
 S T A T U T O R Y I N S T R U M E N T S

2004 No. []**HEALTH AND SAFETY****The Manufacture and Storage of Explosives Regulations 2004**

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The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a), (4), (5), (6)(b), 43(2), (4) and (6), 80(1) and 82(3)(a) of, and paragraphs 1(1), (2) and (3), 2, 3(1), 4, 5, 7, 11, 14, 15(1), 16, 18 and 20 of Schedule 3 to, of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf and —

- (a) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, and
- (b) it appearing to him that —
 - (i) the modifications to the Acts, Regulations and Order mentioned in, as the case may be, paragraphs 1 to 10, 12, 14 and 17 to 19 of Schedule 5 to these Regulations, and
 - (ii) the repeals and revocation made by, respectively, Part 1 and Part 2 of Schedule 6 which are mentioned in the Note to that Scheduleare expedient as set out in section 80(1) of the 1974 Act and after the carrying out by him of consultations in accordance with section 80(4) of that Act,

hereby make the following Regulations:

(a) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraphs 6 and 16.

PART I

INTRODUCTION

1. Citation and commencement These Regulations may be cited as the Manufacture and Storage of Explosives Regulations 2004 and shall come into force on 2004.

Interpretation

2.—(1) In these Regulations [unless the context otherwise requires]—

“the 1875 Act” means the Explosives Act 1875(a);

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“ammonium nitrate blasting intermediate” means non-sensitised mixtures of, primarily, ammonium nitrate and other substances which are not themselves explosive, such as oxidisers and fuels, intended to produce a blasting explosive only after further processing prior to use and classified in accordance with the United Nations Recommendations as falling within Class 5.1;

“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 allocated in accordance with the United Nations Recommendations the U.N. nos. 0027 or 0028;

“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 practicable;

“Class 1” means Class 1 in respect of explosives or the classification of dangerous goods as set out in the United Nations Recommendations;

“disposes”, in relation to explosives and explosive-contaminated items, means destroying the explosives or explosive-contaminated items or otherwise rendering them harmless;

“the Executive” means the Health and Safety Executive;

“explosive” means any explosive article or explosive substance which, would —

(a) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or

(b) be classified in accordance with the United Nations Recommendations as —

(i) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and

(ii) as falling within Class 1,

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;

“explosive substance” means a solid or liquid substance or preparation 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 same meaning as it is given in section 57(1) of the Firearms Act 1968(b);

“fireworks” means the explosive articles allocated in accordance with the United Nations Recommendations any of the U.N. nos. 0333 to 0337;

(a) 1875 c.17 (38 & 39 Vict.); relevant amending instruments are S.I.1974/1885 and 1987/52.

(b) 1968 c.27.

“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 another harbour authority and which are used primarily by ships using berths within the harbour of that other harbour authority;

“harbour authority” has the same meaning as in the Harbours Act 1964(a);

“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 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(b);

“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 Ministry of Defence attached to those forces;

“licence” 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 21 as being licensed;

“licensing authority” has the meaning assigned to it by Schedule 1;

“local authority” 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 fire and civil defence 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;

“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;

(a) 1964 c.40; “harbour authority” is defined in section 57(1).

(b) S.I. 1999/1736.

but it does not include the packing, re-packing, labelling, 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;

“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;

“non-sensitised” means giving a negative test result when subjected to Test Series 8 of the Manual of Tests and Criteria, third edition(a), supporting the United Nations Recommendations;

“police force”, for the purposes of regulation 3(4)(d) and (6)(b) and regulation 27(8), includes the police force known as the British Transport Police Force(b) and the special constables appointed as special constables under section 3 of the Special Constables Act 1923(c) on the nomination of the United Kingdom Atomic Energy Authority(d);

“preparation” means a mixture of two or more substances or a solution of any substance or substances;

“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” means an explosive article or 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;

“quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999(e);

“registered” in relation to a person, means a person registered in respect of the storage of explosives under regulation 11 and includes a person treated under regulation 21 as being registered;

“registration” save in regulation 22 and Schedule 4 means registration under regulation 11 and “certificate of registration” means a certificate issued under regulation 11(3);

“separation distance” means the distance between the store or the building in 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, or
- (c) any other substance or preparation based on potassium nitrate or nitro cellulose, whether in powder, pelletised or granular form, used as a propellant;

“shot firing charge” means a charge used in shotfiring operations;

(a) ISBN 92 - 1 - 1390680.

(b) This name is given by Article 2(b) of the British Transport Police Force Scheme 1963, which was approved by order of the Minister of Transport in S.I.1964/1456, amended by S.I.1992/364 and 1994/609.

(c) 1923 c.11.

(d) The United Kingdom Atomic Energy Authority nominates persons to be special constables under section 3 of the Special Constables Act 1923 (c.11) as extended by paragraph 1 of the second Schedule to the Emergency Laws (Miscellaneous Provisions) Act 1947 (c.10), Schedule 3 to the Atomic Energy Authority Act 1954 (c.32) and Schedule 1, paragraph 4, to the Nuclear Installations Act 1965 (.57).

(e) S.I. 1999/2024.

(a) “site” means the whole area under the control of the same person and, for these purposes all places adjoining each other under the control of the same person shall 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 shall be treated as a whole area;

“small arms ammunition” means the explosive articles allocated in accordance with the United Nations Recommendations the U.N. nos. 0012, 0014, 0055, 0327, 0328, 0338, 0339 or 0379 which are intended exclusively for use in small arms;

“smokeless powder” means an explosive substance allocated in accordance with the United Nations Recommendations the U.N. nos. 0160 or 0161;

“a 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;

“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))(a) as revised or reissued from time to time;

“visiting force” has the same meaning as it does for the purposes of any provision of the Visiting Forces Act 1952(b);

“water-based”, in relation to explosives, means explosives which are based on water and ammonium nitrate and allocated in accordance with the United Nations Recommendations the U.N. No. 0241;

and related expressions shall be construed accordingly.

(2) For the purposes of these Regulations, and subject to regulation 3(7), the manufacture or storage of ammonium nitrate blasting intermediate shall be deemed to be the manufacture or storage of an explosive.

(3) For the purposes of measuring of any distance required to be a separation distance by virtue of these Regulations, the distance to be measured shall be the horizontal distance between the outside edge of the store or the building 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 shall be construed as a reference to the net mass of explosive substance and, in the case of any pyrotechnic article, the net mass of the explosive shall, for the purposes of these Regulations, be deemed to be one quarter of the gross mass of the pyrotechnic article or, where the manufacturer, importer or supplier specifies a different net mass amount on the pyrotechnic article, its packaging or a document accompanying the pyrotechnic article, that amount.

(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,

(a) Current edition (1997): ISBN 92-1-139057 5.

(b) 1952 c.67.

that keeping shall be treated as storage within the meaning of these Regulations and the provisions of these Regulations shall apply to that keeping accordingly, notwithstanding any application of the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(a) to that transporting.

(7) Paragraph (6) shall not apply to explosives in respect of which there is in existence an explosives licence granted under regulation 36(1) of the Dangerous Substances in Harbour Areas Regulations 1987(b) [DGHR?? - may need changing].

(8) The performance of any function given to the chief officer of police under these Regulations may be delegated by him, to such an extent and subject to such conditions as he may specify —

- (a) to a member of the police force in respect of which he is the chief officer of police,
- (b) or to a person employed by that [police force??] as mentioned in section 15 of the Police Act 1996(c) (civilian employees) or section 9 of the Police (Scotland) Act 1967(d),

and any such delegation shall be made in writing by that chief officer of police.

(9) For the purposes of these Regulations, “chief officer of police” in relation to an area, means the chief officer of police for that area and includes a member of a police force to whom the performance of any of his functions under these Regulations has been delegated pursuant to paragraph (8).

Application

3.—(1) These Regulations shall apply —

- (a) in Great Britain; and
- (b) 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 2001(e).

(2) Regulations 4 to 25 shall not apply to —

- (a) any activity to which Part IX of the Dangerous Substances in Harbour Areas Regulations 1987 (explosives) applies;
- (b) any activity —
 - (i) to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 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 shall include —
 - (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(f);
- (f) a mine which is, for the time being, solely used for, or in connection with, the getting of minerals or ensuring the safety of another mine.

(3) Regulations 8 and 10 shall not apply to —

(a) S.I. 2004/

(b) S.I. 1987/37; relevant amending instrument is S.I. 1988/712.

(c) 1996 c.16.

(d) 1967 c.77.

(e) S.I. 2001/2127.

(f) S.I. 1995/738.

- (a) a constable in the execution of his duties;
 - (b) an inspector appointed under section 19 of the 1974 Act in the performance of his functions;
 - (c) a customs officer in the performance of his functions.
- (4) Regulation 10 shall not apply to —
- (a) the Executive;
 - (b) a local authority;
 - (c) the Commissioners of Customs and Excise;
 - (d) a police force; and
 - (e) a person employed as mentioned in section 15 of the Police Act 1996^(a)(civilian employees) or section 9 of the Police (Scotland) Act 1967^(b)(employees other than constables) who, in either case, is duly authorised in writing by the chief officer of police to store explosives.
- (5) Regulations 5 and 9 to 21 shall not apply to the manufacture or storage of explosives, at any site under the control of the Secretary of State for Defence, or held for the purposes of a visiting force or headquarters, under a scheme approved by him which —
- (a) provides for their safe manufacture and storage; and
 - (b) prescribes separation distances which are designed to ensure a standard of safety which is equivalent to that ensured by the separation distances prescribed by regulation 5 and Schedule 2.
- (6) Regulations 5 to 19 and 24 shall not apply to explosives —
- (a) seized by a constable in the execution of his 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 —
 - (i) persons under the directions of a member of Her Majesty's Forces or civilian employees of the Ministry of Defence authorised in writing by the Secretary of State for Defence 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.
- (7) In relation to the application of these Regulations to ammonium nitrate blasting intermediates by virtue of regulation 2(2), regulations 10(1) and 11 shall not apply to the storage of ammonium nitrate blasting intermediates.

PART II

SAFETY REQUIREMENTS

Fire and explosion measures

- 4.—(1) Any person who manufactures or stores explosives shall 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.

^(a) 1996 c. 16.
^(b) 1967 c. 77.

