to the store and the protected place of Class G to which sub-paragraph (b) of paragraph 7 applies.

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**Table 1: Hazard Type 1 explosive in a brick-built mounded store**

<b>1 Quantity of explosives (kg)</b>	<b>2 Class A distance (m)</b>	<b>3 Class B distance (m)</b>	<b>4 Class C distance (m)</b>	<b>5 Class D distance (m)</b>	<b>6 Class E distance (m)</b>	<b>7 Class F distance (m)</b>	<b>8 Class G distance (m)</b>	<b>9 Class H distance (m)</b>
0.1-25	33	50	100	100	100	50	9	18
25-30	33	50	100	100	100	50	9	18
30-40	34	51	103	103	103	51	9	18
40-50	35	53	106	106	106	53	9	18
50-60	37	55	110	110	110	55	10	22
60-70	37	56	111	114	114	57	10	22
70-80	38	57	113	118	118	59	11	22
80-90	38	58	115	121	121	61	11	22
90-100	39	59	118	125	125	63	11	22
100-150	43	64	128	142	142	71	13	27
150-200	46	70	139	156	156	78	14	27
200-250	50	75	150	169	169	85	16	30
250-300	54	80	161	170	170	85	16	30
300-350	57	86	172	172	172	86	18	33
350-400	61	91	183	183	183	92	18	33
400-450	64	97	193	193	193	97	19	36
450-500	68	102	204	204	204	102	19	36
500-550	68	102	204	204	204	102	24	56
550-600	68	102	204	204	216	102	24	56
600-650	68	102	204	227	227	113	24	56
650-700	68	102	204	231	238	116	24	56
700-750	68	102	204	235	249	118	24	56
750-800	68	102	204	238	260	119	24	56
800-850	68	102	204	242	270	121	24	56
850-900	68	102	204	245	280	123	24	56
900-950	68	102	204	248	290	124	24	56
950-1000	68	102	204	250	300	125	24	56
1000-1100	68	102	204	255	319	128	30	85
1100-1200	68	102	204	259	337	130	30	85
1200-1300	68	102	204	263	354	132	30	85
1300-1400	68	102	204	266	370	133	30	85
1400-1500	68	102	204	269	386	135	30	85

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1500-1600	68	102	204	272	402	136	30	85
1600-1700	69	104	208	274	416	137	30	85
1700-1800	72	108	215	277	431	139	30	85
1800-1900	74	111	222	279	444	140	30	85
1900-2000	76	114	229	281	458	141	30	85
2000-3000	95	143	285	285	570	143	35	106
3000-4000	109	164	328	328	656	164	38	122
4000-5000	121	181	362	362	724	181	41	134
5000- 10000	158	237	475	475	950	237	52	176
10000-15000	183	274	548	548	1097	274	59	204
15000-20000	202	303	606	606	1211	303	65	225
20000-25000	218	327	653	653	1306	327	70	243
25000-30000	232	347	695	695	1389	347	75	258
30000-40000	255	383	765	765	1531	384	82	275
40000-50000	275	412	825	825	1649	412	88	295
50000-60000	292	438	877	877	1753	438	94	315
60000-70000	308	461	923	923	1846	461	99	345
70000-80000	322	482	965	965	1930	482	103	345
80000-90000	335	502	1004	1004	2007	502	108	375
90000-100000	347	520	1040	1040	2079	520	111	375

**Supplementary Table 1A: Hazard Type 1 explosive in a brick-built mounded store – distances for areas of low population density**

<i>1 Quantity of explosives (kg)</i>	<i>2 Reference radius (m)</i>	<i>3 Maximum number of dwellings in the reference zone</i>	<i>4 Distances to dwellings if the maximum number of dwellings in the reference zone is not exceeded (m)</i>
0.1-60			
60-70	222	61	111
70-80	227	63	113
80-90	231	66	115
90-100	235	68	118
100-150	257	81	128
150-200	279	96	139

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200-250	300	128	150
250-600			
600-1600	408	206	204
1600-1700	416	214	208
1700-1800	431	229	215
1800-1900	444	244	222
1900-2000	458	259	229

**Table 2: Hazard Type 1 explosives in a brick-built unmounted store**

<i>1 Quantity of explosives (kg)</i>	<i>2 Class A distance (m)</i>	<i>3 Class B distance (m)</i>	<i>4 Class C distance (m)</i>	<i>5 Class D distance (m)</i>	<i>6 Class E distance (m)</i>	<i>7 Class F distance (m)</i>	<i>8 Class G distance (m)</i>	<i>9 Class H distance (m)</i>
0.1-25	47	70	141	141	141	70	141	141
25-30	48	72	144	144	144	72	144	144
30-40	50	76	151	151	151	76	151	151
40-50	53	80	159	159	159	80	159	159
50-60	56	84	168	168	168	84	168	168
60-70	59	88	176	176	176	88	176	176
70-80	61	92	184	184	184	92	184	184
80-90	64	96	191	191	191	96	191	191
90-100	66	99	199	199	199	99	199	199
100-150	77	115	230	230	230	115	230	230
150-200	85	128	256	256	256	128	256	256
200-250	92	138	276	276	276	138	276	276
250-300	98	147	293	293	293	147	293	293
300-350	103	154	308	308	308	154	308	308
350-400	107	160	320	320	320	160	320	320
400-450	110	165	331	331	331	165	331	331
450-500	113	170	340	340	340	170	340	340
500-550	116	174	348	348	348	174	348	348
550-600	118	178	355	355	355	178	355	355
600-650	120	181	361	361	361	181	361	361
650-700	122	184	367	367	367	184	367	367
700-750	124	186	372	372	372	186	372	372
750-800	126	189	377	377	377	189	377	377
800-850	127	191	381	381	381	191	381	381

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850-900	128	193	385	385	385	193	385	385
900-950	130	194	389	389	389	194	389	389
950-1000	131	196	392	392	392	196	392	392
1000-1100	133	199	398	398	398	199	398	398
1100-1200	134	202	403	403	403	202	403	403
1200-1300	136	204	408	408	408	204	408	408
1300-1400	137	206	412	412	412	206	412	412
1400-1500	138	208	415	415	415	208	415	415
1500-1600	139	209	418	418	418	209	418	418
1600-1700	140	211	421	421	421	211	421	421
1700-1800	141	212	424	424	431	212	424	424
1800-1900	142	213	426	426	444	213	426	426
1900-2000	143	214	428	428	458	214	428	428
2000-3000	147	221	442	442	570	221	442	442
3000-4000	150	225	449	449	656	225	449	449
4000-5000	151	227	454	454	724	227	454	454
5000-10000	167	251	502	502	950	251	502	502
10000-15000	185	277	554	554	1097	277	554	554
15000-20000	202	303	606	606	1211	303	606	606
20000-25000	218	327	653	653	1306	327	653	653
25000-30000	232	347	695	695	1389	347	695	695
30000-40000	255	383	765	765	1531	383	765	765
40000-50000	275	412	825	825	1649	412	825	825
50000-60000	292	438	877	877	1753	438	877	877
60000-70000	308	461	923	923	1846	461	923	923
70000-80000	322	482	965	965	1930	482	965	965
80000-90000	335	502	1004	1004	2007	502	1004	1004
[ <sup>F134</sup> 90000 – 100000]	347	520	1040	1040	2079	520	1040	1040

**Table 3: Hazard Type 1 explosive in a metal-built mounded store**

1 Quantity of explosives (kg)	2 Class A	3 Class B	4 Class C	5 Class D	6 Class E	7 Class F	8 Class G	9 Class H
	Distance (m)	Distance (m)	Distance (m)	Distance (m)	Distance (m)	Distance (m)	Distance (m)	Distance (m)
0.1-10	7	10	21	23	40	12	9	18

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10-20	9	13	26	29	42	15	9	18
20-30	10	15	30	33	44	17	9	18
30-40	11	16	33	37	46	18	9	18
40-50	12	18	35	40	48	20	9	18
50-60	13	19	38	42	48	21	10	22
60-70	13	20	40	44	52	22	10	22
70-80	14	20	41	46	57	23	11	22
80-90	14	21	42	47	61	24	11	22
90-100	14	21	43	48	66	24	11	22
100-150	16	24	49	55	86	28	13	27
150-200	18	27	54	62	104	31	14	27
200-250	20	30	60	69	121	35	16	30
250-300	23	34	68	76	136	38	16	30
300-350	25	38	76	83	151	44	18	33
350-400	28	41	83	90	165	45	18	33
400-450	30	45	89	97	178	49	19	36
450-500	32	48	96	102	191	51	19	36
500-550	34	51	102	107	204	54	24	56
550-600	36	54	108	111	216	56	24	56
600-650	38	57	114	116	227	58	24	56
650-700	40	60	119	121	238	61	24	56
700-750	42	62	125	126	249	63	24	56
750-800	43	65	130	131	260	66	24	56
800-850	45	68	135	136	270	68	24	56
850-900	47	70	140	140	280	70	24	56
900-950	48	73	145	145	290	73	24	56
950-1000	50	75	150	150	300	75	24	56
1000-1100	53	80	159	159	319	80	30	85
1100-1200	56	84	168	168	337	84	30	85
1200-1300	59	88	177	177	354	89	30	85
1300-1400	62	93	185	185	370	93	30	85
1400-1500	64	97	193	193	386	97	30	85
1500-1600	67	100	201	201	402	101	30	85
1600-1700	69	104	208	208	416	104	30	85
1700-1800	72	108	215	215	431	108	30	85



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1800-1900	74	111	222	222	444	111	30	85
1900-2000	76	114	229	229	458	115	30	85
2000-3000	95	143	285	285	570	143	35	106
3000-4000	109	164	328	328	656	164	38	122
4000-5000	121	181	362	362	724	181	41	134
5000-10000	158	237	475	475	950	238	52	176
10000-15000	183	274	548	548	1097	274	59	204
15000-20000	202	303	606	606	1211	303	65	225
20000-25000	218	327	653	653	1306	327	70	243
25000-30000	232	347	695	695	1389	348	75	258
30000-40000	255	383	765	765	1531	383	82	275
40000-50000	275	412	825	825	1649	412	88	295
50000-60000	292	438	877	877	1753	438	94	315
60000-70000	308	461	923	923	1846	461	99	345
70000-80000	322	482	965	965	1930	482	103	345
80000-90000	335	502	1004	1004	2007	502	108	375
90000-100000	347	520	1040	1040	2079	520	111	375

**Supplementary Table 3A: Hazard type 1 explosive in a metal-built mounded store – distances for areas of low population density**

<i>1 Quantity of explosives (kg)</i>	<i>2 Reference radius (m)</i>	<i>3 Maximum number of dwellings in the reference zone</i>	<i>4 Distances to dwellings if the maximum number of dwellings in the reference zone is not exceeded (m)</i>
0.1-10	41	2	21
10-20	52	3	26
20-30	60	4	30
30-40	66	5	33
40-50	71	6	35
50-60	75	7	38
60-70	79	8	40
70-80	81	8	41
80-90	83	8	42
90-100	86	9	43
100-150	97	12	49

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150-200	109	14	54
200-250	121	18	60
250-300	136	23	68
300-350	151	28	76
350-400	165	34	83
400-450	178	39	89
450-500	191	45	96
500-550	204	51	102
550-600	216	57	108
600-650	227	63	114
650-700	238	70	119
700-750	249	77	125
750-800	260	83	130
800-850	270	90	135

**Table 4: Hazard Type 1 explosive in a metal built unmounted store with no detonator annex attached**

<i>1 Quantity of explosives (kg)</i>	<i>2 Class A distance (m)</i>	<i>3 Class B distance (m)</i>	<i>4 Class C distance (m)</i>	<i>5 Class D distance (m)</i>	<i>6 Class E distance (m)</i>	<i>7 Class F distance (m)</i>	<i>8 Class G distance (m)</i>	<i>9 Class H distance (m)</i>
0.1-10	8	11	23	30	40	15	30	30
10-20	10	14	29	35	42	18	35	35
20-30	11	16	33	39	44	20	39	39
30-40	12	18	36	42	46	21	42	42
40-50	13	19	38	44	48	22	44	44
50-60	13	20	40	46	48	23	46	46
60-70	14	21	42	48	52	24	48	48
70-80	14	22	43	50	57	25	50	50
80-90	15	22	44	52	61	26	52	52
90-100	15	23	45	55	66	28	55	55
100-150	17	25	50	66	86	33	66	66
150-200	18	28	55	78	104	39	78	78
200-250	20	30	60	89	121	45	89	89
250-300	23	34	68	101	136	51	101	101
300-350	25	38	76	112	151	56	112	112

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350-400	28	41	83	124	165	62	124	124
400-450	30	45	89	135	178	68	135	135
450-500	32	48	96	138	191	69	138	138
500-550	34	51	102	141	204	71	141	141
550-600	36	54	108	144	216	72	144	144
600-650	38	57	114	147	227	74	147	147
650-700	40	60	119	150	238	75	150	150
700-750	42	62	125	153	249	77	153	153
750-800	43	65	130	156	260	78	156	156
800-850	45	68	135	159	270	80	159	159
850-900	47	70	140	162	280	81	162	162
900-950	48	73	145	165	290	83	165	165
950-1000	50	75	150	168	300	84	168	168
1000-1100	53	80	159	175	319	88	175	175
1100-1200	56	84	168	181	337	91	181	181
1200-1300	59	88	177	187	354	94	187	187
1300-1400	62	93	185	193	370	97	193	193
1400-1500	64	97	193	199	386	100	199	199
1500-1600	67	100	201	205	402	103	205	205
1600-1700	69	104	208	211	416	106	211	211
1700-1800	72	108	215	217	431	108	217	217
1800-1900	74	111	222	223	444	111	223	223
1900-2000	76	114	229	229	458	114	229	229
2000-3000	95	143	285	285	570	143	285	285
3000-4000	109	164	328	328	656	164	328	328
4000-5000	121	181	362	362	724	181	362	362
5000-10000	158	237	475	475	950	237	475	475
10000-15000	183	274	548	548	1097	274	548	548
15000-20000	202	303	606	606	1211	303	606	606
20000-25000	218	327	653	653	1306	653	653	653
25000-30000	232	347	695	695	1389	347	695	695
30000-40000	255	383	765	765	1531	383	765	765
40000-50000	275	412	825	825	1649	412	825	825
50000-60000	292	438	877	877	1753	438	877	877
60000-70000	308	461	923	923	1846	461	923	923

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70000-80000	322	482	965	965	1930	482	965	965
80000-90000	335	502	1004	1004	2007	502	1004	1004
90000-100000	347	520	1040	1040	2079	520	1040	1040

**Supplementary Table 4A: Hazard Type 1 explosive in a metal-built unmounted store with no detonator annex attached – distances for areas of low population density**

<i>1 Quantity of explosives (kg)</i>	<i>2 Reference radius (m)</i>	<i>3 Maximum number of dwellings in the reference zone</i>	<i>4 Distances to dwellings if the maximum number of dwellings in the reference zone is not exceeded (m)</i>
0.1-10	46	3	23
10-20	57	4	29
20-30	65	5	33
30-40	71	6	36
40-50	76	7	38
50-60	80	8	40
60-70	84	9	42
70-80	87	9	43
80-90	89	10	44
90-100	91	10	45
100-150	100	12	50
150-200	110	15	55
200-250	121	18	60
250-300	136	23	68
300-350	151	28	76
350-400	165	34	83
400-450	178	39	89
450-500	191	45	96
500-550	204	51	102
550-600	216	57	108
600-650	227	64	114
650-700	238	70	119
700-750	249	77	125
750-800	260	84	130
800-850	270	90	135

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850-900	280	97	140
900-950	290	104	145
950-1000	300	111	150
1000-1100	319	125	159

**Table 5: Hazard type 1 explosive in a metal-built un-mounded store with a detonator annex attached**

<i>1 Quantity of explosives (kg)</i>	<i>2 Class A distance (m)</i>	<i>3 Class B distance (m)</i>	<i>4 Class C distance (m)</i>	<i>5 Class D distance (m)</i>	<i>6 Class E distance (m)</i>	<i>7 Class F distance (m)</i>	<i>8 Class G distance (m)</i>	<i>9 Class H distance (m)</i>
0.1-10	10	16	31	48	48	24	48	48
10-20	12	18	36	50	50	25	50	50
20-30	13	19	38	52	52	26	52	52
30-40	14	21	41	54	54	27	54	54
40-50	14	22	43	56	56	28	56	56
50-60	15	22	45	58	58	29	58	58
60-70	16	24	47	60	60	30	60	60
70-80	16	25	49	63	63	32	63	63
80-90	17	26	51	70	70	35	70	70
90-100	18	27	53	77	77	39	77	77
100-150	21	32	63	110	110	55	110	110
150-200	25	37	74	143	143	72	143	143
200-250	28	42	84	176	176	88	176	176
250-300	31	47	94	209	209	105	209	209
300-350	35	52	104	242	242	121	242	242
350-400	38	57	115	275	275	138	275	275
400-450	42	62	125	308	308	154	308	308
450-500	43	64	128	309	309	155	309	309
500-550	44	66	132	310	310	155	310	310
550-600	45	68	135	311	311	156	311	311
600-650	46	69	138	311	311	156	311	311
650-700	47	71	142	312	312	156	312	312
700-750	48	73	145	313	313	157	313	313
750-800	49	74	148	314	314	157	314	314
800-850	51	76	152	315	315	158	315	315
850-900	52	78	155	316	316	158	316	316

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900-950	53	79	159	317	317	159	317	317
950-1000	54	81	162	318	318	159	318	318
1000-1100	56	84	169	319	319	160	319	319
1100-1200	58	88	175	321	337	161	321	321
1200-1300	61	91	182	323	354	162	323	323
1300-1400	63	94	189	325	370	163	325	325
1400-1500	65	98	195	326	386	163	326	326
1500-1600	67	101	202	328	402	164	328	328
1600-1700	70	104	209	330	416	165	330	330
1700-1800	72	108	215	332	431	166	332	332
1800-1900	74	111	222	333	444	167	333	333
1900-2000	76	114	229	335	458	168	335	335
2000-3000	95	143	285	353	570	177	353	353
3000-4000	109	164	328	370	656	185	370	370
4000-5000	121	181	362	388	724	194	388	388
5000-10000	158	237	475	475	950	237	475	475
10000-15000	183	274	548	548	1097	274	548	548
15000-20000	202	303	606	606	1211	303	606	606
20000-25000	218	327	653	653	1306	327	653	653
25000-30000	232	347	695	695	1389	347	695	695
30000-40000	255	383	765	765	1531	383	765	765
40000-50000	275	412	825	825	1649	412	825	825
50000-60000	292	438	877	877	1753	438	877	877
60000-70000	308	461	923	923	1846	461	923	923
70000-80000	322	482	965	965	1930	482	965	965
80000-90000	335	502	1004	1004	2007	502	1004	1004
90000-100000	347	520	1040	1040	2079	520	1040	1040

**Supplementary Table 5A:– Hazard Type 1 explosive in a metal-built un-mounded store with a detonator annex attached – distances for areas of low population density**

