
STATUTORY INSTRUMENTS

2014 No. 1638

The Explosives Regulations 2014

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the Explosives Regulations 2014 and, save as provided in paragraph (2), come into force on 1st October 2014.

(2) Regulations 33(7) and 36, and regulations 43 and 44 and Schedule 11 to the extent that those provisions relate to regulations 33(7) and 36, come into force on 5th April 2015.

Interpretation

2.—(1) In these Regulations —

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005(1);

“ammonium nitrate blasting intermediate” means a substance assigned in accordance with the United Nations Recommendations the U.N. no. 3375;

“authorised defence site” has the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(2);

“black powder” means an intimate mixture, with or without sulphur, of charcoal or other carbon with potassium nitrate or sodium nitrate, whether the mixture is in meal, granular, compressed or pelletised form, being an explosive substance assigned in accordance with the United Nations Recommendations the U.N. no. 0027 or 0028;

“the CE marking” means the mark referred to in regulation 42(3);

“centre point”, in relation to a store or a building, means the centre point of the store or building determined as far as is reasonably possible;

“chief officer of police”

(a) in relation to England and Wales, has the same meaning as in section 101(1) of the Police Act 1996(3); and

(b) in relation to Scotland, means the person appointed to the office of chief constable under section 7(1)(a) of the Police and Fire Reform (Scotland) Act 2012(4); and

in relation to an area, means the chief officer of police for that area;

(1) S.I. 2005/1082, to which there are amendments not relevant to these Regulations.

(2) S.I. 1998/494, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(3) 1996 c. 16.

(4) 2012 asp 8.

“civil explosive” means an explosive which has been or would be classified in accordance with the United Nations Recommendations as falling within Class 1 but it does not include —

- (a) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997⁽⁵⁾;
- (b) any explosive which it is shown is intended for lawful use by the armed forces or the police of any country;
- (c) a pyrotechnic article; and
- (d) an explosive which is used immediately at the place of manufacture;

“the Civil Uses Directive” means Council Directive 93/15/EEC on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses⁽⁶⁾ as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29th September 2003⁽⁷⁾, Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11th March 2009⁽⁸⁾ and Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25th October 2012⁽⁹⁾;

“Class 1” means Class 1 in respect of explosives or the classification of dangerous goods as set out in the United Nations Recommendations;

“the Commission” means the Commission of the European Union;

“desensitised explosive” means —

- (a) a solid explosive substance which has been wetted with water or alcohol or diluted with one or more other substances; or
- (b) a liquid explosive substance which has been dissolved or suspended in water or one or more other substances,

to form a homogeneous mixture so as to suppress its explosive properties and which, without that treatment, would be classified in accordance with the United Nations Recommendations as falling within Class 1;

“disposes”, in relation to explosives and explosive-contaminated items, means destroying the explosives or explosive-contaminated items or otherwise rendering them harmless;

“distributor” means a person in the supply chain, other than a manufacturer or an importer, who makes an explosive available on the market and “distributes” and “distribution” are to be construed accordingly;

“the Executive” means the Health and Safety Executive⁽¹⁰⁾;

“explosive” means —

- (a) any explosive article or explosive substance which would —
 - (i) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or
 - (ii) be classified in accordance with the United Nations Recommendations as —
 - (aa) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and
 - (bb) falling within Class 1; or
- (b) a desensitised explosive,

⁽⁵⁾ 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.

⁽⁶⁾ OJ No. L121, 15.5.1993, p.20.

⁽⁷⁾ OJ No. L 284, 31.10.2003, p. 1.

⁽⁸⁾ OJ No. L 87, 31.3.2009 p. 109.

⁽⁹⁾ OJ No. L 316, 14.11.2012, p. 12.