(2) For the purposes of paragraph (1), the reference to the manufacture or storage of explosives shall be deemed to include 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

5.—(1) Subject to paragraphs (2) to (5), every person who stores explosives at a site shall ensure that the relevant separation distance prescribed by Schedule 2 is maintained between a store and a building or other place not within that site to which that Schedule applies.

(2) Paragraph (1) shall not apply to

explosives which are stored under a licence granted by the Executive in cases where the assent of the local authority was required pursuant to regulation 13(3).

(3) Paragraph (1) shall not apply to the storage of explosives where the total quantity of explosives stored at a site, excluding, in the case of subparagraph (b), any amount of small arms ammunition, does not exceed —

- (a) 100 grams;
- (b) 30 kilograms of shooters’ powder;
- (c) 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
- (d) in the case of explosives kept by a police force —
 - (i) 4 kilograms of explosive kept for the purpose of training dogs used for the detection of explosives and
 - (ii) 30 kilograms of explosives kept 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) Every person to whom the duty under paragraph (1) applies, shall ensure that the separation distance referred to in paragraph (5) is maintained between a store and any building on the site in which the store is situated, which is used either for accommodation or for work, but not including any building used for work which is normally unoccupied by any person and is not a store.

(5) The separation distance referred to in paragraph (4) is that which is equal to half the relevant separation distance determined in accordance with Schedule 2.

(6) Every person who, in a case to which paragraph (3) of regulation 13 applies, is granted a licence to manufacture or store explosives shall ensure that 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 [so as to show?] showing the separation distances required to be maintained pursuant to the licence or varied licence.

(7) “Local planning authority” in paragraph (6), in relation to an area —

- (a) in England and Wales has the same meaning as it has in Part I of the Town and Country Planning Act 1990(a) save that, where there is more than one local planning authority, it means the district planning authority for the district;
- (b) in Scotland means the council for the local government area.

(a) 1990 c. 8; Part I was amended by the Leasehold Reform, housing and Urban Development Act 1993 (c.28) section 187(1) and Schedule 21, paragraphs 28. and 29, the Local Government (Wales) Act 1994 (c.19) sections 18(2) to (6), 19(1) and (4) and 66(8) and Schedule 18, and the Environment Act 1995 (c.25) sections 67(1), 78 and 120(1) and (3) and Schedule 10 paragraph 32(1) and (2) and Schedule 24.

Disposal of explosives and decontamination of explosive-contaminated items

6.—(1) Any person who disposes of explosives shall ensure, so far as is reasonably practicable, that they are disposed of safely.

(2) Any person who decontaminates explosive-contaminated items shall ensure, so far as is reasonably practicable, that they are decontaminated safely.

Employment of young persons

7. No person who manufactures or stores explosives shall permit a person under the age of 18 years to work in that manufacture or storage except under appropriate supervision.

Unauthorised access

8.—(1) No person shall —

- (a) without the permission of the occupier, enter —
 - (i) any store in or at a site;
 - (ii) any building used for the manufacture of explosives in or at a site, or
 - (iii) any site with clearly marked boundaries at which explosives are stored or manufactured,
operating under a licence or registration; or
- (b) having so entered, refuse to leave that site when asked to do so by any constable or the occupier, his employee or agent.

(2) Where the place referred to in paragraph (1) is, or is part of, a workplace, the occupier, his employee or agent may remove any person who enters without permission contrary to paragraph (1).

(3) “Enter” for the purposes of this regulation, includes entering onto a roof of a store or a building in which explosives are manufactured.

PART III

LICENSING AND REGISTRATION REQUIREMENTS

Explosives not to be manufactured without a licence

9.—(1) Subject to paragraph (2), no person shall manufacture explosives unless he holds a licence for that manufacture and complies with the conditions of that licence.

(2) Paragraph (1) shall not apply to —

- (a) the manufacture of explosives for the purpose of laboratory analysis, testing, demonstration or experimentation (but not for practical use or sale) where the total quantity of explosives being manufactured at any time does not exceed 100 grams, but nothing in this subparagraph shall be taken as authorising any acquisition or keeping of explosives for which an explosives certificate, within the meaning of regulation 4 of the Control of Explosives Regulations 1991(a), is required by virtue of regulation 7 of those Regulations, without such a certificate;
- (b) the making or unmaking of small arms ammunition 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 or produced at any one time does not exceed 2 kilograms.
- (c) the preparation of shot firing charges in connection with their use;

(a) S.I.1991/1531, amended by S.I.1993/2714.

- (d) the preparation, assembly, disassembly and fusing of firework displays at the place of intended use;
- (e) the preparation, assembly and fusing, in quantities of no more than 10 kilograms at a time, by a person registered or licensed to store explosives, at the site which contains his store, of firework displays to be used by him;
- (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; or
- (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.

(3) In paragraph (2)(h), “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, third edition^(a) supporting the United Nations Recommendations .

Explosives not to be stored without a licence

10.—(1) Subject to paragraph (2), no person shall store explosives unless he holds a licence for their storage and complies with the conditions of that licence.

(2) Paragraph (1) shall not apply to —

- (a) the storage of explosives by a person registered in accordance with regulation 11;
- (b) the storage of one or more of the following —
 - (i) no more than 10 kilograms of black powder;
 - (ii) no more than 5 kilograms of —
 - (aa) shooters’ powder;
 - (bb) hazard type 4 explosives listed in Schedule 1 to the Control of Explosives Regulations 1991; or
 - (cc) a combination of those two kinds of explosives.
 - (iii) no more than 15 kilograms of percussion caps or small arms ammunition or a mixture of them.
- (c) 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;
- (d) the storage of hazard type 3 or 4 explosives for no longer than 24 hours;
- (e) the storage of no more than 100 kilograms of —
 - (i) hazard type 3 explosives, or
 - (ii) a combination of hazard type 3 and 4 explosives
 provided that the explosives are stored for no longer than 3 days in their place of intended use;
- (f) the storage of —

^(a) ISBN 92 - 1 - 1390680.

- (i) no more than 250 kilograms of hazard type 4 explosives provided that the explosives are stored for no more than 3 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 days and are not for sale or for use at work.

(3) For the purposes of paragraph (2), no more than one of the exceptions listed in subparagraphs (a) to (f) of paragraph (2) shall apply to explosives stored at the same site at the same time, irrespective of the person who is storing them.

Registration in relation to storage

11.—(1) Subject to paragraph (5), a person who wishes to store within one site no more than —

- (a) 30 kilograms of explosives of any hazard type;
- (b) 100 kilograms of hazard type 3 explosives;
- (c) 100 kilograms of a combination of hazard type 3 explosives with explosives of hazard type 4;
- (d) 250 kilograms of hazard type 4 explosives, or
- (e) 250 kilograms of small arms ammunition and 30 kilograms of shooters' powder

may apply to the licensing authority in whose area the storage will take place to be registered in respect of that storage.

(2) The licensing authority shall register the applicant unless any of the grounds for refusing to do so referred to in regulation 15 apply.

(3) Where a licensing authority registers an applicant, it shall issue the applicant with a certificate of registration, in a form approved for the time being for the purposes of this regulation by the Executive.

(4) A registration shall remain in force for such period not exceeding five years as the licensing authority determines.

(5) For the purposes of paragraph (1) no more than one of subparagraphs (a) to (d) of paragraph (1) shall apply to explosives stored within the same site at the same time, irrespective of the person who is storing them.

(6) Where the registration relates to the storage at a site of pyrotechnic articles which are to be offered for sale at that site, the amount of those pyrotechnic articles which may be kept for any period of time in a sales area at that site shall be restricted to the amount determined in accordance with Schedule 3 and for these purposes and those of Schedule 3, "sales area" means an area where pyrotechnic articles are sold and to which any person who is not an employee of the person who is registered in respect of the storage of those pyrotechnic articles has access.

Applications for licences and registration

12. An application for a licence or registration shall 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 may be granted for such period not exceeding five years as the licensing authority determines, save that in a case to which paragraph (3) applies, a licence may be granted for any period or without a time limit.

(2) The licensing authority shall grant a licence unless any of the grounds for refusing to do so referred to in regulation 15 apply.

(3) Subject to paragraph (4), where the Executive is the licensing authority, the procedure set out in regulation 14 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,

shall apply and the Executive shall refuse to grant a licence unless the local authority, or each local authority, as the case may be, has so assented.

(4) Paragraph (3) shall not apply —

- (a) where the Executive is the licensing authority in a case where the application is for a licence to store at a mine or within a harbour explosives of no more than 2000 kilograms to which paragraph (a) of the definition of “explosive” in regulation 2(1) applies;
- (b) to an application for a licence relating to on-site mixing; or
- (c) to an application for a licence relating to the manufacture of ammonium nitrate blasting intermediate.

(5) Every licence shall specify —

- (a) the site and, within it, the places where the explosives may be manufactured or stored; and
- (b) the hazard type and maximum amount of explosive which may be manufactured or stored, as the case may be, at any one time at or in any place so specified.

(6) In addition to the matters specified in paragraph (5), a licence which is granted by the Executive in cases where the assent of the local authority was required pursuant to paragraph (3)—

- (a) shall be granted subject to such conditions as the Executive considers appropriate which relate to separation distances;
- (b) may be granted subject to such conditions as the Executive 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; and
 - (ii) the activities which may be undertaken in specified buildings,and in this sub-paragraph —

“activity” means the manufacture or storage of explosives and it includes any handling, on-site transport, testing and disposal of explosives and “activities” shall be construed accordingly; and

“construction” means the materials used in, and the design of, a building.

(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) A licence granted pursuant to this regulation shall be in a form approved for the time being for the purposes of this regulation by the Executive.

(9) For the purposes of paragraph (4), “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;

Local authority assent

14.—(1) Where this regulation applies by virtue of regulation 13(3), the Executive shall, subject to regulations 15 and 18, issue the applicant with a draft licence containing the conditions, if any, which the Executive proposes to attach to the licence.

(2) The applicant shall 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 shall —

- (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 shall —
 - (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 addresses 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 shall 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 shall have regard only to health or safety matters.

(6) Subject to paragraph (7), the local authority shall, 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 shall publish notice of the date, time and place fixed for the hearing in a newspaper circulating in the locality and shall 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 Executive,

within 7 days from its publication.