<i>1</i>	<i>Quantity of Explosives (kg)</i>	<i>2</i>	<i>Reference zone radius (m)</i>	<i>3</i>	<i>Maximum number of dwellings in the reference zone</i>	<i>4</i>	<i>Distances to dwellings if the maximum number of dwellings in the reference zone is not exceeded (m)</i>
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0.1 -10	62	5	31
10-20	71	6	36
20-30	77	7	38
30-40	82	8	41
40-50	86	9	43
50-60	90	10	45
60-70	94	11	47
70-80	98	12	49
80-90	102	13	51
90-100	106	14	53
100-150	127	20	63
150-200	147	27	74
200-250	168	35	84
250-300	188	44	94
300-350	209	54	104
350-400	229	65	115
400-450	250	77	125
450-500	257	81	128
500-550	263	85	132
550-600	270	90	135
600-650	277	95	138
650-700	284	99	142
700-750	290	104	145
750-800	297	109	148
800-850	304	114	152
850-900	310	119	155
900-950	317	124	159
950-1000	324	129	162
1000-1100	337	140	169
1100-1200	351	152	175
1200-1300	364	163	182
1300-1400	377	176	189
1400-1500	391	188	195
1500-1600	404	202	202
1600-1700	418	215	209

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1700-1800	431	229	215
1800-1900	444	244	222
1900-2000	458	259	229
2000-3000	570	401	285
3000-4000	656	530	328
4000-5000	724	647	362

**Table 6: Hazard Type 2 explosive, some or all items  
being of more than 0.7kg net mass in a mounded store**

<i>1 Quantity of explosives (kg)</i>	<i>2 Class A distance (m)</i>	<i>3 Class B distance (m)</i>	<i>4 Class C distance (m)</i>	<i>5 Class D distance (m)</i>	<i>6 Class E distance (m)</i>	<i>7 Class F distance (m)</i>	<i>8 Class G distance (m)</i>	<i>9 Class H distance (m)</i>
0.1 - 25	20	30	60	60	120	30	9	32
25-30	20	30	60	60	120	30	9	32
30-40	25	37	74	74	148	37	9	32
40-50	29	44	88	88	176	44	9	32
50-60	33	49	99	99	198	49	9	46
60-70	36	54	108	108	216	54	9	46
70-80	39	58	116	116	232	58	9	46
80-90	41	61	123	123	246	61	9	46
90-100	43	64	129	129	258	64	9	46
100-150	51	76	152	152	304	76	9	61
150-200	56	84	168	168	336	84	9	61
200-250	60	91	181	181	362	91	9	69
250-300	64	96	191	191	382	96	9	69
300-350	67	100	200	200	400	100	10	75
350-400	69	104	207	207	414	104	10	75
400-450	71	107	213	213	426	107	10	79
450-500	73	110	219	219	438	110	10	79
500-550	75	112	224	224	448	112	10	92
550-600	76	115	229	229	458	115	10	92
600-650	78	117	233	233	466	117	10	92
650-700	79	119	237	237	474	119	10	92
700-750	80	120	241	241	482	120	10	92
750-800	81	122	244	244	488	122	10	92
800-850	83	124	248	248	496	124	10	92



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850-900	84	125	251	251	502	125	10	92
900-950	84	127	253	253	506	127	10	92
950-1000	85	128	256	256	512	128	10	92
1000-1100	87	131	261	261	522	131	11	105
1100-1200	89	133	266	266	532	133	11	105
1200-1300	90	135	270	270	540	135	11	105
1300-1400	91	137	274	274	548	137	11	105
1400-1500	92	139	277	277	554	139	11	105
1500-1600	93	140	280	280	560	140	11	105
1600-1700	95	142	284	284	568	142	11	105
1700-1800	95	143	286	286	572	143	11	105
1800-1900	96	145	289	289	578	145	11	105
1900-2000	97	146	292	292	584	146	11	105
2000-3000	104	156	312	312	624	156	12	112
3000-4000	109	163	326	326	652	163	13	117
4000-5000	112	168	337	337	674	168	14	121
5000-10000	123	185	370	370	740	185	17	133
10000-15000	129	194	388	388	776	194	20	140
15000-20000	134	201	401	401	802	201	22	144
20000-25000	137	206	411	411	822	206	24	148
25000-30000	140	210	419	419	838	210	26	151
30000-40000	144	216	431	431	862	216	29	156
40000-50000	147	220	441	441	882	220	32	159
50000-60000	150	224	449	449	898	224	35	162
60000-70000	152	227	455	455	910	227	36	166
70000-80000	153	230	460	460	920	230	38	166
80000-90000	155	233	465	465	930	233	39	170
90000-100000	157	235	470	470	940	235	40	170

**Table 7: Hazard Type 2 explosive, some or all items being of more than 0.7 kg net mass in an unrounded store**

1 Quantity of explosives (kg)	2 Class A distance (m)	3 Class B distance (m)	4 Class C distance (m)	5 Class D distance (m)	6 Class E distance (m)	7 Class F distance (m)	8 Class G distance (m)	9 Class H distance (m)
0.1-25	20	30	60	60	120	30	60	60
25-30	20	30	60	60	120	30	60	60

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30-40	25	37	74	74	148	37	74	74
40-50	29	44	88	88	176	44	88	88
50-60	33	49	99	99	198	49	99	99
60-70	36	54	108	108	216	54	108	108
70-80	39	58	116	116	232	58	116	116
80-90	41	61	123	123	246	61	123	123
90-100	43	64	129	129	258	64	129	129
100-150	51	76	152	152	304	76	152	152
150-200	56	84	168	168	336	84	168	168
200-250	60	91	181	181	362	91	181	181
250-300	64	96	191	191	382	96	191	191
300-350	67	100	200	200	400	100	200	200
350-400	69	104	207	207	414	104	207	207
400-450	71	107	213	213	426	107	213	213
450-500	73	110	219	219	438	110	219	219
500-550	75	112	224	224	448	112	224	224
550-600	76	115	229	229	458	115	229	229
600-650	78	117	233	233	466	117	233	233
650-700	79	119	237	237	474	119	237	237
700-750	80	120	241	241	482	120	241	241
750-800	81	122	244	244	488	122	244	244
800-850	83	124	248	248	496	124	248	248
850-900	84	125	251	251	502	125	251	251
900-950	84	127	253	253	506	127	253	253
950-1000	85	128	256	256	512	128	256	256
1000-1100	87	131	261	261	522	131	261	261
1100-1200	89	133	266	266	532	133	266	266
1200-1300	90	135	270	270	540	135	270	270
1300-1400	91	137	274	274	548	137	274	274
1400-1500	92	139	277	277	554	139	277	277
1500-1600	93	140	280	280	560	140	280	280
1600-1700	95	142	284	284	568	142	284	284
1700-1800	95	143	286	286	572	143	286	286
1800-1900	96	145	289	289	578	145	289	289
1900-2000	97	146	292	292	584	146	292	292

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2000-3000	104	156	312	312	624	156	312	312
3000-4000	109	163	326	326	652	163	326	326
4000-5000	112	168	337	337	674	168	337	337
5000-10000	123	185	370	370	740	185	370	370
10000-15000	129	194	388	388	776	194	388	388
15000-20000	134	201	401	401	802	201	401	401
20000-25000	137	206	411	411	822	206	411	411
25000-30000	140	210	419	419	838	210	419	419
30000-40000	144	216	431	431	862	216	431	431
40000-50000	147	220	441	441	882	220	441	441
50000-60000	150	224	449	449	898	224	449	449
60000-70000	152	227	455	455	910	227	455	455
70000-80000	153	230	460	460	920	230	460	460
80000-90000	155	233	465	465	930	233	465	465
90000-100000	157	235	470	470	940	235	470	470

**Table 8: Hazard Type 2 explosive every item  
being of 0.7kg net mass or less in a mounded store**

<b>Quantity of explosives (kg)</b>	<b>2 Class A distance (m)</b>	<b>3 Class B distance (m)</b>	<b>4 Class C distance (m)</b>	<b>5 Class D distance (m)</b>	<b>6 Class E distance (m)</b>	<b>7 Class F distance (m)</b>	<b>8 Class G distance (m)</b>	<b>9 Class H distance (m)</b>
0.1-25	12	18	37	37	74	18	9	15
25-30	13	19	38	38	76	19	9	15
30-40	14	20	41	41	82	20	9	15
40-50	14	22	43	43	86	22	9	15
50-60	15	22	45	45	90	22	9	18
60-70	16	23	47	47	94	23	9	18
70-80	16	24	48	48	96	24	9	18
80-90	16	25	49	49	98	25	9	18
90-100	17	25	51	51	102	25	9	18
100-150	19	28	56	56	112	28	9	22
150-200	20	30	60	60	120	30	9	22
200-250	21	32	63	63	126	32	9	24
250-300	22	33	66	66	132	33	9	24
300-350	23	34	68	68	136	34	10	25
350-400	24	35	71	71	142	35	10	25

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400-450	24	36	73	73	146	36	10	27
450-500	25	37	74	74	148	37	10	27
500-550	25	38	76	76	152	38	10	31
550-600	26	39	78	78	156	39	10	31
600-650	26	39	79	79	158	39	10	31
650-700	27	40	80	80	160	40	10	31
700-750	27	41	82	82	164	41	10	31
750-800	28	41	83	83	166	41	10	31
800-850	28	42	84	84	168	42	10	31
850-900	28	43	85	85	170	43	10	31
900-950	29	43	86	86	172	43	10	31
950-1000	29	44	87	87	174	44	10	31
1000-1100	30	44	89	89	178	44	11	36
1100-1200	30	45	91	91	182	45	11	36
1200-1300	31	46	92	92	184	46	11	36
1300-1400	31	47	94	94	188	47	11	36
1400-1500	32	48	95	95	190	48	11	36
1500-1600	32	48	97	97	194	48	11	36
1600-1700	33	49	98	98	196	49	11	36
1700-1800	33	50	99	99	198	50	11	36
1800-1900	33	50	100	100	200	50	11	36
1900-2000	34	51	101	101	202	51	11	36
2000-3000	37	55	110	110	220	55	12	40
3000-4000	39	59	117	117	234	59	13	42
4000-5000	41	61	122	122	244	61	14	44
5000-10000	47	70	140	140	280	70	17	50
10000-15000	50	76	151	151	302	76	20	54
15000-20000	53	80	159	159	318	80	22	57
20000-25000	55	83	166	166	332	83	24	60
25000-30000	57	86	171	171	342	86	26	62
30000-40000	60	90	180	180	360	90	29	66
40000-50000	62	94	187	187	377	94	32	68
50000-60000	64	97	193	193	386	97	35	70
60000-70000	66	99	198	198	396	99	36	74
70000-80000	67	101	202	202	404	101	38	74

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80000-90000	103	206	206	412	103	39	76
90000-100000	105	210	210	420	105	40	76

**Table 9: Hazard Type 2 explosive every item being of 0.7kg net mass or less in an unmounted store**

<i>Quantity of explosives (kg)</i>	<i>2 Class A distance (m)</i>	<i>3 Class B distance (m)</i>	<i>4 Class C distance (m)</i>	<i>5 Class D distance (m)</i>	<i>6 Class E distance (m)</i>	<i>7 Class F distance (m)</i>	<i>8 Class G distance (m)</i>	<i>9 Class H distance (m)</i>
0.1-25	12	18	37	37	74	18	37	37
25-30	13	19	38	38	76	19	38	38
30-40	14	20	41	41	82	20	41	41
40-50	14	22	43	43	86	22	43	43
50-60	15	22	45	45	90	22	45	45
60-70	16	23	47	47	94	23	47	47
70-80	16	24	48	48	96	24	48	48
80-90	16	25	49	49	98	25	49	49
90-100	17	25	51	51	102	25	51	51
100-150	19	28	56	56	112	28	56	56
150-200	20	30	60	60	120	30	60	60
200-250	21	32	63	63	126	32	63	63
250-300	22	33	66	66	132	33	66	66
300-350	23	34	68	68	136	34	68	68
350-400	24	35	71	71	142	35	71	71
400-450	24	36	73	73	146	36	73	73
450-500	25	37	74	74	148	37	74	74
500-550	25	38	76	76	152	38	76	76
550-600	26	39	78	78	156	39	78	78
600-650	26	39	79	79	158	39	79	79
650-700	27	40	80	80	160	40	80	80
700-750	27	41	82	82	164	41	82	82
750-800	28	41	83	83	166	41	83	83
800-850	28	42	84	84	168	42	84	84
850-900	28	43	85	85	170	43	85	85
900-950	29	43	86	86	172	43	86	86
950-1000	29	44	87	87	174	44	87	87

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1000-1100	30	44	89	89	178	44	89	89
1100-1200	30	45	91	91	182	45	91	91
1200-1300	31	46	92	92	184	46	92	92
1300-1400	31	47	94	94	188	47	94	94
1400-1500	32	48	95	95	190	48	95	95
1500-1600	32	48	97	97	194	48	97	97
1600-1700	33	49	98	98	196	49	98	98
1700-1800	33	50	99	99	198	50	99	99
1800-1900	33	50	100	100	200	50	100	100
1900-2000	34	51	101	101	202	51	101	101
2000-3000	37	55	110	110	220	55	110	110
3000-4000	39	59	117	117	234	59	117	117
4000-5000	41	61	122	122	244	61	122	122
5000-10000	47	70	140	140	280	70	140	140
10000-15000	50	76	151	151	302	76	151	151
15000-20000	53	80	159	159	318	80	159	159
20000-25000	55	83	166	166	332	83	166	166
25000-30000	57	86	171	171	342	86	171	171
30000-40000	60	90	180	180	360	90	180	180
40000-50000	62	94	187	187	377	94	187	187
50000-60000	64	97	193	193	386	97	193	193
60000-70000	66	99	198	198	396	99	198	198
70000-80000	67	101	202	202	404	101	202	202
80000-90000	69	103	206	206	412	103	206	206
90000-100000	70	105	210	210	420	105	210	210

**Table 10: Hazard Type 3 explosive**

<b>Quantity of explosives (kg)</b>	<b>2 Class A distance (m)</b>	<b>3 Class B distance (m)</b>	<b>4 Class C distance (m)</b>	<b>5 Class D distance (m)</b>	<b>6 Class E distance (m)</b>	<b>7 Class F distance (m)</b>	<b>8 Class G distance (m)</b>	<b>9 Class H distance (m)</b>
0.1-25	0	0	0	0	0	0	9	12
25-30	7	10	20	20	20	10	9	12
30-40	7	11	22	22	22	11	9	12
40-50	8	12	23	23	23	12	9	12
50-60	8	12	25	25	25	12	9	15
60-70	9	13	26	26	26	13	9	15

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70-80	9	14	27	27	27	14	9	15
80-90	9	14	28	28	28	14	9	15
90-100	10	15	29	29	29	15	9	15
100-150	11	17	34	34	34	17	9	18
150-200	12	19	37	37	37	19	9	18
200-250	13	20	40	40	40	20	10	21
250-300	14	21	43	43	43	21	10	21
300-350	15	22	45	45	45	22	11	23
350-400	16	23	47	47	47	23	11	23
400-450	16	24	49	49	49	24	12	25
450-500	17	25	50	50	50	25	12	25
500-550	17	26	52	52	52	26	14	32
550-600	18	27	54	54	54	27	14	32
600-650	18	28	55	55	55	28	14	32
650-700	19	28	56	56	56	28	14	32
700-750	19	29	58	58	58	29	14	32
750-800	20	29	59	59	59	29	14	32
800-850	20	30	60	60	60	30	14	32
850-900	20	31	61	61	61	31	14	32
900-950	21	31	62	62	62	31	14	32
950-1000	21	32	64	64	64	32	14	32
1000-1100	22	33	66	66	66	33	17	40
1100-1200	22	34	67	67	67	34	17	40
1200-1300	23	35	69	69	69	35	17	40
1300-1400	24	36	71	71	71	36	17	40
1400-1500	24	36	73	73	73	36	17	40
1500-1600	25	37	74	74	74	37	17	40
1600-1700	25	38	76	76	76	38	17	40
1700-1800	26	39	77	77	77	39	17	40
1800-1900	26	39	79	79	79	39	17	40
1900-2000	27	40	80	80	80	40	17	40
2000-3000	31	46	92	92	92	46	19	46
3000-4000	34	50	101	101	101	50	20	50
4000-5000	36	54	109	109	109	54	22	54
5000-10000	46	68	137	137	137	68	28	68

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10000-15000	52	78	157	157	157	78	33	78
15000-20000	57	86	172	172	172	86	37	86
20000-25000	62	93	186	186	186	93	41	93
25000-30000	66	99	197	197	197	99	44	98
30000-40000	72	109	217	217	217	109	47	110
40000-50000	78	117	234	234	234	117	50	120
50000-60000	83	124	249	249	249	124	54	130
60000-70000	87	131	262	262	262	131	58	140
70000-80000	91	137	274	274	274	137	63	140
80000-90000	95	142	285	285	285	142	67	150
90000-100000	98	147	295	295	295	147	70	150

**Table 11: Hazard Type 4 explosive**

<b>1 Quantity of explosives (kg)</b>	<b>2 Class A distance (m)</b>	<b>3 Class B distance (m)</b>	<b>4 Class C distance (m)</b>	<b>5 Class D distance (m)</b>	<b>6 Class E distance (m)</b>	<b>7 Class F distance (m)</b>	<b>8 Class G distance (m)</b>	<b>9 Class H distance (m)</b>
0.1-250	0	0	0	0	0	0	9	11
250-300	1	1	1	1	1	1	9	11
300-340	1	1	2	2	2	1	9	11
340-370	1	2	3	3	3	2	9	11
370-400	1	2	4	4	4	2	9	11
400-450	2	3	5	5	5	3	9	11
450-500	2	3	6	6	6	3	9	11
500-550	2	4	7	7	7	4	9	12
550-650	3	5	9	9	9	5	9	12
650-700	3	5	10	10	10	5	9	12
700-750	4	6	11	11	11	6	9	12
750-800	4	6	12	12	12	6	9	12
800-900	4	7	13	13	13	7	9	12
900-950	5	7	14	14	14	7	9	12
950-1000	5	8	15	15	15	8	9	12
1000-1100	5	8	16	16	16	8	12	19
1100-1150	6	9	17	17	17	9	12	19
1150-1200	6	9	18	18	18	9	12	19
1200-1300	6	10	19	19	19	10	12	19
1300-1350	7	10	20	20	20	10	12	19



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1350-1400	7	11	21	21	21	11	12	19
1400-1450	7	11	22	22	22	11	12	19
1450-1550	8	12	23	23	23	12	12	19
1550-1600	8	12	24	24	24	12	12	19
1600-1650	8	13	25	25	25	13	12	19
1650-1700	9	13	26	26	26	13	12	19
1700-1800	9	14	27	27	27	14	12	19
1800-1850	9	14	28	28	28	14	12	19
1850-1900	10	15	29	29	29	15	12	19
1900-2000	10	15	30	30	30	15	12	19
2000-3000	13	20	40	40	40	20	14	23
3000-4000	13	20	40	40	40	20	16	24
4000-5000	15	23	45	45	45	23	17	25
5000-10000	17	26	51	51	51	26	22	27
10000-15000	18	27	54	54	54	27	24	27
15000-20000	18	28	56	56	56	28	25	27
20000-25000	19	29	57	57	57	29	26	27
25000-30000	20	30	59	59	59	30	27	27
30000-40000	20	30	60	60	60	30	27	27
40000-50000	20	31	61	61	61	31	27	27
50000-60000	20	31	61	61	61	31	27	27
60000-70000	21	31	62	62	62	31	27	27
70000-80000	21	32	63	63	63	32	27	27
80000-90000	21	32	63	63	63	32	27	27
90000-100000	21	32	64	64	64	32	27	27

#### Textual Amendments

**F134** Words in Sch. 5 substituted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(g\)](#) (with [reg. 1\(3\)](#))

## SCHEDULE 6

Regulation 33(2)(a)

### UNIQUE IDENTIFICATION FOR CIVIL EXPLOSIVES

1. Subject to paragraph 2, the unique identification must comprise—
  - (a) a part which can be read by a human being containing the following—

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- (i) the name of the manufacturer;
- (ii) an alphanumeric code containing—
  - (aa) two letters identifying [<sup>F135</sup>Great Britain, Northern Ireland or the EEA state (place of production or import)];
  - (bb) three digits identifying the site of manufacture; and
  - (cc) the unique product code and logistical information designed by the manufacturer; and
- (b) a part which can be read electronically in barcode or matrix code format, or both, which relates directly to the alphanumeric identification code.