⁽¹⁰⁾ The Health and Safety Executive is established by section 10(1) of the Health and Safety at Work etc. Act 1974 (c. 37).

but it does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance;

“explosive article” means an article containing one or more explosive substances;

“explosives certificate” has the meaning given in regulation 4(1);

“explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —

- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;

“firearm” has the meaning given in section 57(1) of the Firearms Act 1968(11);

“fireworks” means the explosive articles assigned in accordance with the United Nations Recommendations any of the U.N. nos. 0333 to 0337;

“GB nuclear site” has the meaning given in section 68 of the Energy Act 2013(12);

“harmonised standard” means a text setting out technical specifications adopted by the European Committee for Standardisation (CEN) under a mandate from the Commission in accordance with Directive 98/34 of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations(13), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20th July 1998(14), Council Directive 2006/96/EC of 20th November 2006(15) and Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25th October 2012(16), and of which the reference number is published in the Official Journal of the European Communities;

“harbour” means a harbour which is within the jurisdiction of a harbour authority and includes—

- (a) the areas of water within the jurisdiction of that harbour authority; and
- (b) land within the jurisdiction of, or occupied by, the harbour authority and used in connection with the loading and unloading of ships,

but does not include the areas of water which are within the jurisdiction not only of the harbour authority but also of another harbour authority and which are used primarily by ships using berths within the harbour of that other harbour authority;

“harbour authority” has the meaning given in section 57 of the Harbours Act 1964(17);

“hazard type” means any of hazard type 1 explosive, hazard type 2 explosive, hazard type 3 explosive or hazard type 4 explosive;

“hazard type 1 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a mass explosion hazard;

“hazard type 2 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a serious projectile hazard but does not have a mass explosion hazard;

(11) 1968 c.27.

(12) 2013 c.32.

(13) OJ No. L 204, 21.7.1998, p.8.

(14) OJ No. L 217, 5.8.1998, p.18.

(15) OJ No. L 363, 20.12.2006, p.81.

(16) OJ No. L 316, 14.11.2012, p.12.

(17) 1964 c.40.

“hazard type 3 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard and either a minor blast hazard or a minor projectile hazard, or both, but does not have a mass explosion hazard;

“hazard type 4 explosive” means an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard or slight explosion hazard, or both, with only local effect;

“headquarters” means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999⁽¹⁸⁾;

“Her Majesty’s Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employee of the department of the Secretary of State having responsibility for defence attached to those forces;

“holder” in relation to an explosives certificate means the person named in the explosives certificate as a person fit to acquire, or to acquire and keep, explosives;

“licence”, save in the definition of “prohibited person”, means a licence for the manufacture or storage of explosives granted under regulation 13 and includes a varied licence;

“licensee” means a person who has been granted a licence under regulation 13 and includes a person to whom a licence is transferred and a person treated under regulation 18 as being licensed;

“licensing authority” has the meaning assigned to it by Schedule 1;

“local authority”, apart from in paragraph 6(1)(c) of Schedule 11, means, in relation to —

- (a) the City of London, the Common Council for the City of London;
- (b) an area in the rest of London, the London borough council for that area;
- (c) an area where there is a metropolitan county fire and rescue authority, that authority;
- (d) the Isles of Scilly, the Council of the Isles of Scilly;
- (e) an area in the rest of England, the county council for that area or where there is no county council for that area, the district council for that area;
- (f) an area in Scotland, the council for the local government area; and
- (g) an area in Wales, the county council or the county borough council for that area;

“manufacture” includes—

- (a) in relation to explosive articles, their repair, modification, disassembly or unmaking;
- (b) in relation to explosive substances, their reprocessing, modification or adaptation;

but it does not include the packing, unpacking, re-packing, labelling or testing of explosives or the division of an amount of explosives stored in bulk into smaller amounts and the placing of those smaller amounts into containers;

“mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals;

“new nuclear build site” has the meaning given in regulation 2A of the Health and Safety (Enforcing Authority) Regulations 1998⁽¹⁹⁾;

“the ONR” means the Office for Nuclear Regulation⁽²⁰⁾;

⁽¹⁸⁾ S.I. 1999/1736, amended by S.I. 2009/705; there are other amending instruments but none is relevant.

