

SCHEDULE 13

Regulation 48(1)

AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

Explosives Act 1875

- 1.—(1) The Explosives Act 1875(1) is amended as follows.
- (2) Omit sections 23 and 61.
- (3) In section 74 (seizure and detention of explosives liable to forfeiture) —
 - (a) in the opening words, omit “any inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act, or”;
 - (b) in subsection (1)—
 - (i) for the words from “he is an inspector” to “a justice”, substitute “he is authorised by an order from a justice”; and
 - (ii) omit “or of an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act,”; and
 - (c) after subsection (6), omit the words from “In this section” to the end of the section.

London Building Act 1930

2. In section 143 of the London Building Act 1930(2) (regulations for building near dangerous business), in subsection (4)(a), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”.

Fireworks Act 1951

3. The Fireworks Act 1951(3) is repealed.

Customs and Excise Management Act 1979

4. In section 75(1) of the Customs and Excise Management Act 1979(4) (explosives), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”.

Isle of Man Act 1979

5. In section 8(2) of the Isle of Man Act 1979(5) (removal of goods from Isle of Man to United Kingdom)—
 - (a) at the end of paragraph (b) insert “or”; and

(1) 1875 c. 17 (38 & 39 Vict.); section 23 was substituted by [S.I. 2005/1082](#) in relation to England, Wales and Scotland. Sections 61 and 74 were amended by the Energy Act 2013 (C. 32), Schedule 12, Part 5, paragraphs 50 and 52 and section 61 was additionally amended by [S.I. 1974/1885](#).

(2) 1930 c. clviii; section 143(4)(a) was amended by [S.I. 2005/1082](#).

(3) 1951 c. 58.

(4) 1979 c.2; section 75(1) was amended by [S.I. 2005/1082](#).

(5) 1979 c.58; section 8(2)(b) to (d) was amended by [S.I. 2005/1082](#).

Status: This is the original version (as it was originally made).

(b) for paragraphs (c) and (d) substitute —

“(c) any explosives the importation of which into the United Kingdom is prohibited by regulation 29 of the Explosives Regulations 2014.”.

Environmental Protection Act 1990

6. In section 142(7) of the Environmental Protection Act 1990(6) (powers to obtain information about potentially hazardous substances), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”.

Fireworks Act 2003

7. In section 14(2) of the Fireworks Act 2003(7) (prohibition of supply etc. of other explosives), for “the Explosives Act 1875 (c. 17)” substitute “the Explosives Regulations 2014”.

Energy Act 2013

8.—(1) The Energy Act 2013(8) is amended as follows.

(2) In Schedule 12 (minor and consequential amendments relating to Part 3), omit paragraphs 50 to 52.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969

9. In Schedule 1 to the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969(9) (exempted matter), for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”.

The Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) Regulations 1974

10. In Schedule 2 to the Explosives Acts 1875 and 1923 etc. (Repeals and Modifications) Regulations 1974(10) (the Explosives Act 1875: modifications), omit paragraph 5.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

11. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(11) is amended as follows—

(a) in paragraph 8 of Part III of Schedule 1 (excepted professions, offices, employments, work and occupations), for “regulations 4 and 7 of the Control of Explosives Regulations 1991”, substitute “regulations 4, 5 and 11 of the Explosives Regulations 2014”;

(6) 1990 c.43; the entry relating to the Manufacture and Storage of Explosives Regulations 2005 in section 142(7) was inserted by S.I. 2005/1082.

(7) 2003 c.22.

(8) 2013 c.32.

(9) S.I. 1969/1263, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.

(10) S.I. 1974/1885.

(11) S.I. 1975/1023, amended by S.I. 2005/1082 and revoked, in relation to Scotland, by S.S.I 2003/321. There are other amending instruments but none is relevant.

