
STATUTORY INSTRUMENTS

2014 No. 1638

The Explosives Regulations 2014

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^{M1},

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...

^{F2}
...

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

[^{F3}“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^{M2};

[^{F4}“authorised representative” means a person established [^{F5}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;

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...

“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^{M3}; and

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(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 ^{M4}; 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 ^{M5};

(b) any explosive which it is shown is intended for lawful use by the armed forces or the police of any country; [^{F7}or]

(c) a pyrotechnic article; ^{F8}...

(d) ^{F9}...

^{F10}...

“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;

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[^{F12}“conformity assessment” means the process demonstrating whether the essential safety requirements relating to a civil explosive have been fulfilled;]

[^{F12}“conformity assessment body” means a person who performs conformity assessment activities, including calibration, testing, certification and inspection;]

[^{F13}“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;

[^{F14}“designated standard” has the meaning given to it in regulation 2A;]

[^{F15}“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) [^{F16} (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;

[^{F17}“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]

[^{F18}“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;]

[^{F18cc}“enforcing authority”, in relation to Part 13, means the Executive;]

[^{F18cc}“essential safety requirements” means the requirements set out in Schedule 9 (essential safety requirements);]

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...

“the Executive” means the Health and Safety Executive ^{M6};

“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 ^{M7};

“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 ^{M8};

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...

“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 ^{M9};

“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^{M10};

“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;

[^{F21}“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;

[^{F22}“making available on the market” means any supply for distribution, consumption or use on the market [^{F23}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;

[^{F24}“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;]

[^{F24}“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;

[^{F25}“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 ^{M11};

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...

“the ONR” means the Office for Nuclear Regulation ^{M12};

“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;

[^{F27}“place on the market” means the first making available on the market [^{F28}of Great Britain], and related expressions must be construed accordingly;]

“police force”, for the purposes of [^{F29}regulations 3(10)(b) and (11)(e)] and 27(3)(e), includes—

- (a) the police force known as the British Transport Police Force ^{M13}; and
- (b) the constabulary known as the Civil Nuclear Constabulary by virtue of section 52(1) of the Energy Act 2004 ^{M14};

“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 ^{M15}, or
- (b) has been sentenced to a sentence which is excluded from rehabilitation under the Rehabilitation of Offenders Act 1974 ^{M16} 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 ^{M17}, 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 ^{M18}, 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 ^{M19}; 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 ^{M20} 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;

[^{F30}“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;]

[^{F30}“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);

[^{F31}“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;]

[^{F32}“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 ^{M21}; 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) ^{F33} 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) ^{F33} a shotgun as defined by section 1(3) of the Firearms Act 1968 ^{M22}; or

(c) ^{F33} 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;

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“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;

[^{F34}“technical documentation” has the meaning given in regulation 40(b) (technical documentation and conformity assessment);]

[^{F34}“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;

[^{F35}“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))^{M23} 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^{M24};

“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^{M25}.

[^{F36}“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^{M26} to that transporting.

(7) Paragraph (6) does not apply to explosives in respect of which there is in existence an explosives licence granted under [F37] 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^{M27} (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^{M28} (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.

[F38](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.]

[F38](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”.]

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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)
- 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)

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- 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**

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Marginal Citations

- M1** S.I. 2005/1082, to which there are amendments not relevant to these Regulations.
- M2** S.I. 1998/494, amended by S.I. 2014/469; there are other amending instruments but none is relevant.
- M3** 1996 c. 16.
- M4** 2012 asp 8.
- M5** 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.
- M6** The Health and Safety Executive is established by section 10(1) of the Health and Safety at Work etc. Act 1974 (c. 37).
- M7** 1968 c.27.
- M8** 2013 c.32.
- M9** 1964 c.40.
- M10** S.I. 1999/1736, amended by S.I. 2009/705; there are other amending instruments but none is relevant.
- M11** S.I. 1998/494, relevant amending instruments are S.I. 2005/1082, 2007/2598, 2009/693 and 2014/469.
- M12** The Office for Nuclear Regulation is established by section 77 of the Energy Act 2013 (c.32).
- M13** 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).
- M14** 2004 c.20.
- M15** 1883 c. 3.
- M16** 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).
- M17** 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**.
- M18** 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).
- M19** 2006 c. 52.
- M20** S.I. 2009/1922, to which there are amendments not relevant to these Regulations.
- M21** 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.
- M22** 1968 c. 27; section 1(3)(a) was substituted by the Firearms (Amendment) Act 1988 (c. 45), **section 2(2)**.
- M23** Current edition (1997): ISBN 92-1-139057 5.
- M24** 1952 c.67. “Visiting force” is defined in section 12 of that Act.
- M25** 2006 c.46.
- M26** S.I. 2009/1348, to which there are amendments not relevant to these Regulations.
- M27** 2011 c. 13.
- M28** 2012 asp 8.

