
STATUTORY INSTRUMENTS

2005 No. 1082

The Manufacture and Storage of Explosives Regulations 2005

PART 1

INTRODUCTION

Application

- 3.—(1) Except as provided for in paragraph (8), 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(1).
- (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 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(2);
 - (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) 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 —

(1) [S.I. 2001/2127](#).

(2) [S.I. 1995/738](#), amended by [S.I. 2002/2175](#).

- (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 (civilian employees) or section 9 of the Police (Scotland) Act 1967 (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 —
 - (i) separation distances, or
 - (ii) a combination of separation distances and other safety measures,which are designed to ensure a standard of safety which is equivalent to that ensured by the separation distances prescribed by regulation 5 and Schedule 2.
- (6) Regulations 5 to 21 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 direction 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 intermediate by virtue of regulation 2(2), regulations 10 and 11 shall not apply to the storage of ammonium nitrate blasting intermediate.
- (8) To the extent that these Regulations concern the importation of pyrotechnics into the United Kingdom, they shall extend to Northern Ireland⁽³⁾.

(3) By virtue of section 84(1) of the Health and Safety at Work etc. Act 1974, Parts I and IV of the Act extend to Northern Ireland "so far as may be necessary to enable regulations under section 15 to be made and operate for the purpose mentioned in paragraph 2 of Schedule 3", which includes, as a subject matter for such regulations, prohibiting the import into the United Kingdom of articles or substances of any specified description.