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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**The Explosives Regulations 2014**

**PART 11**

**SECURITY OF EXPLOSIVES: TRACEABILITY,  
RECORDS AND REPORTING LOSS**

**Unique identification of civil explosives**

**33.**—(1) Subject to paragraphs (3) and (4), any person who manufactures a civil explosive must, as soon as is practicable after that manufacture and before the civil explosive may be moved away from the site where it is manufactured—

- (a) mark each civil explosive item referred to in Schedule 7 relating to the civil explosive with a unique identification in accordance with that Schedule;
- (b) where an associated label in respect of that marking is required by that Schedule, attach the label in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, place that tag in accordance with the applicable provisions of that Schedule.

(2) The unique identification must—

- (a) comprise the components described in Schedule 6; and
- (b) be marked on or firmly affixed to the civil explosive item concerned in a way which ensures that it is durable and clearly legible.

(3) Paragraph (1) does not apply where the civil explosive is manufactured for export and is marked with an identification in accordance with the requirements of the importing country for allowing traceability of the civil explosive.

(4) Where a civil explosive is subject to a further manufacturing process after its original manufacture, the manufacturer must mark each civil explosive item relating to the civil explosive subjected to that further process, with a new unique identification only if the original unique identification is no longer marked in the way that paragraph (2)(b) requires and any new marking so required must be done as soon as is practicable after that further process and before the civil explosive may be moved away from the site where it is manufactured.

(5) Subject to paragraph (6), a person who imports a civil explosive into Great Britain must, as soon as is practicable after import and before acquisition of the civil explosive by another person—

- (a) mark each civil explosive item referred to in Schedule 7 relating to the civil explosive with a unique identification in accordance with that Schedule;
- (b) where an associated label in respect of that marking is required by that Schedule, attach the label in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, place that tag in accordance with the applicable provisions of that Schedule.

(6) Paragraph (5) does not apply where the civil explosive items are marked with a unique identification before importation.

(7) Where a distributor repackages a civil explosive, the distributor must ensure that—

- (a) the civil explosive items relating to the civil explosive have the unique identification marked on or affixed to them in accordance with Schedule 7;
- (b) where an associated label in respect of that marking is required by that Schedule, the label is attached in accordance with those requirements; and
- (c) where a passive inert electronic tag or associated tag is applied in respect of that marking, that tag is placed in accordance with the applicable provisions of that Schedule.

(8) For the purposes of this regulation and Schedule 7—

- (a) “civil explosive item” means a civil explosive article, a container containing a civil explosive substance or each smallest packaging unit containing civil explosive;
- (b) “civil explosive article” means an article containing one or more civil explosive substances; and
- (c) “civil explosive substance” means an explosive substance in a civil explosive.

#### **Attribution of manufacturing site codes for civil explosives**

**34.**—(1) This regulation applies for the purposes of the attribution of a three digit code (referred to in this regulation as the “code”) to a site where civil explosives are manufactured, which is unique to that site and is a component of the unique identification described in Schedule 6.

(2) For each site within Great Britain at which civil explosives are manufactured—

- (a) the manufacturer must apply to the Executive for it to attribute a code for the site; and
- (b) the Executive must attribute the code and inform the manufacturer accordingly.

(3) For the purposes of the attribution of a code to a site where civil explosives are manufactured in a country that is not an EEA State<sup>(1)</sup>—

- (a) paragraph (4) applies where the manufacturer is established in an EEA State and the place of import of the civil explosives is Great Britain;
- (b) paragraph (5) applies where the manufacturer is not established in an EEA State and the place of import of the civil explosives is Great Britain; and
- (c) paragraph (6) applies where the manufacturer is established in Great Britain and the place of import of the civil explosives is either Northern Ireland or an EEA State other than the United Kingdom.

(4) Where this paragraph applies—

- (a) in the case where the manufacturer is established in Great Britain—
  - (i) the manufacturer must apply to the Executive for it to attribute a code for the site where the civil explosives are manufactured; and
  - (ii) the Executive must attribute the code and inform the manufacturer accordingly; and
- (b) in the case where the manufacturer is established in Northern Ireland or an EEA State other than the United Kingdom—
  - (i) the Executive must attribute a code for the site where the civil explosives are manufactured when it receives a request from the manufacturer to do so; and
  - (ii) the Executive must inform the manufacturer accordingly.

