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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 425**

The Manufacture and Storage of Explosives  
Regulations (Northern Ireland) 2006

PART III

LICENSING AND REGISTRATION REQUIREMENTS

**Defences**

22.—(1) In proceedings against a person for a contravention of regulation 9(1), which involves using a building or part of a building licensed for the manufacture of explosives for another manufacturing process not specified in the licence, it shall be a defence for that person to prove that—

- (a) that use was temporary;
- (b) that other process of manufacture involved explosive of the same, or a lower, hazard type than the explosives which the conditions of the licence permitted in that building or part of a building;
- (c) the maximum quantity of explosives in that building or part of a building at any one time permitted under the conditions of the licence was not exceeded; and
- (d) he informed the Secretary of State as soon as was reasonably practicable after the start of that use.

(2) In proceedings against a person for a contravention of regulation 10(1), it shall be a defence for that person to prove that the storage of explosives without a licence or certificate of registration, or in breach of a condition of a licence or certificate of registration, was caused by an emergency being an emergency which that person took all reasonable precautions and exercised all due diligence to avoid.

(3) In proceedings against a person for a contravention of regulation 10(1) where it is alleged against that person that the storage concerned was for a period longer than a period (“the permitted period”) referred to in regulation 10(2)(b) to (e), it shall be for that person to prove that the storage concerned was for no longer than the permitted period.