
STATUTORY INSTRUMENTS

2014 No. 1638

The Explosives Regulations 2014

PART 6

REFUSALS OF AUTHORISATIONS

Refusal of an explosives certificate

19.—(1) A chief officer of police must not issue an explosives certificate to a person if the chief officer of police is satisfied that the person is of unsound mind or intemperate habit.

(2) A chief officer of police must not issue an explosives certificate to a person unless the chief officer of police is satisfied that—

- (a) the person has good reason for acquiring the relevant explosives;
- (b) the person is a responsible person who may be permitted to acquire the relevant explosives without danger to public safety or peace;
- (c) the person will take all reasonable precautions to prevent access to the relevant explosives by unauthorised persons and to prevent loss of those explosives;
- (d) the person is not a prohibited person;
- (e) where the person is a body corporate, no director or secretary of the body corporate, and where the person is a Scottish firm, no partner in the firm, is a prohibited person;
- (f) where the application is for an explosives certificate relating only to acquisition of relevant explosives—
 - (i) it is not reasonably practicable for the applicant to be an occupier of a site for the storage of relevant explosives for which the person would be required to have a licence, and
 - (ii) either the relevant explosives 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 at a site occupied by the Secretary of State having responsibility for defence; and
- (g) where the application is for an explosives certificate relating to the keeping of relevant explosives, either—
 - (i) the applicant will ensure that the relevant explosives are kept at a site where the storage is permitted pursuant to a licence;
 - (ii) the relevant explosives will be kept at a site occupied on behalf of the Crown, or
 - (iii) in the case where the applicant does not hold a licence in respect of the storage of the relevant explosives, no licence is required to be held by the applicant in respect of that storage by virtue of regulation 7(2).

Refusal of a licence and draft licence and refusal of a renewal or transfer of a licence

20.—(1) Subject to paragraphs (3) to (5), the licensing authority must—

- (a) refuse an application for a licence; 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 where the licensing authority is of the opinion that—
 - (a) the proposed site or, within it, any place where 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 a licence to store explosives; or
 - (ii) to manufacture explosives, in the case of an application for a licence to do so.
- (3) Where a licensing authority proposes to refuse an application for—
 - (a) a licence;
 - (b) a renewal of a licence;
 - (c) a variation of a licence; or
 - (d) a transfer of a licence;

it must, before taking any such action, notify the applicant of its proposed course of action and afford that applicant the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(4) Representations made for the purpose of paragraph (3) may be made in writing, or both in writing and orally.

- (5) Where the licensing authority decides to refuse an application for—
 - (a) a licence;
 - (b) a renewal of a licence;
 - (c) a variation of a licence; or
 - (d) a transfer of a licence;

it must provide the applicant with written reasons for its decision.

(6) A refusal by the licensing authority, pursuant to paragraph (1), to issue the draft licence referred to in regulation 14(1) is to be treated for the purposes of these Regulations as a refusal of an application for a licence.