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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**The Explosives Regulations 2014**

**PART 2**

**AUTHORISATIONS**

**Authorisation to acquire or acquire and keep explosives**

**4.—(1)** An explosives certificate is a certificate certifying that the person to whom it is issued is a fit person—

- (a) to acquire explosives; or
- (b) to acquire and keep explosives,

in accordance with the terms of the explosives certificate.

(2) An explosives certificate must be in a form approved for the time being for the purposes of this regulation by the Executive.

**5.—(1)** Subject to paragraph (3), no person may acquire any explosives unless—

- (a) that person has a valid explosives certificate certifying that person to be a fit person to acquire explosives;
- (b) that person acquires no more explosives than any quantity referred to in the explosives certificate;
- (c) where the explosives certificate specifies the description of explosives which that person is a fit person to acquire, that person acquires only explosives of that description; and
- (d) where the explosives certificate specifies purposes for which that person is a fit person to acquire explosives, that person acquires them only for those purposes.

(2) Subject to paragraph (3), no person may keep explosives unless that person—

- (a) has a valid explosives certificate certifying that person to be a fit person to keep explosives;
- (b) keeps no more explosives than the quantity referred to in the explosives certificate;
- (c) where the explosives certificate specifies the description of explosives which that person is a fit person to keep, keeps only explosives of that description; and
- (d) keeps them at any place specified in the explosives certificate.

(3) Paragraphs (1) and (2) do not apply to —

- (a) the explosives as referred to in Schedule 2;
- (b) pyrotechnic articles apart from those as referred to in Schedule 3; or
- (c) ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997<sup>(1)</sup>.

(4) For the purposes of this regulation, where a person acts as an agent to acquire a relevant explosive for another person, the agent is to be treated as if the agent, as well as that other person, had acquired the relevant explosive and the provisions of paragraph (1) accordingly apply to the agent as well as to that other person.

### **Authorisation to manufacture explosives**

**6.—(1)** Subject to paragraph (2), no person may manufacture explosives unless that person holds a licence for that manufacture and complies with the conditions of that licence.

(2) Paragraph (1) does not apply to—

- (a) the manufacture of explosives for the purpose of laboratory analysis, testing, demonstration or experimentation (but not for practical use or supply) where the total quantity of explosives being manufactured at any time does not exceed 100 grams, but nothing in this sub-paragraph is to be taken as authorising any acquisition or keeping of explosives for which an explosives certificate is required by virtue of regulation 5, without such a certificate;
- (b) the making or unmaking of small arms ammunition, or ammunition with inert projectiles intended for use in recreational or occupational firearms, or the preparation of cartridges for use with firearms which are to be used at historical re-enactment events, where the total quantity of primer and propellant used at any one time does not exceed 2 kilograms and, for these purposes, the quantity of propellant used includes propellant removed from cartridges;
- (c) the preparation of shot firing charges in connection with their use;
- (d) the preparation, assembly, disassembly and fusing of firework displays at the place of intended use;
- (e) the preparation, assembly and fusing of fireworks, in quantities of no more than 10 kilograms at a time, at a site in relation to which a person holds a licence for the storage of explosives, for the purposes of a firework display to be put on by that person;
- (f) the preparation, assembly and fusing of explosives commissioned for use in theatrical, television or cinematic special effects;
- (g) the reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive substance;
- (h) the mixing for immediate use of—
  - (i) ammonium nitrate with fuel oil; or
  - (ii) ammonium nitrate blasting intermediate with another substance, at a mine or quarry to produce an explosive which is not cap-sensitive;
- (i) the use of desensitised explosives in the manufacture of products which are not in themselves explosives; or
- (j) the manufacture of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds a licence to manufacture explosives and that manufacture by the wholly-owned subsidiary is in accordance with the conditions of that licence.

(3) Where any of the activities in paragraph (2) for which a licence is not required are to take place at a site in relation to which a person holds a licence, the activity may only be carried out there where to do so would not result in a breach of the conditions of that licence.

(4) In this regulation—

- (a) “cap-sensitive” means an explosive which gives a positive result when tested in accordance with the Series 5(a) test of the Manual of Tests and Criteria, fifth revised edition(2), supporting the United Nations Recommendations;
- (b) “quarry” has the meaning given in regulation 3 of the Quarries Regulations 1999(3);
- (c) “recreational or occupational firearms” means hand-held firearms intended for the shooting of—
  - (i) wild game, vermin or, in the course of carrying on activities in connection with the management of an estate, wildlife; or
  - (ii) prepared inanimate objects;
- (d) “shot firing charges” means charges used in shot firing operations; and
- (e) “supply” means making available with a view to distribution or use, whether by the person making it available to another and whether for reward or free of charge.

### **Authorisation to store explosives**

7.—(1) Subject to paragraph (2), no person may store explosives unless that person holds a licence for their storage and complies with the conditions of that licence.