^{F39} 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 [^{F40}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).
- [
- ^{F41}(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 [^{F42}such] technical specifications adopted by the other recognised standardisation bodies [^{F43}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.]

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 ^{M29} in so far it applies to the importation of pyrotechnic articles and substances.

[^{F44}(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 ^{M30} 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 ^{M31};
 - (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 [^{F45}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 ^{M32} 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 ^{M33};
 - ^{F46}(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 [^{F47}, 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—

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- (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 ^{M34} (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 ^{M35} (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 [^{F48}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;
 - (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.

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- (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;
 - [^{F49}(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.

- ^{F50}(16)
- ^{F50}(17)
- ^{F50}(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

- M29** 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.
- M30** 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.
- M31** 1964 c. 5.
- M32** [S.I. 2009/1348](#), to which there are amendments not relevant to these Regulations.
- M33** [S.I. 1995/738](#), amended by [S.I. 2002/2175](#); there are other amending instruments but none is relevant.
- M34** 2011 c.13.
- M35** 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;
- (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 ^{M36}.

(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

M36 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 ^{M37}, supporting the United Nations Recommendations;
- (b) “quarry” has the meaning given in regulation 3 of the Quarries Regulations 1999 ^{M38};
- (c) “recreational or occupational firearms” means hand-held firearms intended for the shooting of—

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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

M37 ISBN 978 – 92 – 1 – 139135 – 0.

M38 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 ^{F51}..., 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 [^{F52}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 [^{F53}the United Kingdom] is treated as a transfer which will terminate at the place where the civil explosives are immediately before leaving [^{F53}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.

[^{F54}(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.]

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F55}(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.]

[^{F56}(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 ^{M39} or sections 2 and 3 of the Police and Fire Reform (Scotland) Act 2012 ^{M40} 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 ^{M41} 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

M39 1996 c.16; section 2 was amended by the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#), [Schedule 16](#), paragraph 4.

M40 2012 asp 8.

M41 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.

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(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—

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- (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 [^{F58}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 ^{M42};
- (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 ^{M43}; 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

M42 S. R. & O. (NI) No. 110, to which there are amendments not relevant to these Regulations.

M43 [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 [^{F59}other than the United Kingdom]—
 - (a) paragraph (4) applies where the manufacturer is established in [^{F60}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 [^{F61}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 ^{F62}... Northern Ireland ^{F63}....
- (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 ^{F64}...—
 - (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—

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- (a) the importer must apply to the Executive for it to attribute a code for the site where the civil explosives are manufactured;^{F65} ...
- [^{F66}(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.]
- [^{F67}(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 ^{M44}), 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

M44 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.

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(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).

[^{F68}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 [F69]66(2)(a) is being carried out, in [F70]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 [F71]66(2)(b) is being carried out, in [F72]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)

[F73]Declaration] of conformity and [F74]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 ^{F75}...; and
 - (b) affix the [F76]UK] marking in accordance with regulation 68 ^{F77}....
- (2) The manufacturer must keep the EU declaration of conformity up to date.

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) ^{F78}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 ^{F79}... declaration of conformity

42. A manufacturer must keep the technical documentation and the ^{F79}... 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 [^{F80}designated] standard or in another technical specification by reference to which the ^{F81}... declaration of conformity was drawn up.

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.

[^{F82}(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)

[^{F83}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.]

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 [^{F84}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 ^{F85}... 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 [F86UK] 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.

[F87(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 [F88 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 [F89 a relevant authority].

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(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))

[^{F90}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 ^{F91}... 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 ^{F92}... 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.

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^{F93} ... 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
- [^{F94}(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.