⁽¹⁹⁾ S.I. 1998/494, relevant amending instruments are S.I. 2005/1082, 2007/2598, 2009/693 and 2014/469.

⁽²⁰⁾ The Office for Nuclear Regulation is established by section 77 of the Energy Act 2013 (c.32).

“ONR regulated site” has the meaning given in paragraph (11);

“percussion caps” means items intended for use in small arms ammunition or small arms assigned in accordance with the United Nations Recommendations the UN no. 0044 or 0378;

“police force”, for the purposes of regulations 3(9)(e) and (8)(b) and 27(3)(e), includes—

- (a) the police force known as the British Transport Police Force⁽²¹⁾; and
- (b) the constabulary known as the Civil Nuclear Constabulary by virtue of section 52(1) of the Energy Act 2004⁽²²⁾;

“preparation” means a mixture of two or more substances or a solution of any substance or substances;

“prohibited person” means a person, other than a person in respect of whom an order has been made under regulation 22(4), who—

- (a) has been convicted of any offence under the Explosive Substances Act 1883⁽²³⁾, or
- (b) has been sentenced to a sentence which is excluded from rehabilitation under the Rehabilitation of Offenders Act 1974⁽²⁴⁾ by virtue of section 5(1) and (1A) of that Act; or
- (c) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974⁽²⁵⁾, for a term exceeding 30 months, but not exceeding 48 months, and less than the period of 7 years has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 42 months from that day for those under the age of 18 at the time of conviction; or
- (d) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974, for a term exceeding 6 months, but not exceeding 30 months, and less than the period of 48 months has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 24 months from that day for those under the age of 18 at the time of conviction; or
- (e) has been sentenced to a custodial sentence, within the meaning of section 5(7) and (8) of the Rehabilitation of Offenders Act 1974, for a term not exceeding 6 months and less than the period of 24 months has elapsed, beginning with the day on which the sentence (including any licence period relating to that sentence) is completed, or less than 18 months from that day for those under the age of 18 at the time of conviction; or
- (f) has been sentenced to a sentence of service detention, within the meaning of section 5(8) of the Rehabilitation of Offenders Act 1974⁽²⁶⁾, for a recordable service offence and less than the period of 12 months has elapsed, beginning with the day on which the sentence

(21) The British Transport Police Force was established by section 20 of the Railways and Transport Safety Act 2003 (c. 20) as of 1st July 2004, replacing the British Transport Police Force which comprised constables appointed under section 53 of the British Transport Commission Act 1949 (12 & 13 Geo c.xxix).

(22) 2004 c.20.

(23) 1883 c. 3.

(24) 1974 c. 53; section 5(1) was amended by the Armed Forces Act 1976 (c. 52), Schedule 9, paragraph 20(4), the Criminal Justice (Scotland) Act 1980 (c. 82), section 83(2) and Schedule 7, paragraph 24, the Criminal Justice Act 1982 (c. 48), sections 77 and 78 and, respectively, Schedule 14, paragraph 36(a) and (b) and Schedule 16, the Criminal Justice Act 1988 (c. 33), Schedule 8, paragraph 9(a), the Powers of the Criminal Courts (Sentencing) Act 2000 (c. 6), Schedule 9, paragraph 48(1) and (2)(a) and (b), the Criminal Justice Act 2003 (c. 44), Schedule 32, Part 1, paragraph 18(1) and (2)(a) and (b), the Armed Forces Act 2006 (c. 52), section 378, Schedule 16, paragraph 65(1) and (2)(a)(i), (ii) and (iii), (2)(b) and (3) and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 139(1) and (2) and Schedule 21, Part 1, paragraph 2. Section 5(1A) was inserted by the Armed Forces Act 1976 (c. 52), Schedule 9, paragraph 20(5) and amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 139(1) and (3).

