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STATUTORY INSTRUMENTS

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**2005 No. 1082**

**The Manufacture and Storage of Explosives Regulations 2005**

**PART 3**

**LICENSING AND REGISTRATION REQUIREMENTS**

**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 is the licensing authority in cases where the assent of the local authority was required pursuant to regulation 13(3) 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) A licence may be varied on the grounds referred to in paragraph (1)(a) or (b) without the agreement of the licensee, subject to regulation 18.

(3) Where the Executive 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) would have been so required but for the operation of regulation 27(4) or (13),

the provisions of regulation 14 shall apply in respect of a proposed variation referred to in paragraph (4).

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