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 [^{F95}UK] marking;
 - (ii) is accompanied by the required documents;
 - [^{F96}(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^{F97} ... 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.

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

^{F98}**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 [^{F99}UK] marking

64.—(1) An economic operator must not affix the [^{F100}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 [^{F100}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—

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- (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

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 [^{F102}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 [^{F103}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 [^{F104}designated] standard, or part of such a standard, ^{F105}... 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.

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)

[^{F106}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)

[^{F107}Declaration] of conformity

67. The ^{F108}... 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 [^{F109}Schedule 17,] for the relevant conformity assessment procedure followed in respect of the civil explosive; and
- (c) have the model structure set out in [^{F110}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)

Changes to legislation: *The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- 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)

[^{F111}UK] marking

68.—(1) [^{F112}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.]

[^{F113}(1A) For a period of [^{F114}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 [^{F115}paragraph (1A) does not apply and] it is not possible or warranted, on account of the nature of the civil explosive, to affix the [^{F116}UK] marking in accordance with paragraph (1), the [^{F116}UK] marking must be affixed to—

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

(3) The [^{F117}UK] marking must be followed by the identification number of the [^{F118}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 [^{F119}approved] body must be affixed—

- (a) by the [^{F119}approved] body itself; or
- (b) under the instructions of the [^{F119}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 [^{F120}UK] marking must be affixed to the accompanying documents.

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.

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(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.

Changes to legislation: *The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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

[^{F122}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 ^{M45} 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

M45 1999/3242, to which there are amendments not relevant to these Regulations.

Enforcement outside Great Britain

[^{F123}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)

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F124}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

[^{F125}**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 [^{F126}, 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

[^{F127}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 [^{F128}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^{M46}; and
- (b) the Miscellaneous Mines (Explosives) Regulations 1959^{M47},

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

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(16) The amendments made by the Explosives Act 1875 and 1923 Etc. (Repeals and Modifications) (Amendment) Regulations 1974 ^{M48} (“the Amendment Regulations”) to the Explosives Act 1875 and 1923 Etc. (Repeals and Modifications) Regulations 1974 ^{M49} 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 ^{M50};
- (b) “the 1993 Regulations” means the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993 ^{M51};
- (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

M46 [S.I. 1956/1943](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

M47 [S.I. 1959/2258](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

M48 [S.I. 1974/2166](#).

M49 [S.I. 1974/1855](#), amended by [S.I. 1974/2166](#); there are other amending instruments but none is relevant.

M50 [S.I. 1991/1531](#), to which there are amendments not relevant to these Regulations.

M51 [S.I. 1993/2714](#), to which there are amendments not relevant to these Regulations.

[^{F129} 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

Changes to legislation: The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

[
^{F130}(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

[^{F131}**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

[^{F132}**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 ^{M52}, as amended by Regulation (EC) No [1882/2003](#) of the European Parliament and of the Council of 29th September 2003 ^{M53}, Regulation (EC) No [219/2009](#) of the European Parliament and of the Council of 11th March 2009 ^{M54} and Regulation (EU) No [1025/2012](#) of the European Parliament and of the Council of 25th October 2012 ^{M55} 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 ^{M56} as amended by Commission Directive [2012/4/EU](#) ^{M57}, 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

M52 OJ No. L 121, 15.5.1993, p.20.
M53 OJ No. L 284, 31.10.2003, p. 1.
M54 OJ No. L 87, 31.3.2009 p. 109.
M55 OJ No. L 316, 14.11.2012, p. 12.
M56 OJ No. L 94, 5.4.2008, p.8.
M57 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

Changes to legislation:

The Explosives Regulations 2014 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 2(1) words omitted by [S.I. 2024/696 reg. 9\(2\)](#)
- 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. 64A(2) words omitted by [S.I. 2024/696 reg. 9\(3\)\(a\)](#)
- reg. 64A(4) words omitted by [S.I. 2024/696 reg. 9\(3\)\(a\)](#)
- reg. 64A(6) omitted by [S.I. 2024/696 reg. 9\(3\)\(b\)](#)
- reg. 64A(7) omitted by [S.I. 2024/696 reg. 9\(3\)\(b\)](#)
- reg. 64C substituted by [S.I. 2024/696 reg. 9\(4\)](#)
- 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))