(1) Commission [Directive 2008/43/EC](#) of 4th April 2008 (OJ No. L94, 5.4.2008, p.8) applies in relation to the EEA by virtue of Decision No. 119/2010 of 10th November 2010 of the EEA Joint Committee (OJ No. L 58, 3.3.2011, p.76).

- (5) Where this paragraph applies—
  - (a) the importer must apply to the Executive for it to attribute a code for the site where the civil explosives are manufactured; and
  - (b) the Executive must attribute the code and inform the importer accordingly.
- (6) Where this paragraph applies, the manufacturer must apply to—
  - (a) the Secretary of State for Northern Ireland, where the place of import of the civil explosive is Northern Ireland; or
  - (b) the national authority of the EEA State of import of the civil explosive,

for that Secretary of State or that national authority, as the case may be, to attribute a code for the site where the civil explosives are manufactured.

### **Records in relation to relevant explosives**

**35.**—(1) Subject to paragraph (2), a person (“person A”) who acquires or keeps a relevant explosive must keep a record containing the information referred to in paragraph (3).

- (2) The duty imposed by paragraph (1) does not apply to—
  - (a) individuals who acquire any relevant explosive, otherwise than in connection with their work, solely for their own personal use; or
  - (b) a relevant explosive which is produced by mixing at any place non-explosive substances or preparations to form a relevant explosive for immediate use at that place.
- (3) The information referred to in paragraph (1) is—
  - (a) the means of identifying the relevant explosive, including—
    - (i) its type;
    - (ii) its manufacturer;
    - (iii) a description of the relevant explosive and its name, product code or other information which enables the relevant explosive to be distinguished from every other explosive to which it is not identical;
  - (b) the total number of any explosive articles, the total nominal mass of explosive substance not contained in explosive articles or, in the case of such substances in cartridge form, the total number of cartridges;
  - (c) the location of the relevant explosive while it is in the possession of person A;
  - (d) the name and address of any person to whom the relevant explosive is transferred; and
  - (e) whether, while in the possession of person A, the relevant explosive has been—
    - (i) subjected to a further manufacturing process after its acquisition;
    - (ii) used;
    - (iii) transferred to another person; or
    - (iv) destroyed,and the date of any such further manufacturing process, use, transfer or destruction.

(4) The record of that information must be kept up to date by person A.

(5) The system applied by person A for collecting the information must be tested by person A at regular intervals to ensure its effectiveness and the quality of the information recorded.

(6) Person A must keep the record for a period of three years from the date when the relevant explosive concerned was used, transferred to another person or destroyed.

(7) Person A must protect the record against accidental or malicious damage or destruction.

(8) Person A must provide the enforcing authority with—

- (a) information as to the origin and location of each relevant explosive to which the record relates, where the enforcing authority requests it; and
- (b) the name of an employee or other person who would be able to provide the enforcing authority with that information at any time and the details necessary for that authority to be able to contact that individual.

(9) Where a business of person A which acquires or keeps any relevant explosive is to cease to trade, person A must notify the enforcing authority of that fact and offer any record still required to be kept pursuant to paragraph (6) to that authority.

(10) In paragraph (3)(a)(iii), “name” means, in relation to an explosive article or explosive substance—

- (a) the name under which it is or is to be marketed; or
- (b) in the case of a military explosive (within the meaning of regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(2)), the name designated in writing for that explosive article or substance by the Secretary of State having responsibility for defence.

(11) When regulation 36 is in force, this regulation, to the extent that it concerns civil explosives to which the duty in regulation 36(1) will then apply, ceases to have effect in relation to those civil explosives.

### **Records in relation to civil explosives**

**36.**—(1) Subject to paragraph (2), a person (“person B”) who manufactures, imports, distributes, acquires or keeps any civil explosive must, in respect of any civil explosive manufactured in, or imported into, Great Britain on or after 5th April 2015, keep a record containing the information referred to in paragraph (3).

(2) The duty imposed by paragraph (1) does not apply to individuals who acquire any civil explosive, otherwise than in connection with their work, solely for their own personal use.