(25) 1974 c.53; section 5(2) to (8) was substituted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 139.

(26) 1974 c. 53; section 5(2) to (11) was substituted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), Part 3, section 139(1) and (4).

is completed, or less than 6 months from that day for those under the age of 18 at the time of conviction, and, for these purposes —

- (i) “conviction” includes a finding or a substituted finding that is treated as a conviction by virtue of section 376 of the Armed Forces Act 2006⁽²⁷⁾; and
- (ii) “recordable service offence” has the meaning given by article 2(1) of the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009⁽²⁸⁾ and paragraph 4 of Schedule 2 to that Order;

“propellant” means a deflagrating explosive used as a propellant in firearms;

“public consultation zone” means the area around the store or proposed store, or the building where the manufacture of explosives takes place or is proposed to take place, which, from the centre point of the store or building, has a radius equivalent to double the greatest separation distance required by virtue of these Regulations to apply in the case of that store or building;

“pyrotechnic article” means any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions;

“pyrotechnic substance” means an explosive substance of a kind designed to produce an effect by heat, light, sound, gas or smoke, or a combination of any of these, as a result of non-detonative, self-sustaining, exothermic chemical reactions;

“recipient competent authority document” has the meaning in regulation 8(9);

“relevant explosive” means an explosive for which an explosives certificate is required under regulation 5 for acquiring or keeping that explosive, or would be so required were it not for regulation 3(7), and, in relation to regulations 35 and 37 and paragraph 4 of Schedule 4 it also includes—

- (a) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997⁽²⁹⁾; and
- (b) smokeless powder,

even though, and to the extent that (in the case of smokeless powder), an explosives certificate is not required for their acquisition or keeping;

“relevant police force” means in the case of an explosives certificate—

- (a) which will certify that the holder is a fit person to keep explosives, the police force for the police area in which the place of keeping is or is to be situated,
- (b) which will certify only that the holder is a fit person to acquire explosives, the police force for the police area in which the applicant for a certificate resides or, in the case of a body corporate, in which the applicant has its registered office, or, if it has no registered office, its principal office,
- (c) which has been issued, the police force stated in the certificate;

“renewal of a licence” means the granting of a licence to follow a previous licence without any amendment or gap in time;

“restricted substance” means any collection of substances which would if mixed form one or more explosive substances and which has been prepared for that purpose;

“separation distance” means the distance between the store or the building or other place in or at which explosives are, or are to be, manufactured and a building, or other place in or at which people are or are likely to be present either all the time or from time to time;

⁽²⁷⁾ 2006 c. 52.

⁽²⁸⁾ S.I. 2009/1922, to which there are amendments not relevant to these Regulations.

⁽²⁹⁾ 1968 c. 27, 1982 c. 31, 1988 c. 45, 1992 c. 31, 1997 c. 5 and 1997 c. 64.

“ship” includes every description of vessel used in navigation;

“shooters’ powder” means —

- (a) black powder,
- (b) smokeless powder which is manufactured for use in small arms, or
- (c) any other substance or preparation based on potassium nitrate or nitro cellulose, whether in powder, pelletised or granular form, used, or to be used, as a propellant;

“site” means the whole area under the control of the same person and, for these purposes —

- (a) all places adjoining each other under the control of the same person are to be treated as a whole area; and
- (b) two or more areas under the control of the same person separated only by a road, railway or inland waterway are to be treated as a whole area;

“small arms” means any of—

- (c) a firearm with a calibre not larger than 19.1 millimetres designed to fire ammunition consisting of a propelling charge and an inert projectile;
- (d) a shotgun as defined by section 1(3) of the Firearms Act 1968⁽³⁰⁾; or
- (e) a firearm intended to fire blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge;

“small arms ammunition” means the explosive articles assigned in accordance with the United Nations Recommendations the U.N. no. 0012, 0014 or 0055 which are intended exclusively for use in small arms;

