
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make new provision for licensing the manufacture and storage of explosives and for registration in respect of the storage of explosives. As such, they repeal a large number of provisions contained in the Explosives Act 1875 (“the 1875 Act”) and instruments made under it, which provided the framework for the regulatory regime in relation to the manufacture and storage of explosives before these Regulations.

2. As before, a person wishing to manufacture or store explosives requires a licence to do so (regulations 9 and 10). This requirement is subject to the disapplications included in regulations 9 and 10. An application for a licence should be made to a licensing authority on a form approved by the Health and Safety Executive (“the Executive”) (regulation 12).

3. Where only a certain amount of explosives is to be stored, a person can apply to a licensing authority for registration in respect of that storage, instead of seeking a licence for it (regulation 11).

4. “Licensing authority” is defined by regulation 2(1) and Schedule 1; it means, in relation to registration or the storage of no more than 2000 kilograms of certain explosives, the chief officer of police or, where the explosives to be stored are of a type listed in Schedule 1 to the Control of Explosives Regulations 1991 (S.I. 1991/1531), the local authority for the area where the storage is to take place, or the Executive when the explosives are to be stored at a mine or a harbour. The Executive is the licensing authority in any other case.

5. The definition of explosive in regulation 2(1) does not include acetylene, which continues to be regulated as before under provisions of the 1875 Act and instruments made under it. The document called the United Nations Recommendations, which the definition of “explosive” refers to, and the Manual of Tests and Criteria, third edition, which supports those Recommendations, can be obtained from the Stationery Office Ltd., Books Sales and Service, P.O. Box 276, 51, Nine Elms Lane, London, SW8 5DR.

6. Subject to certain disapplications, a person wishing to store explosives must maintain the relevant separation distance prescribed by Schedule 2 between a store and buildings and other places not on the site where the storage takes place (regulation 5). “Separation distance” is defined in regulation 2(1).

7. In certain cases where the Executive is the licensing authority, the assent of the local authority is required before a licence is granted (regulations 13(3) and (4) and 14).

8. Grounds for refusing or varying a licence or registration are set out in, respectively, regulations 15 and 16. The grounds for revoking a licence or registration are set out in regulation 17. A person may appeal against a refusal or revocation of registration (regulation 19). Licences and registration may be transferred (regulation 20).

9. A licensing authority is required to maintain a register on certain information relating to licences or registrations granted or made by it (regulation 22 and Schedule 4).

10. Prohibitions concerning explosives are contained in regulations 24 and 25. Power to grant exemptions from the requirements or prohibitions imposed by the Regulations is included under regulation 26. Regulation 27 contains savings and transitional provisions so that, for example, licences granted under the Explosives Act 1875 which are valid immediately before the coming

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

into force of these Regulations continue in force on their existing terms subject to any variation, revocation or expiry on their expiry date.

11. Amendments to legislation are made by regulation 28(1) and Schedule 5. Repeals and revocations of legislation are made by regulation 28(2) and (3) and Schedule 6.

12. The Regulations also amend the Health and Safety (Fees) Regulations 2005 ([S.I. 2005/676](#)), so as to include fee provisions in those Regulations for the new licensing and registration provision made by these Regulations. The amendments also add fees in relation to the issue of explosives certificates under the Control of Explosives Regulations 1991 (regulation 28(1) and Schedule 5, paragraph 45).

13. A copy of the regulatory impact assessment in respect of these Regulations can be obtained from the Health and Safety Executive, Rose Court, 2 Southwark Bridge, London, SE1 9HS. A copy has been placed in the Library of each House of Parliament.