(9) The local authority shall notify the applicant and the Executive of its decision within 7 days of making it.

(10) Where the local authority fails to —

- (a) send a copy of the notice referred to in paragraph (8) to the Executive 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) fails to notify the Executive of its decision in accordance with paragraph (9), within 2 months from the date of publication of the notice referred to in paragraph (8),

the Executive may make a written request to the local authority for it to state in writing whether it assents to the application.

(11) Where the local authority does not respond to the written request within 28 days from the date of the request, the local authority shall be deemed to have assented to the application.

(12) The applicant shall pay a fee to the local authority for the performance by that authority of their functions under this regulation, which fee shall not exceed the sum of the costs reasonably incurred by that authority in performing those functions.

(13) In this regulation, “applicant” means the applicant for a licence or variation of a licence and “application” means his application.

Refusals of licences, registration and draft licences

15.—(1) Subject to regulation 18, the licensing authority shall —

- (a) refuse an application for a licence or registration; 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 when the licensing authority is of the opinion that —

- (a) the proposed site or, within it, any place where, as the case may be, 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 —
 - (i) to store explosives, in the case of an application for registration or a licence to store explosives; or
 - (ii) to manufacture explosives, in the case of an application for a licence to do so.

(3) A refusal by the licensing authority, pursuant to paragraph (1), to issue the draft licence referred to in regulation 14(1) shall be treated for the purposes of these Regulations as a refusal of an application for a licence and the references in regulation 18(1) and (3) to “refuse an application for a licence” shall apply to such a refusal to issue a draft licence accordingly.

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) by agreement with the licensee; or
- (c) (where the Executive is the licensing authority in cases where the assent of the local authority was required pursuant to regulation 13(3) before the grant of the licence) where there has been a material change in circumstances so that a variation is necessary to ensure safety.

(2) A licence may be varied without the agreement of the licensee, subject to regulation 18.

(3) Where the Executive is the licensing authority in cases where the assent of the local authority was required under regulation 13(3) before the grant of the licence, the provisions of regulation 14 shall apply in respect of a proposed variation which —

- (a) relates to changes in the permitted quantities or types of explosive as a result of which the licensee could be required to maintain a separation distance greater than the separation distance required before the variation and, in the opinion of the Executive or the local authority concerned, significant new health and safety issues are raised by that proposed variation;
- (b) would increase the period of the licence by more than twelve months; or
- (c) would remove the period of the licence so that it would be unlimited as to time, and the Executive shall refuse to grant a varied licence unless the local authority, or each local authority in the case referred to in regulation 13(3), has so assented.

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

Revocation of licences and registration

17.—(1) The licensing authority which grants a licence or registers a person under regulation 11 may, subject to regulation 18, revoke that licence or registration —

- (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 or, as the case may be, registration relates to is no longer suitable for that manufacture or storage of explosives;
 - (b) where it appears to the licensing authority on information obtained by it after the grant of the licence or registration that the licensee or registered person is not a fit person —
 - (i) to store explosives, in the case of an application for registration or a licence to store explosives; or
 - (ii) to manufacture explosives, in the case of an application to manufacture explosives.
 - (c) by agreement with the licensee or registered person.
- (2) A person whose licence or registration is revoked shall ensure that —
- (a) all explosives are removed from a site as soon as is practicable after revocation of a licence or registration in respect of that site;
 - (b) those explosives are deposited at a site which is the subject of a licence or registration or suitable arrangements are made for those explosives to be disposed of; and
 - (c) the licence or certificate of registration is returned to the licensing authority within 28 days of the date that the revocation takes effect pursuant to regulation 18(4).

Further provisions concerning refusals, variations and revocations

18.—(1) Where a licensing authority proposes to —

- (a) refuse an application for a licence or registration;
- (b) vary a licence without the agreement of the licensee; or
- (c) revoke a licence or registration,

it shall, before taking any such action, notify the applicant, licensee or registered person, as the case may be, of its proposed course of action and afford him the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(2) Representations made for the purpose of paragraph (1) may be made in writing, or both in writing and orally.

(3) Where the licensing authority decides to —

- (a) refuse an application for a licence or registration;
- (b) vary a licence without the agreement of the licensee; or
- (c) revoke a licence or registration,

it shall provide in writing to the applicant, licensee or registered person, as the case may be, the reasons for its decision.

(4) Where the licensing authority varies a licence without the agreement of the licensee or revokes a licence or registration, that variation or revocation shall take effect from a date to be determined by the licensing authority which shall be a date after the 28 day period referred to in paragraph (1).

Appeal against refusal or revocation of registration

19. A person may appeal to the Secretary of State against a decision of a licensing authority to refuse to register him or to revoke his registration and the provisions of section 44(2) to (6) of the Health and Safety at Work etc. Act 1974(a) (appeals in connection with licensing provisions) shall apply in respect of any such appeal .

(a) 1974 c.37; section 44 is amended by the Employment Protection Act 1975 (c.71), sections 116 and 125(3), Schedule 15, paragraph 13 and Schedule 18 and by the Tribunals and Inquiries Act 1992 (c.53), section 18(1) and Schedule 3, paragraph 9.

Transfer of licences and registration

20.—(1) A licence or registration may be transferred in writing by —

- (a) the licensee or person who is registered; or
- (b) the licensing authority which issued the licence or registration following the death or incapacity of the licensee or person who is registered,

to any other person who wishes to manufacture or store explosives in place of the licensee or the person who is registered.

(2) Where the licensee or person who is registered wishes to transfer the licence or, as the case may be, the registration, he shall notify the licensing authority which issued the licence or the registration of the name and address of the proposed transferee at least 28 days before the licence or registration is transferred.

Death, bankruptcy or incapacity

21.—(1) If a licensee or registered person dies or becomes incapacitated, a person manufacturing or storing explosives in accordance with the terms of the first-named person's licence or registration shall be treated as being licensed or registered in accordance with the first-named person's licence or registration until either —

- (a) the expiration of 28 days from such death, bankruptcy or incapacity; or
- (b) the grant or refusal of a new licence or registration,

whichever is the earlier.

(2) If a licensee or registered person becomes bankrupt or, in the case of a company, goes into liquidation or receivership or has a receiving order made against it, any receiver, trustee in bankruptcy or liquidator shall be treated as being the licensee or registered person.

Registers and retention of documents

22.—(1) The licensing authority shall —

- (a) maintain a register in accordance with Schedule 4;
- (b) keep a copy of any licence granted or certificate of registration issued by it (together with a copy of the application for the licence or registration) for as long as the licence or registration 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(5) applies disapplying regulations 5 and 9 to 21, any reference to —

- (a) the licensing authority or licensee shall be construed as a reference to the Secretary of State for Defence;
- (b) any licence granted shall be construed as a reference to the scheme referred to in regulation 3(5);
- (c) separation distances shall be construed as a reference to the separation distances prescribed in the scheme approved by the Secretary of State for Defence.

Defence

23.—(1) In proceedings against any person for a contravention of regulation 10(1), it shall be a defence for that person to show 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.

(2) In any proceedings against a person for a contravention of regulation 9(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 shall be a defence for that person to show 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, as the case may be, that building or part of a building at any one time permitted under the conditions of the licence was not exceeded; and
- (d) he informed the Executive as soon as is reasonably practicable after the start of that use.

PART IV

PROHIBITIONS CONCERNING CERTAIN EXPLOSIVES AND MISCELLANEOUS PROVISIONS

Prohibition concerning the manufacture, storage and importation of certain explosives

24.—(1) Subject to paragraph (2), no pyrotechnic which consists of —

- (a) sulphur; or
- (b) phosphorus,

mixed with chlorate of potassium or other chlorates or which contains any such mixture shall be manufactured, stored or imported.

(2) This regulation does not apply to any pyrotechnic named in a list, approved by the Executive, of pyrotechnics falling within the description referred to in paragraph (1).

(3) A contravention of paragraph (1) concerning importation shall be punishable only under the 1974 Act.

Prohibition concerning the acquisition and supply of fireworks

25.—(1) No person shall —

- (a) acquire more than 50 kilograms of fireworks unless he (“Person A”) or another person holds a valid licence or certificate of registration for the storage by Person A of those explosives; or
- (b) sell or otherwise transfer to any person (“Person B”) more than 50 kilograms of fireworks unless Person B shows a valid licence or certificate of registration for the storage by Person B of those explosives, to the person selling or otherwise transferring the explosives.

(2) This regulation does not apply to a person who is transporting explosives on behalf of another person.

Power to grant exemptions

26.—(1) Subject to paragraph (2), 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 in writing at any time.

(2) The Executive shall 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.

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any of Her Majesty's Forces, any visiting force, any headquarters or any civilian employee or class of civilian employees of the Ministry of Defence 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 the said Secretary of State by a further certificate in writing at any time.

Savings and transitional provisions

27.—(1) A licence, amending licence, continuing certificate or store licence granted or issued under sections 8, 12, 14 or 15 of the 1875 Act as the case may be or a licence granted under article 3 of the Ammonium Nitrate Mixtures Exemption Order 1967^(a) which was valid immediately before the coming into effect of these Regulations shall be deemed to be a licence granted under regulation 13 and shall continue in force, notwithstanding the repeal of those provisions, on its existing terms and conditions, subject to —

- (a) any variation under regulation 16(1)(a) to (c);
- (b) any variation for the purpose of requiring the licensee to maintain a separation distance greater than a separation distance which is required before the variation; or
- (c) its expiry on the date it was due to expire or its revocation under regulation 17, whichever is the sooner.

(2) Where a local authority has given its assent to the establishment of a new factory or magazine pursuant to section 7 of the 1875 Act but no licence has yet been confirmed pursuant to section 8 of that Act, the Executive shall grant a licence under regulation 13 in respect of the manufacture or storage of explosives at that factory or magazine and for the purposes of regulation 13(3) the assent of the local authority shall be deemed to have been given.

(3) A registration effected under section 21 of the 1875 Act which was valid immediately before the coming into force of these Regulations shall be deemed to be a registration under regulation 11 and shall continue in force, notwithstanding the repeal of the said section 21, until the date it was due to expire or it is revoked, whichever is the sooner.