#### Textual Amendments

**F135** Words in Sch. 6 para. 1(a)(ii)(aa) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 30 (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

2. For articles too small to affix the unique product code and logistical information designed by the manufacturer, the information under sub-paragraphs (a)(ii)(aa) and (ii)(bb) and (b) of paragraph 1 is sufficient for the purposes of the unique identification.

## SCHEDULE 7

Regulation 33(1), (5) and (7)

### MARKING OR AFFIXING THE UNIQUE IDENTIFICATION TO CIVIL EXPLOSIVES

#### Cartridged explosives and explosives in sacks

1. For a cartridged explosive and any explosive in sacks—
  - (a) subject to paragraph 10(1), the unique identification must be on an adhesive label attached to, or be directly printed on, each cartridge or sack;
  - (b) an associated label must be placed on each case of cartridges; and
  - (c) a passive inert electronic tag may be attached to each cartridge or sack and an associated electronic tag attached to each case of cartridges.

#### Packaged two-component explosives

2. Subject to paragraph 10(1), for a packaged two-component explosive, the unique identification must be on an adhesive label attached to, or be directly printed on, each smallest packaging unit containing the two components.

#### Plain detonators

3. For plain detonators—
  - (a) subject to paragraph 10(1) and (2), the unique identification must be on an adhesive label attached to, or be directly printed or stamped on, the detonator shell;
  - (b) an associated label must be placed on each case of detonators; and
  - (c) a passive inert electronic tag may be attached to each detonator and an associated tag attached to each case of detonators.

## **Electric, non-electric and electronic detonators**

4. For electric, non-electric and electronic detonators—
  - (a) subject to paragraph 10(1), the unique identification must—
    - (i) be on an adhesive label attached to the wires or tube; or
    - (ii) be on an adhesive label attached to, or be directly printed or stamped on, the detonator shell;
  - (b) an associated label must be placed on each case of detonators; and
  - (c) a passive inert electronic tag may be attached to each detonator and an associated tag attached to each case of detonators.

## **Primers and boosters**

5. For primers and boosters—
  - (a) subject, in the case of boosters, to paragraph 10(1) and (2), the unique identification must be on an adhesive label attached to, or be directly printed on, the primer or booster;
  - (b) an associated label must be placed on each case of primers or boosters; and
  - (c) a passive inert electronic tag may be attached to each primer or booster and an associated tag attached to each case of primers or boosters.

## **Detonating cords**

6. For detonating cords—
  - (a) the unique identification must be on an adhesive label attached to, or be directly printed on, the bobbin;
  - (b) subject to paragraph 10(1) and (3), the unique identification must be marked every five meters on either the external envelope of the cord or the plastic extruded inner layer immediately under the exterior fibre of the cord;
  - (c) an associated label must be placed on each case of detonating cord; and
  - (d) a passive inert electronic tag may be inserted within the cord and an associated tag attached to each case of cord.

## **Cans, boxes and drums containing explosives**

7. For cans, boxes and drums containing any explosive—
  - (a) subject to paragraph 10(1), the unique identification must be on an adhesive label attached to, or be directly printed on, the can, box or drum containing the explosive; and
  - (b) a passive inert electronic tag may be attached to each can, box and drum.

## **Civil explosives not referred to in paragraphs 1 to 7**

8. Each civil explosive item in respect of a civil explosive not referred to in paragraphs 1 to 7 must, subject to paragraph 10(1), be marked with the unique identification.

## **General**

9. Where adhesive detachable copies of labels showing the unique identification are attached to civil explosive articles, containers or each smallest packaging unit concerned for use by other persons, those copies must be clearly marked as copies of the original.

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## Small explosive articles

**10.**—(1) For articles smaller than those to which paragraph 2 of Schedule 6 applies, which are too small to affix the information under sub-paragraphs (a)(ii)(aa) and (ii)(bb) and (b) of paragraph 1 of Schedule 6 or where it is technically impossible due to their shape or design to affix a unique identification—

- (a) the unique identification specified in paragraph 1 of that Schedule must be affixed on each smallest packaging unit; and
  - (b) that packaging unit must be closed with a seal.
- (2) In the case of each plain detonator or booster to which sub-paragraph (1) applies—
- (a) the requirements of, respectively, paragraphs 3(a) and 5(a) do not apply;
  - (b) the information under sub-paragraph (a)(ii)(aa) and (bb) of paragraph 1 of Schedule 6 must be marked, in a durable and clearly legible way, on, as the case may be, the plain detonator or booster; and
  - (c) the number of plain detonators or boosters contained in each smallest packaging unit must be printed on that unit.
- (3) In the case of each detonating cord to which sub-paragraph (1) applies—
- (a) the requirements of paragraph 6(b) do not apply; and
  - (b) the unique identification referred to in paragraph 1 of Schedule 6 must be marked on the reel or spool and on any smallest packaging unit.
- (4) For the purposes of this paragraph, the smallest packaging unit means the smallest packaging unit on which it is possible to affix the unique identification specified in paragraph 1 of Schedule 6.

## SCHEDULE 8

Regulation 38

### MEANING OF “PLASTIC EXPLOSIVE” AND “DETECTION AGENT”

## PART 1

### PLASTIC EXPLOSIVE

**1.** For the purposes of regulation 38, “plastic explosive” means an explosive substance, commonly known as “plastic explosive”, including such substance in flexible or elastic sheet form and whether or not contained in an explosive article, which is—

- (a) formulated with one or more high explosives which in their pure form have a vapour pressure less than  $10^{-4}$  Pa at a temperature of 25°C;
- (b) formulated with a binder material; and
- (c) malleable or flexible at normal room temperature.

**2.** The following explosives, even if meeting the description of plastic explosives in paragraph 1, are not to be regarded as plastic explosives for the purposes of regulation 38 as long as their manufacture or possession continues to be to a quantity and for a purpose specified in any of sub-paragraphs (a) to (c) of this paragraph, namely any explosive—

- (a) the manufacture or possession of which is to a quantity no greater than is necessary for the purpose of, and is solely for use in, lawful research, development or testing of new or modified explosives;

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- (b) the manufacture or possession of which is to a quantity no greater than is necessary for the purpose of, and is solely for use in, lawful training in explosives detection or development or testing of explosives detection equipment; or
- (c) the manufacture or possession of which is to a quantity no greater than is necessary for, and is solely for, the purpose of lawful forensic science.

3. In this Part “high explosives” include, but are not restricted to, cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN) and cyclotrimethylenetrinitramine (RDX).

## PART 2

### DETECTION AGENTS

Table

<i>(1) Name of detection agent</i>	<i>(2) Minimum concentration</i>
Ethylene glycol dinitrate (EGDN)	0.2% by mass
2,3-Dimethyl-2,3-dinitrobutane (DMNB)	1.0% by mass
para-Mononitrotoluene (p-MNT)	0.5% by mass

### SCHEDULE 9

Regulation 39

### ESSENTIAL SAFETY REQUIREMENTS

F136 ...

#### Textual Amendments

**F136** Words in [Sch. 9](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 31](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Textual Amendments

**F136** Words in [Sch. 9](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 31](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## PART 1

### GENERAL REQUIREMENTS

1. Each civil explosive must be designed, manufactured and supplied in such a way as to present a minimal risk to the safety of human life and health, and to prevent damage to property and the

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environment under normal, foreseeable conditions, in particular as regards the safety rules and standard practices until such time as it is used.

2. Each civil explosive must attain the performance characteristics specified by the manufacturer in order to ensure maximum safety and reliability.

3. Each civil explosive must be designed and manufactured in such a way that when appropriate techniques are employed it can be disposed of in a manner which minimises effects on the environment.

## PART 2

### SPECIAL REQUIREMENTS

4. As a minimum, the following information and properties—where appropriate—must be considered or tested. Each civil explosive should be tested under realistic conditions. If this is not possible in a laboratory, the tests should be carried out in the conditions in which the civil explosive is to be used.

- (a) Design and characteristic properties, including chemical composition, degree of homogeneity and, where appropriate, dimensions and grain size distribution.
- (b) The physical and chemical stability of the civil explosive in all environmental conditions to which it may be exposed.
- (c) Sensitiveness to impact and friction.
- (d) Compatibility of all components as regards their physical and chemical stability.
- (e) The chemical purity of the civil explosive.
- (f) Resistance of the civil explosive against influence of water where it is intended to be used in humid or wet conditions and where its safety or reliability may be adversely affected by water.
- (g) Resistance to low and high temperatures, where the civil explosive is intended to be kept or used at such temperatures and its safety or reliability may be adversely affected by cooling or heating of a component or of the civil explosive as a whole.
- (h) The suitability of the civil explosive for use in hazardous environments (e.g. firedamp atmospheres, hot masses, etc.) if it is intended to be used under such conditions.
- (i) Safety features intended to prevent untimely or inadvertent initiation or ignition.
- (j) The correct loading and functioning of the civil explosive when used for its intended purpose.
- (k) Suitable instructions and, where necessary, markings in respect of safe handling, storage, use and disposal<sup>F137</sup>....
- (l) The ability of the civil explosive, its wrapping or other components to withstand deterioration during storage until the “use by” date specified by the manufacturer.
- (m) Specification of all devices and accessories needed for reliable and safe functioning of the civil explosive.

#### Textual Amendments

**F137** Words in Sch. 9 para. 4(k) omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **10(b)** (with regs. 2(1), 15)

5. The various groups of civil explosives must at least also comply with the following requirements:

(a) Blasting Explosives

- (i) The proposed method of initiation must ensure safe, reliable and complete detonation or deflagration as appropriate, of the blasting explosive. In the particular case of black powder, it is the capacity as regards deflagration which is to be checked.
- (ii) Blasting explosives in cartridge form must transmit the detonation safely and reliably from one end of the train of cartridges to the other.
- (iii) The fumes produced by blasting explosives intended for underground use may contain carbon monoxide, nitrous gases, other gases, vapours or airborne solid residues only in quantities which do not impair health under normal operating conditions.

(b) Detonating cords, safety fuses, other fuses and shock tubes

- (i) The covering of detonating cords, safety fuses<sup>F138</sup>, other fuses and shock tubes] must be of adequate mechanical strength and adequately protect the explosive filling when exposed to normal mechanical stress.
- (ii) The parameters for the burning times of safety fuses must be indicated and must be reliably set.
- (iii) Detonating cords must be capable of being reliably initiated, be of sufficient initiation capability and comply with requirements as regards storage even in particular climatic conditions.

(c) Detonators (including delay detonators) and relays

- (i) Detonators must reliably initiate the detonation of the blasting explosives which are intended to be used with them under all foreseeable conditions of use.
- (ii) Delay connectors for detonating cords must be reliably initiated.
- (iii) The initiation capability must not be adversely affected by humidity.
- (iv) The delay times of delay detonators must be sufficiently uniform to ensure that the probability of overlapping of the delay times of adjacent time steps is insignificant.
- (v) The electrical characteristics of electric detonators must be indicated on the packaging (e.g. no-fire current, resistance, etc.).
- (vi) The wires of electric detonators must be of sufficient insulation and mechanical strength including the solidity of the link to the detonator, taking account of their intended use.

(d) Propellants and rocket propellants

- (i) These materials must not detonate when used for their intended purpose.
- (ii) Propellants where necessary (e.g. those based on nitrocellulose) must be stabilised against decomposition.
- (iii) Solid rocket propellants, when in compressed or cast form, must not contain any unintentional fissures or gas bubbles which dangerously affect their functioning.

**Textual Amendments**

**F138** Words in Sch. 9 para. 5(b)(i) substituted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **10(c)** (with [regs. 2\(1\), 15](#))

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## <sup>F139</sup>SCHEDULE 10

Regulation 42(3)

### Textual Amendments

**F139** Sch. 10 omitted (20.4.2016) by virtue of [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, **11** (with regs. 2(1), 15)

## SCHEDULE 11

Regulation 43

### ENFORCEMENT WITHIN GREAT BRITAIN

## PART 1

### INTRODUCTORY

**1.—**(1) This Schedule makes provision for the enforcement of these Regulations within Great Britain.

(2) Despite sub-paragraph (1), nothing in paragraphs 2 to 12 or 14 applies for the purpose of making any person responsible for the enforcement of these Regulations as they apply—

- (a) on sites which are GB nuclear sites; or
- (b) on any part of a site which is, or forms part of, a GB nuclear site <sup>M79</sup>.

(3) The provisions of this Schedule apply despite the provisions of the Health and Safety (Enforcing Authority) Regulations 1998 <sup>M80</sup>.

### Marginal Citations

**M79** Section 18 of the Health and Safety at Work etc. Act 1974 has been amended, by the [Energy Act 2013 \(c.32\)](#), [Schedule 12](#), [paragraph 6](#), with the effect that the Office for Nuclear Regulation is the enforcing authority (within the meaning of the 1974 Act) for the relevant statutory provisions as they apply in relation to GB nuclear sites. Exceptions may be made for the Office of Rail Regulation to enforce any of the relevant statutory provisions as they apply on such nuclear sites.

**M80** [S.I. 1998/494](#); relevant amending instruments are [S.I. 2005/1082](#), 2007/2598, 2009/693 and 2014/469.

## PART 2

### ENFORCEMENT OF PROVISIONS

#### Enforcement in respect of the manufacture and storage of explosives

**2.—**(1) A licensing authority is the enforcing authority for the manufacture and storage provisions—

- (a) for a site in relation to which it has granted a person a licence;



- (b) where, in relation to a deemed licence, it would have been the licensing authority by virtue of paragraph 1 or 4 of Schedule 1 if an application for a licence had been made under these Regulations;
  - (c) where, in any case other than those mentioned in paragraphs (a) and (b)—
    - (i) it would be the licensing authority by virtue of paragraph 1 or 4 of Schedule 1 if an application for a licence is, or should have been, made under these Regulations; or
    - (ii) it would have been the licensing authority had the requirements of paragraph (1) of regulation 6 not been disapplied by paragraph (2) of that regulation or the requirements of paragraph (1) of regulation 7 not been disapplied by paragraph (2) of that regulation.
- (2) In this paragraph—
- (a) “deemed licence” means—
    - (i) any licence deemed by regulation 47(1) to be a licence granted under regulation 13;
    - (ii) any licence deemed to be held by a person pursuant to regulation 47(12); and
    - (iii) any registration deemed by regulation 47(2) to be a licence granted under regulation 13;
  - (b) “manufacture and storage provisions” means—
    - (i) regulations 6, 7, 23, 26, 27 and 30 as they apply otherwise than in respect of the manufacture and storage of ammonium nitrate blasting intermediate;
    - (ii) regulation 29 as it applies to the manufacture and storage of chlorate mixtures.

3. A licensing authority is the enforcing authority for regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>M81</sup> in relation to the manufacture or storage of explosives for which it is the enforcing authority by virtue of paragraph 2.

#### Marginal Citations

**M81** [S.I. 1999/3242](#), to which there are amendments not relevant to these Regulations.

4. The enforcing authority for regulation 13(8) as it applies in respect of the manufacture and storage of any explosive and for regulations 6, 7, 23, 26, 27 and 30 as they apply in respect of the manufacture and storage of ammonium nitrate blasting intermediate is—

- (a) in relation to manufacture or storage on an authorised defence site or a new nuclear build site, the ONR;
- (b) otherwise, the Executive.

#### Enforcement in respect of discarding, disposal and decontamination

5. The licensing authority is the enforcing authority for regulation 28 where a person discards or disposes of explosives or explosive-contaminated items, or decontaminates explosive-contaminated items, at a site in relation to which it has granted that or any other person a licence.

6.—(1) The enforcing authority for regulation 28 where a person discards or disposes of explosives or explosive-contaminated items, or decontaminates explosive-contaminated items, at a place other than a site in relation to which a person holds a licence is—

- (a) where the discarding, disposal or decontamination is carried out by, or on behalf of, a person who holds a licence granted by the Executive in a case in which the assent of the

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local authority was required under regulation 13(3) before the licence was granted, the Executive;

- (b) where the discarding, disposal or decontamination is carried out by, or on behalf of, a person who holds a licence granted by the ONR in a case in which the assent of the local authority was required under regulation 13(3) before the licence was granted, the ONR;
- (c) where neither paragraph (a) or (b) applies—
  - (i) in any case where the local authority is by virtue of the 1998 Regulations the enforcing authority for the premises, or part of premises, at which the disposal or decontamination is carried out, the local authority;
  - (ii) otherwise, the Executive.

(2) In this paragraph, “local authority” in sub-paragraph 1(c) has the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998<sup>M82</sup>.

#### Marginal Citations

**M82** [S.I. 1998/494](#); relevant amending instruments are [S.I. 2005/1082](#), 2007/2598, 2009/693 and 2014/469. For the purposes of regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations, “local authority” means: (a) in relation to England, a county council so far as they are the council for an area in which there are no district councils, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under-Treasurer of the Middle Temple or the Council of the Isles of Scilly; (b) in relation to Scotland, the council for a local government area; (c) in relation to Wales, a county council or county borough council.

#### Enforcement in respect of import of chlorate mixtures

7. The Executive is the enforcing authority for regulation 29 as it applies to the import of pyrotechnic substances or pyrotechnic articles which consist of sulphur or phosphorous mixed with chlorate of potassium or other chlorates.

#### Enforcement in respect of acquisition and supply of fireworks

8. The enforcing authority for regulation 9 is—
- (a) for a site in relation to which it has granted a person a licence, the Executive;
  - (b) subject to sub-paragraph (a), a local authority which is a licensing authority in the area of that local authority.

#### Enforcement in respect of explosives certificates and access to relevant explosives

9.—(1) The enforcing authority for regulations 5, 11(5), 21(4), 31, 32 and 37 in any area of Great Britain is the chief officer of police for that area.

(2) Despite sub-paragraph (1), the enforcing authority for regulations 31, 32 and 37 against a police force, any member of a police force or any relevant person is—

- (a) so far as the relevant regulation applies in relation to activities carried out on, or in relation to, any authorised defence site or a new nuclear build site, the ONR;
  - (b) otherwise, the Executive.
- (3) For the purposes of this paragraph “relevant person” means a person—
- (a) appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff); or

- (b) appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 (police staff).

### **Enforcement in respect of identification and traceability**

#### **10.** The enforcing authority for regulation 33—

- (a) at a site in relation to which a person holds a licence granted by the chief officer of police for the area in which the site is situated, is that chief officer of police;
- (b) at an authorised defence site or a new nuclear build site, is the ONR;
- (c) otherwise, is the Executive.