(3) The information referred to in paragraph (1) is—

- (a) the means of identifying and describing the civil explosive, including—
  - (i) its type; and
  - (ii) the unique identification in relation to the civil explosive;
- (b) the location of the civil explosive while it is in the possession of person B;
- (c) the name and address of any person to whom the civil explosive is transferred; and
- (d) whether, while in the possession of person B, the civil explosive has been—
  - (i) subjected to a further manufacturing process after its original manufacture;
  - (ii) used;
  - (iii) transferred to another person;
  - (iv) or destroyed,

and the date of any such further manufacturing process, use, transfer or destruction.

(4) The record of that information must be kept up to date by person B.

(5) The system applied by person B for collecting the information must be tested by person B at regular intervals to ensure its effectiveness and the quality of the information recorded.

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(2) [S.I. 2009/1348](#), to which there are amendments not relevant to these Regulations.

(6) Person B must keep the record for a period of ten years from the date when the civil explosive concerned was used, transferred to another person or destroyed.

(7) Person B must protect the record against accidental or malicious damage or destruction.

(8) Person B must provide the enforcing authority with—

(a) information as to the origin and location of each civil explosive to which the record relates, where the enforcing authority requests it; and

(b) the name of an employee or other person who would be able to provide the enforcing authority with that information at any time and the details necessary for that authority to be able to contact that individual.

(9) Where a business of person B which manufactures, imports, distributes, acquires or keeps civil explosives is to cease to trade, person B must notify the enforcing authority of that fact and provide any record still required to be kept pursuant to paragraph (6) to that authority, who must keep that record for the remainder of the period referred to in that paragraph.

### **Reporting loss**

**37.—**(1) Any person who acquires possession of, keeps, loads, unloads or transports any relevant explosive or is the occupier of a place where it is loaded or unloaded while on a journey must ensure that the loss of any relevant explosive is reported forthwith—

(a) to the chief officer of police for the police area in which the loss occurs; or

(b) if it is not known where the loss occurred, to the chief officer of police for the police area in which the loss is discovered, or

(c) if the loss occurs or is discovered outside Great Britain, to any chief officer of police.

(2) Where the person required by paragraph (1) to ensure the reporting of a loss is a person who had acquired possession of the relevant explosive or was keeping it, that person must also confirm the report in writing without delay including the following information (whether or not previously supplied orally)—

(a) the date and time that the loss was first discovered;

(b) the place at which that discovery was made;

(c) a description of each type of relevant explosive that has been lost sufficient to distinguish that type from other explosives which are similar but not identical;

(d) for each type lost—

(i) the number of articles lost, or

(ii) the total nominal mass of each type of explosive substance lost, except that in the case of a substance in cartridge form, the number of cartridges lost may be given.

(3) Any person who transports, loads or unloads relevant explosive or is the occupier of a place where it is loaded or unloaded must also report the loss of any relevant explosive without delay to the consignor or, if the consignor is outside the United Kingdom, to the consignee.

(4) Any person making a report under paragraph (3) must provide the consignor or consignee with any information in the possession of the person making the report which the consignor or consignee needs to comply with paragraph (5).

(5) Any consignor or consignee to whom a loss is reported under paragraph (3) must without delay notify the loss in writing to the chief officer of police for the police area in which the loss was discovered, and also (if different) the chief officer of police who issued any explosives certificate held by the consignor or consignee which relates to the relevant explosive the loss of which has been so reported, giving the information listed in paragraph (2).

(6) Employees must inform their employer without delay if they become aware of any loss of any relevant explosive which their employer must report.

(7) Where any loss of a relevant explosive occurs at a site in relation to which the Executive is the licensing authority by virtue of Schedule 1, then any requirement in this regulation to report or supply information to a chief officer of police also includes a like requirement to report or supply the same information to the Executive.

(8) Where any loss of a relevant explosive occurs at a site in relation to which the ONR is the licensing authority by virtue of paragraph 4 of Schedule 1, then any requirement in this regulation to report or supply information to a chief officer of police also includes a like requirement to report or supply the same information to the ONR.

(9) The person required by paragraph (1) to ensure that a loss is reported must maintain adequate systems for ensuring that any loss of a relevant explosive is detected.

(10) That system must be tested by that person at regular intervals to ensure its effectiveness.

(11) In determining whether any relevant explosive is lost for the purposes of this regulation, no account is to be taken of any relevant explosive in respect of which it can be shown that the cause was not theft and that the relevant explosive no longer exists.