(4) Subject to paragraph (10), the licensing authority in relation to any deemed licence or deemed registration shall be the authority which would have been the licensing authority if an application for a licence or registration had been made under these Regulations in respect of the explosives being manufactured or stored.

(5) Where the manufacture or storage of explosives at any place —

- (a) was immediately before the coming into force of these Regulations exempt from the provisions of the Explosives Act 1875^(b) by virtue of section 97 of that Act; and
- (b) is not manufacture or storage to which regulation 3(5) relates,

the person carrying on such manufacture and storage shall be deemed to hold a licence granted by the Executive under regulation 13 with an expiry date of 1st May 2007.

(6) In a case to which paragraph (5) applies, regulation 13(3) shall not apply in relation to any application for a licence granted or refused by the Executive before the expiration of three years from the coming into force of these Regulations.

(7) In relation to the application of these Regulations to the manufacture of any ammonium nitrate blasting intermediate by virtue of regulation 2(2), where a person is manufacturing any

^(a) S.I. 1967/1485.

^(b) 1875 c.17 (38 & 39 Vict.); section 97 was amended by the Statute Law Revision (No. 2) Act 1893 (56 & 57 Vict. c.14), the Statute Law Revision Act 1966 (c.5), S.I 1964/488 and 1989/615.

ammonium nitrate blasting intermediate on the date that these Regulations come into effect, regulations 5 and 8 to 23 shall not apply to the manufacture of ammonium nitrate blasting intermediate by that person until 1st May 2007.

(8) The requirements of regulation 5(1), (4) and (5) and Schedule 2 shall not apply to a police force storing explosives until 1st May 2007.

(9) Subject to paragraphs (10) to (13), the requirements of regulation 5(1), (4) and (5) and Schedule 2 shall not apply until 1st May 2007 to a person who stores explosives in respect of which storage there is a deemed licence in force on the date that these Regulations come into force.

(10) A person who has a deemed licence in respect of the storage of explosives or whose deemed licence has expired and been replaced by a licence granted under regulation 13 in respect of that storage may apply to the Executive before or after 1st May 2007, for different separation distances to apply in respect of that storage to any which are to apply on and after 1st May 2007 under regulation 5(1), (4) and (5) and Schedule 2.

(11) An application for a licence pursuant to paragraph (10) shall not be granted by the Executive unless the Executive is satisfied that it would not be reasonably practicable for the applicant to comply with the separation distances the subject of the application required by regulation 5(1), (4) and (5) and Schedule 2.

(12) Regulation 13(3) shall apply in relation to an application for a licence pursuant to paragraph (10) only where —

- (a) if the licence applied for were to be granted, it would result in an increase in the quantity, or a change in the hazard type, of any explosive presently permitted under the deemed licence; and
- (b) the application is received by the Executive after [1st May 2005].

(13) The requirements of regulation 5(1), (4) and (5) and Schedule 2 shall not apply until 1st May 2009 to a person who stores explosives in respect of which storage there is a deemed registration in force on the date that these Regulations come into force.

(14) For the purposes of this regulation —

- (a) “deemed licence” means any licence, amending licence, continuing certificate or store licence deemed by virtue of paragraph (1) to be a licence granted under regulation 13 and includes a licence deemed to be held by a person pursuant to paragraph (5); and
- (b) “deemed registration” means a registration deemed by virtue of paragraph (3) to be a registration under regulation 11;

and “deemed licensee” shall be construed accordingly.

Repeals, revocations and amendments

28.—(1) The enactments and instruments specified in Schedule 5 shall be amended in accordance with the provisions of that Schedule.

(2) The enactments specified in column 1 of Part 1 of Schedule 6 shall be repealed to the extent specified in column 3 of that Schedule.

(3) The instruments specified in column 1 of Part 2 of Schedule 6 shall be revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State

Address
Date

Name
Minister for Work
Department for Work and Pensions

SCHEDULE 1

Regulation 2(1)

MEANING OF LICENSING AUTHORITY

1. Subject to regulation 27(10) and paragraph 2, “licensing authority” means —
- (a) in relation to an application for registration, or for a licence for the storage within one site of no more than 2000 kilograms of explosives to which paragraph (a) of the definition of “explosive” in regulation 2(1) applies —
 - (i) the chief officer of police for the area in which the storage will take place where any of the explosives are of a type not listed in Schedule 1 to the Control of Explosives Regulations 1991(a);
 - (ii) the local authority for the area in which the storage will take place where all the explosives are of a type listed in Schedule 1 to the Control of Explosives Regulations 1991;
 - (iii) the Executive where the explosives are to be stored at a mine or within a harbour; or
 - (b) where the application for a licence relates to the manufacture of any ammonium nitrate blasting intermediate, the Executive;
 - (c) in relation to an application for a licence in any other case, the Executive.
2. In any case falling with paragraph 1(a)(i) or (ii), the applicant may apply instead to the Executive for a licence, in which case the Executive shall be the licensing authority in place of the chief officer of police or local authority.

SCHEDULE 2

Regulation 5(1)

SEPARATION DISTANCES

- 1.—(1) In this Schedule —
- “brick-built” means having an outer structure which is wholly or mainly of brick, concrete, stone or other similar material;
 - “distance”, save in the definition of “reference zone”, means the minimum distance;
 - “footpath” includes a bridleway or other thoroughfare which is not a road, but does not include a footpath used by no more than 20 persons every 24 hours;
 - “lightly-used road” means a road used by more than 20 and no more than 500 vehicles every 24 hours;
 - “major road” means a road used by more than 10,000 vehicles every 24 hours;
 - “minor road” means a road used by more than 500 vehicles every 24 hours, other than a major road;
 - “mounded” means surrounded by suitable mounds;
 - “reference zone” means the area around a store having the radius from the centre point of the store specified in column 5 of the relevant Table;
 - “road” means any thoroughfare suitable for the passage of vehicles;
 - “metal-built” means built wholly or mainly of steel or other metal;

(a) S.I. 1991/1531; amended by S.I. 1993/2714.

“vulnerable building” means a building of four storeys or more above ground with a curtain-wall construction, that is to say where the masonry, glass or other cladding is suspended from the structural framework of the building;

“waterway” does not include a waterway navigated by no more than 20 persons every 24 hours,

and related expressions shall be construed accordingly.

(2) Any reference in this Schedule to a thoroughfare (however described), waterway or railway line does not include any part of a thoroughfare, waterway or railway line within premises —

- (a) in which the store is situated; and
- (b) which are occupied by the person storing the explosives.

(3) Any reference in this Schedule to a quantity of explosives shown in column 1 of a Table, is to a quantity stored which is more than the lower figure but not more than the higher figure in column 1 in the same row of the Table.

(4) Any reference in this Schedule to a building, is to a building in or at which people are, or are likely to be, present either all the time or from time to time.

(5) For the purposes of this Schedule, where explosives of different hazard types are in one store, the explosives shall be treated as belonging to the hazard type which would require the greatest separation distance for the total quantity of those explosives and the separation distance shall be determined in relation to that total quantity.

(6) For the purposes of this Schedule, the radius for a reference zone applying in a particular case is the number in the entry in column 5 of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table.

2. Where the storage is —

- (a) of hazard type 1 explosive in a brick-built mounded store, Table 1;
- (b) of hazard type 1 explosive in a brick-built unmounded store, Table 2;
- (c) of hazard type 1 explosive in a metal-built mounded store, Table 3;
- (d) of hazard type 1 explosive in a metal-built unmounded store with no detonator annex attached, Table 4;
- (e) of hazard type 1 explosive in a metal-built unmounded store with a detonator annex attached, Table 5;
- (f) of hazard type 2 explosive, some or all items being of more than 0.7 kg net mass, Table 6;
- (g) of hazard type 2 explosive, every item being of 0.7 kg net mass or less, Table 7;
- (h) of hazard type 3 explosive, Table 8;
- (i) of hazard type 4 explosive, Table 9;

shall apply, and any reference in this Schedule to a relevant Table is a reference to the Table which applies by virtue of this paragraph.

3. Subject to paragraphs 4 and 5, the distance between a store and any building, place of public resort or major road shall be the distance specified in the entry in column 2 of the relevant Table corresponding to the quantity of explosives shown in column 1 of the Table.

4. Subject to paragraph 5, where —

- (a) Table 1, 3, 4 or 5 applies; and
- (b) the number of dwellings in the reference zone is greater than the number specified in the entry in column 6 of the Table corresponding to the quantity of explosives shown in column 1 of the Table,

the distance between the store and any dwelling shall be the distance (if any) specified in the corresponding entry in column 3 of the Table.

5. The distance between a store and any vulnerable building shall be the distance (if any) specified in the column headed 'Vulnerable building distance' corresponding to the quantity of explosives shown in column 1 of the relevant Table.

6. The distance between a store and —

(a) any minor road or any railway line shall be half; and

(b) any lightly-used road, footpath or waterway shall be one-third, the distance shown in column 2 of the Table.