#### **11.—(1)** The enforcing authority for regulation 34 is the Executive.

(2) Despite sub-paragraph (1), the ONR is the enforcing authority for regulation 34 to the extent that it imposes requirements on manufacturers who—

- (a) are established in Great Britain; and
- (b) manufacture explosives on an authorised defence site or a new nuclear build site.

### **Enforcement in respect of record keeping**

#### **12.—(1)** The enforcing authority for regulation 35 is—

- (a) the Executive—
  - (i) in respect of any place within a site in relation to which it is the licensing authority;
  - (ii) subject to paragraph (b)(ii), in respect of any place occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence;
  - (iii) in respect of any place below ground in any mine;
  - (iv) subject to paragraph (b)(iii), against a police force, any member of a police force or relevant person;
- (b) the ONR—
  - (i) in respect of any place within a site in relation to which it is the licensing authority;
  - (ii) in respect of any place within an authorised defence site or a new nuclear build site;
  - (iii) against a police force, any member of a police force or any relevant person, so far as regulation 35 applies in relation to activities carried out on, or in relation to, any authorised defence site or new nuclear build site;
- (c) in any other case, the chief officer of police for the area.

(2) In this paragraph “relevant person” has the meaning given in paragraph 9.

#### **13.** The enforcing authority for regulation 36—

- (a) at a site in relation to which a person holds a licence granted by the chief officer of police for the area in which the site is situated, is, subject to sub-paragraph (b), that chief officer of police;
- (b) at a site which is, or forms part of, an authorised defence site or a new nuclear build site, is the ONR;
- (c) in any other case, is the Executive.

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### Enforcement in respect of unmarked plastic explosives

14.—(1) The enforcing authority for regulation 38 is the Executive.

(2) Despite sub-paragraph (1), the ONR is the enforcing authority for paragraphs (1) and (2) of regulation 38 as they apply on, or in relation to, an authorised defence site or a new nuclear build site.

### Enforcement in respect of transfers, and the placing on the market, of civil explosives

15.—<sup>[F140]</sup>(1) The Executive is the enforcing authority for regulation 8, Part 13 and paragraph 18 of Schedule 12.]

(2) Despite sub-paragraph (1), the ONR is the enforcing authority for regulation 8 as it applies on, or in relation to, any activity carried out wholly or mainly on an authorised defence site or a new nuclear build site.

#### Textual Amendments

**F140** Sch. 11 para. 15(1) substituted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), regs. 1, 12 (with regs. 2(1), 15)

## <sup>[F141]</sup>SCHEDULE 12

Regulation 80

ENFORCEMENT POWERS IN RESPECT OF TRANSFERS, AND THE PLACING ON THE MARKET, OF CIVIL EXPLOSIVES, MARKET SURVEILLANCE, COMPLIANCE, WITHDRAWAL AND RECALL NOTICES, DEFENCE OF DUE DILIGENCE, APPEALS AGAINST NOTICES AND FURTHER PROVISIONS IN RELATION TO ENFORCEMENT

#### Textual Amendments

**F141** Sch. 12 substituted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), reg. 1, Sch. 1 (with regs. 2(1), 15)

## PART 1

ENFORCEMENT POWERS IN RESPECT OF TRANSFERS, AND THE PLACING ON THE MARKET, OF CIVIL EXPLOSIVES AND MARKET SURVEILLANCE

### Enforcement powers, market surveillance and designation of market surveillance authority

1. This Part applies in relation to—

- (a) the enforcement of regulation 8 by the Executive or the ONR; and
- (b) the enforcement of Part 13, and market surveillance in relation to that Part by the Executive.

2. In Great Britain, the Executive is designated as the market surveillance authority for the purposes of <sup>[F142]</sup>these Regulations] and RAMS in respect of civil explosives.

#### Textual Amendments

**F142** Words in [Sch. 12 para. 2](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 32\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

3. In its enforcement of Part 13, the Executive must enforce RAMS in respect of its application to civil explosives.

4. When enforcing Part 13, the enforcing authority must exercise its powers in a manner which is consistent with—

- (a) paragraph 8 (evaluation of civil explosives presenting a risk);
- (b) paragraph 9 (enforcement action in respect of civil explosives which are not in conformity and which present a risk);

**F143**(c) .....

- (d) paragraph 11 (enforcement action in respect of civil explosives which are in conformity, but present a risk);
- (e) paragraph 12 (enforcement action in respect of formal non-compliance); and
- (f) paragraph 13 (restrictive measures).

#### Textual Amendments

**F143** Words in [Sch. 12 para. 2](#) omitted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 32\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

5. Subject to paragraph 7, and to the extent that they would not otherwise do so in the case of regulation 8, the provisions of the 1974 Act referred to in paragraph 6 apply to regulation 8 and Part 13 for the purposes of their enforcement as if that regulation and that Part were health and safety regulations for the purposes of that Act.

6. In relation to the enforcement of the provisions referred to in paragraph 1—

- (a) sections 19 to 28, 33 to 35, 38, 39, 41 42 and 46 of, and Schedule 3A to, the 1974 Act apply as provided in paragraph 7; and
- (b) sections 36(1) and (2) and 37 of the 1974 Act apply in relation to offences under section 33 of the 1974 Act as applied by paragraph (a) and the modifications specified in paragraph 7.

7.—(1) For the purposes of the enforcement of the provisions referred to in paragraph 1, and in respect of any related proceedings for a contravention of any of those provisions, the provisions of the 1974 Act mentioned in paragraph 6 apply as if—

- (a) any reference to the relevant statutory provisions in those provisions were a reference to—
  - (i) those provisions as modified by this paragraph; and
  - (ii) regulation 8 and Part 13 of these Regulations;
- (b) references to “risk” were references to “risk” within the meaning of regulation 2(12);
- (c) in section 19—
  - (i) in subsection (1)—
    - (aa) “Every enforcing authority” were a reference to the Executive or the ONR, as the case may be; and

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- (ab) “within its field of responsibility” were omitted;
  - (ii) in subsection (2), paragraph (b) were omitted; and
  - (iii) in subsection (3)—
    - (aa) “the enforcing authority” were a reference to the Executive or the ONR, as the case may be; and
    - (ab) “which appointed him” were omitted;
- (d) in section 20—
  - (i) in subsection (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
  - (ii) in subsection 2(c)(i), “his (the inspector’s) enforcing authority” were a reference to the Executive or the ONR, as the case may be;
  - (iii) in subsection 2(h), the reference to any article or substance which appears to an inspector to have caused or to be likely to cause danger to health or safety included a reference to any civil explosive item which an inspector has reasonable cause to believe will contravene the relevant statutory provisions, present a risk or be unlawfully acquired, used or dealt in;
  - (iv) in subsection (2)(i), the reference to “the preceding paragraph” included a reference to subsection (2)(h) as modified by this paragraph;
  - (v) subsection (3) were omitted;
  - (vi) in subsections (4) and (5), the reference to subsection (2)(h) included a reference to subsection (2)(h) as modified by this paragraph; and
  - (vii) in subsection (6), the reference to subsection (2)(i) included a reference to subsection (2)(i) as modified by this paragraph;
- (e) in section 21—
  - (i) before paragraph (a), there were inserted—
    - “za) is making available on the market a civil explosive which presents a risk;”;
  - (ii) after “specifying the”, there was inserted “risk, or”; and
  - (iii) after “requiring that person to”, there were inserted “address the risk or”;
- (f) in section 22, as well as permitting an inspector to serve a prohibition notice in the circumstances specified in subsection (2), it permitted an inspector to serve a prohibition notice on a person if, as regards any activities to which the section applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of that person, the activities involve or, as the case may be, will involve a risk or a contravention of any of the relevant statutory provisions (as referred to in this paragraph);
- (g) in section 23, subsections (3), (4) and (6) were omitted;
- (h) in section 25A, in subsection (1)—
  - (aa) “an enforcing authority” were a reference to the Executive or the ONR, as the case may be; and
  - (ab) before “inspector” where it first appears, there were inserted “an”;
- (i) in section 26—
  - (aa) “the enforcing authority” were a reference to the Executive or the ONR, as the case may be; and
  - (ab) “which appointed him” were omitted;

- (j) in section 27, in subsection (1)—
  - (i) paragraph (b) were omitted; and
  - (ii) “or, as the case may be, to the enforcing authority in question” were omitted;
- (k) in section 27A, in subsection (2)—
  - (i) for “an enforcing authority” there were substituted “the Executive”; and
  - (ii) the words from “, other than the Office for Nuclear Regulation” to the end were omitted;
- (l) in section 28—
  - (i) in subsection (1)(a)—
    - (aa) “, other than the Office for Nuclear Regulation (or an inspector appointed by it),” were omitted; and
    - (bb) “, by virtue of section 43A(6) below” were omitted;
  - (ii) in subsection (3)(a), “or any enforcing authority” were omitted;
  - (iii) in subsection (4)—
    - (aa) “or an enforcing authority” were omitted; and
    - (bb) “, (including in the case of an enforcing authority, any inspector appointed by it)” were omitted;
  - (iv) in subsection (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions” were omitted;
  - (v) in subsection (7)—
    - (aa) “14(4)(a) or” were omitted; and
    - (bb) for paragraph (b), there were substituted—
      - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
  - (vi) subsection (9B) were omitted;
- (m) in section 33—
  - (i) in subsection (1), paragraphs (a), (b) and (d) were omitted; and
  - (ii) subsection (2) has effect subject to a subsection (2A) as follows—
    - “(2) The maximum penalty for an offence under this section involving a contravention of Part 13 of the Explosives Regulations 2014 ([S.I. 2014/1638](#)) is—
      - (a) on summary conviction—
        - (i) in England and Wales, imprisonment for a term not exceeding three months or a fine, or both;
        - (ii) in Scotland, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and
      - (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both.”;
  - (iii) subsection (3) were omitted;
- (n) in section 34—
  - (i) in subsection (1)—
    - (aa) paragraphs (a) and (b) were omitted;
    - (bb) for the words from “and it appears” to the end, there were substituted—

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“and it appears from the investigation or, in a case falling within paragraph (d), from the proceedings at the inquiry, that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the investigation or inquiry, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the investigation or inquiry.”; and

(ii) in subsection (3)—

(aa) the reference to six months were a reference to twelve months; and

(ab) “a responsible enforcing authority”, “an enforcing authority” and “the enforcing authority” were each, respectively, a reference to the Executive or the ONR, as the case may be;

(iii) in subsection (4)—

(aa) the reference to “the designer, manufacturer, importer or supplier of any thing” were a reference to an economic operator within the meaning of regulation 2(1); and

(bb) “and in that subsection” to the end were omitted; and

(iv) subsection (6) were omitted;

(o) in section 35, “any enforcing authority” were a reference to the Executive or the ONR, as the case may be;

(p) in section 39—

(aa) “the enforcing authority” were a reference to the Executive or the ONR, as the case may be; and

(ab) “which appointed him” were omitted; and

(q) in section 42, the reference in subsection (3A) to “an explosive article or substance” were a reference to a civil explosive article or substance within the meaning of regulation 33(8).”.

(2) The provisions of the 1974 Act referred to in paragraph 6, except sections 19 and 20, do not apply in relation to the performance of the functions of the Secretary of State under Sub-Part C of Part 13 or the functions under that Part of a notified body which is a public body performing its functions on behalf of the Crown.

#### Textual Amendments

**F142** Words in [Sch. 12 para. 2](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 32\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F143** Words in [Sch. 12 para. 2](#) omitted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 32\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Evaluation of civil explosives presenting a risk

8. Where the Executive has sufficient reason to believe that a civil explosive presents a risk, the Executive must carry out an evaluation in relation to the civil explosive covering the relevant requirements of Part 13 applying in respect of that civil explosive.



## **Enforcement action in respect of civil explosives which are not in conformity and which present a risk**

9.—(1) Where, in the course of the evaluation referred to in paragraph 8, the Executive finds that the civil explosive is not in conformity with Part 13, it must, without delay, require a relevant economic operator to—

- (a) take appropriate corrective actions to bring the civil explosive into conformity with those requirements within a prescribed period;
- (b) withdraw the civil explosive within a prescribed period; or
- (c) recall the civil explosive within a prescribed period.

(2) The Executive must inform the [<sup>F144</sup>approved body] which carried out the conformity assessment procedure in respect of the civil explosive of—

- (a) the respect in which the civil explosive is not in conformity with Part 13; and
- (b) the actions which the Executive is requiring the relevant economic operator to take.

(3) Where the Executive considers that the lack of conformity referred to in sub-paragraph (1) is not restricted to the United Kingdom, it must notify the Secretary of State of—

- (a) the results of the evaluation; and
- (b) the actions which it has required the economic operator to take.

<sup>F145</sup>(4) .....

(5) Where the relevant economic operator does not take adequate corrective action within the prescribed period, the Executive must take appropriate measures to—

- (a) prohibit or restrict the civil explosive being made available on the market in the United Kingdom;
- (b) withdraw the civil explosive from the United Kingdom market; or
- (c) recall the civil explosive.

(6) Where the Executive takes measures under sub-paragraph (5), it must notify the Secretary of State of those measures without delay.

<sup>F146</sup>(7) .....

(8) [<sup>F147</sup>The notice in sub-paragraph (6)] must include details about the civil explosive and, in particular—

- (a) the data necessary for the identification of the civil explosive which is not in conformity with Part 13;
- (b) the origin of the civil explosive;
- (c) the nature of the lack of conformity alleged and the risk involved;
- (d) the nature and duration of the measures taken;
- (e) the arguments put forward by the relevant economic operator; and
- (f) whether the lack of conformity is due to either of the following—
  - (i) failure of the civil explosive to meet requirements relating to a risk;
  - (ii) shortcomings in the [<sup>F148</sup>designated] standards referred to in regulation 65 (presumption of conformity) conferring a presumption of conformity.

(9) In this paragraph, “prescribed period” means a period which is—

- (a) prescribed by the Executive; and
- (b) reasonable and commensurate with the nature of the risk presented by the civil explosive.

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(10) For the purposes of sub-paragraph (5), “take appropriate measures” includes the Executive making arrangements with the [<sup>F149</sup>relevant authority] for Northern Ireland as to measures referred to in that sub-paragraph being taken there by that authority.

#### Textual Amendments

- F144** Words in Sch. 12 para. 9(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(c)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F145** Sch. 12 para. 9(4) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(d)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F146** Sch. 12 para. 9(7) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(e)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F147** Words in Sch. 12 para. 9(8) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(f)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F148** Word in Sch. 12 para. 9(8)(f)(ii) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(f)(ii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F149** Words in Sch. 12 para. 9(10) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(g)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### EU safeguarding procedure

<sup>F150</sup>**10.** . . . . .

#### Textual Amendments

- F150** Sch. 12 para. 10 omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(h)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Enforcement action in respect of civil explosives which are in conformity, but present a risk

**11.—**(1) Where, having carried out an evaluation under paragraph 8, the Executive finds that, although a civil explosive is in conformity with Part 13 it presents a risk, the Executive must require a relevant economic operator to take appropriate measures to—

- (a) ensure that the civil explosive concerned, when placed on the market, no longer presents a risk;
- (b) withdraw the civil explosive within a prescribed period; or
- (c) recall the civil explosive within a prescribed period.

(2) Where the Executive takes measures under sub-paragraph (1), it must notify the Secretary of State immediately.

<sup>F151</sup>(3) . . . . .

(4) [<sup>F152</sup>The notice referred to in sub-paragraph (2)] must include details about the civil explosive and, in particular—

- (a) the data necessary for the identification of the civil explosive concerned;
  - (b) the origin and the supply chain of the civil explosive;
  - (c) the nature of the risk involved; and
  - (d) the nature and duration of the measures taken by the Executive.
- (5) In this paragraph, “prescribed period” means a period which is—
- (a) prescribed by the Executive; and
  - (b) reasonable and commensurate with the nature of the risk presented by the civil explosive.

#### Textual Amendments

- F151** Sch. 12 para. 11(3) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F152** Words in Sch. 12 para. 11(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(j)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Enforcement action in respect of formal non-compliance

**12.**—(1) Where the Executive makes one of the following findings relating to a civil explosive, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the [<sup>F153</sup>UK marking]—
  - (i) has not been affixed; or
  - (ii) has been affixed otherwise than in accordance with regulations 64 (prohibition on improper use of [<sup>F153</sup>UK marking]) and 68 ([<sup>F153</sup>UK marking]);
- (b) where [<sup>F154</sup>an approved body] is involved in the production control phase for the civil explosive, the identification number of [<sup>F155</sup>the approved body]—
  - (i) has not been affixed; or
  - (ii) has been affixed otherwise than in accordance with regulation 68;
- (c) the [<sup>F156</sup>declaration of conformity]—
  - (i) has not been drawn up; or
  - (ii) has been drawn up otherwise than in accordance with regulations 41 ([<sup>F156</sup>declaration of conformity] and [<sup>F157</sup>UK marking]) and 67 ([<sup>F156</sup>declaration of conformity]);
- (d) the technical documentation is either not available or not complete;
- (e) the following information that is required in respect of the civil explosive is absent, false or incomplete—
  - (i) the information specified in regulation 44 (traceability of civil explosives to which regulations 33, 34 and 36 do not apply);
  - (ii) the information specified in regulation 50 (information identifying importer); or
- (f) any other administrative requirement imposed on the manufacturer or importer under Part 13 has not been fulfilled.

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(2) Until the specified period has elapsed, the Executive must not commence proceedings in relation to Part 13 of these Regulations, or take any other enforcement action in relation to that Part, against the relevant economic operator in respect of the non-compliance concerned.

(3) Where the non-compliance referred to in sub-paragraph (1) persists, the Executive must take appropriate measures to—

- (a) restrict or prohibit the civil explosive being made available on the market;
  - (b) ensure that the civil explosive is withdrawn; or
  - (c) ensure that the civil explosive is recalled.
- (4) This paragraph does not apply where a civil explosive presents a risk.

#### Textual Amendments

- F153** Words in Sch. 12 para. 12(1)(a) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(k)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F154** Words in Sch. 12 para. 12(1)(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(k)(ii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F155** Words in Sch. 12 para. 12(1)(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(k)(iii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F156** Words in Sch. 12 para. 12(1)(c) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(k)(iv)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F157** Words in Sch. 12 para. 12(1)(c) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 32(k)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Restrictive measures

**13.** When enforcing Part 13, the Executive must comply with the requirements of Article 21 of RAMS, as amended from time to time, in relation to any measure to—

- (a) prohibit or restrict a civil explosive being made available on the market;
- (b) withdraw a civil explosive; or
- (c) recall a civil explosive.

## PART 2

### COMPLIANCE, WITHDRAWAL AND RECALL NOTICES

#### Compliance, withdrawal and recall notices

**14.** In addition to the powers available to the Executive under Part 1 of this Schedule for enforcing Part 13, the Executive may use the powers set out in this Part.

## Compliance notice

**15.—**(1) The Executive may serve a compliance notice on a relevant economic operator in respect of a civil explosive if the Executive has reasonable grounds for believing that there is non-compliance.

(2) A compliance notice must—

(a) require the relevant economic operator on which it is served to—

(i) end the non-compliance within such period as may be specified in the notice; or

(ii) provide evidence, within such period as may be specified in the notice, demonstrating to the satisfaction of the Executive that the non-compliance has not in fact occurred; and

(b) warn the economic operator that, if the non-compliance persists or if satisfactory evidence has not been produced under paragraph (a) within the period specified in the notice, further action may be taken in respect of the civil explosive or any civil explosive of the same type made available on the market by that relevant economic operator.

