

SCHEDULE 1

Regulation 2(1)

MEANING OF “LICENSING AUTHORITY”

1. Subject to paragraphs 2 to 5, “licensing authority” means—
 - (a) in relation to an application for a licence for the storage within one site of no more than 2000 kilograms of explosives to which paragraph (a)(i) or (b) of the definition of “explosive” in regulation 2(1) applies—
 - (i) the chief officer of police for the area in which the storage is to take place where—
 - (aa) any of the explosives are relevant explosives;
 - (bb) any of the explosives are ammunition the acquisition of which is regulated or prohibited by virtue of the Firearms Acts 1968 to 1997⁽¹⁾;
 - (cc) any of the explosives are smokeless powder or percussion caps; or
 - (dd) the explosives are to be stored by a person who is registered as a firearms dealer under section 33 of the Firearms Act 1968⁽²⁾;
 - (ii) the local authority for the area in which the storage is to take place where none of the explosives are of a type to which sub-paragraph (a)(i) applies;
 - (b) the Executive where the explosives are to be stored on the surface at a mine, whether in a building or not, or within a harbour;
 - (c) where the application for a licence relates to the manufacture or storage of ammonium nitrate blasting intermediate, the Executive;
 - (d) in relation to an application for a licence in any other case, the Executive.
2. In any case falling within paragraph 1(a) and subject to paragraph 5, the applicant may apply instead to the Executive for a licence, in which case the Executive is to be the licensing authority in place of the chief officer of police or local authority.
3. Where a person wishes to manufacture and store explosives at the same site, and requires a licence for that manufacture and for that storage, the Executive is to be the licensing authority in respect of any application for a licence relating to that site and the reference to “an application” in paragraph 1(d) includes any such application.
4. The ONR is the licensing authority in relation to any application for a licence for the manufacture or storage of explosives on an ONR regulated site.
5. The applicant may only apply to the Executive pursuant to paragraph 2, where—
 - (a) the applicant has notified the Executive that the separation distances which would be required by regulation 27 and Schedule 5 could not be complied with; or
 - (b) the application does not relate to the storage of pyrotechnic articles at any site where those articles are to be offered for sale and the applicant has already been granted a licence by the Executive under paragraph 1 which relates to another site.

⁽¹⁾ 1968 c.27, 1982 c.31, 1988 c.45, 1992 c.31, 1997 c.5 and 1997 c.64.

⁽²⁾ 1968 c.27; section 33(3) was amended by the Firearms (Amendment) Act 1988 (c. 45), section 13(1) and the Firearms Act 1997 (c. 5), section 42(2).