TABLE 1

HAZARD TYPE 1 EXPLOSIVES IN A BRICK-BUILT MOUNDED STORE

<i>1</i> <i>Quantity of explosives (kg)</i>	<i>2</i> <i>Low density distance (m)</i>	<i>3</i> <i>High density distance (m)</i>	<i>4</i> <i>Vulnerable building distance (m)</i>	<i>5</i> <i>Reference zone radius (m)</i>	<i>6</i> <i>Maximum number of dwellings in reference zone</i>
0.1 – 25	101	-	101	-	-
25 – 50	107	-	107	-	-
50 – 75	112	-	112	-	-
75 – 100	118	-	118	-	-
100 – 150	128	142	128	257	81
150 – 200	139	156	139	278	96
200 – 300	161	180	161	322	128
300 – 400	183	-	183	-	-
400 – 450	193	-	193	-	-
450 – 500	204	-	204	-	-
500 – 600	204	-	216	-	-
600 – 700	204	231	238	408	206
700 – 800	204	238	260	408	206
800 – 900	204	245	280	408	206
900 – 1000	204	250	300	408	206
1000 – 1100	204	255	319	408	206
1100 – 1200	204	259	337	408	206
1200 – 1300	204	263	354	408	206
1300 – 1400	204	266	370	408	206
1400 – 1500	204	269	386	408	206
1500 – 1600	204	272	402	408	206
1600 – 1700	208	274	416	416	214
1700 – 1800	215	277	431	431	229
1800 – 1900	222	279	444	444	244
1900 - 2000	229	281	458	458	259

TABLE 2**HAZARD TYPE 1 EXPLOSIVES IN A BRICK-BUILT UNMOUNDED STORE**

<i>1</i> <i>Quantity of explosive (kg)</i>	<i>2</i> <i>Low density distance (m)</i>	<i>3</i> <i>Vulnerable building distance (m)</i>
0.1 – 25	141	141
25 – 50	160	160
50 – 75	180	180
75 – 100	199	199
100 – 150	230	230
150 – 200	256	256
200 – 300	293	293
300 – 400	320	320
400 – 450	331	331
450 – 500	340	340
500 – 600	355	355
600 – 700	367	367
700 – 800	377	377
800 – 900	385	385
900 – 1000	392	392
1000 – 1100	398	398
1100 – 1200	403	403
1200 – 1300	408	408
1300 – 1400	412	412
1400 – 1500	415	415
1500 – 1600	418	418
1600 – 1700	421	421
1700 – 1800	424	431
1800 – 1900	426	444
1900 – 2000	428	458

TABLE 3**HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT MOUNDED STORE**

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>	<i>High density distance (m)</i>	<i>Vulnerable building distance (m)</i>	<i>Reference zone radius (m)</i>	<i>Maximum number of dwellings in reference zone</i>
0.1 – 25	34	45	40	68	6
25 – 50	37	45	48	74	7
50 – 75	40	45	54	80	8
75 – 100	43	48	66	86	9
100 – 150	49	55	86	97	12
150 – 200	54	62	104	109	15
200 – 300	68	76	136	136	23
300 – 400	83	-	165	-	-
400 – 450	89	-	178	-	-
450 – 500	96	-	191	-	-
500 – 600	108	-	216	-	-
600 – 700	119	-	238	-	-
700 – 800	130	-	260	-	-
800 – 900	140	-	280	-	-
900 – 1000	150	-	300	-	-
1000 – 1100	159	-	319	-	-
1100 – 1200	168	-	337	-	-
1200 – 1300	177	-	354	-	-
1300 – 1400	185	-	370	-	-
1400 – 1500	193	-	386	-	-
1500 – 1600	201	-	402	-	-
1600 – 1700	208	-	416	-	-
1700 – 1800	215	-	431	-	-
1800 – 1900	222	-	444	-	-
1900 – 2000	229	-	458	-	-

TABLE 4HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT UNMOUNDED STORE WITH NO
DETONATOR ANNEX ATTACHED

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>	<i>High density distance (m)</i>	<i>Vulnerable building distance (m)</i>	<i>Reference zone radius</i>	<i>Maximum number of dwellings in reference zone</i>
0.1 – 10	23	30	40	46	3
10 – 20	29	35	42	57	4
20 – 30	33	39	44	65	5
30 – 40	36	42	46	71	6
40 – 50	38	44	48	76	7
50 – 60	40	46	48	80	8
60 – 70	42	48	52	84	9
70 – 80	43	50	57	87	9
80 – 90	44	52	61	89	10
90 – 100	45	55	66	91	10
100 – 110	46	57	70	93	11
110 – 120	47	59	74	95	11
120 – 130	48	62	78	97	12
130 – 140	49	64	82	98	12
140 – 150	50	66	86	100	12
150 – 160	51	68	90	102	13
160 – 170	52	71	93	104	13
170 – 180	53	73	97	106	14
180 – 190	54	75	101	108	14
190 – 200	55	78	104	110	15
200 – 300	68	101	136	136	23
300 – 400	83	124	165	165	34
400 – 450	89	135	178	178	39
450 – 500	96	138	191	191	45
500 – 600	108	144	216	216	57
600 – 700	119	150	238	238	70
700 – 800	130	156	260	260	83
800 – 900	140	162	280	280	97
900 – 1000	150	168	300	300	111
1000 – 1100	159	-	319	-	-
1100 – 1200	168	-	337	-	-
1200 – 1300	177	-	354	-	-
1300 – 1400	185	-	370	-	-
1400 – 1500	193	-	386	-	-
1500 – 1600	201	-	402	-	-
1600 – 1700	208	-	416	-	-
1700 – 1800	215	-	431	-	-
1800 – 1900	222	-	444	-	-
1900 – 2000	229	-	458	-	-

TABLE 5HAZARD TYPE 1 EXPLOSIVE IN A METAL-BUILT UNMOUNDED STORE WITH A
DETONATOR ANNEX ATTACHED

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>	<i>High density distance (m)</i>	<i>Vulnerable building distance (m)</i>	<i>Reference zone radius (m)</i>	<i>Maximum number of dwellings in reference zone</i>
0.1 – 25	38	53	54	74	11
25 – 50	43	53	54	86	11
50 – 75	48	60	54	96	11
75 – 100	53	77	66	106	14
100 – 150	63	110	86	127	20
150 – 200	74	143	104	147	27
200 – 300	94	209	136	188	44
300 – 400	115	275	165	229	65
400 – 450	125	308	178	250	77
450 – 500	128	309	191	257	81
500 – 600	135	311	216	270	90
600 – 700	142	312	238	283	99
700 – 800	148	314	260	297	109
800 – 900	155	316	280	310	119
900 – 1000	162	318	300	324	129
1000 – 1100	169	319	319	337	140
1100 – 1200	175	321	337	350	152
1200 – 1300	182	323	354	364	163
1300 – 1400	189	325	370	377	176
1400 - 1500	195	326	386	391	188
1500 – 1600	202	328	402	404	202
1600 – 1700	209	330	416	417	215
1700 – 1800	215	332	431	431	229
1800 – 1900	222	333	444	444	244
1900 – 2000	229	335	458	458	259

TABLE 6

HAZARD TYPE 2 EXPLOSIVES, SOME OR ALL ITEMS BEING OF MORE THAN 0.7 KG NET MASS

<i>1</i> <i>Quantity of explosives (kg)</i>	<i>2</i> <i>Low density distance (m)</i>	<i>3</i> <i>Vulnerable building distance (m)</i>
0.1 – 25	45	90
25 – 50	88	176
50 – 75	108	216
75 – 100	129	238
100 – 150	148	296
150 – 200	168	336
200 – 300	191	382
300 – 400	207	414
400 – 450	213	426
450 – 500	219	438
500 – 600	226	452
600 – 700	233	466
700 – 800	240	480
800 – 900	248	496
900 – 1000	256	512
1000 – 1100	259	518
1100 – 1200	262	524
1200 – 1300	266	532
1300 – 1400	270	540
1400 – 1500	274	548
1500 – 1600	278	556
1600 – 1700	282	564
1700 – 1800	286	572
1800 – 1900	288	576
1900 – 2000	292	592

TABLE 7

HAZARD TYPE 2 EXPLOSIVES, EVERY ITEM BEING OF NOT MORE THAN 0.7 KG NET MASS

<i>1</i>	<i>2</i>	<i>3</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>	<i>Vulnerable building distance (m)</i>
0.1 – 25	37	76
25 – 50	43	86
50 – 75	47	94
75 – 100	51	102
100 – 150	56	112
150 – 200	60	120
200 – 300	66	132
300 – 400	71	142
400 – 450	73	146
450 – 500	74	148
500 – 600	76	152
600 – 700	78	158
700 – 800	81	162
800 – 900	84	164
900 – 1000	87	174
1000 – 1100	88	176
1100 – 1200	89	178
1200 – 1300	90	180
1300 – 1400	91	182
1400 – 1500	92	184
1500 – 1600	94	188
1600 – 1700	95	190
1700 – 1800	97	194
1800 – 1900	99	198
1900 – 2000	101	202

TABLE 8
HAZARD TYPE 3 EXPLOSIVES

<i>1</i>	<i>2</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>
0.1 – 25	-
25 – 50	23
50 – 75	25
75 – 100	29
100 – 150	33
150 – 200	37
200 – 300	42
300 – 400	47
400 – 450	47
450 – 500	50
500 – 600	51
600 – 700	53
700 – 800	54
800 – 900	55
900 – 1000	63
1000 – 1100	70
1100 – 1200	71
1200 – 1300	72
1300 – 1400	73
1400 – 1500	74
1500 – 1600	75
1600 – 1700	76
1700 – 1800	78
1800 – 1900	79
1900 – 2000	80

TABLE 9
HAZARD TYPE 4 EXPLOSIVES

<i>I</i>	<i>2</i>
<i>Quantity of explosives (kg)</i>	<i>Low density distance (m)</i>
0.1 – 250	0
250 – 300	1
300 – 340	2
340 – 370	3
370 – 400	4
400 – 450	5
450 – 500	6
500 – 550	7
550 – 600	8
600 – 650	9
650 – 700	10
700 – 750	11
750 – 800	12
800 – 900	13
900 – 950	14
950 – 1000	15
1000 – 1100	16
1100 – 1150	17
1150 – 1200	18
1200 – 1300	19
1300 – 1350	20
1350 – 1400	21
1400 – 1450	22
1450 – 1550	23
1550 – 1600	24
1600 – 1650	25
1650 – 1700	26
1700 – 1800	27
1800 – 1850	28
1850 – 1900	29
1900 – 2000	30

SCHEDULE 3

Regulation 11(6)

AMOUNT OF PYROTECHNIC ARTICLES WHICH MAY BE KEPT IN SALES AREAS IN RELATION TO REGISTRATION

1. The maximum amount of pyrotechnic articles which may be kept for any period of time in a sales area at a site in relation to which a person is registered for the storage of explosives shall be the amount specified in column 2 of the Table below corresponding to the floor area of the sales area shown in column 1 of the Table.

<i>1</i> <i>Floor area of sales area</i> <i>(square metres)</i>	<i>2</i> <i>Quantity of pyrotechnic articles</i> <i>(kg)</i>
not exceeding 20	10
not exceeding 40	15
not exceeding 60	20
not exceeding 80	25
not exceeding 100	30
not exceeding 150	35
not exceeding 200	40
not exceeding 250	45
not exceeding 300	50
not exceeding 350	55
not exceeding 400	60
not exceeding 450	65
not exceeding 500	70
exceeding 500	75

SCHEDULE 4

Regulation 22

REGISTERS

1. The licensing authority shall maintain a register (“the register”) containing, subject to paragraph 7, the information listed in paragraph 2 which relates to licences and registrations granted or made by it.