(3) A compliance notice may include directions as to the measures to be taken by the economic operator to secure compliance, including different ways of securing compliance.

(4) Subject to sub-paragraph (5), the Executive may revoke or vary a compliance notice by serving a notification on the economic operator.

(5) The Executive may not vary a compliance notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

## Withdrawal notice

**16.—**(1) The Executive may serve a withdrawal notice on a relevant economic operator in respect of a civil explosive if the Executive has reasonable grounds for believing that—

(a) the civil explosive has been made available on the market; and

(b) there is non-compliance.

(2) A withdrawal notice must prohibit the relevant economic operator from making the civil explosive available on the market without the consent of the Executive.

(3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the civil explosive.

(4) A withdrawal notice may require the relevant economic operator to keep the Executive informed of the whereabouts of any civil explosive referred to in the notice.

(5) A consent given by the Executive pursuant to a withdrawal notice may impose such conditions on the making available on the market as the Executive considers appropriate.

(6) Subject to sub-paragraph (7), the Executive may revoke or vary a withdrawal notice by serving a notification on the economic operator.

(7) The Executive may not vary a withdrawal notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

## Recall notice

**17.—**(1) The Executive may serve a recall notice on a relevant economic operator in respect of a civil explosive if the Executive has reasonable grounds for believing that—

(a) the civil explosive has been made available to end-users; and

(b) there is non-compliance.

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(2) A recall notice must require the relevant economic operator to use reasonable endeavours to organise the return of the civil explosive from end-users to the relevant economic operator or another person specified in the notice.

(3) A recall notice may—

- (a) require the recall to be effected in accordance with a code of practice;
- (b) require the relevant economic operator to—
  - (i) contact end-users in order to inform them of the recall, to the extent that it is practicable to do so;
  - (ii) publish a notice in such form and such manner as is likely to bring to the attention of end-users any risk the civil explosive poses and the fact of the recall; or
  - (iii) make arrangements for the collection or return of the civil explosive from end-users or its disposal; or
- (c) impose such additional requirements on the relevant economic operator as are reasonable and practicable with a view to achieving the return of the civil explosive.

(4) In determining what requirements to include in a recall notice, the Executive must take into consideration the need to encourage distributors and end-users to contribute to its implementation.

(5) A recall notice may only be issued by the Executive where—

- (a) other action which it may require under or by virtue of this Schedule would not suffice to address the non-compliance;
- (b) the action being undertaken by the relevant economic operator is unsatisfactory or insufficient to address the non-compliance;
- (c) the Executive has given not less than 10 days' notice to the relevant economic operator of its intention to serve such a notice; and
- (d) the Executive has taken account of any advice obtained under sub-paragraph (6).

(6) A relevant economic operator which has received notice from the Executive of an intention to serve a recall notice may at any time prior to the service of the recall notice require the Executive to seek the advice of such person as the Institute determines on the questions of—

- (a) whether there is non-compliance; and
- (b) whether the issue of a recall notice would be proportionate.

(7) Sub-paragraphs (5)(b), (c) and (d) do not apply in the case of a civil explosive presenting a serious risk requiring, in the view of the Executive, urgent action.

(8) Where a relevant economic operator requires the Executive to seek advice under sub-paragraph (6), that relevant economic operator is to be responsible for the fees, costs and expenses of the Institute and of the person appointed by the Institute to advise the Executive.

(9) In this regulation, "Institute" means the charitable organisation with the registered number 803725 and known as the Chartered Institute of Arbitrators.

(10) A recall notice served by the Executive may require the relevant economic operator to keep the Executive informed of the whereabouts of a civil explosive to which the recall notice relates, so far as the relevant economic operator is able to do so.

(11) Subject to sub-paragraph (12), the Executive may revoke or vary a recall notice by serving a notification on the economic operator.

(12) The Executive may not vary a recall notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

### **Compliance with a withdrawal or recall notice**

**18.**—(1) A person must not contravene any requirement or prohibition imposed by a withdrawal or recall notice served pursuant to this Part (including any such notice as varied by the Executive or on appeal).

(2) The provisions of section 33(1)(c) of the 1974 Act apply to sub-paragraph (1) for the purposes of its enforcement as if it were health and safety regulations for the purposes of that Act.

(3) The maximum penalty for an offence under section 33(1)(c) of the 1974 Act, as applied by sub-paragraph (2), is determined in accordance with sub-paragraph (4).

(4) The penalty referred to in sub-paragraph (3) is—

(a) on summary conviction—

(i) in England and Wales, imprisonment for a term not exceeding three months or a fine, or both;

(ii) in Scotland, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and

(b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both.

### **Interpretation**

**19.** In this Part, “non-compliance” means that a civil explosive—

(a) presents a risk; or

(b) is not in conformity with Part 13 or RAMS in its application to civil explosives.

## **PART 3**

### **DEFENCE OF DUE DILIGENCE, APPEALS AGAINST NOTICES AND FURTHER PROVISIONS IN RELATION TO ENFORCEMENT**

#### **Defence of due diligence**

**20.**—(1) Subject to paragraphs (2) and (4), in proceedings for an offence under section 33(1)(c) of the 1974 Act involving a contravention of Part 13 or paragraph 18, it is a defence for a person (“P”) to show that P took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) P may not rely on a defence under paragraph (1) which involves a third party allegation unless P has—

(a) served a notice in accordance with paragraph (3); or

(b) obtained the leave of the court.

(3) The notice must—

(a) give any information in P’s possession which identifies or assists in identifying the person who—

(i) committed the act or default; or

(ii) supplied the information on which P relied; and

(b) be served on the person bringing the proceedings not less than 7 clear days before—

(i) in England and Wales, the hearing of the proceedings;

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(ii) in Scotland, the trial diet.

(4) P may not rely on a defence under paragraph (1) which involves an allegation that the commission of the offence was due to reliance on information supplied by another person unless it was reasonable for P to have relied upon the information, having regard in particular—

- (a) to the steps that P took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether P had any reason to disbelieve the information.

(5) In this regulation, “third party allegation” means an allegation that the commission of the offence was due—

- (a) to the act or default of another person; or
- (b) to reliance on information supplied by another person.

### **Service of a compliance, withdrawal or recall notice or a defence of due diligence notice**

**21.—**(1) Section 46 of the 1974 Act applies to the service of—

- (a) a compliance, withdrawal or recall notice served by the Executive as it applies to notices served under that Act on a person other than an inspector appointed under section 19 of that Act; and
- (b) a notice served by a person under paragraph 20 as it applies to notices served under that Act on an inspector appointed under section 19 of that Act.

### **Action by enforcing authority**

**22.—**(1) The Executive may itself take action which an economic operator could have been required to take by a notice served under or by virtue of Parts 1 or 2 of this Schedule where the conditions for serving such a notice are met and either—

- (a) the Executive has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the economic operator on whom such a notice has been served has failed to comply with it.

(2) If the Executive has taken action as a result of the condition in paragraph (1)(b) being met, the Executive may recover from the economic operator, as a civil debt, any costs or expenses reasonably incurred by the Executive in taking the action.

(3) A civil debt recoverable under paragraph (2) may be recovered summarily in England and Wales by way of a complaint pursuant to section 58 of the Magistrates’ Courts Act 1980.

### **Appeals against notices**

**23.—**(1) An application for an order to vary or set aside the terms of a notice served under Part 2 of this Schedule may be made to the appropriate court—

- (a) by the economic operator on whom the notice has been served; and
- (b) in the case of a notice other than a recall notice, by a person having an interest in the civil explosive in respect of which the notice has been served.

(2) An application must be made before the end of the period of 21 days beginning with the day on which the notice was served.

(3) The appropriate court may only make an order setting aside a notice served under Part 2 of this Schedule if satisfied—



- (a) that the civil explosive to which that notice relates is in conformity with Part 13 and does not present a risk; or
  - (b) that the enforcing authority failed to comply with paragraph 4 when serving the notice.
- (4) On an application to vary the terms of a notice served by virtue of Part 2 of this Schedule, the appropriate court may vary the terms of the notice as it considers appropriate.
- (5) In this paragraph, the “appropriate court” is to be determined in accordance with paragraph 24 (appropriate court for appeals against notices).

### **Appropriate court for appeals against notices**

- 24.**—(1) In England and Wales, the appropriate court for the purposes of paragraph 23 is—
- (a) the court in which proceedings have been brought for an offence in relation to the civil explosive under section 33 of the 1974 Act;
  - (b) an employment tribunal seized of appeal proceedings against a notice which relates to the civil explosive and which has been served under or by virtue of Part 1 of this Schedule; or
  - (c) in any other case, a magistrates’ court.
- (2) In Scotland, the appropriate court for the purposes of paragraph 23 is—
- (a) the sheriff of a sheriffdom in which the person making the appeal resides or has a registered or principal office; or
  - (b) an employment tribunal seized of appeal proceedings against a notice which relates to the civil explosive and which has been served under or by virtue of Part 1 of this Schedule.
- (3) A person aggrieved by an order made by a magistrates’ court in England and Wales pursuant to an application under paragraph 23, or by a decision of such a court not to make such an order, may appeal against that order or decision to the Crown Court.]

## **SCHEDULE 13**

Regulation 48(1)

### **AMENDMENTS**

## **PART 1**

### **AMENDMENTS TO PRIMARY LEGISLATION**

#### **Explosives Act 1875**

- 1.**—(1) The Explosives Act 1875 <sup>M83</sup> is amended as follows.
- (2) Omit sections 23 and 61.
  - (3) In section 74 (seizure and detention of explosives liable to forfeiture) —
    - (a) in the opening words, omit “any inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act, or”;
    - (b) in subsection (1)—
      - (i) for the words from “he is an inspector” to “a justice”, substitute “ he is authorised by an order from a justice ”; and
      - (ii) omit “or of an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act,”; and

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(c) after subsection (6), omit the words from “In this section” to the end of the section.

#### Marginal Citations

**M83** 1875 c. 17 (38 & 39 Vict.); section 23 was substituted by [S.I. 2005/1082](#) in relation to England, Wales and Scotland. Sections 61 and 74 were amended by the Energy Act 2013 (C. 32), Schedule 12, Part 5, paragraphs 50 and 52 and section 61 was additionally amended by [S.I. 1974/1885](#).

### London Building Act 1930

2. In section 143 of the London Building Act 1930 <sup>M84</sup> (regulations for building near dangerous business), in subsection (4)(a), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “ the Explosives Regulations 2014 ”.

#### Marginal Citations

**M84** 1930 c. clviii; section 143(4)(a) was amended by [S.I. 2005/1082](#).

### Fireworks Act 1951

3. The Fireworks Act 1951 <sup>M85</sup> is repealed.

#### Marginal Citations

**M85** 1951 c. 58.

### Customs and Excise Management Act 1979

4. In section 75(1) of the Customs and Excise Management Act 1979 <sup>M86</sup> (explosives), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “ the Explosives Regulations 2014 ”.

#### Marginal Citations

**M86** 1979 c.2; section 75(1) was amended by [S.I. 2005/1082](#).

### Isle of Man Act 1979

5. In section 8(2) of the Isle of Man Act 1979 <sup>M87</sup> (removal of goods from Isle of Man to United Kingdom)—

(a) at the end of paragraph (b) insert “ or ”; and

(b) for paragraphs (c) and (d) substitute —

“(c) any explosives the importation of which into the United Kingdom is prohibited by regulation 29 of the Explosives Regulations 2014.”.

#### Marginal Citations

**M87** 1979 c.58; section 8(2)(b) to (d) was amended by [S.I. 2005/1082](#).

## Environmental Protection Act 1990

6. In section 142(7) of the Environmental Protection Act 1990 <sup>M88</sup> (powers to obtain information about potentially hazardous substances), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “ the Explosives Regulations 2014 ”.

### Marginal Citations

**M88** 1990 c.43; the entry relating to the Manufacture and Storage of Explosives Regulations 2005 in section 142(7) was inserted by [S.I. 2005/1082](#).

## Fireworks Act 2003

7. In section 14(2) of the Fireworks Act 2003 <sup>M89</sup> (prohibition of supply etc. of other explosives), for “the Explosives Act 1875 (c. 17)” substitute “ the Explosives Regulations 2014 ”.

### Marginal Citations

**M89** 2003 c.22.

## Energy Act 2013

8.—(1) The Energy Act 2013 <sup>M90</sup> is amended as follows.

(2) In Schedule 12 (minor and consequential amendments relating to Part 3), omit paragraphs 50 to 52.

### Marginal Citations

**M90** 2013 c.32.

## PART 2

### AMENDMENTS TO SECONDARY LEGISLATION

## The Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969

9. In Schedule 1 to the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969 <sup>M91</sup> (exempted matter), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “ the Explosives Regulations 2014 ”.

### Marginal Citations

**M91** [S.I. 1969/1263](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

## The Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) Regulations 1974

10. In Schedule 2 to the Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) Regulations 1974 <sup>M92</sup> (the Explosives Act 1875: modifications), omit paragraph 5.

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#### Marginal Citations

**M92** [S.I. 1974/1885](#).

### The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

**11.** The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 <sup>M93</sup> is amended as follows—

- (a) in paragraph 8 of Part III of Schedule 1 (excepted professions, offices, employments, work and occupations), for “regulations 4 and 7 of the Control of Explosives Regulations 1991”, substitute “ regulations 4, 5 and 11 of the Explosives Regulations 2014 ”;
- (b) in paragraph 3 of Schedule 2 (excepted licences, certificates and permits), for “regulations 4 and 7 of the Control of Explosives Regulations 1991”, substitute “ regulations 4, 5 and 11 of the Explosives Regulations 2014 ”; and
- (c) for paragraph 13 of Schedule 3 (excepted proceedings) substitute—

“**13.** Proceedings in respect of—

- (a) an application to the chief officer of police for an explosives certificate pursuant to regulations 4, 5 and 11 of the Explosives Regulations 2014 (“the 2014 Regulations”) as to the fitness of the applicant to acquire or acquire and keep explosives, including consideration as to whether to refuse the application on any of the grounds specified in regulation 19 of the 2014 Regulations;
- (b) the revocation of such certificates pursuant to regulation 21 of the 2014 Regulations;
- (c) an appeal or application pursuant to regulation 22 of the 2014 Regulations against a decision taken under regulation 19 or 21.”.

#### Marginal Citations

**M93** [S.I. 1975/1023](#), amended by [S.I. 2005/1082](#) and revoked, in relation to Scotland, by S.S.I 2003/321. There are other amending instruments but none is relevant.

### The Isles of Scilly (Functions) Order 1979

**12.** In article 3(e) of the Isles of Scilly (Functions) Order 1979 <sup>M94</sup> —

- (a) omit “the Explosives Act 1875;”;
- (b) for “the Manufacture and Storage of Explosives Regulations 2005” substitute “ the Explosives Regulations 2014 ”.

#### Marginal Citations

**M94** [S.I. 1979/72](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

### The Dangerous Substances in Harbour Areas Regulations 1987

**13.** Regulation 33 of the Dangerous Substances in Harbour Areas Regulations 1987 <sup>M95</sup> (Application of Part IX) is amended as follows—

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- (a) in sub-paragraph (b) of paragraph 1, for the words from “article 8” to “Order 2001” substitute “ article 11 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013 <sup>M96</sup> ”; and
- (b) in sub-paragraph (e) of paragraph 2—
  - (i) in paragraph (i), for “ licensed under the Manufacture and Storage of Explosives Regulations 2005” substitute “ in relation to which a person holds a licence under the Explosives Regulations 2014 (“the 2014 Regulations”) ”; and
  - (ii) for paragraph (ii), substitute—
    - “(ii) in relation to which a person is deemed to be licensed under the 2014 Regulations by virtue of regulation 47(1) of those Regulations in cases where, in relation to that deemed licence, the assent of the local authority would have been required pursuant to regulation 13(3) of the 2014 Regulations had a licence been applied for under those Regulations;”.

#### Marginal Citations

**M95** [S.I. 1987/37](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

**M96** [S.I. 2013/240](#).

### The Planning (Hazardous Substances) Regulations 1992

**14.**—(1) Schedule 1 to the Planning (Hazardous Substances) Regulations 1992 <sup>M97</sup> (hazardous substances and controlled quantities) is amended as follows.

<sup>F158</sup>(2) .....

(3) In column 1 of entry number 54 in Part A as it applies in Wales, for paragraph (1) substitute—

“(1) cellulose nitrate—

(a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—

(i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

(ii) paragraph 1(d) of Schedule 1 to those Regulations; or

(b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or”.

<sup>F159</sup>(4) .....

(5) In Part B as it applies in Wales—

(a) in column 1 of entry 4, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—

“EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under UN/ADR Division 1.4, excluding those—

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- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
    - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
    - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
  - (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
  - (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”; and
- (b) in column 1 of entry 5, for the words from “EXPLOSIVE” to “Regulations 1987 substitute—
- “EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under any of: UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3, excluding those —
- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—
    - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
    - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
  - (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
  - (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”.

#### Textual Amendments

**F158** Sch. 13 para. 14(2) revoked (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015](#) (S.I. 2015/627), regs. 1(1), **28** (with reg. 34)

**F159** Sch. 13 para. 14(4) revoked (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015](#) (S.I. 2015/627), regs. 1(1), **28** (with reg. 34)

#### Marginal Citations

**M97** [S.I. 1992/656](#); relevant amending instruments are [S.I. 2009/1901](#) (in relation to England), 2010/450 (W.48) (in relation to Wales) and 2014/469.

## Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993

15. In regulation 2(1) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993 <sup>M98</sup> (interpretation), in the definition of “explosives store” for “or registration made under the Manufacture and Storage of Explosives Regulations 2005” substitute “ under the Explosives Regulations 2014 ”.

### Marginal Citations

**M98** S.I. 1993/208, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.

## The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993

16. Schedule 1 to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 <sup>M99</sup> (hazardous substances and controlled quantities) is amended as follows—

- (a) in Part A, in column 1 of entry number 54, for paragraph (1), substitute—
  - “(1) cellulose nitrate—
  - (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
    - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
    - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
  - (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or”; and
- (b) in Part B—
  - (i) in column 1 of entry number 4, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—

“EXPLOSIVE (see Note 2 to Part B) where the substance, preparation or article falls under UN/ADR Division 1.4, excluding those —
  - (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
    - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
    - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
  - (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

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- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”;  
and
- (ii) in column 1 of entry number 5, for the words from “EXPLOSIVE” to “Regulations 1987”, substitute—  
“EXPLOSIVE (see Note 2 to Part B) where the substance, preparation or article falls under any of: UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3, excluding those—
- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—
  - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
  - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”.

#### Marginal Citations

**M99** [S.I. 1993/323](#); relevant amending instruments are [S.S.I. 2009/378](#) and 2014/469.

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

17. In regulation 4 of the Health and Safety (Enforcing Authority) Regulations 1998 <sup>M100</sup> (exceptions), omit paragraphs (7) to (12).

#### Marginal Citations

**M100** [S.I. 1998/494](#); relevant amending instruments are [S.I. 2005/1082](#), 2007/2598, 2009/693 and 2014/469.

### The Visiting Forces and International Headquarters (Application of Law) Order 1999

18. In Schedule 6 to the Visiting Forces and International Headquarters (Application of Law) Order 1999 <sup>M101</sup> (enactments conferring specific exemptions, privileges etc.), omit the entry relating to the Fireworks Act 1951.

