
STATUTORY INSTRUMENTS

2003 No. 1082

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

Taking of samples for the purpose of a detonation resistance test

8.—(1) Where a person keeping relevant ammonium nitrate material has a detonation resistance test performed for the purposes of these Regulations he may either—

- (a) take a sample of the relevant ammonium nitrate material containing not less than 25 kilogrammes of the material from each batch or part batch in the presence of a sampling body and have the sample certified by that body as being representative of that batch, or
- (b) allow such a sample to be taken by a sampling body,

and submit the sample to be subjected to a detonation resistance test by a competent laboratory.

(2) An inspector may at any time carry out a check of relevant ammonium nitrate material by taking one aggregate sample of not less than 75 kilogrammes of the material from any batch or part batch, and then dividing that sample into three approximately equal parts, each containing not less than 25 kilogrammes, and—

- (a) submitting one part to be subjected to a detonation resistance test by a competent laboratory;
- (b) giving a second part to the person regarded by him as the keeper of the material;
- (c) placing a third part in a store which is appropriate to ensure that the third part is maintained in as constant a condition as is reasonably practicable until such time as it may be required to be submitted to a detonation resistance test by a competent laboratory.

(3) Where a detonation resistance test result from the first part taken in accordance with paragraph (2)(a), indicates—

- (a) that it is not resistant to detonation, and
- (b) the result of the test on that batch is at variance with a pre-existing detonation resistance certificate or unique numbered copy,

then the earlier certificate (or, as the case may be, the earlier certificate insofar as it relates to the quantity of material covered by the unique numbered copy) will be treated as invalid in accordance with paragraph (5).

(4) If paragraph (3) applies in relation to a unique numbered copy relating to material originally derived directly or indirectly from a particular batch, then—

- (a) where the inspector is of the opinion that the test result might be likely to be replicated in relation to other relevant ammonium nitrate material from the same batch, he may serve a control notice, that is to say notice on any person whom he considers to be keeping the material in circumstances that regulation 6 applies to him—
 - (i) indicating that he is of that opinion and explaining why;
 - (ii) identifying the batch; and
 - (iii) notifying him of the effect of this regulation in relation to suspect material, that is to say material from the batch which he is so keeping;

- (b) the giving of a control notice shall render invalid the earlier detonation resistance certificate in so far as it relates to the suspect material; and
 - (c) where any person affected by the service of a control notice obtains or has a further detonation resistance certificate in relation to any of the suspect material, that further certificate shall be treated as invalid until he sends the further certificate to the enforcing authority which appointed the inspector under cover of a notification that the further certificate relates to material covered by the control notice.
- (5) The treatment of a certificate under paragraph (3) as invalid shall—
- (a) commence on the giving, by an inspector to the person regarded by the inspector as the keeper of the material in question, of notice of the result of the detonation resistance test under paragraph (3)(a), and
 - (b) continue until the competent laboratory referred to in paragraph (2)(c), following service of a counter-notice (requiring a further detonation resistance test), by the regarded keeper on the enforcing authority which appointed the inspector, within 28 days of service of the notice by the inspector on the regarded keeper, notifies the authority that the material in question would be eligible to be covered by a detonation resistance certificate.
- (6) It shall be the duty of the enforcing authority which appointed the inspector, on receipt of the counter-notice as specified in paragraph (5)(b), to arrange for the third part to be submitted to a detonation resistance test as specified in paragraph (2)(c) as soon as is reasonably practicable, to notify the regarded keeper of where and when and by whom the test is to take place, and to notify the regarded keeper of the results of the test as soon as practicable after it has received those results.