2. The following information shall be included in the register —

- (a) the name of the licensee or, as the case may be, the person registered under regulation 11;
- (b) his permanent address, unless his home address is his only permanent address;
- (c) the address of the site where the explosives are manufactured or stored (where that differs from any address included pursuant to sub- paragraph (b));
- (d) the hazard type and maximum amount of explosive which may be stored at any one time;
- (e) the nature of the business of the licensee or the person registered under regulation 11 and the intended use of the explosives ;
- (f) the kind of explosives manufactured or stored;

- (g) a plan in a suitable scale sufficient to show the separation distances required by regulation 5 or a condition of the licence to be maintained around the store or the building where explosives are manufactured;
- (h) a map in a suitable scale sufficient to show the location of any stores; and
- (i) the kind of store concerned, including the material out of which it is constructed.

3. Subject to paragraph 7, where the licence or registration relates to explosives which do not require an explosives certificate under the Control of Explosives Regulations 1991, the licensing authority shall —

- (a) ensure that the information referred to in paragraph 2(a) to (d) in respect of that licence or registration is available for inspection at an office of the licensing authority, at all reasonable times and free of charge, by members of the public; and
- (b) provide members of the public with copies of the entries in the register relating to the information referred to in paragraph 2(a) to (d) in respect of that licence or registration, on request and on payment of a reasonable charge.

4. Subject to paragraph 7, where the licence or registration relates to explosives which require an explosives certificate under the Control of Explosives Regulations 1991, the licensing authority shall —

- (a) ensure that the information referred to in paragraph 2(a) to (d) in respect of that licence or registration is available for inspection at an office of the licensing authority, at all reasonable times and free of charge, only by a person who resides or, in the case of an undertaking, is situated within a public consultation zone concerned in relation to the licence or registration; and
- (b) provide only to such a person as is referred to in subparagraph (a) copies of the entries in the register relating to the information referred to in subparagraph 2(a) to (d) in respect of that licence or registration, on request and on payment of a reasonable charge.

5. The register may be kept in any form, including electronically.

6. The licensee or the person registered under regulation 11 in relation to any site in which explosives are manufactured or stored, shall, where requested in writing to do so by the owner or, if not the same person, the occupier, of any premises falling within any separation distance applying in relation to that site, provide to the requesting person within twenty-eight days of a request a scale plan of the area of land falling within that separation distance.

7. The requirements of paragraphs 3 and 4 shall not apply where the information referred to in paragraph 2 is in respect of any site to which a licence or registration relates which is used only for the storage of —

- (a) less than 500 kilograms of hazard type 1 explosive or hazard type 2 explosive;
- (b) less than 2 tonnes of hazard type 3 explosive or hazard type 4 explosive; or
- (c) any explosives for a period of less than four weeks.

8. Where the licensing authority is a local authority, that licensing authority shall notify the Executive in writing, within twenty-eight days of receipt of a written request by the Executive to do so, as to such information as is contained in the register it maintains relating to the information referred to in paragraph 2 as the Executive may require for any of the general purposes of Part 1 of the 1974 Act.

9. Nothing in this Schedule shall prevent a licensing authority from disclosing any of the information included in the register it maintains to a local planning authority or a joint planning board for the purposes of the exercise of their respective functions.

10. For the purposes of paragraph 9, “local planning authority” and “joint planning board” have the meanings they are given in, respectively, section 1 and section 2 of the Town and Country Planning Act 1990(a).

SCHEDULE 5

Regulation 28(1)

AMENDMENTS

Amendment to the London Building Act 1930

1. In section 143(4)(a) of the London Building Act 1930(b) (regulations for building near dangerous business), for “the Explosives Act 1875(c)” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendments to the Fireworks Act 1951

2.—(1) Section 2 of the Fireworks Act 1951(d) (determination or amendment of licence for a factory where dangerous fireworks are made) is amended as follows.

(2) In subsection (2), after “factory” insert “requiring that he cease from such date as is specified in the notice the manufacture of those fireworks which would be dangerous when in the possession of the public” and omit the words from “(a) stating that on the expiration” to the end of the subsection.

(3) Omit subsections (3) to (6).

Amendment to the London Government Act 1963

3. In section 50(1) of the London Government Act 1963(e) (explosives and petroleum spirit), for “and 1923” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Fire Precautions Act 1971

4. In paragraph 7 of Part II of Schedule 2 to the Fire Precautions Act 1971(f) (which modifies the Act in relation to certain premises), for “the Explosives Act 1875” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Control of Pollution Act 1974

5. In the definition of “waste” in section 30 of the Control of Pollution Act 1974(g), for “the Explosives Act 1875” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendments to the Customs and Excise Management Act 1979

6. In section 75(1) of the Customs and Excise Management Act 1979(a) (meaning of “explosive”), omit “within the meaning of the Explosives Act 1875” and at the end insert —

(a) 1990 c.8. Section 1 is amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c.28), section 187(1) and Schedule 21, paragraph 28, the Local Government Wales Act 1994 (c.19) sections 18(2) – (6), 66(8) and Schedule 18 and the Environment Act 1995 (c.25), sections 78 and 120(3) and Schedule 10, paragraph 32(1) and Schedule 24. Section 2 is amended by the Local Government (Wales) Act 1994, sections 19(1), (4) and 66(8) and Schedule 18 and the Environment Act 1995, sections 78, 120(1) and (3) and Schedule 10, paragraph 32(2) and Schedule 22., paragraph 42, and Schedule 24.

(b) 1930 c. clviii.

(c) 1875 c.17 (38 & 39 Vict.); relevant amending instruments are S.I. 1974/1885 and 1987/52.

(d) 1951 c.58 (14 & 15 Geo.6); amended by the Criminal Justice Act 1982 (c. 48), sections 38, 40 and 46 , and S.I.1974/1885.

(e) 1963 c. 33.

(f) 1971 c. 40. Schedule 2 was inserted by section 16(2) of and Schedule 1 to the Fire Safety and Safety of Places of Sport Act 1987 c. 27.

(g) 1974 c. 40.

“and for the purposes of this subsection, “explosives” has the same meaning as in paragraph (a) of the definition of “explosive” in regulation 2(1) of the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Isle of Man Act 1979

7. For section 8(2)(c) of the Isle of Man Act 1979**(b)** (removal of goods to the United Kingdom), substitute —

“(c) any explosive within the meaning of subparagraph (a) of the definition of “explosive” in regulation 2(1) of the Manufacture and Storage of Explosives Regulations 2004;”.

Amendments to the Environmental Protection Act 1990

8.—(1) The Environmental Protection Act 1990**(c)** shall be amended as follows.

(2) In sections 142(7) (powers to obtain information) and 75(2) (meaning of waste), for “the Explosives Substances Act 1875” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Factory and Workshop Act 1901, use of locomotives and wagons on lines and sidings, Regulations 1906

9. In regulation 3 of the Factory and Workshop Act 1901, use of locomotives and wagons on line and sidings, Regulations 1906**(d)** (examination and maintenance of lines or rails and points), for “Explosives factories or workshops within the meaning of the Explosives Act 1875” substitute “Any site for the manufacture of explosives which is specified in a licence granted under the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Clean Air (Emission of Dark Smoke)(Exemption) Regulations 1969

10. In paragraph 2 of Schedule 1 to the Clean Air (Emission of Dark Smoke)(Exemption) Regulations 1969**(e)** (exempted matter), for “the Explosives Act 1875” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Fire Certificates (Special Premises) Regulations 1976

11. For paragraph 10 of Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976**(f)** (designation of certain premises), substitute —

“10. Any site where explosives are stored under a licence granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations.”.

Amendment to the Isle of Scilly (Functions) Order 1979

12. In article 3(e) of the Isles of Scilly (Functions) Order 1979**(g)** (functions), for “the Explosives Act 1923” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

(a) 1979 c. 2.
(b) 1979 c. 58.
(c) 1990 c. 43.
(d) S.R. & O. 1906/679.
(e) S.I. 1969/1263.
(f) S.I. 1976/2003.
(g) S.I. 1979/72.

Amendment to the Notification of Installations Handling Hazardous Substances Regulations 1982

13. In the entry for ammonium nitrate in column 1 of Part I of Schedule 1 to the Notification of Installations Handling Hazardous Substances Regulations 1982(a)(named substances), for “the Explosives Act 1875” substitute “the Manufacture and Storage of Explosives Regulations 2004”.

Amendment to the Building Standards (Scotland) Regulations 1990

14. In Schedule 1 to the Building Standards (Scotland) Regulations 1990(b) (exempted class of building), in relation to Class 1, for the description in column (2) substitute —

“A building the construction of which is subject to the Manufacture and Storage of Explosives Regulations 2004”.

Amendments to the Control of Explosives Regulations 1991

15.—(1) The Control of Explosives Regulations 1991(c) are amended as follows.

(2) In regulation 2 (interpretation) —

(a) after the definition of “the 1983 Regulations”, insert —

““the 2004 Regulations” means the Manufacture and Storage of Explosives Regulations 2004;”;

(b) for the definition of “explosive”, substitute —

““explosive” means any explosive article or explosive substance which would —

(a) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or

(b) be classified in accordance with the United Nations Recommendations as

(i) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and

(ii) as falling within Class 1,

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;”;

(c) after the definition of “explosives certificate”, insert —

““explosive substance” means a solid or liquid substance or preparation which is —

(a) capable by chemical reaction in itself of producing a gas at such a temperature and pressure and at such 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;”;

(d) for the definition of “licence”, substitute —

““licence” means a licence for the manufacture or storage of explosives granted under regulation 13 of the 2004 Regulations;”;

(e) omit the definitions of “licensed factory”, “licensed magazine”, “percussion caps” and “store”;

(a) S.I. 1982/1357.

(b) S.I. 1990/2179, amended by S.I. 1993/1457, 1994/1266, 1996/2251, 1997/2157 and 1999/173.