#### Marginal Citations

**M101** [S.I. 1999/1736](#), to which there are amendments not relevant to these Regulations.



## The Quarries Regulations 1999

19. In regulation 2(1) of the Quarries Regulations 1999 <sup>M102</sup> (interpretation), in the definition of “explosives store”, for “or registration made under the Manufacture and Storage of Explosives Regulations 2005” substitute “ under the Explosives Regulations 2014 ”.

### Marginal Citations

M102 S.I. 1999/2024, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.

## Building (Scotland) Regulations 2004

20. For paragraph 1 of Schedule 1 to the Building (Scotland) Regulations 2004 <sup>M103</sup> (exempted buildings and services, fittings and equipment), substitute—

“1.—(1) Any building in which explosives are manufactured or stored under a licence granted under the Explosives Regulations 2014 where the whole building is used for that manufacture or storage.

(2) Where only a part of a building is used for the manufacture or storage of explosives under a licence granted under the Explosives Regulations 2014, that part of the building where the licence specifies that that manufacture or storage may take place.

(3) Except— sub-paragraphs (1) and (2) do not include any building or, as the case may be, any part of a building as is referred to in, respectively, sub-paragraph (1) or (2) in relation to which—

- (a) no minimum separation distance is required to be maintained by virtue of regulation 27(2)(a) or (3) of the Explosives Regulations 2014; or
- (b) a minimum separation distance of 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, the Explosives Regulations 2014 and the requirement for the assent of the local authority under regulation 13(3) of those Regulations did not apply by virtue of regulation 13(4)(a) of those Regulations.”.

### Marginal Citations

M103 S.S.I. 2004/406, amended by S.S.I. 2006/534; there are other amending instruments but none is relevant.

## The REACH Enforcement Regulations 2008

21. In paragraph 1 of Part 3 of Schedule 3 to the REACH Enforcement Regulations 2008 <sup>M104</sup> (health and safety enforcement) for sub-paragraph (t), substitute—

“(t) in relation to Great Britain, the manufacture or storage of ammonium nitrate blasting intermediate under the Explosives Regulations 2014.”.

### Marginal Citations

M104 S.I. 2008/2852, to which there are amendments not relevant to these Regulations.

## The Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009

22. In regulation 2 of the Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009 <sup>M105</sup> (extension outside Great Britain)—

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- (a) omit paragraphs (a) and (b); and
- (b) omit “, respectively, regulation 14 of the Control of Explosives Regulations 1991, regulation 3(1)(b) of the Manufacture and Storage of Explosives Regulations 2005 and”.

#### Marginal Citations

**M105** [S.I. 2009/693](#).

### The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

**23.** In regulation 7 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 <sup>M106</sup> (additional security requirements for carriage by road), for paragraph (5)(c) substitute—

- “(c) “a safe and secure place” means a safe and secure place—
- (i) within a site in relation to which a person is licensed to manufacture or store explosives under regulation 13 of the Explosives Regulations 2014; or
  - (ii) at which the manufacture or storage of explosives may lawfully take place by virtue of a certificate of exemption granted under those Regulations.”.

#### Marginal Citations

**M106** [S.I. 2009/1348](#), to which there are amendments not relevant to these Regulations.

### The Building Regulations 2010

**24.** For paragraph 1 of Class 1 of Schedule 2 to the Building Regulations 2010 <sup>M107</sup> (exempt buildings and work), substitute—

“**1.**—(1) Any building in which explosives are manufactured or stored under a licence granted under the Explosives Regulations 2014 where—

- (a) the whole building is used for that manufacture or storage, and either
- (b) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (c) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (b) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations.

(2) Where only a part of a building is used for the manufacture or storage of explosives under a licence granted under the Explosives Regulations 2014 and —

- (a) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (b) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (a) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations,

that part of the building where the licence specifies that that manufacture or storage may take place.”.

**Marginal Citations**

**M107** [S.I. 2010/2214](#), to which there are amendments not relevant to these Regulations.

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011**

**25.** The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 <sup>M108</sup> are amended as follows—

- (a) in regulation 17(2) (consequential amendments), omit sub-paragraphs (c), (d) and (e); and
- (b) in the Schedule omit paragraphs 3, 4 and 5.

**Marginal Citations**

**M108** [S.I. 2011/1885](#).

**The Health and Safety (Fees) Regulations 2012**

**26.** The Health and Safety (Fees) Regulations 2012 <sup>M109</sup> are amended as follows.

**Marginal Citations**

**M109** [S.I. 2012/1652](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.

**27.** In regulation 1(4) (citation, commencement and interpretation), for “explosives certificate, licence or registration” substitute “ explosive certificate or licence ”.

**28.—(1)** In regulation 9 (fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936)—

- (a) for paragraph (1), substitute—

“(1) Where an application in relation to a provision specified in column 1 of Part 1 of Schedule 8, for a purpose specified in column 2 of that Part, is made to a licensing authority which is the licensing authority by virtue of—

- (a) paragraph 1(c) or (d) of Schedule 1 to the 2014 Regulations, or

- (b) paragraphs 1(b), 2 or 4 of that Schedule in cases where the assent of the local authority is required under regulation 13(3) of those Regulations or is not required by virtue of regulation 13(4)(b) to (g) of those Regulations,

the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.”;

- (b) in paragraph (2), after “manufacture” insert “ or store ”;

- (c) for paragraph (3), substitute—

“(3) Where an application in relation to a provision specified in column 1 of Part 2 of Schedule 8, for a purpose specified in column 2 of that Part, is made to a licensing authority, which is the licensing authority by virtue of—

- (a) paragraph 1(a) of Schedule 1 to the 2014 Regulations, or

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- (b) paragraphs 1(b), 2 or 4 of Schedule 1 to those Regulations in cases where the requirement for assent of the local authority under regulation 13(3) of those Regulations is disapplied by regulation 13(4)(a) of those Regulations, the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.”;
- (d) in paragraph (11)—
- (i) for “1991” substitute “ 2014 ”; and
- (ii) for “4(6)(d)” substitute “ 19(2)(d) ”; and
- (e) in paragraph (13)—
- (i) omit the definition of “the 1991 Regulations”;
- (ii) for the definition of “the 2005 Regulations” substitute—
- ““the 2014 Regulations” means the Explosives Regulations 2014;”;
- (iii) for the definition beginning “ “ammonium nitrate blasting intermediate”” substitute “ “ammonium nitrate blasting intermediate”, “chief officer of police”, “explosives certificate”, “licence”, “licensing authority”, “manufacture”, “on-site mixing”, “prohibited person”, “shooters' powder” and “site” have the same meanings as in the 2014 Regulations;”;
- (iv) omit the definition beginning “ “chief officer of police””.

**29.** In Schedule 8 (fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936)—

- (a) for the heading and Part 1, substitute—

“FEES PAYABLE IN RELATION TO THE EXPLOSIVES  
REGULATIONS 2014, THE ACETYLENE SAFETY (ENGLAND,  
WALES AND SCOTLAND) REGULATIONS 2014 AND THE  
PETROLEUM (CONSOLIDATION) REGULATIONS 2014

## PART 1

FEES FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO,  
OR TRANSFER OF, LICENCES, TO MANUFACTURE OR TO STORE  
EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE  
LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPHS 1(c)  
OR (d) OF SCHEDULE 1 TO THE EXPLOSIVES REGULATIONS  
2014 OR PARAGRAPHS 1(b), 2 OR 4 OF THAT SCHEDULE IN  
LOCAL AUTHORITY ASSENT CASES OR WHERE NO ASSENT  
REQUIRED BY VIRTUE OF REGULATION 13(4)(b) TO (g)

**Table 1**

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
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Replacement of any licences referred £52”;  
to in this Part if lost

(b) for Part 2 substitute—

## “PART 2

FEEs FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO, OR TRANSFER OF, LICENSES TO STORE EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPH 1(a) OF SCHEDULE 1 TO THE 2014 REGULATIONS OR PARAGRAPH 1(b), 2 OR 4 OF THAT SCHEDULE IN CASES WHERE LOCAL AUTHORITY ASSENT IS NOT REQUIRED BY VIRTUE OF REGULATION 13(4)(a)

**Table 2**

<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision under which a licence is granted</i>	<i>Purpose of application</i>	<i>Fee</i>

### The 2014 Regulations

#### Regulation 13

Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed:

(a) one year's duration	£178
(b) two years' duration	£234
(c) three years' duration	£292
(d) four years' duration	£360
(e) five years' duration	£407

Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:

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(a) one year's duration	£105
(b) two years' duration	£136
(c) three years' duration	£166
(d) four years' duration	£198
(e) five years' duration	£229

Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed:

(a) one year's duration	£83
(b) two years' duration	£141
(c) three years' duration	£198
(d) four years' duration	£256
(e) five years' duration	£313

Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:

(a) one year's duration	£52
(b) two years' duration	£83
(c) three years' duration	£115
(d) four years' duration	£146
(e) five years' duration	£178

## Regulation 16

Varying a licence:

(a) varying name of licensee or address of site	£35
(b) any other kind of variation	The reasonable cost to the licensing authority of having the work carried out

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Regulation 17	Transfer of licence	£35
	Replacement of licence	£35

Note: The fee payable for a licence or renewal of a licence—

- (a) of less than one year's duration is, respectively, the fee set out above for a licence, or renewal of a licence of one year's duration decreased proportionately according to the duration of the period for which the licence renewal is granted;
- (b) of more than one but less than two years' duration is, respectively, the fee set out above for a licence, or a renewal of a licence of one year's duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (c) of more than two but less than three years' duration is, respectively, the fee set out above for a licence or renewal of a licence of two years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (d) of more than three but less than four years' duration is, respectively, the fee set out above for a licence or renewal of a licence of three years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (e) of more than four but less than five years' duration is, respectively, the fee set out above for a licence or renewal of a licence of four years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted.”; and

(c) for Part 8 substitute—

## “PART 8

### FEES FOR EXPLOSIVES CERTIFICATES UNDER THE EXPLOSIVES REGULATIONS 2014

**Table 1**

1	2	3
Provisions under which a fee is payable	Purpose of application	Fee

#### The 2014 Regulations

Regulation 11 (see Note)	(a) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (c), (g) or (i), at a site in relation to which a person holds a licence to store explosives and, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations no minimum
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separation distance is prescribed or a 0 metres minimum  
separation distance is prescribed:

(i) one year's duration	£125
(ii) two years' duration	£156
(iii) three years' duration	£188
(iv) four years' duration	£219
(v) five years' duration	£251

(b) Renewal of the explosives certificate referred to in  
(a):

(i) one year's duration	£110
(ii) two years' duration	£130
(iii) three years' duration	£151
(iv) four years' duration	£173
(v) five years' duration	£193

(c) Explosives certificate for acquiring and keeping  
explosives, not including an application for an explosives  
certificate referred to in entries (a), (g) or (i), at a site in  
relation to which a person holds a licence for the storage  
of no more than 2000 kilograms of explosives:

(i) one year's duration	£136
(ii) two years' duration	£166
(iii) three years' duration	£198
(iv) four years' duration	£229
(v) five years' duration	£261

(d) Renewal of the explosives certificate referred to in  
(c):

(i) one year's duration	£130
(ii) two years' duration	£156
(iii) three years' duration	£183
(iv) four years' duration	£209
(v) five years' duration	£234

(e) Explosives certificate for acquiring and keeping  
explosives, not including an application for an explosives  
certificate referred to in entries (g) or (i), at a site in

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relation to which a person holds a licence for the storage of more than 2000 kilograms of explosives:

(i) one year's duration	£183
(ii) two years' duration	£219
(iii) three years' duration	£256
(iv) four years' duration	£292
(v) five years' duration	£329

(f) Renewal of the explosives certificate referred to in (e):

(i) one year's duration	£161
(ii) two years' duration	£193
(iii) three years' duration	£224
(iv) four years' duration	£256
(v) five years' duration	£287

(g) Explosives certificate for acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time £24

(h) Renewal of the explosives certificate referred to in (g) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time £15

(i) Explosives certificate for the acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence and a relevant certificate, where no relevant application under the 1968 Act by the applicant is to be determined at the same time £44

(j) Renewal of the explosives certificate referred to in (i) where no relevant application under the 1968 Act by the applicant is to be determined at the same time £18

(k) Explosives certificate for acquiring more than 15 kilograms of explosives, not including an application for an explosives certificate referred to in entries (m) or (o):

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(i) one year's duration	£125
(ii) two years duration	£156
(iii) three years duration	£188
(iv) four years duration	£219
(v) five years duration	£251

(l) Renewal of the explosive certificate referred to in (k):

(i) one year's duration	£110
(ii) two years duration	£130
(iii) three years duration	£151
(iv) four years duration	£173
(v) five years duration	£193

(m) Explosives certificate for acquiring more than 15 £24 kilograms of shooters' powder only, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time

(n) Renewal of the explosives certificate referred to £15 in (m) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time

(o) Explosives certificate for acquiring more than 15 £44 kilograms of shooters' powder only, where the applicant holds a relevant certificate and no relevant application under the 1968 Act is to be determined at the same time

(p) Renewal of the explosives certificate referred to in £18 (o) where no relevant application under the 1968 Act by the applicant is to be determined at the same time

(q) Replacement of any explosives certificate referred to £35 in (a) to (f) and (k) and (l) if lost

(r) Replacement of any explosives certificate referred to £10 in (g) to (j) and (m) to (p) if lost

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**Table 2**

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The fee for a check carried out for the purposes of regulation 19(2)(d) of the 2014 Regulations is £5

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Note: The fee payable for an explosives certificate or renewal of an explosives certificate (“renewal”)—

- (a) of less than one year's duration is, respectively, the fee set out above for a certificate, or renewal of an explosives certificate of one year's duration decreased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (b) of more than one but less than two years' duration is, respectively, the fee set out above for an explosives certificate, or a renewal of an explosives certificate of one year's duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (c) of more than two but less than three years' duration is, respectively, the fee set out above for an explosives certificate or renewal of an explosives certificate of two years' duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (d) of more than three but less than four years' duration is, respectively, the fee set out above for an explosives certificate or renewal of an explosives certificate of three years' duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (e) of more than four but less than five years' duration is, respectively, the fee set out above for an explosives certificate or renewal of an explosives certificate of four years' duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted.”.

### **The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013**

**30.** The Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2013 <sup>M110</sup> is amended as follows—

- (a) for paragraph 10 of Schedule 1 (proceedings) substitute—

“**10.** Proceedings under the Explosives Regulations 2014 (“the 2014 Regulations”) in respect of—

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- (a) the application to the chief officer of police for an explosives certificate pursuant to regulations 4, 5 and 11 of the 2014 Regulations certifying a person to be a fit and proper person to acquire or acquire and keep explosives;
- (b) the revocation of such certificates pursuant to regulation 21 of the 2014 Regulations;
- (c) an appeal or application to the Sheriff under regulation 22 of the 2014 Regulations against a decision taken under regulation 19 or 21.”;
- (b) in paragraph 3(3)(c) of Schedule 3 (exclusions of section 4(2)(a) and (b) of the Act), for “regulation 4 of the Control of Explosives Regulations 1991” substitute “regulation 11 of the Explosives Regulations 2014 ”; and
- (c) in paragraph 4 of Part 3 of Schedule 4 (excepted professions, offices, employments and occupations) for “regulation 4 of the Control of Explosives Regulations 1991” substitute “regulations 4, 5 and 11 of the Explosives Regulations 2014 ”.

#### Marginal Citations

**M110** [S.S.I. 2013/50](#), to which there are amendments not relevant to these Regulations.

### The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

**31.** The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 <sup>M111</sup> are amended as follows—

- (a) in regulation 2(1) (interpretation), in the definition of “explosives” for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014 ”; and
- (b) in paragraph 5(a) of Part 1 of Schedule 2 (dangerous occurrences) for “or registration, as the case may be, under regulation 9, 10 or 11 of the Manufacture and Storage of Explosives Regulations 2005” substitute “ under regulations 6 or 7 of the Explosives Regulations 2014 ”.

#### Marginal Citations

**M111** [S.I. 2013/1471](#).

## SCHEDULE 14

Regulation 48(2) and (3)

### REPEALS AND REVOCATIONS

## PART 1

### REPEALS

<i>1. Title</i>	<i>2. Reference</i>	<i>3. Extent of repeal</i>
Explosives Act 1875.	c. 17 (38 & 39 Vict).	Sections 23 and 61; in section 74, in the

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		opening words, “any inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act, or”; in subsection (1), “or of an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act,”; after subsection (6), the words from “In this section” to the end of the section.
Fireworks Act 1951*.	c. 58.	The whole Act.
Energy Act 2013*	c.32	In Schedule 12, paragraphs 50 to 52.

## PART 2

### REVOCATIONS

<b>1. Title</b>	<b>2. Reference</b>	<b>3. Extent of revocation</b>
Order of Secretary of State (No 11), dated September 20, 1924, making Byelaws as to the Conveyance of Explosives on Roads, and in certain special cases.	S.R. & O. 1924/1129.	The whole instrument.
Order in Council (No 26) Relating to Picric Acid, Picrates and Mixtures of Picric Acid with other Substances.	S. R. & O. 1926/823.	The whole instrument.
The Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) Regulations 1974.	S.I. 1974/1885.	Regulation 2(a) and Schedule 1, except to the extent that they relate to sections 73, 75 and 89 of the Explosives Act 1875 as amended by S.I. 1974/2166; regulations 3 to 7, paragraphs 1 to 4 and 6 to 21 of Schedule 2, and Schedule 3.
The Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) (Amendment) Regulations 1974.	S.I. 1974/2166.	The whole instrument.
The Control of Explosives Regulations 1991.	S.I. 1991/1531.	The whole instrument.

The Placing on the Market and Supervision of Transfers of Explosives Regulations 1993.	S.I. 1993/2714.	The whole instrument.
The Marking of Plastic Explosives for Detection Regulations 1996	S.I. 1996/890	The whole instrument
The Health and Safety (Enforcing Authority) Regulations 1998	S.I. 1998/494.	In regulation 4, paragraphs (7) to (12).
The Manufacture and Storage of Explosives Regulations 2005.	S.I. 2005/1082.	The whole instrument.
The Manufacture and Storage of Explosives and the Health and Safety (Enforcing Authority) (Amendment and Supplementary Provisions) Regulations 2007.	S.I. 2007/2598.	The whole instrument.
The Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009.	S.I. 2009/693.	In regulation 2, paragraphs (a) and (b); paragraphs 1, 2 and 4 of Schedule 1.
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011.	S.I. 2011/1885.	In regulation 17(2), sub-paragraphs (c), (d) and (e); paragraphs 3, 4 and 5 of the Schedule.
The Identification and Traceability of Explosives Regulations 2013.	S.I. 2013/449.	The whole instrument.
The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014.	S.I. 2014/469	In Schedule 2, paragraph 1. In Schedule 3, paragraphs 46 to 51, 53 to 55, 110 to 122 and 146.

## [<sup>F160</sup>SCHEDULE 15

Regulation 2(1)

## [<sup>F161</sup>APPROVED] BODY REQUIREMENTS

### Textual Amendments

**F160** Sch. 15 inserted (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), reg. 1, Sch. 2 (with regs. 2(1), 15)

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**F161** Word in [Sch. 15](#) heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 33\(a\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

1. A conformity assessment body must be established in the United Kingdom and have legal personality.

2. A conformity assessment body must be a third party body independent of the organisation or the civil explosive it assesses.

