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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**The Explosives Regulations 2014**

**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 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>(1)</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>(2)</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.

### **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.

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<sup>(1)</sup> S. R. & O. (NI) No. 110, to which there are amendments not relevant to these Regulations.

<sup>(2)</sup> 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.