- (b) in paragraph 3 of Schedule 2 (excepted licences, certificates and permits), for “regulations 4 and 7 of the Control of Explosives Regulations 1991”, substitute “regulations 4, 5 and 11 of the Explosives Regulations 2014”; and
- (c) for paragraph 13 of Schedule 3 (excepted proceedings) substitute—
 - “**13.** Proceedings in respect of—
 - (a) an application to the chief officer of police for an explosives certificate pursuant to regulations 4, 5 and 11 of the Explosives Regulations 2014 (“the 2014 Regulations”) as to the fitness of the applicant to acquire or acquire and keep explosives, including consideration as to whether to refuse the application on any of the grounds specified in regulation 19 of the 2014 Regulations;
 - (b) the revocation of such certificates pursuant to regulation 21 of the 2014 Regulations;
 - (c) an appeal or application pursuant to regulation 22 of the 2014 Regulations against a decision taken under regulation 19 or 21.”

The Isles of Scilly (Functions) Order 1979

- 12.** In article 3(e) of the Isles of Scilly (Functions) Order 1979(**12**) —
 - (a) omit “the Explosives Act 1875;” and
 - (b) for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”.

The Dangerous Substances in Harbour Areas Regulations 1987

- 13.** Regulation 33 of the Dangerous Substances in Harbour Areas Regulations 1987(**13**) (Application of Part IX) is amended as follows—
 - (a) in sub-paragraph (b) of paragraph 1, for the words from “article 8” to “Order 2001” substitute “article 11 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(**14**)”; and
 - (b) in sub-paragraph (e) of paragraph 2—
 - (i) in paragraph (i), for “ licensed under the Manufacture and Storage of Explosives Regulations 2005” substitute “in relation to which a person holds a licence under the Explosives Regulations 2014 (“the 2014 Regulations”)”; and
 - (ii) for paragraph (ii), substitute—
 - “(ii) in relation to which a person is deemed to be licensed under the 2014 Regulations by virtue of regulation 47(1) of those Regulations in cases where, in relation to that deemed licence, the assent of the local authority would have been required pursuant to regulation 13(3) of the 2014 Regulations had a licence been applied for under those Regulations;”.

The Planning (Hazardous Substances) Regulations 1992

- 14.**—(1) Schedule 1 to the Planning (Hazardous Substances) Regulations 1992(**15**) (hazardous substances and controlled quantities) is amended as follows.

(12) [S.I. 1979/72](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

(13) [S.I. 1987/37](#), amended by [S.I. 2005/1082](#); there are other amending instruments but none is relevant.

(14) [S.I. 2013/240](#).

(15) [S.I. 1992/656](#); relevant amending instruments are [S.I. 2009/1901](#) (in relation to England), [2010/450 \(W.48\)](#) (in relation to Wales) and [2014/469](#).

Status: This is the original version (as it was originally made).

(2) In column 1 of entry number 54 in Part A as it applies in England, for paragraph (1) substitute—

“(1) cellulose nitrate —

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or”.

(3) In column 1 of entry number 54 in Part A as it applies in Wales, for paragraph (1) substitute—

“(1) cellulose nitrate—

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or”.

(4) In Part B as it applies in England—

(a) in column 1 of entry 4, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—

“EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under UN/ADR Division 1.4, excluding those—

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations, or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those

- Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”; and
- (b) in column 1 of entry 5, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—
- “EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under any of: UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3, excluding those —
- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—
- (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”.
- (5) In Part B as it applies in Wales—
- (a) in column 1 of entry 4, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—
- “EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under UN/ADR Division 1.4, excluding those—
- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
- (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”; and
- (b) in column 1 of entry 5, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—

Status: This is the original version (as it was originally made).

“EXPLOSIVE (see Note 2 to this Part) where the substance, preparation or article falls under any of: UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3, excluding those —

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”.

Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993

15. In regulation 2(1) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993⁽¹⁶⁾ (interpretation), in the definition of “explosives store” for “or registration made under the Manufacture and Storage of Explosives Regulations 2005” substitute “under the Explosives Regulations 2014”.