3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of civil explosives, nor the representative of any of those parties.

(2) Sub-paragraph (1) does not preclude the use of civil explosives that are necessary for the operations of the conformity assessment body or the use of civil explosives for personal purposes.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of civil explosives, or represent the parties engaged in those activities.

5. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not engage in activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified (including consultancy services).

6. A conformity assessment body must ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

7. A conformity assessment body and its personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in those activities.

8. A conformity assessment body must be capable of carrying out all of the conformity assessment activities in relation to which it has been, or is to be, [<sup>F162</sup>approved], whether those activities are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

#### Textual Amendments

**F162** Word in [Sch. 15 para. 8](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 33\(b\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

9. A conformity assessment body must have at its disposal—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures, and have



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appropriate policies and procedures in place that distinguish between tasks it carries out as a <sup>F163</sup>approved] body and other activities;

- (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the process.

#### Textual Amendments

**F163** Word in Sch. 15 para. 9(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 33(b) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1246), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**10.** A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to the necessary equipment or facilities.

**11.** The personnel responsible for carrying out conformity assessment activities must have—

- (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;
- (b) satisfactory knowledge of the requirements of the assessments which the personnel carry out and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of the essential safety requirements, of the applicable <sup>F164</sup>designated] standards and <sup>F165</sup>... of these Regulations;
- (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

#### Textual Amendments

**F164** Word in Sch. 15 para. 11(c) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 33(c)(i) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F165** Words in Sch. 15 para. 11(c) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 33(c)(ii) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**12.** A conformity assessment body must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities.

**13.** The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment activities must not depend on the number of assessments carried out or on the results of those assessments.

**14.** A conformity assessment body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.

**15.** A conformity assessment body must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations and that proprietary rights are protected.

**16.** Paragraph 15 does not prevent the personnel from providing information to the Secretary of State or the enforcing authority in respect of Part 13 of these Regulations.

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17. A conformity assessment body must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of any [<sup>F166</sup>approved] body coordination group established [<sup>F167</sup>by the Secretary of State] and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.]

#### Textual Amendments

- F166** Word in Sch. 15 para. 17 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 33(d)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F167** Words in Sch. 15 para. 17 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 33(d)(ii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

## [<sup>F168</sup>SCHEDULE 16

Regulation 76

### OPERATIONAL OBLIGATIONS OF [<sup>F169</sup>APPROVED] BODIES

#### Textual Amendments

- F168** Sch. 16 inserted (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016](#) (S.I. 2016/315), reg. 1, **Sch. 2** (with regs. 2(1), 15)
- F169** Word in Sch. 16 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(a)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

1. [<sup>F170</sup>An approved] body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.

#### Textual Amendments

- F170** Words in Sch. 16 para. 1 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(b)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

2. [<sup>F171</sup>An approved] body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

#### Textual Amendments

- F171** Words in Sch. 16 para. 2 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(c)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

3. [<sup>F172</sup>An approved] body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

#### Textual Amendments

**F172** Words in [Sch. 16 para. 3](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(d\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

4. [<sup>F173</sup>An approved] body must respect the degree of rigour and the level of protection required to ensure that the civil explosive is in conformity with the requirements of Part 13 of these Regulations.

#### Textual Amendments

**F173** Words in [Sch. 16 para. 4](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(e\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

5. Where [<sup>F174</sup>an approved] body finds that essential safety requirements or corresponding [<sup>F175</sup>designated] standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity or grant an approval.

#### Textual Amendments

**F174** Words in [Sch. 16 para. 5](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(f\)\(i\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F175** Word in [Sch. 16 para. 5](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(f\)\(ii\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

6. Where, in the course of the monitoring of conformity following the issue of a certificate or grant of an approval, [<sup>F176</sup>an approved] body finds that a civil explosive is no longer in conformity with the essential safety requirements, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate of conformity or approval (if necessary).

#### Textual Amendments

**F176** Words in [Sch. 16 para. 6](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(g\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

7. Where the [<sup>F177</sup>approved] body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the [<sup>F177</sup>approved] body must restrict, suspend or withdraw any certificate of conformity or approval.

#### Textual Amendments

**F177** Word in [Sch. 16 para. 7](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 16 para. 34\(h\)](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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8. Paragraph 9 applies where [<sup>F178</sup>an approved] body is minded to—
- refuse to issue a certificate of conformity or grant an approval;
  - restrict, suspend or withdraw a certificate of conformity or approval.

#### Textual Amendments

**F178** Words in Sch. 16 para. 8 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 34(i) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

9. Where this paragraph applies, the [<sup>F179</sup>approved] body must—
- give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
  - give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, an opportunity to make representations within a reasonable period from the date of the notice; and
  - take account of any such representations before taking its decision.

#### Textual Amendments

**F179** Word in Sch. 16 para. 9 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 34(j) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

10. [<sup>F180</sup>An approved] must inform the Secretary of State of—
- any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval;
  - any circumstances affecting the scope of, or conditions for, [<sup>F181</sup>approval] under regulation 70 <sup>F182</sup>...;
  - any request for information which it has received from the enforcing authority in respect of Part 13 regarding conformity assessment activities; and
  - on request, conformity assessment activities performed within the scope of its [<sup>F183</sup>approval] under regulation 70 and any other activity performed, including cross-border activities and subcontracting.

#### Textual Amendments

**F180** Words in Sch. 16 para. 10 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 34(k)(i) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F181** Word in Sch. 16 para. 10(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 34(k)(ii)(aa) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F182** Word in Sch. 16 para. 10(b) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 34(k)(ii)(bb) (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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**F183** Word in Sch. 16 para. 10(d) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(k)(iii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

11. [<sup>F184</sup>An approved] body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or grant an approval; or
- (b) to restrict, suspend or withdraw a certificate of conformity or approval.

#### Textual Amendments

**F184** Words in Sch. 16 para. 11 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(l)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

12. [<sup>F185</sup>An approved] body must provide other bodies [<sup>F186</sup>approved under these Regulations] carrying out similar conformity assessment activities covering the same civil explosives with relevant information on issues relating to negative and, on request, positive conformity assessment results.

#### Textual Amendments

**F185** Words in Sch. 16 para. 12 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(m)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F186** Words in Sch. 16 para. 12 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(m)(ii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

13. [<sup>F187</sup>An approved] must participate in the work of [<sup>F188</sup>any approved body] coordination group established [<sup>F189</sup>by the Secretary of State], directly or by means of its designated representatives.]

#### Textual Amendments

**F187** Words in Sch. 16 para. 13 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(n)(i)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F188** Words in Sch. 16 para. 13 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(n)(ii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

**F189** Words in Sch. 16 para. 13 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 34(n)(iii)** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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## [<sup>F190</sup>SCHEDULE 17

Regulation 66

### CONFORMITY ASSESSMENT PROCEDURES

#### Textual Amendments

**F190** Schs. 17, 18 inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 16 para. 35 (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

## PART 1

### TYPE EXAMINATION (MODULE B)

**1.—**(1) Type examination (Module B) is a conformity assessment procedure in which an approved body examines the technical design of an explosive and verifies and attests that the technical design of the explosive meets the requirements of these Regulations that apply to it.

(2) Type examination must be carried out as an assessment of the adequacy of the technical design of the explosive through—

- (a) examination of the technical documentation and supporting evidence referred to in paragraph 2; and
- (b) examination of a specimen of the production envisaged which is representative of the complete product (combination of production type and design type).

**2.—**(1) A manufacturer must lodge an application for Type examination (Module B) with an approved body of the manufacturer's choice.

(2) The application must include—

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, the name and address of the authorised representative;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the technical documentation;
- (d) the specimens representative of the production envisaged, and any further specimens requested by the approved body if needed for carrying out the test programme;
- (e) the supporting evidence for the adequacy of the technical design solution; this supporting evidence must—
  - (i) mention any documents that have been used, in particular where the relevant designated standards have not been applied in full;
  - (ii) include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the manufacturer, or by another testing laboratory on the manufacturer's behalf and under the manufacturer's responsibility.

**3.** The technical documentation referred to in paragraph 2(2)(c) must—

- (a) make it possible to assess the explosive's conformity with the applicable requirements of these Regulations and must include an adequate analysis and assessment of any risks;

- (b) specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the explosive;
  - (c) contain, wherever applicable, at least the following elements—
    - (i) a general description of the explosive;
    - (ii) conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;
    - (iii) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the explosive;
    - (iv) a list of the designated standards applied in full or in part (where applicable specifying the parts which have been applied);
    - (v) where designated standards have not been applied, descriptions of the solutions adopted to meet the essential safety requirements, including a list of other relevant technical specifications applied to meet the essential safety requirements;
    - (vi) the results of design calculations made and examinations carried out;
    - (vii) test reports.
- 4.—(1)** The approved body must examine the technical documentation and supporting evidence in respect of an explosive to assess the adequacy of the technical design of the explosive.
- (2)** For each of the specimens examined, the approved body must—
- (a) verify that the specimen—
    - (i) has been manufactured in conformity with the technical documentation;
    - (ii) identifies the elements which have been designed in accordance with the applicable provisions of the relevant designated standards, as well as the elements which have been designed in accordance with other relevant technical specifications;
  - (b) carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the solutions in the relevant designated standards, these have been applied correctly;
  - (c) carry out, or arrange the carrying out of, appropriate examinations and tests to check whether, where the solutions in the relevant designated standards have not been applied, the solutions adopted by the manufacturer applying other relevant technical specifications meet the corresponding essential safety requirements;
  - (d) agree with the manufacturer on a location where the examinations and tests will be carried out.
- 5.** The approved body must draw up an evaluation report that records the activities undertaken in accordance with paragraph 4 and their outcomes and, without prejudice to the approved body's obligations in relation to the Secretary of State, the approved body may disclose the content of that report, in full or in part, only with the agreement of the manufacturer.
- 6.—(1)** Where the type meets the applicable requirements of these Regulations, the approved body must issue a Type examination certificate to the manufacturer, which must contain—
- (a) the name and address of the manufacturer;
  - (b) the conclusions of the examination;
  - (c) the conditions (if any) for its validity;
  - (d) the necessary data for the identification of the approved type;
  - (e) all relevant information to allow the conformity of manufactured explosives with the examined type to be evaluated and to allow for in-service control.



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(2) The Type examination certificate referred to in sub-paragraph (1)—

- (a) may have one or more annexes attached;
- (b) must be accompanied by the descriptions and drawings necessary for identification of the approved type.

(3) Where the type does not satisfy the applicable requirements of these Regulations, the approved body must refuse to issue a Type examination certificate and must inform the applicant accordingly, giving detailed reasons for its refusal.

7. An approved body must keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the applicable requirements of these Regulations, and must determine whether such changes require further investigation and, if so, the approved body must inform the manufacturer accordingly.

8. A manufacturer must inform the approved body that holds the technical documentation relating to the Type examination certificate of all modifications to the approved type that may affect the conformity of the explosive with the essential safety requirements or the conditions for validity of that certificate; such modifications require additional approval in the form of an addition to the original Type examination certificate.

9.—(1) Each approved body must inform the Secretary of State of all Type examination certificates and any additions thereto which it has issued or withdrawn, and must, periodically or upon request, make available to the Secretary of State the list of such certificates and any additions thereto refused, suspended or otherwise restricted.

(2) Each approved body must inform the other approved bodies of all Type examination certificates and any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and must, upon request, inform the other approved bodies of such certificates and additions thereto which it has issued.

(3) The other approved bodies and the Secretary of State may obtain from the approved body a copy of—

- (a) the Type examination certificates and additions thereto;
- (b) the technical documentation and the results of the examinations carried out by the approved body.

(4) An approved body must keep a copy of the Type examination certificate, its annexes and additions, as well as the file containing the technical documentation including the documentation submitted by the manufacturer, until the expiry of the validity of that certificate.

(5) A manufacturer must keep a copy of the Type examination certificate, its annexes and additions together with the technical documentation at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

10. A manufacturer's authorised representative (if any) may lodge the application referred to in paragraph 2 and fulfil the obligations set out in paragraphs 8 and 9(5), provided that they are specified in the mandate by which they were appointed under regulation 46.



## PART 2

### CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL PLUS SUPERVISED PRODUCT CHECKS AT RANDOM INTERVALS (MODULE C2)

**11.** Conformity to type based on internal production control plus supervised product checks at random intervals (Module C2) is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 12 to 14, and it is solely the manufacturer's responsibility to ensure and declare that the explosives concerned are in conformity with the type described in the Type examination certificate and satisfy the requirements of these Regulations that apply to them.

#### Manufacturing

**12.** A manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured explosives with the type described in the Type examination certificate and with the requirements of these Regulations that apply to them.

#### Product checks

**13.—(1)** The approved body chosen by the manufacturer must carry out product checks or have them carried out at random intervals determined by that body, in order to verify the quality of the internal checks on the explosive, taking into account, amongst other things, the technological complexity of the explosives and the quantity of production.

(2) The approved body must ensure that—

- (a) it takes an adequate sample of the final product on site before its placing on the market; and
- (b) the sample is examined and appropriate tests as identified by the relevant parts of the designated standards, or equivalent tests set out in other relevant technical specifications, are carried out to check the conformity of the explosive with the type described in the Type examination certificate and with the relevant requirements of these Regulations.

(3) Where a sample does not conform to the acceptable quality level, the approved body must take appropriate measures.

(4) The acceptance sampling procedure to be applied is intended to determine whether the manufacturing process of the explosive performs within acceptable limits, with a view to ensuring conformity of the explosive.

(5) The manufacturer must, under the responsibility of the approved body, affix the approved body's identification number during the manufacturing process.

#### UK marking and declaration of conformity

**14.—(1)** A manufacturer must affix the UK marking to each individual explosive that is in conformity with the type described in the Type examination certificate and which satisfies the applicable requirements of these Regulations.

(2) A manufacturer must draw up a written declaration of conformity for each explosive type and keep it at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market; the declaration of conformity must identify the explosive type for which it has been drawn up.

(3) A copy of the declaration of conformity must be made available to the relevant authorities upon request.

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### **Authorised representative**

**15.** A manufacturer's obligations set out in paragraph 14 may be fulfilled by the manufacturer's authorised representative (if any), on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate by which they were appointed under regulation 46.

## **PART 3**

### **CONFORMITY TO TYPE BASED ON QUALITY ASSURANCE OF THE PRODUCTION PROCESS (MODULE D)**

**16.** Conformity to type based on quality assurance of the production process (Module D) is a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 17 and 23, and it is solely the manufacturer's responsibility to ensure and declare that the explosives concerned are in conformity with the type described in the Type examination certificate and satisfy the requirements of these Regulations that apply to them.

### **Manufacturing**

**17.** A manufacturer must operate an approved quality system for production, final product inspection and testing of the explosives specified in paragraph 18, and which is subject to surveillance as specified in paragraph 22.

### **Quality system**

**18.—(1)** A manufacturer must lodge an application for assessment of the manufacturer's quality system with an approved body of the manufacturer's choice.

(2) The application must include—

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, the name and address of the authorised representative;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information for the explosive category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation of the approved type and a copy of the Type examination certificate.

**19.—(1)** The quality system must ensure that the explosives are in conformity with the type described in the Type examination certificate and comply with the requirements of these Regulations that apply to them.

(2) All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions.

(3) The quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records and must, in particular, contain an adequate description of—

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;

- (b) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (c) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- (d) quality records, such as inspection reports and test data, calibration data, and qualification reports on the personnel concerned;
- (e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

**20.—**(1) The approved body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 19 and, where applicable, it must presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

(2) The audit team appointed by the approved body to carry out the audit in paragraph 20(1) (“the audit”) must have experience in quality management systems, with at least one member of the team having experience of evaluation in the relevant product field and product technology concerned, and knowledge of the applicable requirements of these Regulations.

(3) The audit must include an assessment visit to the manufacturer's premises.

(4) The audit team must review the technical documentation referred to in paragraph 18(2)(e) to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the explosive with those requirements.

(5) The decision of the approved body must be notified to the manufacturer and must contain the conclusions of the audit and a reasoned assessment of the decision.

**21.—**(1) A manufacturer must—

- (a) fulfil the obligations arising out of the quality system as approved and maintain it in an adequate and efficient state; and
- (b) keep the approved body that has approved the quality system informed of any intended change to the quality system.

(2) Where the approved body is notified by a manufacturer of any proposed change to the quality system the approved body must—

- (a) evaluate such proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 19 or whether a reassessment is necessary; and
- (b) notify the manufacturer of its decision and, that notification must contain the conclusions of the examination and a reasoned assessment of the decision.

### **Surveillance under the responsibility of the approved body**

**22.—**(1) The approved body must carry out surveillance, the purpose of which is to ensure that a manufacturer fulfils the obligations arising out of the approved quality system.

(2) A manufacturer must, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites and must provide the approved body with all necessary information including, in particular—

- (a) the quality system documentation;
- (b) the quality records, such as inspection reports and test data, calibration data, and qualification reports on the personnel concerned.

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(3) The approved body must carry out periodic audits to ensure that a manufacturer maintains and applies the quality system and, following each audit, must provide the manufacturer with an audit report.

(4) The approved body may pay unexpected visits to a manufacturer; during such visits the approved body may, if necessary, carry out product tests, or have them carried out, in order to verify that the quality system is functioning correctly; and following such a visit the approved body must provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

### **UK marking and declaration of conformity**

**23.**—(1) A manufacturer must affix the UK marking, and, under the responsibility of the approved body referred to in paragraph 18(1), the latter's identification number to each individual explosive that is in conformity with the type described in the Type examination certificate and which satisfies the applicable requirements of these Regulations.

(2) A manufacturer must draw up a written declaration of conformity for each explosive type and keep it at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market; the declaration of conformity must identify the explosive type for which it has been drawn up.

(3) A copy of the declaration of conformity must be made available to the relevant authorities upon request.

**24.** A manufacturer must, for a period of 10 years beginning on the day on which the explosive has been placed on the market, keep at the disposal of the relevant authorities—

- (a) the documentation referred to in paragraph 18(2);
- (b) any information relating to the change referred to in paragraph 21(1)(b) and 21(2), as approved;
- (c) the decisions and reports of the approved body referred to in paragraphs 21, 22(3) and 22(4).

**25.** Each approved body must inform the Secretary of State of quality system approvals issued or withdrawn and must, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

**26.** Each approved body must inform other approved bodies of quality system approvals which it has refused, suspended, withdrawn or otherwise restricted, and, upon request, of quality system approvals which it has issued.

### **Authorised representative**

**27.** A manufacturer's obligations set out in paragraphs 18(1), 18(2), 21(1)(b), 21(2), 23 and 24 may be fulfilled by the manufacturer's authorised representative (if any), on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate by which they were appointed under regulation 46.

## **PART 4**

### **CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE (MODULE E)**

**28.** Conformity to type based on product quality assurance (Module E) is that part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 29 and 34, and it is solely the responsibility of the manufacturer that the explosives concerned are in

conformity with the type described in the Type examination certificate and satisfy the requirements of these Regulations that apply to them.

## **Manufacturing**

**29.** A manufacturer must operate an approved quality system for final product inspection and testing of the explosives concerned as specified in paragraphs 30 and 31 and which must be subject to surveillance as specified in paragraph 33.

## **Quality system**

**30.—**(1) A manufacturer must lodge an application for assessment of the manufacturer's quality system with an approved body of the manufacturer's choice for the explosives concerned.