“smokeless powder” means an explosive substance assigned in accordance with the United Nations Recommendations the U.N. no. 0509 or 0161 and which is intended exclusively for use in firearms;

“store” means a building, enclosed area or metal structure in which explosives are, or are to be, stored;

“substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

“transfer”, in relation to explosives, means —

- (a) in regulations 3(14) and 8, any physical movement of explosives apart from movement within one site and whether or not transferring possession of or property in the explosives is involved; and
- (b) for all other provisions, transferring possession of or property in the explosives, save that, in relation to regulation 38(2) it is limited to a transfer of possession;

“U.N. no.” means United Nations Serial Number, that is to say one of the four-digit numbers devised by the United Nations as a means of identification of types of explosives in accordance with the United Nations Recommendations;

“United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26 April 1957))⁽³¹⁾ as revised or reissued from time to time;

⁽³⁰⁾ 1968 c. 27; section 1(3)(a) was substituted by the Firearms (Amendment) Act 1988 (c. 45), section 2(2).

⁽³¹⁾ Current edition (1997): ISBN 92-1-139057 5.

“visiting force” has the same meaning as it does for the purposes of any provision of Part 1 of the Visiting Forces Act 1952⁽³²⁾;

“water-based”, in relation to explosives, means explosives which are based on water and ammonium nitrate and assigned in accordance with the United Nations Recommendations the U.N. no. 0241; and

“wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006⁽³³⁾.

(2) For the purposes of these Regulations, the manufacture or storage of ammonium nitrate blasting intermediate is deemed to be the manufacture or storage of an explosive.

(3) For the purposes of measuring any distance required to be a separation distance by virtue of these Regulations, the distance to be measured is the horizontal distance between the outside edge of the store or the building or other place in or at in which the explosives are, or are to be, manufactured and the nearest point of the building or other place which the separation distance applies to.

(4) Any reference in these Regulations to the quantity of an explosive is to be construed as a reference to the net mass of explosive substance.

(5) For the purposes of these Regulations and subject to paragraph (6), “storage” in relation to explosives means their possession for any period after their manufacture, save for—

- (a) any period during which they are being prepared at any place for use at that place; and
- (b) any period during which they are being transported beyond the place where they are stored.

(6) Subject to paragraph (7), where, during any transport of any explosive beyond the place where it is stored, that explosive is, or is to be, kept at any place for more than twenty-four hours, that keeping is to be treated as storage within the meaning of these Regulations and the provisions of these Regulations apply to that keeping accordingly, notwithstanding any application of the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009⁽³⁴⁾ to that transporting.

(7) Paragraph (6) does not apply to explosives in respect of which there is in existence an explosives licence granted under regulation 36(1) of the Dangerous Substances in Harbour Areas Regulations 1987⁽³⁵⁾.

(8) The performance of any function given to the chief officer of police under these Regulations may be delegated by the chief officer of police (“chief officer”), to such an extent and subject to such conditions as the chief officer may specify—

- (a) to a member of the police force in respect of which the chief officer is the chief officer of police;
- (b) to a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011⁽³⁶⁾ (civilian staff); or
- (c) to a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012⁽³⁷⁾ (police staff),

and any such delegation must be made in writing by that chief officer.

(9) Any reference in the definitions in this regulation of “desensitised explosive”, “explosive substance”, “pyrotechnic article”, “pyrotechnic substance” or “substance” to liquid, gas, gaseous form or vapour, means, respectively, liquid, gas, gaseous form or vapour at normal atmospheric temperature and pressure.

⁽³²⁾ 1952 c.67. “Visiting force” is defined in section 12 of that Act.

⁽³³⁾ 2006 c.46.

⁽³⁴⁾ S.I. 2009/1348, to which there are amendments not relevant to these Regulations.

⁽³⁵⁾ S.I. 1987/37, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

⁽³⁶⁾ 2011 c. 13.

