
STATUTORY INSTRUMENTS

2005 No. 1082

The Manufacture and Storage of Explosives Regulations 2005

PART 3

LICENSING AND REGISTRATION REQUIREMENTS

Grant of licences

13.—(1) A licence, not being a renewal of a licence, may be granted for such period not exceeding two years as the licensing authority determines, save that —

- (a) subject to sub-paragraphs (b) and (c), where the applicant for the licence has been granted an explosives certificate, a licence may be granted for any period not exceeding the due expiry date of that explosives certificate if that date is later than that two year period;
- (b) subject to sub-paragraph (c), where the licence application relates, whether solely or not, to the storage of smokeless powder, a licence may be granted for such period not exceeding three years; or
- (c) in a case to which paragraph (3) applies, or the licence application relates only to the manufacture of ammonium nitrate blasting intermediate, a licence may be granted for any period or without a time limit.

(2) Subject to paragraph (3), the licensing authority shall grant a licence unless any of the grounds for refusing to do so referred to in regulation 15 apply.

(3) Subject to paragraph (4), where the Executive is the licensing authority, the procedure set out in regulation 14 for obtaining the assent of —

- (a) the local authority, or
- (b) each local authority where the proposed site which is the subject of the application for a licence is situated partly within the area of one local authority and partly within the area of another,

shall apply and the Executive shall refuse to grant a licence unless the local authority, or each local authority, as the case may be, has so assented.

(4) Paragraph (3) shall not apply —

- (a) where the Executive is the licensing authority in a case where the application is for a licence to store at a mine or within a harbour explosives of no more than 2000 kilograms to which paragraph (a)(i) or (b) of the definition of “explosive” in regulation 2(1) applies;
- (b) to an application for a licence relating to the manufacture of explosives by means of on-site mixing;
- (c) to an application for a licence relating to the manufacture of ammonium nitrate blasting intermediate; or
- (d) to an application for a licence relating to the manufacture or storage of explosives by a person who wishes to carry on such manufacture or storage within a part of a site where

another person already holds a licence for the manufacture or storage of explosives; and either —

- (i) the application relates to manufacturing or storage activities which would be permitted at that part of the site under the existing licence; or
- (ii) in the opinion of the Executive or a local authority whose assent would otherwise be required, no significant new health and safety issues are raised by the application.

(5) Every licence shall specify —

- (a) the site and, within it, the places where the explosives may be manufactured or stored;
- (b) the hazard type and maximum amount of explosive which may be manufactured, stored or otherwise present, as the case may be, at any one time at or in any place so specified.

(6) In addition to the matters specified in paragraph (5), a licence which is granted by the Executive in cases where the assent of the local authority was required pursuant to paragraph (3)—

- (a) shall be granted subject to such conditions as the Executive considers appropriate which relate to separation distances;
- (b) may be granted subject to such conditions as the Executive considers appropriate which relate to —
 - (i) the construction, siting or orientation of any building (including any protective works around the building) where the activity will be carried on; and
 - (ii) the activities which may be undertaken in specified buildings,

and in this sub-paragraph —

“activity” means the manufacture or storage of explosives and it includes any handling, on-site transport, testing and disposal of explosives and “activities” shall be construed accordingly; and

“construction” means the materials used in, and the design of, a building; and

- (c) may, where both the manufacture and storage of explosives at the same site was applied for, cover both that manufacture and storage for the purposes of, respectively, regulations 9 and 10.

(7) In addition to the matters specified in paragraphs (5) and (6), where a licensing authority grants a licence which relates to the storage of pyrotechnic articles at any site where those articles are to be offered for sale, the licensing authority may attach such conditions to the licence as it considers appropriate which relate to —

- (a) the storage and display of those articles in areas where they can be purchased;
- (b) the prevention of risk of fire arising in respect of those articles; and
- (c) the safe use of fire escapes in that area.

(8) A licence granted pursuant to this regulation shall be in a form approved for the time being for the purposes of this regulation by the Executive.

(9) A renewal of a licence may be granted for any period up to one year, save that —

- (a) subject to sub-paragraphs (b) and (c), where the applicant for the renewal has been granted an explosives certificate, a renewal of a licence may be granted for any period not exceeding the due expiry date of that explosives certificate where that date is later than that one year period;
- (b) subject to sub-paragraph (c), where the licence renewal application relates solely to the storage of smokeless powder, a renewal of a licence may be granted for any period not exceeding three years; or

- (c) where paragraph (3) applied to the application for the original licence, or the application for the original licence related only to the manufacture of ammonium nitrate blasting intermediate, and the licence was granted for a certain period, a renewal of a licence may be granted for any period or without a time limit.
- (10) In this regulation, “on-site mixing” means the mixing at any place of non-explosive substances or preparations to form an explosive for immediate use at that place.