(2) The application must include—

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, the name and address of the authorised representative;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information for the explosive category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation of the approved type and a copy of the Type examination certificate.

(3) The quality system must ensure compliance of the explosives with the type described in the Type examination certificate and with the applicable requirements of these Regulations.

(4) All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions; this quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records and, it must, in particular, contain an adequate description of—

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- (b) the examinations and tests that will be carried out after manufacture;
- (c) the quality records, such as inspection reports and test data, calibration data and qualification reports on the personnel concerned;
- (d) the means of monitoring the effective operation of the quality system.

**31.—**(1) The approved body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 30(3) and (4) and, where applicable, it must presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of a relevant designated standard.

(2) The audit team appointed by the approved body to carry out the audit under paragraph 31(1) (“the audit”) must have experience in quality management systems and have at least one member with experience of evaluation in the relevant product field and product technology concerned, and knowledge of the applicable requirements of these Regulations.

(3) The audit must include an assessment visit to the manufacturer's premises.

(4) The audit team must review the technical documentation referred to in paragraph 30(2)(e), in order to verify the manufacturer's ability to identify the relevant requirements of these Regulations

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and to carry out the necessary examinations with a view to ensuring compliance of the explosive with those requirements.

(5) The decision of the approved body must be notified to the manufacturer and the notification must contain the conclusions of the audit and the reasoned assessment for the decision.

**32.—**(1) A manufacturer must—

- (a) fulfil the obligations arising out of the quality system as approved and maintain it in an adequate and efficient state; and
- (b) keep the approved body that has approved the quality system informed of any intended change to the quality system.

(2) Where the approved body is notified by a manufacturer of any proposed change to the quality system the approved body must—

- (a) evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 30(3) and (4) or whether a reassessment is necessary; and
- (b) notify the manufacturer of its decision and, that notification must contain the conclusions of the examination and the reasoned assessment for the decision.

### **Surveillance under the responsibility of the approved body**

**33.—**(1) The approved body must carry out surveillance, the purpose of which is to ensure that a manufacturer fulfils the obligations arising out of the approved quality system.

(2) A manufacturer must, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites and must provide it with all necessary information, in particular—

- (a) the quality system documentation;
- (b) the quality records, such as inspection reports and test data, calibration data and qualification reports on the personnel concerned.

(3) The approved body must carry out periodic audits to ensure that a manufacturer maintains and applies the quality system and, following each audit, must provide the manufacturer with an audit report.

(4) The approved body may pay unexpected visits to the manufacturer; during such visits the approved body may carry out product tests, or have them carried out, in order to verify that the quality system is functioning correctly and, following such a visit, the approved body must provide the manufacturer with a visit report and, if tests have been carried out, a test report.

### **UK marking and declaration of conformity**

**34.—**(1) A manufacturer must affix the UK marking and, under the responsibility of the approved body referred to in paragraph 30(1), the latter's identification number to each individual explosive that is in conformity with the type described in the Type examination certificate and satisfies the applicable requirements of these Regulations.

(2) A manufacturer must draw up a written declaration of conformity for each explosive type and keep it at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

(3) A copy of the declaration of conformity must be made available to the relevant authorities upon request.

**35.** A manufacturer must, for a period of 10 years, beginning on the day on which the explosive has been placed on the market, keep at the disposal of the relevant authorities—

- (a) the documentation referred to in paragraph 30(1) and 30(2);
- (b) the information relating to the change referred to in paragraph 32(1)(b) and 32(2), as approved;
- (c) the decisions and reports of the approved body referred to in paragraphs 32(2), 33(3) and 33(4).

**36.—(1)** Each approved body must inform the Secretary of State of quality system approvals issued or withdrawn and must, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

(2) Each approved body must inform the other approved bodies of quality system approvals which it has refused, suspended or withdrawn, and, upon request, of quality system approvals which it has issued.

#### **Authorised representative**

**37.** A manufacturer's obligations set out in paragraphs 30(1), 30(2), 32(1)(b), 34 and 35 may be fulfilled by the manufacturer's authorised representative (if any), on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate by which they were appointed under regulation 46.

## **PART 5**

### **CONFORMITY TO TYPE BASED ON PRODUCT VERIFICATION (MODULE F)**

**38.** Conformity to type based on product verification (Module F) is the part of a conformity assessment procedure whereby a manufacturer fulfils the obligations laid down in paragraphs 39, 42(1) and 43, and it is solely the responsibility of the manufacturer to ensure and declare that the explosives concerned, which have been subject to examinations and tests under paragraph 40, are in conformity with the type described in the Type examination certificate and satisfy the requirements of these Regulations that apply to them.

#### **Manufacturing**

**39.** A manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured explosives with the approved type described in the Type examination certificate and with the requirements of these Regulations that apply to them.

#### **Verification**

**40.—(1)** An approved body chosen by the manufacturer must carry out appropriate examinations and tests in order to check the conformity of the explosives with the approved type described in the Type examination certificate and with the appropriate requirements of these Regulations.

(2) The examinations and tests to check the conformity of the explosives with the appropriate requirements must be carried out, at the choice of the manufacturer, either—

- (a) by examination and testing of every product as specified in paragraph 41; or
- (b) by examination and testing of the explosives on a statistical basis as specified in paragraph 42.

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### **Verification of conformity by examination and testing of every product**

**41.—**(1) All explosives must be individually examined and appropriate tests in the relevant designated standard or equivalent tests in other relevant technical specifications must be carried out in order to verify conformity with the approved type described in the Type examination certificate and with the appropriate requirements of these Regulations; in the absence of such a designated standard, the approved body concerned must decide on the appropriate tests to be carried out.

(2) The approved body must issue a certificate of conformity in respect of the examinations and tests carried out, and must affix its identification number to each approved explosive or have it affixed under its responsibility.

(3) A manufacturer must keep the certificates of conformity available for inspection by the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

### **Statistical verification of conformity**

**42.—**(1) A manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure the homogeneity of each lot produced, and must present the manufacturer's explosives for verification in the form of homogeneous lots.

(2) The approved body must take a random sample from each lot; all explosives in a sample must be individually examined and appropriate tests set out in the relevant designated standards, or equivalent tests set out in other relevant technical specifications, must be carried out in order to verify their conformity with the approved type described in the Type examination certificate and with the applicable requirements of these Regulations and to determine whether the lot is accepted or rejected; in the absence of such a designated standard, the approved body concerned must decide on the appropriate tests to be carried out.

(3) If a lot is accepted, all explosives of the lot must be considered approved, except for those explosives from the sample that have been found not to satisfy the tests.

(4) The approved body must issue a certificate of conformity in respect of the examinations and tests carried out, and must affix its identification number to each approved explosive or have it affixed under its responsibility.

(5) A manufacturer must keep the certificates of conformity at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

(6) If a lot is rejected, the approved body, or enforcing authority, must take appropriate measures to prevent the placing on the market of that lot and, in the event of the frequent rejection of lots the approved body may suspend statistical verification and take appropriate measures.

### **UK marking and declaration of conformity**

**43.—**(1) A manufacturer must affix the UK marking, and, under the responsibility of the approved body referred to in paragraph 40(1), the latter's identification number to each individual explosive confirming that the explosive is in conformity with the approved type described in the Type examination certificate and that it satisfies the applicable requirements of these Regulations.

(2) A manufacturer must draw up a written declaration of conformity for each explosive type and keep it at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market and, such a declaration of conformity must identify the explosive type for which it has been drawn up.

(3) A copy of the declaration of conformity must be made available to the relevant authorities upon request.



(4) If the approved body referred to in paragraph 40(1) agrees, and under its responsibility, the manufacturer may affix the approved body's identification number to the explosives.

(5) If the approved body referred to in paragraph 40(1) agrees and under its responsibility, a manufacturer may affix the approved body's identification number to the explosives during the manufacturing process.

### **Authorised representative**

**44.** A manufacturer's obligations under this Part of this Schedule may be fulfilled by the manufacturer's authorised representative (if any), on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate by which they were appointed under regulation 46, but an authorised representative may not fulfil the manufacturer's obligations set out in paragraphs 39 and 42(1).

## **PART 6**

### **CONFORMITY BASED ON UNIT VERIFICATION (MODULE G)**

**45.** Conformity based on unit verification (Module G) is the conformity assessment procedure whereby a manufacturer fulfils the obligations laid down in paragraphs 46, 47 and 49, and it is solely the responsibility of the manufacturer to ensure and declare that the explosive concerned, which has been subject to the provisions of paragraph 48, is in conformity with the requirements of these Regulations that apply to it.

### **Technical documentation**

**46.—(1)** A manufacturer must establish the technical documentation and make it available to the approved body referred to in paragraph 48; the documentation must make it possible to assess the explosive's conformity with the relevant requirements and must include an adequate analysis and assessment of any risks.

(2) The technical documentation must specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the explosive and, wherever applicable, the technical documentation must contain at least the following elements—

- (a) a general description of the explosive;
- (b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;
- (c) descriptions and explanations necessary for the understanding of the drawings and schemes and the operation of the explosive;
- (d) a list of the designated standards applied in full or in part and, where those designated standards have not been applied, descriptions of the solutions adopted to meet the essential safety requirements of these Regulations, including a list of other relevant technical specifications applied; and in the case of partly applied designated standards, the technical documentation must specify the parts which have been applied;
- (e) results of design calculations made and examinations carried out; and
- (f) test reports.

(3) A manufacturer must keep the technical documentation at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

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## Manufacturing

**47.** A manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured explosive with the applicable requirements of these Regulations.

## Verification

**48.—(1)** An approved body chosen by the manufacturer must carry out, or have carried out, appropriate examinations and tests set out in the relevant designated standards, or equivalent tests set out in other relevant technical specifications, to check the conformity of the explosive with the applicable requirements of these Regulations; in the absence of such a designated standard, the approved body concerned must decide on the appropriate tests to be carried out.

(2) The approved body must issue a certificate of conformity in respect of the examinations and tests carried out and must affix its identification number to the approved explosive, or have it affixed under its responsibility.

(3) A manufacturer must keep the certificates of conformity at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market.

## UK marking and declaration of conformity

**49.—(1)** A manufacturer must affix the UK marking and, under the responsibility of the approved body referred to in paragraph 48, the latter's identification number to each explosive that satisfies the applicable requirements of these Regulations.

(2) A manufacturer must draw up a written declaration of conformity and keep it at the disposal of the relevant authorities for 10 years beginning on the day on which the explosive has been placed on the market and, the declaration of conformity must identify the explosive for which it has been drawn up.

(3) A copy of the declaration of conformity must be made available to the relevant authorities upon request.

## Authorised representative

**50.** A manufacturer's obligations set out in paragraphs 46(3) and 49 may be fulfilled by the manufacturer's authorised representative (if any), on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate by which they were appointed under regulation 46.

## SCHEDULE 18

Regulation 67(c)

### DECLARATION OF CONFORMITY

Declaration of conformity (No XXXX)

1. No ... (product, type, batch or serial number):
2. Name and address of the manufacturer and, where applicable, the manufacturer's authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.
4. Object of the declaration (identification of product allowing traceability):

5. The object of the declaration described above is in conformity with the relevant statutory requirements:

6. References to the relevant designated standards used or references to the other technical specifications in relation to which conformity is declared:

7. The approved body ... (name, number) performed ... (description of intervention) and issued the certificate:

8. Additional information:

Signed for and on behalf of: (place and date of issue): (name, function) (signature):]

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## EXPLANATORY NOTE

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

1. These Regulations consolidate the Control of Explosives Regulations 1991 (S.I. 1991/1531) (“the 1991 Regulations”), the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993 (S.I. 1993/2714), the Marking of Plastic Explosives for Detection Regulations 1996 (S.I. 1996/890), the Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082) (“the 2005 Regulations”) and the Identification and Traceability of Explosives Regulations 2013 (S.I. 2013/449), all of which are revoked.

2. The Regulations implement as regards Great Britain, Council Directive [93/15/EEC](#) on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses (OJNo. L121, 15.5.93, p.20) as amended by Regulation [\(EC\) No. 1882/2003](#) of the European Parliament and the Council (OJ No. L 284, 31.10.2003, p.1), Regulation [\(EC\) No. 219/2009](#) of the European Parliament and of the Council (OJ No. L 87, 31.3.2009, p.109) and Regulation (EU) No. 1025/2012 of the European Parliament and of the Council (OJ No. L 316, 14.11. 2012, p. 12). Regulations 8 and 39 to 42, 43 and 44 in part, and 45 are for implementing these European provisions.

3. The Regulations implement, as regards Great Britain, Commission Directive [2008/43/EC](#) setting up, pursuant to Council Directive [93/15/EC](#), a system for the identification and traceability of explosives for civil uses (OJ No. L 94, 5.4.2008, p.8) (“the 2008 Directive”) as amended by Commission Directive 2012/4/EU (OJ No. L 50, 23.2.12, p.18). Regulations 33, 34, 36 and 43 and 44 in part, are for implementing these European provisions.

4. The Regulations implement in part the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1st March 1991 (regulation 38). The Technical Annex to the Convention has been amended twice, firstly in 2002 (with effect from 27th March 2002) and secondly in 2005 (with effect from 19th December 2005). These Regulations incorporate those amendments.

5. <sup>M112</sup>The provisions in regulation 38 and Schedule 8 that implement the Montreal Convention were notified in draft to the European Commission under the provisions of the Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations .

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#### Marginal Citations

**M112** OJ No. L 24, 21.7.1998, p. 37, amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L 217, 5.9.1998, p.18), Council Directive 2006/96/EC (OJ No. L 363, 20.12.2006, p. 81) and by Regulation (EU) No. 1025/2012 of the European Parliament and of the Council (OJ No. L 236, 23.9.2003, p. 33).

6. Besides making minor and drafting changes, these Regulations make a number of other changes in the consolidation. The main changes are as follows:

- (a) registration in respect of the storage of small amounts of certain explosives is no longer possible and such storage will now come within the licensing regime for the storage of explosives;
- (b) the storage of ammonium nitrate blasting intermediate (“ANBI”) now requires to be licensed;
- (c) a chief officer of police will also be the licensing authority for the storage of smaller amounts of certain explosives by a person who is a registered firearms dealer under section 33 of the Firearms Act 1968 (Schedule 1);
- (d) more tables are added than under the 2005 Regulations for providing a greater number of separation distances in respect of the storage of explosives (regulation 27 and Schedule 5);
- (e) licences for the storage of explosives granted by local authorities can now be for up to 5 years instead of two (regulation 13(1)(a));
- (f) the record keeping requirements under the 1991 Regulations have, in regulation 35, been aligned more to those applying relation to civil explosives under EU law in regulation 36; and
- (g) in line with the two sets of amendments to the Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection, which are referred to in paragraph 4, firstly, ortho-mononitrotoluene (o-MNT) is no longer listed as a detection agent for the purpose of marking plastic explosive and, secondly, the minimum concentration of the detection agent 2,3-Dimethyl-2,3-dinitrobutane (DMNB) is increased to 1.0% by mass; the levels of concentration required for detection agent apply at the time of the manufacture of the plastic explosive (regulation 38 and Schedule 8).

7. The definition of “explosive” and related terms, such as “relevant explosive”, are included in regulation 2(1). The document called the “United Nations Recommendations” referred to in the definition of “explosive”, and the Manual of Tests and Criteria, fifth revised edition, which supports those Recommendations, can be downloaded free from the website of the United Nations at [www.unece.org/trans/danger/publi/dg\\_publications.html](http://www.unece.org/trans/danger/publi/dg_publications.html).

8. “Licensing authority” is defined in Schedule 1. It means a local authority or chief officer of police for applications for the storage within a site of no more than 2000 kilograms of explosives within paragraph (a)(i) or (b) of the definition of “explosive” in regulation 2(1). The Office for Nuclear Regulation, which was established on 1st April 2014, is a licensing authority for applications to manufacture or store explosives on an “ONR regulated site” (defined in regulation 2(1)). The Health and Safety Executive is the licensing authority where explosives are to be stored on the surface of a mine or within a harbour; it is the licensing authority in relation to the manufacture of explosives and the manufacture and storage of ANBI and in other cases.

9. As under the 1991 Regulations, there is provision made (in regulation 32) for restrictions on the employment of a “prohibited person” where the employee would handle or have control of a “relevant explosive” or any “restricted substance”. These terms are defined in regulation 2(1), with an updated definition of “prohibited person”.

**10.** These Regulations make provision in regulations 4 to 9 (Part 2) for a number of authorisations in relation to explosives: they provide for a licensing regime in relation to the manufacture and storage of explosives; an explosives certificate is required for acquiring or acquiring and keeping certain explosives; and, a recipient competent authority document is required for transfers of civil explosives. The Regulations provide for disapplications in respect of certain of its provisions (regulation 3). Part 3 provides for defences in relation to regulations 5 to 7 in Part 2. Part 4 concerns applications for and grant of authorisations. Part 5 makes provision for the variation and transfer of authorisations to manufacture or store explosives and for the case of death, bankruptcy or incapacity of a licensed person. Part 6 makes provision as to refusals of authorisations and Part 7 makes provision for revocations of authorisations and appeals against certain decisions. Part 8 makes provision for when a licensed site ceases to be, or becomes, a site regulated by the Office for Nuclear Regulation and determines who is to be regarded as having granted the licence.

**11.** Parts 9 and 10 contain provisions on, respectively, the safety and security of explosives. Part 11 includes requirements as to the marking of civil explosives with a unique identification, record keeping and reporting losses of explosives. Part 12 provides for prohibitions on the manufacture, possession, transfer and importation of unmarked plastic explosives.

**12.** Part 13 of the Regulations contains prohibitions on the placing of any explosives on the market unless they satisfy essential safety requirements, have been subject to conformity attestation procedure and have had the CE marking affixed to them (regulations 39 to 42).

**13.** Part 14 provides for enforcement. Enforcement responsibility for provisions of the Regulations is set out in Schedule 11. Powers for the enforcement of the provisions in connection with the transfer, and the placing on the market, of civil explosives are set out in Schedule 12.

**14.** Consequential amendments to existing primary and secondary legislation are made by regulation 48(1) and Schedule 13. Consequential repeals and revocations of legislation are made by regulation 48(2) and (3) and Schedule 14.

**15.** Regulation 49 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within 5 years after 1st October 2014 and within every 5 years after that. Following a review it will fall to the Secretary of State to consider whether these Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

**16.** A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](https://www.legislation.gov.uk). The Transposition Notes in relation to the implementation of (a) Council Directive [93/15/EEC](#), as amended by Regulation [\(EC\) No. 1882/2003](#), Regulation [\(EC\) No. 219/2009](#) and Regulation (EU) No. 1025/2012 and (b) Commission Directive [2008/43/EC](#), as amended by Commission Directive 2012/4/EU, are published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.

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**Changes and effects yet to be applied to :**

- Sch. 15 para. 1 substituted by [S.I. 2024/504 reg. 5](#)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 16 para. 2\(2\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 2(2)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 3)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 16 para. 2\(2\)\(m\)](#) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 2(2)(m) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(5)(a))
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 16 para. 2\(2\)\(o\)](#) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 2(2)(o) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(5)(b))
- reg. 68(1) word substituted by [S.I. 2019/696 Sch. 16 para. 27\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 27(b) substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 10(5)(a))
- reg. 68(2) word substituted by [S.I. 2019/696 Sch. 16 para. 27\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 27(c) substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 10(5)(c))