⁽³⁷⁾ 2012 asp 8.

(10) Any reference to acquiring an explosive means acquiring possession of or property in the explosive.

(11) For the purposes of these Regulations, a site is an ONR regulated site if it or any part of it is—

- (a) a GB nuclear site;
- (b) an authorised defence site; or
- (c) a new nuclear build site.

Application and extent

3.—(1) Except as provided by paragraphs (2) and (3), these Regulations extend to England and Wales and Scotland.

(2) In Schedule 13—

- (a) the amendments made by paragraphs 16, 20 and 30 extend to Scotland only; and
- (b) the amendments made by paragraphs 11 and 14 extend to England and Wales only.

(3) Regulation 29 extends to Northern Ireland⁽³⁸⁾ in so far it applies to the importation of pyrotechnic articles and substances.

(4) These Regulations apply—

- (a) within Great Britain subject to paragraphs (5) to (16); and
- (b) outside Great Britain as specified in paragraphs (17) and (18).

(5) In Schedule 13—

- (a) the amendments made by paragraph 14(2) and (4) apply in relation to England only; and
- (b) the amendments made by paragraph 14(3) and (5) of that Schedule apply in relation to Wales only.

(6) Regulations 4, 5, 11, 19, 21, 22, 31, 32, 35 and 37 do not apply to any explosive nuclear device.

(7) Regulation 5 does not apply to the acquisition or keeping of explosives by or on behalf of—

- (a) any officer referred to in section 74 of the Explosives Act 1875⁽³⁹⁾ exercising the power of seizure under that section;
- (b) constables acting in the execution of their duties;
- (c) a person—
 - (i) appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011(civilian staff); or
 - (ii) appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 (police staff),

who, in either case, is duly authorised in writing by the chief officer of police for the relevant police area;

- (d) customs officers acting in the performance of their functions;
- (e) the Crown, in respect of any explosive which—
 - (i) is in premises occupied on behalf of the Crown for, or
 - (ii) is intended for use for,

⁽³⁸⁾ By virtue of section 84(1) of the Health and Safety at Work etc. Act 1974, Parts I and IV of that Act extend to Northern Ireland “so far as may be necessary to enable regulations under section 15 to be made and operate for the purposes mentioned in paragraph 2 of Schedule 3. That paragraph includes, as a subject matter for such regulations, prohibiting the import into the United Kingdom of articles or substances of any specified description.

⁽³⁹⁾ 1875 c.17 (38 & 39 Vict); section 74 was amended by S.I. 1974/1885 and by the Energy Act 2013 (c. 32), Schedule 12, Part 5, paragraphs 50 and 52.

- naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for defence or that of the Secretary of State having responsibility for home affairs;
- (f) the service authorities of visiting forces or any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽⁴⁰⁾;
 - (g) a police force;
 - (h) the Executive; or
 - (i) the ONR.
- (8) Regulations 6, 7, 9, 10, 12 to 18, 20, 23 and 26 to 30 do not apply to—
- (a) any activity to which Part IX of the Dangerous Substances in Harbour Areas Regulations 1987⁽⁴¹⁾ (explosives) applies;
 - (b) any activity to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009⁽⁴²⁾ 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 includes —
 - (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⁽⁴³⁾;
 - (f) the storage of explosives below ground at a mine, where the explosives are for use at that mine for the getting of minerals or ensuring the safety of the mine.
- (9) Regulations 6, 7, 12 to 14, 16 to 18, 20, 23 and 27 do not apply to the manufacture or storage of explosives, at any site under the control of the Secretary of State having responsibility for defence, or held for the purposes of a visiting force or headquarters, under a scheme approved by that Secretary of State 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 27 and Schedule 5.
- (10) Regulations 6, 7, 12 to 14, 16 to 18, 20, 23 and 29 do not apply to explosives—
- (a) seized by constables acting in the execution of their 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—

⁽⁴⁰⁾ 1964 c. 5.⁽⁴¹⁾ S.I. 1987/37, amended by S.I. 1988/712, 2005/1082 and 2014/469; there are other amending instruments but none is relevant.⁽⁴²⁾ S.I. 2009/1348, to which there are amendments not relevant to these Regulations.⁽⁴³⁾ S.I. 1995/738, amended by S.I. 2002/2175; there are other amending instruments but none is relevant.