(c) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

- (f) after the definition of “occupier”, insert —
 ““preparation” means a mixture or a solution of two or more substances;”;
- (g) for the definition of “registered premises” substitute —
 ““registered”, in relation to a person, means a person registered in respect of the storage of explosives under regulation 11 of the 2004 Regulations and “registration” shall be construed accordingly;”;
- (h) after the definition of “smokeless powder”, insert —
 ““substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;”;
- (i) after the definition of “U.N.no.”, insert at the end “and
 “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)) as revised or reissued from time to time.”.
- (3) In paragraphs (3) and (4) of regulation 3 (application), for “Regulations 7 and 10”, substitute “Regulation 7”.
- (4) In regulation 4 (explosives certificate) —
- (a) in paragraph 6(b) and (c), omit “subject to paragraph (7)”;
- (b) for paragraph 6(f) and (g), substitute —
 “(f) where the application is for a certificate relating only to acquisition of explosives
 —
 (i) it is not reasonably practicable for the applicant to be an occupier of a site for the storage of explosives for which he would be required under the 2004 Regulations to have a licence or be registered in respect of that storage, and
 (ii) the explosives either 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 registration or at a site occupied by the Secretary of State for Defence; and
 (g) where the application is for a certificate relating to the keeping of explosives, either —
 (i) the applicant is or is to be the occupier of a site for the storage of explosives in respect of which storage there is or will be a licence or registration in force;
 (ii) the explosives will be kept at a site occupied on behalf of the Crown, or
 (iii) by virtue of regulation 10(2) of the 2004 Regulations, the applicant does not require a licence for that keeping and the explosives will be kept at a site in respect of which a person has a licence or registration.”;
- (c) paragraph (7) is revoked.
- (5) At the end of regulation 8(e), insert —
 “and that, 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.”.
- (6) For paragraph (2) of regulation 9 (restrictions on prohibited persons), substitute —
 “(2) No prohibited person, whether or not he satisfies any relevant conditions of regulation 7, shall acquire, handle or have control of any explosive or any restricted substance.”.
- (7) Regulation 10 (keeping explosives for private use) is revoked.
- (8) For regulation 11 (occupier of licensed factory of licensed magazine to appoint person responsible for explosives), substitute —
 “**Licensed occupier to appoint person responsible for security of explosives**

- 11.—(1) An person who occupies a site and who has —
- (a) a licence for the manufacture or storage of explosives at that site which was granted by the Executive in a case where the assent of the local authority was required pursuant to regulation 13(3) of the 2004 Regulations; or
 - (b) a deemed licence which, if an application for a licence would have been made under the 2004 Regulations in respect of the manufacture or storage of explosives to which the deemed licence relates, that application would have required the assent of the local authority pursuant to regulation 13(3) of those Regulations

shall appoint one individual to be responsible to him for ensuring that adequate precautions are taken at that site to secure explosives against loss.

- (2) For the purposes of paragraph (1) —

“deemed licence” means a licence, amending licence, continuing certificate or store licence granted or issued under sections 8, 12, 14 or 15 of the Explosives Act 1875(a) which is deemed by virtue of regulation 27(1) of the 2004 Regulations to be a licence granted under regulation 13 of those Regulations.”.

- (9) For paragraph (4)(c) of regulation 12 (making, preservation and production of records), substitute —

“(c) an explosive which is produced by mixing at any place non-explosive substances or preparations to form an explosive for immediate use at that place.”;

- (10) In paragraph (8) of regulation 13 (reporting loss), for “licensed factory or licensed magazine” substitute “site in relation to which the Executive is the licensing authority by virtue of Schedule 1 to the 2004 Regulations,”.

- (11) Regulations 16 (power to revoke or amend licenses) and 18 (transitional provisions) and paragraphs (5) and (6) of regulation 19 (modifications, revocations and savings) are revoked.

- (12) For Schedule 2 (form of explosives certificate) substitute —

“ **SCHEDULE 2** Regulation 4

FORM OF EXPLOSIVES CERTIFICATE

HEALTH AND SAFETY AT WORK ETC ACT 1974

CONTROL OF EXPLOSIVES REGULATIONS 1974

CERTIFICATE TO ACQUIRE/ACQUIRE AND KEEP EXPLOSIVES

1. I the undersigned *being/being duly authorised by the chief officer of police forpolice force, do hereby certify that (name).....of (address).....is a fit person to *acquire/acquire and keep explosives in accordance with this certificate.

Alternative A – acquisition only

2. The maximum amount of explosives acquired on any one occasion shall not exceed

3. The only explosives which may be acquired are those of the following descriptions, namely.....

(a) 1875 c.17 (38 & 39 Vict.); relevant amending instruments are S.I. 1974/1885 and 1987/52. Sections 8, 12, 14 and 15 are repealed by S.I. 2004/ .

4. Explosives may only be acquired for the purpose(s) of

5. This certificate shall be valid until(maximum one year), unless notice of revocation by or on behalf of the chief officer of police has been served on the certificate holder at an earlier date.

(Notes:

- (a) If this certificate relates to acquisition only, this section must be completed in accordance with these Notes and “alternative B” deleted.
- (b) Each of paragraphs 2, 3 and 4 may be completed or deleted.
- (c) Paragraph 5 must be completed.)

Alternative B – acquisition and keeping

2. The explosives may only be kept at the following address(es), namely, at

3. The only explosives which may be acquired or kept are those of the following descriptions, namely.....

4. The amount of explosives kept may not exceed the amount which may lawfully be kept at the said addresses.

5. This certificate shall be valid until(maximum three years), unless notice of revocation by or on behalf of the chief officer of police has been served on the certificate holder at an earlier date.

(Notes:

- (a) If this certificate relates to acquisition and keeping, this section must be completed in accordance with these Notes and “Alternative A” deleted.
- (b) In paragraph 2, no address should be inserted if the explosives are to be kept at premises used for keeping for private use. An address must otherwise be inserted.
- (c) Paragraph 4 needs no change.
- (d) Paragraph 5 must be completed.)

Signed

Date

* Delete as applicable ”

Amendment to the Building Regulations 1991

16. For paragraph 1 of Schedule 2 to the Building Regulations 1991(a) (excepted buildings and works), substitute —

“1. Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations 2004.”.

(a) S.I. 1991/2768 , amended by S.I. 2000/2531.

Amendments to the Planning (Hazardous Substances) Regulations 1992

17.—(1) Schedule 1 to the Planning (Hazardous Substances) Regulations 1992(a) (hazardous substances and controlled quantities) is amended as follows.

(2) For paragraph 50(1) of Part A (named substances), substitute —

“(1) cellulose nitrate for which a licence, granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 (where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations), is required; or”.

(3) In paragraphs 4 and 5 of Part B (categories of substances and preparations not specifically named in Part A), for the words from “excluding those” to the end of each paragraph substitute —

“excluding those for which a licence, granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 (where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations), is required or those licensed under the Dangerous Substances in Harbour Areas Regulations 1987 [?? may change]”.

Amendments to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993

18.—(1) Schedule 1 to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993(b) (hazardous substances and controlled quantities) is amended as follows.

(2) For paragraph 50(1) of Part A (named substances), substitute —

“(1) cellulose nitrate for which a licence, granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 (where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations), is required; or”.

(3) In paragraphs 4 and 5 of Part B (categories of substances and preparations not specifically named in Part A), for the words from “excluding those” to the end of each paragraph substitute —

“excluding those for which a licence, granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 (where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations), is required or those licensed under the Dangerous Substances in Harbour Areas Regulations 1987 [?? may change]”.

Amendment to the Coal and Other Safety Lamp Mines (Explosives) Regulations 1993

19. For the definition of “explosives store” in regulation 2(1) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993(c) (interpretation etc of Part 1), substitute —

““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or registration made under the Manufacture and Storage of Explosives Regulations 2004;”.

Amendment to the Placing on the Market and Transfer of Explosives Regulations 1993

20. Part I of Schedule 4 to the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993(d) (modifications to the Explosives Act 1875) is revoked.

Amendments to the Reporting of Injuries and Dangerous Occurrences Regulations 1995

21.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(a) shall be amended as follows.

(a) S.I. 1992/656 amended by S.I. 1999/981.

(b) S.I. 1993/323 amended by S.I. 2000/179.

(c) S.I. 1993/208.

(d) S.I. 1993/2714.

(2) In Part 1 (general) of Schedule 2 (dangerous occurrences) —

(a) in paragraph 6 —

(i) for subparagraph (1)(a), substitute —

“(a) any unintentional fire, explosion or ignition at a site —

(i) where explosives are manufactured or stored by a person who is licensed, or who is required to be licensed, in respect of that manufacture or storage under the Manufacture and Storage of Explosives Regulations 2004; or

(ii) where explosives are stored by a person who is registered, or who is required to be registered, in respect of that storage under those Regulations;

(aa) any injury arising out of any intentional fire, explosion or ignition at such a site;

(ab) the unintentional explosion or ignition of explosives at a place other than a site described in subparagraph (1)(a), not being one —

(i) caused by the unintentional discharge of a weapon where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to do; or

(ii) where a fail-safe device or safe system of work functioned so as to prevent any person from being injured in consequence of the explosion or ignition;”;

and

(ii) for subparagraph (2), substitute —

“(2) In this paragraph —

“danger zone” means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives;

“explosive” means any explosive article or explosive substance which would —

(a) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or

(b) be classified in accordance with the United Nations Recommendations as —

(i) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and

(ii) as falling within Class 1,

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;

“explosive substance” means a solid or liquid substance or preparation 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 non-detonative self-sustaining exothermic chemical reactions;

(a) S.I.1995/3163; relevant amending instrument is S.I.1996/2092, regulation 21(7)(b), which inserts paragraph 17A of Schedule 2.

“preparation” means a mixture or a solution of two or more substances; and
“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)) as revised or reissued from time to time.”; and

(b) in paragraph 17A(c), omit “explosives, or”.

(3) In Schedule 7 (enactments or instruments requiring the notification of events which are not required to be notified or reported under the Regulations), omit the entry relating to the Explosives Act 1875.

