



Health and Safety Executive		Operational Circular	
		OC 295/7	
Review Date	10/07/2002	Open Government Status	Fully Open
Version No & Date	1: 10/07/1992	Author Unit/Section	HID

Target Audience:
To HSE Inspectors

**HSE RESPONSIBILITIES FOR ENFORCEMENT OF AND COMPLIANCE
WITH THE CONTROL OF EXPLOSIVES REGULATIONS 1991**

The Control of Explosives Regulations 1991 (COER) SI 1991 No 1531 came into force on 1 November 1991. This OC defines HSE's enforcement responsibilities under the Regulations (para 3) and draws attention to COER requirements which apply to HSE in connection with its activities involving explosives.

1 The Regulations are primarily concerned with "software" aspects of explosives security, but some, relatively minor, safety provisions are included. The main requirements are:

- (1) a necessity for persons acquiring or keeping certain explosives to have an explosives certificate issued by the police. This replaces the earlier complex system of police certificates and licences (reg.7);
- (2) restrictions on persons involved in transfer of explosives. This generally involves the transferor ensuring that the transferee holds a valid explosives certificate (reg.8);
- (3) a ban on any person who has committed certain offences (defined as a prohibited person) from acquiring, keeping, handling or controlling certain explosives. Employers are also forbidden from knowingly employing such persons in any position involving these activities (reg.9);
- (4) restrictions on the types and quantities of explosives which may be kept for private use and not for sale, ie without licensing or registration of the storage place (reg.10);
- (5) a requirement for an occupier of a licensed factory or magazine to appoint a person responsible for security of explosives (reg.11);
- (6) a requirement for keeping records of certain explosives to enable accurate accounting and identification of any loss (reg.12);

- (7) a requirement to report an loss of explosives to the police and, in the case of licensed explosives factories and magazines, also to HSE (reg.13);
- (8) a power to enable HSE to revoke or amend a factory or magazine licence if the explosive are kept insufficiently safe or secure (reg.16);

2 The Regulations make no change to registration or licensing of explosives storage places and associated physical security requirements. Further information on COER provisions is given in *A Guide to the Control of Explosives Regulations 1991* (L10) (file 295).

HSE ENFORCEMENT RESPONSIBILITIES

3 The main enforcing authority (EA) for COER is the police. However, HSE (the only other EA involved) has limited responsibilities as specified in regs. 15(2) and (3). These functions are allocated to the Explosives Inspectorate (THSD A3A), Mines Inspectorate (MI), Field Operations Division (FOD) and Offshore Safety Division (OSD), as below.

- (1) Regulation 11. Appointment of security officer at licensed factories and magazines. (*)
 - (a) At factories and magazines on quarry premises - FOD
 - (b) At factories and magazines at mines - MI
 - (c) At all other factories and magazines - THSD A3A
- (2) Regulation 12. Record-keeping. (*)
 - (a) At licensed factories and magazines on quarry premises - FOD
 - (b) At licensed factories and magazines on mines premises and at all places underground at mines - MI
 - (c) At all other licensed factories and magazines - THSD A3A
 - (d) In respect of MOD premises - THSD A3A and FOD. The demarcation follows the agreed lines for MOD conventional explosives areas.
- (3) Application of COER in relation to places outside Great Britain - OSD. Under reg.14, the requirements here are restricted to regs. 12 (record-keeping) and 13 (reporting loss).
- (4) application of COER in relation to the police - FOD. Under reg.3(3) (a), the police, in common with HSE, are not subject to regs.7 (explosives certificate) and 10 (keeping for private use), but the other COER provisions apply (see below).

(*) By virtue of reg.2 (definition of licensed factory), reg.11 does not apply in relation to manufacture of ANFO-type explosives manufactured in accordance with a license issued under the Ammonium Nitrate Mixtures Exemption Order 1967. Regulation 12 also does not apply to such explosives, provided they are used immediately at the point of manufacture (reg.12(4) (C) refers).

CO-OPERATION BETWEEN ENFORCING AUTHORITIES

4 The enforcement interests of HSE and the police under COER are often closely related and the need for effective liaison is essential. Contact with the police should be made via the relevant police explosives liaison officer in the first instance.

COER REQUIREMENTS APPLICABLE TO HSE

5 HSE is involved with various activities which include possible contact with explosives (eg inspection and test work) and which fall within the scope of COER. HSE is not subject to regs 7. (explosives certificate) and 10 (restrictions on keeping for private use), but the other provisions summarised in para 1 do apply. Suitable arrangements need to be maintained to ensure compliance, as necessary, with these provisions. Further information on the action required is given in the Guide to COER.

6 The police are the enforcing authority for Regulations in respect of HSE.

MONITORING OF COER

7 A Committee (EXPOL) has been set up to monitor implementation and enforcement of the Regulations and evaluate their impact. The Committee includes representatives from the police, HSE and those affected by the Regulations. HSE is represented on the Committee by THSD A3A, FOD and SPD D. To assist evaluation of the Regulations, inspectors will be asked to provide relevant information, eg on levels of compliance found during visits, legal action taken under COER etc. Further details of the information required will shortly be circulated to inspectors.

Action by inspectors

8 Inspectors should check with COER regs.11 and 12 as part of the preventive inspection programme to quarries. Guidance on inspection and enforcement policy in relation to the police, in their capacity as duty-holders under COER, is being prepared by the Crown, Fire and Police (CFP) NIG. Any difficulties in the application of the Regulations should be referred to CPF NIG, Quarries NIG or THSD A3A as appropriate, and copied to FOD C1 (Fire and Explosion).

10 July 1992

(1987/FOD/1992)

Disc No: Edt\J778\16.6.92\DH\CP

ASI headings

Control of Explosives Regulations 1991: explosives: quarries.