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993

16. Schedule 1 to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993⁽¹⁷⁾ (hazardous substances and controlled quantities) is amended as follows—

- (a) in Part A, in column 1 of entry number 54, for paragraph (1), substitute—
 - “(1) cellulose nitrate—
 - (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
 - (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or”;
- (b) in Part B—

⁽¹⁶⁾ S.I. 1993/208, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.

⁽¹⁷⁾ S.I. 1993/323; relevant amending instruments are S.S.I. 2009/378 and 2014/469.

- (i) in column 1 of entry number 4, for the words from “EXPLOSIVE” to “Regulations 1987” substitute—

“EXPLOSIVE (see Note 2 to Part B) where the substance, preparation or article falls under UN/ADR Division 1.4, excluding those —

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of —

(i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

(ii) paragraph 1(d) of Schedule 1 to those Regulations; or

- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”; and

- (ii) in column 1 of entry number 5, for the words from “EXPLOSIVE” to “Regulations 1987”, substitute—

“EXPLOSIVE (see Note 2 to Part B) where the substance, preparation or article falls under any of: UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3, excluding those—

- (a) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Health and Safety Executive where it is the licensing authority by virtue of—

(i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

(ii) paragraph 1(d) of Schedule 1 to those Regulations; or

- (b) for which a licence is required and has been granted under the Explosives Regulations 2014 by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations; or

- (c) licensed under the Dangerous Substances in Harbour Areas Regulations 1987”.

The Health and Safety (Enforcing Authority) Regulations 1998

17. In regulation 4 of the Health and Safety (Enforcing Authority) Regulations 1998(18) (exceptions), omit paragraphs (7) to (12).

(18) S.I. 1998/494; relevant amending instruments are S.I. 2005/1082, 2007/2598, 2009/693 and 2014/469.

The Visiting Forces and International Headquarters (Application of Law) Order 1999

18. In Schedule 6 to the Visiting Forces and International Headquarters (Application of Law) Order 1999(19) (enactments conferring specific exemptions, privileges etc.), omit the entry relating to the Fireworks Act 1951.

The Quarries Regulations 1999

19. In regulation 2(1) of the Quarries Regulations 1999(20) (interpretation), in the definition of “explosives store”, for “or registration made under the Manufacture and Storage of Explosives Regulations 2005” substitute “under the Explosives Regulations 2014”.

Building (Scotland) Regulations 2004

20. For paragraph 1 of Schedule 1 to the Building (Scotland) Regulations 2004(21) (exempted buildings and services, fittings and equipment), substitute—

“1.—(1) Any building in which explosives are manufactured or stored under a licence granted under the Explosives Regulations 2014 where the whole building is used for that manufacture or storage.

(2) Where only a part of a building is used for the manufacture or storage of explosives under a licence granted under the Explosives Regulations 2014, that part of the building where the licence specifies that that manufacture or storage may take place.

(3) Except— sub-paragraphs (1) and (2) do not include any building or, as the case may be, any part of a building as is referred to in, respectively, sub-paragraph (1) or (2) in relation to which—

(a) no minimum separation distance is required to be maintained by virtue of regulation 27(2)(a) or (3) of the Explosives Regulations 2014; or

(b) a minimum separation distance of 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, the Explosives Regulations 2014 and the requirement for the assent of the local authority under regulation 13(3) of those Regulations did not apply by virtue of regulation 13(4)(a) of those Regulations.”.

The REACH Enforcement Regulations 2008

21. In paragraph 1 of Part 3 of Schedule 3 to the REACH Enforcement Regulations 2008(22) (health and safety enforcement) for sub-paragraph (t), substitute—

“(t) in relation to Great Britain, the manufacture or storage of ammonium nitrate blasting intermediate under the Explosives Regulations 2014.”.

The Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009

22. In regulation 2 of the Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009(23) (extension outside Great Britain)—

(a) omit paragraphs (a) and (b); and

(b) omit “, respectively, regulation 14 of the Control of Explosives Regulations 1991, regulation 3(1)(b) of the Manufacture and Storage of Explosives Regulations 2005 and”.

(19) S.I. 1999/1736, to which there are amendments not relevant to these Regulations.

