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STATUTORY INSTRUMENTS

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**2005 No. 1082**

**The Manufacture and Storage of Explosives Regulations 2005**

**PART 2**

**SAFETY REQUIREMENTS**

**Fire and explosion measures**

- 4.—(1) Any person who manufactures or stores explosives shall take appropriate measures —
- (a) to prevent fire or explosion;
  - (b) to limit the extent of fire or explosion including measures to prevent the spreading of fires and the communication of explosions from one location to another; and
  - (c) to protect persons from the effects of fire or explosion.

(2) For the purposes of paragraph (1), the reference to the manufacture or storage of explosives shall be deemed to include a reference to any handling, on-site transport and testing of explosives which is associated with that manufacture or storage.

(3) In this regulation, “fire or explosion” means unplanned fire or explosion at the site of manufacture or storage.

**Separation distances**

5.—(1) Subject to paragraphs (2) and (3), every person who stores explosives at a site shall ensure that the relevant separation distance prescribed by Schedule 2 is maintained between a store and a building or other place not within that site to which that Schedule applies.

(2) Paragraph (1) shall not apply to desensitised explosives or explosives which are stored under a licence granted by the Executive in cases where the assent of the local authority was required pursuant to regulation 13(3).

(3) Paragraph (1) shall not apply to the storage of explosives where the total quantity of explosives stored at a site, excluding, in the case of sub-paragraph (b), any amount of small arms ammunition, does not exceed —

- (a) 100 grams;
- (b) 30 kilograms of shooters' powder and 300 grams of percussion caps;
- (c) 200 detonators and —
  - (i) 5 kilograms of water-based explosive and detonating cord; or
  - (ii) 5 kilograms of water-based explosive or detonating cord; or
- (d) in the case of explosives kept by a police force —
  - (i) 4 kilograms of explosive kept for the purpose of training dogs used for the detection of explosives; and
  - (ii) 30 kilograms of explosives kept for the purposes of ordnance disposal;

and the explosives are stored in a safe and suitable place with all due precautions for public safety.

(4) Every person to whom the duty under paragraph (1) applies shall ensure that the separation distance referred to in paragraph (5) is maintained between a store and any building on the site in which the store is situated which is used either for accommodation or for work, but not including any building used for work which is normally unoccupied by any person and is not a store.

(5) The separation distance referred to in paragraph (4) is that which is equal to half the relevant separation distance determined in accordance with Schedule 2.

(6) Every person who, in a case to which paragraph (3) of regulation 13 applies, is granted a licence to manufacture or store explosives shall ensure that the local planning authority in whose area the manufacture or storage takes place is, within 28 days of the licence being —

- (a) granted; or
- (b) varied in a way which affects the separation distances required to be maintained,

given a plan of the site and its immediate surrounding area showing the separation distances required to be maintained pursuant to the licence or varied licence.

(7) “Local planning authority” in paragraph (6), in relation to an area —

- (a) in England and Wales has the same meaning as it has in Part I of the Town and Country Planning Act 1990<sup>(1)</sup> save that, where there is more than one local planning authority, it means the district planning authority for the district;
- (b) in Scotland means the council for the local government area.

### **Disposal of explosives and decontamination of explosive-contaminated items**

6.—(1) Any person who disposes of explosives shall ensure, so far as is reasonably practicable, that they are disposed of safely.

(2) Any person who decontaminates explosive-contaminated items shall ensure, so far as is reasonably practicable, that they are decontaminated safely.

### **Employment of young persons**

7. No person who manufactures or stores explosives shall permit a person between the age of 16 years and 18 years to work in that manufacture or storage except under appropriate supervision.

### **Unauthorised access**

8.—(1) No person shall —

- (a) without the permission of the occupier, enter —
  - (i) any store in or at a site;
  - (ii) any building used for the manufacture of explosives in or at a site, or
  - (iii) any site with clearly marked boundaries at which explosives are stored or manufactured,
 operating under a licence or registration; or
- (b) having so entered, refuse to leave that site when requested to do so by a constable or the occupier, his employee or agent.

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(1) 1990 c. 8; Part I was amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) section 187(1) and Schedule 21, paragraphs 28 and 29, the Local Government (Wales) Act 1994 (c. 19) sections 18(2) to (6), 19(1) and (4) and 66(8) and Schedule 18, and the Environment Act 1995 (c. 25) sections 67(1), 78 and 120(1) and (3) and Schedule 10, paragraph 32(1) and (2) and Schedule 24.

(2) Where following a request referred to in paragraph (1)(b) the person who has entered that place without permission refuses to leave that site, a constable or the occupier, his employee or agent may remove that person from the site using reasonable force, if necessary.

(3) “Enter” for the purposes of this regulation, includes entering onto a roof of a store or a building in which explosives are manufactured.