

---

STATUTORY INSTRUMENTS

---

**2014 No. 1638**

**The Explosives Regulations 2014**

**PART 5**

**VARIATION AND TRANSFER OF AUTHORISATIONS TO  
MANUFACTURE OR STORE EXPLOSIVES AND DEATH,  
BANKRUPTCY OR INCAPACITY OF A LICENSED PERSON**

**Variation of licences**

**16.—**(1) The licensing authority which grants a licence may vary it—

- (a) where there has been a change in circumstances such that the separation distances can no longer be maintained and a consequent reduction in the maximum amount of explosive that may be stored is required;
- (b) (where the Executive or the ONR (as the case may be) is the licensing authority in cases where the assent of the local authority was required pursuant to regulation 13(3) , or in cases where that assent was not required by virtue of regulation 13(4)(b), (c), (d), (e), (f) or (g), before the grant of the licence) where there has been a material change in circumstances so that a variation is necessary to ensure safety; or
- (c) in relation to any of the matters it relates to, by agreement with the licensee.

(2) Subject to paragraphs (7) and (8), a licence may be varied on the grounds referred to in paragraph (1)(a) or (b) without the agreement of the licensee.

(3) Where the Executive or the ONR is the licensing authority in cases where the assent of the local authority—

- (a) was required under regulation 13(3) before the grant of the licence; or
- (b) was not required by virtue of regulation 13(4)(f) or (g); or
- (c) was required under regulation 13(3) of the 2005 Regulations, before the grant of the licence; or
- (d) would have been required under regulation 13(3) of the 2005 Regulations but for the operation of regulation 27(4) or (13) of those Regulations,

the provisions of regulation 14 apply in respect of a proposed variation referred to in paragraph (4) as if the reference in regulation 14(1) to regulation 13(3) were a reference to regulation 16(3).

(4) A proposed variation for the purposes of paragraph (3) is one which—

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

and the Executive or the ONR, as the case may be, must refuse to grant a varied licence unless the local authority, or each local authority in the case referred to in regulation 13(3), has so assented.

(5) Where a licensing authority proposes to vary a licence without the agreement of the licensee it must, before taking any such action, notify the licensee of its proposed course of action and afford the licensee the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

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

(7) Where the licensing authority decides to vary a licence without the agreement of the licensee it must provide the licensee with written reasons for its decision.

(8) Where the licensing authority varies a licence without the agreement of the licensee, that variation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period referred to in paragraph (5).

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

### **Transfer of licences**

17.—(1) A licence may be transferred in writing by the licensing authority which issued the licence to any other person who wishes to manufacture or store explosives in place of the licensee and who applies to the licensing authority for the transfer.

(2) A licensing authority must grant an application for a transfer of a licence unless it is of the opinion that the applicant is not a fit person—

- (a) to store explosives, in the case of an application to transfer a licence to store explosives; or
- (b) to manufacture explosives, in the case of an application to transfer a licence to manufacture explosives.

(3) Where a licensing authority is of an opinion referred to in sub-paragraph (a) or (b) of paragraph (2), it must, subject to regulation 20, refuse the application to transfer the licence.

### **Death, bankruptcy or incapacity of a licensee**

18.—(1) If a licensee dies or becomes incapacitated, a person manufacturing or storing explosives in accordance with the conditions of the first-named person's licence is to be treated as being licensed in accordance with the first named person's licence until either—

- (a) the expiration of a period of 60 days starting with the date of such death or incapacity;
- (b) the grant or refusal of a new licence; or
- (c) the transfer of, or a refusal to transfer, a licence,

whichever is the earlier.

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