(20) S.I. 1999/2024, amended by S.I. 2005/1082; there are other amending instruments but none is relevant.

(21) S.S.I. 2004/406, amended by S.S.I. 2006/534; there are other amending instruments but none is relevant.

(22) S.I. 2008/2852, to which there are amendments not relevant to these Regulations.

(23) S.I. 2009/693.

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

23. In regulation 7 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009⁽²⁴⁾ (additional security requirements for carriage by road), for paragraph (5)(c) substitute—

- “(c) “a safe and secure place” means a safe and secure place—
- (i) within a site in relation to which a person is licensed to manufacture or store explosives under regulation 13 of the Explosives Regulations 2014; or
 - (ii) at which the manufacture or storage of explosives may lawfully take place by virtue of a certificate of exemption granted under those Regulations.”.

The Building Regulations 2010

24. For paragraph 1 of Class 1 of Schedule 2 to the Building Regulations 2010⁽²⁵⁾ (exempt buildings and work), substitute—

“**1.**—(1) Any building in which explosives are manufactured or stored under a licence granted under the Explosives Regulations 2014 where—

- (a) the whole building is used for that manufacture or storage, and either
- (b) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (c) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (b) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations.

(2) Where only a part of a building is used for the manufacture or storage of explosives under a licence granted under the Explosives Regulations 2014 and —

- (a) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (b) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (a) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations,

that part of the building where the licence specifies that that manufacture or storage may take place.”.

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011

25. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011⁽²⁶⁾ are amended as follows—

- (a) in regulation 17(2) (consequential amendments), omit sub-paragraphs (c), (d) and (e); and
- (b) in the Schedule omit paragraphs 3, 4 and 5.

⁽²⁴⁾ S.I. 2009/1348, to which there are amendments not relevant to these Regulations.

⁽²⁵⁾ S.I. 2010/2214, to which there are amendments not relevant to these Regulations.

⁽²⁶⁾ S.I. 2011/1885.

The Health and Safety (Fees) Regulations 2012

26. The Health and Safety (Fees) Regulations 2012(27) are amended as follows.

27. In regulation 1(4) (citation, commencement and interpretation), for “explosives certificate, licence or registration” substitute “explosive certificate or licence”.

28.—(1) In regulation 9 (fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936)—

(a) for paragraph (1), substitute—

“(1) Where an application in relation to a provision specified in column 1 of Part 1 of Schedule 8, for a purpose specified in column 2 of that Part, is made to a licensing authority which is the licensing authority by virtue of—

(a) paragraph 1(c) or (d) of Schedule 1 to the 2014 Regulations, or

(b) paragraphs 1(b), 2 or 4 of that Schedule in cases where the assent of the local authority is required under regulation 13(3) of those Regulations or is not required by virtue of regulation 13(4)(b) to (g) of those Regulations,

the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.”;

(b) in paragraph (2), after “manufacture” insert “or store”;

(c) for paragraph (3), substitute—

“(3) Where an application in relation to a provision specified in column 1 of Part 2 of Schedule 8, for a purpose specified in column 2 of that Part, is made to a licensing authority, which is the licensing authority by virtue of—

(a) paragraph 1(a) of Schedule 1 to the 2014 Regulations, or

(b) paragraphs 1(b), 2 or 4 of Schedule 1 to those Regulations in cases where the requirement for assent of the local authority under regulation 13(3) of those Regulations is disapplied by regulation 13(4)(a) of those Regulations,

the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.”;

(d) in paragraph (11)—

(i) for “1991” substitute “2014”; and

(ii) for “4(6)(d)” substitute “19(2)(d)”; and

(e) in paragraph (13)—

(i) omit the definition of “the 1991 Regulations”;

(ii) for the definition of “the 2005 Regulations” substitute—

““the 2014 Regulations” means the Explosives Regulations 2014;”;

(iii) for the definition beginning ““ammonium nitrate blasting intermediate”” substitute ““ammonium nitrate blasting intermediate”, “chief officer of police”, “explosives certificate”, “licence”, “licensing authority”, “manufacture”, “on-site mixing”, “prohibited person”, “shooters’ powder” and “site” have the same meanings as in the 2014 Regulations;”;

(iv) omit the definition beginning ““chief officer of police””.