- (i) persons under the direction of a member of Her Majesty's Forces or civilian employees of the department of the Secretary of State having responsibility for defence authorised in writing by that Secretary of State 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.
- (11) Regulation 7 does not apply to—
 - (a) the Executive;
 - (b) the ONR;
 - (c) a local authority;
 - (d) the Commissioners for Her Majesty's Revenue and Customs;
 - (e) a police force;
 - (f) a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011⁽⁴⁴⁾ (civilian staff) who is duly authorised in writing by the chief officer of police to store explosives; and
 - (g) a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012⁽⁴⁵⁾ (police staff) who is duly authorised in writing by the chief officer of police to store explosives.
- (12) Regulations 7, 12 to 14, 16 to 18, 20, 23, 27, 29 and 30 do not apply to explosives seized by an inspector appointed under section 19 of the 1974 Act in the performance of the inspector's functions.
- (13) Regulations 7 and 30 do not apply to—
 - (a) constables in the execution of their duties;
 - (b) customs officers in the performance of their functions; or
 - (c) inspectors appointed under section 19 of the 1974 Act in the performance of their functions.
- (14) Regulations 8 and 39 to 42 do not apply in respect of the transfer of civil explosives to, by or on behalf of, or where, following the transfer, the explosives are in the possession of—
 - (a) a person exercising a power of seizure under section 74 of the Explosives Act 1875;
 - (b) constables acting in the execution of their duties;
 - (c) a person appointed to assist a police force as mentioned in paragraph 4(2) of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff) who is duly authorised in writing by the chief officer of police in respect of such transfer or possession;
 - (d) a person appointed to assist a police force as mentioned in section 26 of the Police and Fire Reform (Scotland) Act 2012 (police staff) who is duly authorised in writing by the chief officer of police in respect of such transfer or possession;
 - (e) customs officers acting in the performance of their functions;
 - (f) the Crown in respect of any civil explosives which are intended for use for the purposes of the department of the Secretary of State having responsibility for defence or that of the Secretary of State having responsibility for home affairs;

⁽⁴⁴⁾ 2011 c.13.

⁽⁴⁵⁾ 2012 asp 8.

- (g) inspectors appointed under section 19 of the 1974 Act exercising their power to take possession of and detain articles or substances under section 20(2)(i) of that Act as modified by Schedule 12 to these Regulations;
- (h) the Executive; or
- (i) the ONR.

(15) Regulations 33, 34 and 36 do not apply to—

- (a) an explosive which is transported and delivered without packaging or in a mobile explosives manufacturing unit for its direct unloading into the blast-hole;
- (b) fuses, which are cord-like non-detonating igniting devices;
- (c) safety fuses, which consist of a core of fine grained black powder surrounded by a flexible woven fabric with one or more protective outer coverings and which, when ignited, burn at a predetermined rate without any external explosive effect; or
- (d) cap-type primers, which consist of a metal or plastic cap containing a small amount of primary explosive mixture that is readily ignited by impact and which serve as igniting elements in small arms cartridges or in percussion primers for propelling charges.

(16) In paragraph (15), “mobile explosives manufacturing unit” means a moveable unit, whether mounted on a vehicle or not, for manufacturing and charging explosives from dangerous goods that are not explosives, with the unit consisting of various tanks, bulk containers and related equipment.

(17) These Regulations apply 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 2013(46).

(18) Paragraph (17) does not apply to regulations 4, 5, 31 and 32.