Amendment to the Health and Safety (Enforcing Authority) Regulations 1998

22. For regulation 4(7) of the Health and Safety (Enforcing Authority) Regulations 1998(a) (exceptions), substitute —

“(7) Notwithstanding the preceding provisions of this regulation and subject to paragraphs (8) and (9), a licensing authority shall be the enforcing authority for [] of the Manufacture and Storage of Explosives Regulations 2004 (“the 2004 Regulations”) and section 23 of the Explosives Act 1875(b) —

(a) for a site in relation to which it has granted a person a licence for the manufacture or storage of explosives at that site under regulation 13 of the 2004 Regulations or registered a person in respect of such storage at that site under regulation 11 of those Regulations;

(b) where, in relation to a deemed licence or deemed registration, it would have been the licensing authority by virtue of paragraph 1 of Schedule 1 to the 2004 Regulations if an application for such a licence or such registration had been made under those Regulations; and

(c) where, in any other case than those referred to in subparagraphs (a) and (b), it would be the licensing authority by virtue of paragraph 1 of Schedule 1 to those Regulations if an application for such a licence or such registration is, or should have been, made in the case concerned.

(8) The Executive shall be the enforcing authority for the 2004 Regulations in respect of the manufacture and storage of ammonium nitrate blasting intermediate.

(9) A licensing authority which is a local authority shall be the enforcing authority for regulation 25 of the 2004 Regulations in the area of that local authority.

(10) For the purposes of paragraphs (7) to (9), “ammonium nitrate blasting intermediate”, “deemed licence”, “deemed registration”, “licence”, “licensing authority”, “registered” and “site” have the same meanings as in the 2004 Regulations.

”.

Amendment to the Quarries Regulations 1999

23. For the definition of “explosives store” in regulation 2(1) of the Quarries Regulations 1999(c) (interpretation), substitute —

(a) S.I. 1998/494.

(b) 1875 c.17 (38 & 39 Vict.); relevant amending instruments are S.I. 1974/1885 and 1987/52.

(c) S.I. 1999/2024.

““explosives store” means a building, enclosed area or metal structure where explosives are stored under a licence granted or registration made under the Manufacture and Storage of Explosives Regulations 2004;”.

Amendment to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004

24. For paragraph [] of regulation 7 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(a) (), substitute —

- ““
- (i) during stops within a site where explosives are stored under a licence granted by the Executive under the Manufacture and Storage of Explosives Regulations 2004 where the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to those Regulations; or????]

(a) S.I. 2004/

SCHEDULE 6

Regulation 28(2) and (3)

PART 1

REPEALS

<i>1</i> <i>Title</i>	<i>2</i> <i>Reference</i>	<i>3</i> <i>Extent of repeal</i>
The Explosives Act 1875.	c.17.	Sections 4 to 22, 24 to 29, 40 (except sub-sections (9) to (11) insofar as they relate to the supply of acetylene), 41, 44 to 51, 60, 61, 63, 64, 72, 77, 78, 82, 84, 95 to 98, 101, 105 and Schedule 1.
The Explosives Act 1923.	c.17.	The whole Act.
The Fireworks Act 1951.	c.58.	Sections 4 and 7. In section 2(2), the words from “stating that on the expiration” to the end of section 2(2). Section 2(3) to (6). Section 3.
The Emergency Laws (Miscellaneous Provisions) Act 1953.	c.47.	Section 3.
The Customs and Excise Management Act 1979.	c.2.	In section 75(1), the words “within the meaning of the Explosives Act 1875”.
The London Regional Transport Act 1984.	c.32.	Paragraph 1 of Part I of Schedule 6.

PART 2

REVOCATIONS

<i>1</i> <i>Title</i>	<i>2</i> <i>Reference</i>	<i>3</i> <i>Extent of revocation</i>
Order in Council (No. 1) Classifying Explosives.	5 August 1875 (Rev. VII, p.1).	The whole Order.
Order in Council (No. 2) Making General Rules for Explosives other than Gunpowder.	27 November 1875 (Rev. VII, p.10).	The whole Order.
Order in Council (No. 3) Relating to Magazines for Explosives other than Gunpowder, whether with or without Gunpowder.	27 November 1875 (Rev. VII, p. 10).	The whole Order.
Order in Council (No. 4) Relating to Small Firework Factories.	27 November 1875 (Rev. VII, p.14).	The whole Order.
Order in Council (No. 5)	27 November 1875	The whole Order.

Relating to Stores for Gunpowder Exclusively.	(Rev. VII, p.22).	
Order in Council (No. 6) Relating to Stores for Mixed Explosives.	27 November 1875 (Rev. VII, p.26).	The whole Order.
Order in Council (No. 11) Respecting Notice to be Given of Accidents Connected with the Conveyance of Explosives.	27 November 1875 (Rev. VII, p. 42).	The whole Order.
Order of Secretary of State (No. 1) Applying General Rules to Floating Magazines for Gunpowder.	27 November 1875 (Rev. VII, p. 68).	The whole Order.
Order of Secretary of State (No. 2) Applying General Rules to Floating Magazines for Explosives other than Gunpowder.	27 November 1875 (Rev. VII, p. 70).	The whole Order.
Order of Secretary of State as to Notice by Applicant for Factory or Magazine Licence.	20 May 1876 (Rev. VII, p. 85).	The whole Order.
Order in Council (No. 6A) Amending Order in Council (No.6) of the 27th November 1875 Relating to Stores Licensed for Mixed Explosives	20th April 1883 (Rev.VII p. 34)	The Whole Order
Order in Council (No. 1A) Substituting New Provisions for those of Class 7 in Order in Council of 5 August 1875 as to the Classification of Explosives.	12 December 1891 (noted Rev. VII, p.1).	The whole Order.
Order in Council (No. 15) Prohibiting Fireworks Consisting of or Containing Sulphur in Admixture with Chlorate of Potassium or other Chlorate.	S.R. & O. 1894/517.	The whole Order.
Order in Council (No. 16) Repealing and Consolidating the Previous Orders Relating to Premises Registered for Mixed Explosives.	S.R. & O. 1896/964.	The whole Order.
Order in Council (No. 19) prohibiting fireworks consisting of or containing phosphorus in admixture with chlorate of potassium or other chlorate.	S.R. & O. 1905/8.	The whole Order.
Order in Council (No. 16A) Varying the Order in Council (No.16) of October 26, 1896 Relating to Premises	S.R. & O. 1906/380	The Whole Order

Registered for Mixed Explosives		
Order in Council (No. 16B) Amending Order in Council of October 26, 1896 (No. 16) Relating to the Keeping of Mixed Explosives on Registered Premises	S.R. & O. 1912/1861	The Whole Order
Order in Council (No. 1B) Amending Order in Council (No. 1) of 5 August 1875 Relating to the Classification of Explosives.	S.R. & O. 1913/481.	The whole Order.
The Air Force (Application of Enactments) (No. 1) Order.	S.R. & O. 1918/538.	The whole Order.
Order of Secretary of State (No. 2A) Amending Order of Secretary of State (No. 2) of November 1875 Applying General Rules to Floating Magazines for Explosives Other than Gunpowder.	S.R. & O. 1923/962.	The whole Order.
Order in Council (No. 2A) Amending Order in Council (No. 2) of 27 November 1875 making General Rules for Factories for Explosives other than Gunpowder.	S.R. & O. 1923/1297.	The whole Order.
Order in Council (No. 3A) Amending Order in Council (No. 3) of 27 November 1875 Relating to Magazines for Explosives Other than Gunpowder.	S.R. & O. 1923/1298.	The whole Order.
Order in Council (No. 4A) Amending Order in Council (No. 4) of 27 November 1875 Relating to Small Firework Factories.	S.R. & O. 1923/1299.	The whole Order.
Order in Council (No. 6D) Amending Order in Council (No. 6) of 27 November 1875 Relating to Stores for Mixed Explosives.	S.R. & O. 1923/1300.	The whole Order.
Order of the Secretary of State (No. 10), Dated January 18 1924, Relating to the Processes in which Young Persons May Be Employed in Danger Buildings.	S.R. & O. 1924/55.	The whole Order.
Order of the Secretary of State (No. 11), Dated September 20 1924, Making Byelaws as to the Conveyance of Explosives on	S.R. & O. 1924/1129.	The whole Order except paragraph 3 and the second paragraph of. paragraph 5.

Roads, and in Certain Special Cases.		
Order in Council (No. 26) Relating to Picric Acid, Picrates and Mixtures of Picric Acid with other Substances.	S.R. & O. 1926/823.	The whole Order.
Order in Council (No. 27) (The Explosives (Di-Nitrophenol and Di-nitrophenolate) Order 1927).	S.R. & O. 1927/594.	The whole Order.
Order in Council (No. 29) (The Liquid Oxygen Explosives Order 1928).	S.R. & O. 1928/1045.	The whole Order.
Order of Secretary of State (No. 11A), Dated December 11 1939, Relating to the Conveyance of Detonators and Electric Detonators with other Explosives.	S.R. & O. 1939/1787.	The whole Order.
Order of Secretary of State (No. 11C), Dated August 24 1943, Making a Byelaw Relating to the Conveyance of Explosives in a Carriage or Boat whilst Carrying or Plying for Public Passengers.	S.R. & O. 1943/1252.	The whole Order.
Order of Secretary of State (No. 11D), Dated February 7 1944, Altering the Byelaws Relating to the Conveyance of Detonators and Electric Detonators with other Explosive and to the Quantity of Explosive which may be Conveyed in any one Carriage.	S.R. & O. 1944/139.	The whole Order.
The Conveyance of Explosives Byelaws 1951.	S.I. 1951/869.	The whole Byelaws.
The Stores for Explosives Order 1951.	S.I. 1951/1163.	The whole Order.
The Magazines for Explosives Order 1951.	S.I. 1951/1164.	The whole Order.
The Stores for Explosives Order 1953.	S.I. 1953/1197.	The whole Order.
The Keeping of Fireworks Order 1959.	S.I. 1959/1311.	The whole Order.
The Ammonium Nitrates Mixtures Exemption Order 1967.	S.I. 1967/1485.	The whole Order.
The Classification and Labelling of Explosives Regulations 1983.	S.I. 1983/1140.	Regulation 11.

Note:

The repeals referred to in Part 1 concerning section 2 of the Fireworks Act 1951, the Customs and Excise Act 1979 and the London Regional Transport Act 1984 and the revocation referred to in Part 2 concerning the Air Force (Application of Enactments) (No. 1) Order, are effected under section 80(1) of the 1974 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

- 1.
- 2.
- 3.