(27) S.I. 2012/1652, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

29. In Schedule 8 (fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936)—

(a) for the heading and Part 1, substitute—

“FEES PAYABLE IN RELATION TO THE EXPLOSIVES REGULATIONS 2014, THE ACETYLENE SAFETY (ENGLAND, WALES AND SCOTLAND) REGULATIONS 2014 AND THE PETROLEUM (CONSOLIDATION) REGULATIONS 2014

PART 1

FEES FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO, OR TRANSFER OF, LICENCES, TO MANUFACTURE OR TO STORE EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPHS 1(c) OR (d) OF SCHEDULE 1 TO THE EXPLOSIVES REGULATIONS 2014 OR PARAGRAPHS 1(b), 2 OR 4 OF THAT SCHEDULE IN LOCAL AUTHORITY ASSENT CASES OR WHERE NO ASSENT REQUIRED BY VIRTUE OF REGULATION 13(4)(b) TO (g)

Table 1

<i>1</i> <i>Provision under which a licence is granted</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Fee for work by Specialist Inspector</i>
The 2014 Regulations			
Regulation 13, as extended by regulation 2(2) of those Regulations to the manufacture and storage of ammonium nitrate blasting intermediate	Licence to manufacture explosives not being ammonium nitrate blasting intermediate nor relating to on-site mixing	£631	£127 per hour worked
	Licence to manufacture or store only ammonium nitrate blasting intermediate	£156 per hour worked	
	Licence to manufacture explosives by means of on-site mixing	£234	£127 per hour worked

Status: This is the original version (as it was originally made).

1 Provision under which a licence is granted	2 Purpose of application	3 Fee	4 Fee for work by Specialist Inspector
Regulation 16	Licence to store explosives:	£631	£127 per hour worked
	Renewal of any of the above licences	£83	£127 per hour worked
	Varying a licence to manufacture or store explosives, not being ammonium nitrate blasting intermediate:	£432	£127 per hour worked
	Varying a licence to manufacture or store ammonium nitrate blasting intermediate	£156 per hour worked	
Regulation 17	Transfer of any of the above licences	£52	
	Replacement of any licences referred to in this Part if lost	£52”	

(b) for Part 2 substitute—

“PART 2

FEES FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO, OR TRANSFER OF, LICENSES TO STORE EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPH 1(a) OF SCHEDULE 1 TO THE 2014 REGULATIONS OR PARAGRAPH 1(b), 2 OR 4

OF THAT SCHEDULE IN CASES WHERE LOCAL AUTHORITY
ASSENT IS NOT REQUIRED BY VIRTUE OF REGULATION 13(4)(a)

Table 2

<i>1</i> <i>Provision under which a licence is granted</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
The 2014 Regulations		
Regulation 13	<p>Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed:</p> <p>(a) one year's duration</p> <p>(b) two years' duration</p> <p>(c) three years' duration</p> <p>(d) four years' duration</p> <p>(e) five years' duration</p> <p>Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:</p> <p>(a) one year's duration</p> <p>(b) two years' duration</p> <p>(c) three years' duration</p> <p>(d) four years' duration</p> <p>(e) five years' duration</p> <p>Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum</p>	<p>£178</p> <p>£234</p> <p>£292</p> <p>£360</p> <p>£407</p> <p>£105</p> <p>£136</p> <p>£166</p> <p>£198</p> <p>£229</p>

Status: This is the original version (as it was originally made).