(2) Paragraph (1) does not apply to—

- (a) the storage of one or more of the following—
  - (i) no more than 10 kilograms of shooters’ powder;
  - (ii) no more than 5 kilograms of—
    - (aa) shooters’ powder; or
    - (bb) any hazard type 3 or 4 explosive, or desensitised explosive, which is not a relevant explosive, or a combination of hazard type 3 or 4 explosives, or desensitised explosives, which are not relevant explosives; or
    - (cc) a combination of shooters’ powder and any hazard type 3 or 4 explosives, or desensitised explosives, which are not relevant explosives;
  - (iii) no more than 15 kilograms of percussion caps or small arms ammunition or a mixture of them;
- (b) the storage of no more than 7 kilograms of—
  - (i) hazard type 1 or 2 explosives, or
  - (ii) a combination of hazard type 1 or 2 explosives with explosives of another hazard type,for no longer than 24 hours;
- (c) the storage of hazard type 3 or 4 explosives for no longer than 24 hours;
- (d) the storage of no more than 100 kilograms of—
  - (i) hazard type 3 explosives consisting of fireworks;
  - (ii) shooters’ powder; or
  - (iii) a combination of shooters’ powder and hazard type 3 and 4 explosives consisting of fireworks,provided that the explosives are stored for no longer than is necessary and in any event no more than 5 consecutive days in their place of intended use;

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(2) ISBN 978 – 92 – 1 – 139135 – 0.

(3) S.I. 1999/2024, to which there are amendments not relevant to these Regulations.

- (e) the storage of—
    - (i) no more than 250 kilograms of hazard type 4 explosives provided that the explosives are stored for no longer than is necessary and in any event no more than 5 consecutive days in their place of intended use; or
    - (ii) no more than 50 kilograms of hazard type 4 explosives consisting solely of fireworks provided that the fireworks are stored for no longer than 21 consecutive days and are not for sale or for use at work;
  - (f) the storage of desensitised explosives which have been assigned in accordance with the United Nations Recommendations the U.N. no. 2059, 2555, 2556 or 2557; or
  - (g) the storage of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds a licence to store explosives and that storage by the wholly-owned subsidiary is in accordance with any condition of that licence.
- (3) For the purposes of paragraph (2)—
- (a) no more than one of the exceptions listed in subparagraphs (a) to (g) of paragraph (2) may be relied on in relation to explosives stored at the same site at the same time, irrespective of the person who is storing them; and
  - (b) the quantities referred to in that paragraph are the maximum quantities of the explosives they respectively relate to which may be present at a site at any one time.
- (4) Where any storage to which paragraph (2) applies for which a licence is not required is to take place at a site in relation to which a person holds a licence, that storage may only take place there where to do so would not result in a breach of the conditions of that licence.

### **Authorisation to transfer civil explosives**

8.—(1) Before any civil explosives are transferred, the consignee must obtain from the competent authority for the place where the transfer will terminate, a recipient competent authority document which grants approval for the transfer.

(2) No person may consign any civil explosives for carriage to a place outside Great Britain unless the approval of the relevant authority has been obtained.

(3) No person may consign any civil explosives for carriage unless that person is satisfied that the consignee has the recipient competent authority document required by paragraph (1).

(4) No person may carry civil explosives unless the civil explosives are accompanied by the recipient competent authority document required by paragraph (1) or a copy of that document certified by or on behalf of the consignee to be a true copy thereof.

(5) For the purposes of this regulation, any transfer of civil explosives to a place outside the area of the EEA States<sup>(4)</sup> is treated as a transfer which will terminate at the place where the civil explosives are immediately before leaving the area of the EEA States.

(6) The consignee of any civil explosives must retain the recipient competent authority document or a copy thereof for a period of 3 years from the completion of the transfer.

(7) This regulation does not apply to the transfer of any component of small arms ammunition by a person for that person's own sporting or other recreational use and not for sale, or to the transfer of such component following which the component is in the possession of a person for such purposes.

(8) Except as part of a transfer carried out in accordance with this regulation, the importation of civil explosives into the United Kingdom is prohibited.

(4) Council Directive 1993/15/EC of 5th April 1993 applies in relation to the EEA by virtue of Decision No. 7/94 of 21st March 1994 of the EEA Joint Committee amending Protocol 47 and certain Annexes to the EEA Agreement (OJ No. L160, 28.6.1994, p.1).

- (9) In this regulation—
- (a) “competent authority” means—
    - (i) in respect of Great Britain, the Executive, and
    - (ii) in respect of Northern Ireland or a place in the territory of an EEA State other than the United Kingdom, the authority whose responsibilities are specified in Article 9 of the Civil Uses Directive;
  - (b) “recipient competent authority document” means a document issued in accordance with Article 9.3, 9.5, or 9.6 of the Civil Uses Directive by the competent authority of the EEA State in which the transfer will terminate; and
  - (c) “relevant authority” means—
    - (i) in respect of a transfer or part of a transfer which takes place within Great Britain, the Executive, and
    - (ii) in respect of a transfer or part of a transfer which takes place in Northern Ireland or a place in the territory of an EEA State other than the United Kingdom, the competent authority for each place where the transfer takes or is to take place.

#### **Prohibition concerning the acquisition and supply of fireworks**

- 9.—(1) No person may—
- (a) acquire more than 50 kilograms of fireworks unless that person (“Person A”), or another person on behalf of Person A, holds a valid licence for the storage of those fireworks; or
  - (b) sell or otherwise transfer to any person (“Person B”) more than 50 kilograms of fireworks unless Person B shows to the person selling or otherwise transferring the fireworks a valid licence for the storage by Person B of those fireworks.
- (2) This regulation does not apply to a person who is transporting fireworks on behalf of another person.