
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make new provision for controlling the acquisition and keeping of explosives, replacing the instruments revoked by regulation 19(3).

Regulation 2 defines expressions used in the Regulations, and makes further provision as to construction. Regulation 3 sets out how the Regulations apply in relation to different kinds of explosives and to persons of various descriptions.

Regulation 7 prohibits, with the exceptions stated in regulation 3(1) to (4), the acquisition or keeping of explosives except in accordance with an explosives certificate. Regulation 4 provides for the issue of explosives certificates as set out in Schedule 2 by the chief officers of police, if satisfied as to the fitness of the applicant and the other matters specified in regulation 4(5) to (7); certificates for acquisition may be issued to non-residents on application by a resident (regulation 4(8)). Regulation 5 limits the duration of certificates and sets out the circumstances in which they either may or must be revoked. Appeals against decisions under regulations 4 and 5 lie to the Crown Court or, in Scotland, the sheriff (regulation 6).

Regulation 8 restricts the transfer of explosives, except those mentioned in regulation 3(1) and (2). With these exceptions, and the further exception in regulation 3(9) (members of H.M. forces), regulation 9 precludes the handling etc. of explosives by, and related employment of, prohibited persons as defined in regulation 2(1). Regulation 10 limits the descriptions and quantities of explosives that may be kept for private use (as so defined) except as provided in paragraph (3) and in regulation 3(3) and (4).

Regulation 11 requires the occupier of a factory or magazine licensed under the Explosives Act 1875 to appoint an individual to be responsible to him for security.

Regulation 12, with Schedule 3, contains requirements as to recording information about, and regulation 13 contains requirements as to reporting losses of, explosives other than those listed in Schedule 1 (see regulation 3(1)).

Regulation 14 extends the Regulations, with the exceptions stated, to, and to activities connected with, offshore installations, pipelines and mines.

Under regulation 15(1) the Regulations are to be enforced by chief officers of police, except in the cases described in regulation 15(2) and (3) where the Health and Safety Executive (“the Executive”) is the enforcing authority.

Regulation 16 empowers the Executive to revoke licenses granted under the Explosives Act 1875 in respect of factories and magazines. Regulation 17(1) and (2) empowers them to grant and to revoke exemptions from requirements or prohibitions imposed by the Regulations; under regulation 17(3) similar powers are exercisable in the interest of national security by the Secretary of State responsible for defence.

Regulation 18 contains transitional provisions. Regulation 19, with Schedule 4, modifies provisions of the Explosives Act 1875 and wholly or partly revokes, with savings, a number of instruments made under that Act and under the Health and Safety at Work etc. Act 1974.