1 Provision under which a licence is granted	2 Purpose of application	3 Fee
Regulation 16	separation distance of greater than 0 metres is prescribed:	
	(a) one year’s duration	£83
	(b) two years’ duration	£141
	(c) three years’ duration	£198
	(d) four years’ duration	£256
	(e) five years’ duration	£313
	Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:	
	(a) one year’s duration	£52
	(b) two years’ duration	£83
	(c) three years’ duration	£115
(d) four years’ duration	£146	
(e) five years’ duration	£178	
Regulation 16	Varying a licence:	
	(a) varying name of licensee or address of site	£35
Regulation 17	(b) any other kind of variation	The reasonable cost to the licensing authority of having the work carried out
	Transfer of licence	£35
Regulation 17	Replacement of licence	£35”; and

Note: The fee payable for a licence or renewal of a licence—

- (a) of less than one year’s duration is, respectively, the fee set out above for a licence, or renewal of a licence of one year’s duration decreased proportionately according to the duration of the period for which the licence renewal is granted;
- (b) of more than one but less than two years’ duration is, respectively, the fee set out above for a licence, or a renewal of a licence of one year’s duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (c) of more than two but less than three years’ duration is, respectively, the fee set out above for a licence or renewal of a licence of two years’ duration increased proportionately according to the duration of the period for which the licence or renewal is granted;

- (d) of more than three but less than four years' duration is, respectively, the fee set above for a licence or renewal of a licence of three years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (e) of more than four but less than five years' duration is, respectively, the fee set out above for a licence or renewal of a licence of four years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted.
- (c) for Part 8 substitute—

“PART 8
FEEES FOR EXPLOSIVES CERTIFICATES
UNDER THE EXPLOSIVES REGULATIONS 2014

Table 1

<i>1</i> <i>Provisions under which a fee is payable</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
The 2014 Regulations		
Regulation 11 (see Note)	(a) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (c), (g) or (i), at a site in relation to which a person holds a licence to store explosives and, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations no minimum separation distance is prescribed or a 0 metres minimum separation distance is prescribed:	
	(i) one year's duration	£125
	(ii) two years' duration	£156
	(iii) three years' duration	£188
	(iv) four years' duration	£219
	(v) five years' duration	£251
	(b) Renewal of the explosives certificate referred to in (a):	
	(i) one year's duration	£110
	(ii) two years' duration	£130
	(iii) three years' duration	£151
	(iv) four years' duration	£173
	(v) five years' duration	£193

Status: This is the original version (as it was originally made).

1 Provisions under which a fee is payable	2 Purpose of application	3 Fee
	(c) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (a), (g) or (i), at a site in relation to which a person holds a licence for the storage of no more than 2000 kilograms of explosives:	
	(i) one year's duration	£136
	(ii) two years' duration	£166
	(iii) three years' duration	£198
	(iv) four years' duration	£229
	(v) five years' duration	£261
	(d) Renewal of the explosives certificate referred to in (c):	
	(i) one year's duration	£130
	(ii) two years' duration	£156
	(iii) three years' duration	£183
	(iv) four years' duration	£209
	(v) five years' duration	£234
	(e) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (g) or (i), at a site in relation to which a person holds a licence for the storage of more than 2000 kilograms of explosives:	
	(i) one year's duration	£183
	(ii) two years' duration	£219
	(iii) three years' duration	£256
	(iv) four years' duration	£292
	(v) five years' duration	£329
	(f) Renewal of the explosives certificate referred to in (e):	
	(i) one year's duration	£161
	(ii) two years' duration	£193
	(iii) three years' duration	£224
	(iv) four years' duration	£256

1 Provisions under which a fee is payable	2 Purpose of application	3 Fee
	(v) five years' duration	£287
	(g) Explosives certificate for acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time	£24
	(h) Renewal of the explosives certificate referred to in (g) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time	£15
	(i) Explosives certificate for the acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence and a relevant certificate, where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£44
	(j) Renewal of the explosives certificate referred to in (i) where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£18
	(k) Explosives certificate for acquiring more than 15 kilograms of explosives, not including an application for an explosives certificate referred to in entries (m) or (o):	
	(i) one year's duration	£125
	(ii) two years duration	£156
	(iii) three years duration	£188
	(iv) four years duration	£219
	(v) five years duration	£251
	(l) Renewal of the explosive certificate referred to in (k):	
	(i) one year's duration	£110
	(ii) two years duration	£130
	(iii) three years duration	£151
	(iv) four years duration	£173

Status: This is the original version (as it was originally made).

