
STATUTORY INSTRUMENTS

2014 No. 1638

The Explosives Regulations 2014

PART 5

**VARIATION AND TRANSFER OF AUTHORISATIONS TO
MANUFACTURE OR STORE EXPLOSIVES AND DEATH,
BANKRUPTCY OR INCAPACITY OF A LICENSED PERSON**

Variation of licences

16.—(1) The licensing authority which grants a licence may vary it—

- (a) where there has been a change in circumstances such that the separation distances can no longer be maintained and a consequent reduction in the maximum amount of explosive that may be stored is required;
- (b) (where the Executive or the ONR (as the case may be) is the licensing authority in cases where the assent of the local authority was required pursuant to regulation 13(3) , or in cases where that assent was not required by virtue of regulation 13(4)(b), (c), (d), (e), (f) or (g), before the grant of the licence) where there has been a material change in circumstances so that a variation is necessary to ensure safety; or
- (c) in relation to any of the matters it relates to, by agreement with the licensee.

(2) Subject to paragraphs (7) and (8), a licence may be varied on the grounds referred to in paragraph (1)(a) or (b) without the agreement of the licensee.

(3) Where the Executive or the ONR is the licensing authority in cases where the assent of the local authority—

- (a) was required under regulation 13(3) before the grant of the licence; or
- (b) was not required by virtue of regulation 13(4)(f) or (g); or
- (c) was required under regulation 13(3) of the 2005 Regulations, before the grant of the licence; or
- (d) would have been required under regulation 13(3) of the 2005 Regulations but for the operation of regulation 27(4) or (13) of those Regulations,

the provisions of regulation 14 apply in respect of a proposed variation referred to in paragraph (4) as if the reference in regulation 14(1) to regulation 13(3) were a reference to regulation 16(3).

(4) A proposed variation for the purposes of paragraph (3) is one which—

- (a) relates to changes in the permitted quantities or types of explosive as a result of which the licensee could be required to maintain a separation distance greater than the separation distance required before the variation and, in the opinion of the Executive or the ONR, as the case may be, or the local authority concerned, significant new health and safety issues are raised by that proposed variation;
- (b) would increase the period of the licence by more than twelve months; or
- (c) would remove the period of the licence so that it would be unlimited as to time,

and the Executive or the ONR, as the case may be, must refuse to grant a varied licence unless the local authority, or each local authority in the case referred to in regulation 13(3), has so assented.

(5) Where a licensing authority proposes to vary a licence without the agreement of the licensee it must, before taking any such action, notify the licensee of its proposed course of action and afford the licensee the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(6) Representations made for the purpose of [F1 paragraph (5)] may be made in writing, or both in writing and orally.

(7) Where the licensing authority decides to vary a licence without the agreement of the licensee it must provide the licensee with written reasons for its decision.

(8) Where the licensing authority varies a licence without the agreement of the licensee, that variation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period referred to in paragraph (5).

(9) In this regulation, any reference to varying a licence includes varying its conditions.

Textual Amendments

F1 Words in reg. 16(6) substituted (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), [Sch. 5 para. 18\(c\)](#) (with reg. 1(3))

Changes to legislation:

There are currently no known outstanding effects for the The Explosives Regulations 2014, Section 16.