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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**The Explosives Regulations 2014**

**PART 3**

**DEFENCES IN RELATION TO REGULATIONS 5 TO 7**

**Defence**

**10.**—(1) In proceedings against a person for a contravention of regulation 5(2), it is a defence for that person to prove that the keeping of explosives in contravention of that provision was caused by an emergency being an emergency which that person took all reasonable precautions and exercised all due diligence to avoid.

(2) In proceedings against a person for a contravention of regulation 6(1) which involves using a building or part of a building licensed for the manufacture of explosives, for another manufacturing process not specified in the licence, it is a defence for that person to prove that—

- (a) that use was temporary;
- (b) that other process of manufacture involved explosive of the same, or a lower, hazard type than the explosives which the conditions of the licence permit in, as the case may be, that building or part of a building;
- (c) the maximum quantity of explosives in that building or part of a building at any one time permitted under the conditions of the licence was not exceeded; and
- (d) that person informed—
  - (i) where that person's licence was granted by the ONR, the ONR; or
  - (ii) otherwise, the Executive,as soon as was reasonably practicable after the start of that use.

(3) In proceedings against a person for a contravention of regulation 7(1), it is a defence for that person to prove that the storage of explosives without a licence or in breach of a condition of a licence was caused by an emergency being an emergency which that person took all reasonable precautions and exercised all due diligence to avoid.

(4) In proceedings against a person for a contravention of regulation 7(1) where it is alleged against that person that the storage concerned was for a period longer than a period ("the permitted period") referred to in regulation 7(2)(b), (c), (d) or (e)(i) or (ii), it is for that person to prove that the storage concerned was for no longer than the permitted period.