1 Provisions under which a fee is payable	2 Purpose of application	3 Fee
	(v) five years duration	£193
	(m) Explosives certificate for acquiring more than 15 kilograms of shooters’ powder only, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time	£24
	(n) Renewal of the explosives certificate referred to in (m) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time	£15
	(o) Explosives certificate for acquiring more than 15 kilograms of shooters’ powder only, where the applicant holds a relevant certificate and no relevant application under the 1968 Act is to be determined at the same time	£44
	(p) Renewal of the explosives certificate referred to in (o) where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£18
	(q) Replacement of any explosives certificate referred to in (a) to (f) and (k) and (l) if lost	£35
	(r) Replacement of any explosives certificate referred to in (g) to (j) and (m) to (p) if lost	£10

Table 2

The fee for a check carried out for the purposes of regulation 19(2)(d) of the 2014 Regulations is £5⁷⁷.

Note: The fee payable for an explosives certificate or renewal of an explosives certificate (“renewal”)—

- (a) of less than one year’s duration is, respectively, the fee set out above for a certificate, or renewal of an explosives certificate of one year’s duration decreased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (b) of more than one but less than two years’ duration is, respectively, the fee set out above for an explosives certificate, or a renewal of an explosives certificate of one year’s duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (c) of more than two but less than three years’ duration is, respectively, the fee set out above for an explosives certificate or renewal of an explosives certificate of two years’ duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (d) of more than three but less than four years’ duration is, respectively, the fee set above for an explosives certificate or renewal of an explosives certificate of three years’ duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted;
- (e) of more than four but less than five years’ duration is, respectively, the fee set out above for an explosives certificate or renewal of an explosives certificate of four years’ duration increased proportionately according to the duration of the period for which the explosives certificate or renewal is granted.

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

30. The Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2013⁽²⁸⁾ is amended as follows—

- (a) for paragraph 10 of Schedule 1 (proceedings) substitute—

“**10.** Proceedings under the Explosives Regulations 2014 (“the 2014 Regulations”) in respect of—

- (a) the application to the chief officer of police for an explosives certificate pursuant to regulations 4, 5 and 11 of the 2014 Regulations certifying a person to be a fit and proper person to acquire or acquire and keep explosives;
 - (b) the revocation of such certificates pursuant to regulation 21 of the 2014 Regulations;
 - (c) an appeal or application to the Sheriff under regulation 22 of the 2014 Regulations against a decision taken under regulation 19 or 21.”;
- (b) in paragraph 3(3)(c) of Schedule 3 (exclusions of section 4(2)(a) and (b) of the Act), for “regulation 4 of the Control of Explosives Regulations 1991” substitute “regulation 11 of the Explosives Regulations 2014”; and
 - (c) in paragraph 4 of Part 3 of Schedule 4 (excepted professions, offices, employments and occupations) for “regulation 4 of the Control of Explosives Regulations 1991” substitute “regulations 4, 5 and 11 of the Explosives Regulations 2014”.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

31. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013⁽²⁹⁾ are amended as follows—

- (a) in regulation 2(1) (interpretation), in the definition of “explosives” for “the Manufacture and Storage of Explosives Regulations 2005” substitute “the Explosives Regulations 2014”; and

⁽²⁸⁾ S.S.I. 2013/50, to which there are amendments not relevant to these Regulations.

⁽²⁹⁾ S.I. 2013/1471.

Status: This is the original version (as it was originally made).

- (b) in paragraph 5(a) of Part 1 of Schedule 2 (dangerous occurrences) for “or registration, as the case may be, under regulation 9, 10 or 11 of the Manufacture and Storage of Explosives Regulations 2005” substitute “under regulations 6 or 7 of the Explosives Regulations 2014”.