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STATUTORY INSTRUMENTS

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**2014 No. 1638**

**The Explosives Regulations 2014**

**PART 6**

**REFUSALS OF AUTHORISATIONS**

**Refusal of an explosives certificate**

**19.**—(1) A chief officer of police must not issue an explosives certificate to a person if the chief officer of police is satisfied that the person is of unsound mind or intemperate habit.

(2) A chief officer of police must not issue an explosives certificate to a person unless the chief officer of police is satisfied that—

- (a) the person has good reason for acquiring the relevant explosives;
- (b) the person is a responsible person who may be permitted to acquire the relevant explosives without danger to public safety or peace;
- (c) the person will take all reasonable precautions to prevent access to the relevant explosives by unauthorised persons and to prevent loss of those explosives;
- (d) the person is not a prohibited person;
- (e) where the person is a body corporate, no director or secretary of the body corporate, and where the person is a Scottish firm, no partner in the firm, is a prohibited person;
- (f) where the application is for an explosives certificate relating only to acquisition of relevant explosives—
  - (i) it is not reasonably practicable for the applicant to be an occupier of a site for the storage of relevant explosives for which the person would be required to have a licence, and
  - (ii) either the relevant explosives will not be kept, or, if kept, the applicant will ensure that they are kept at a site where such storage is permitted pursuant to a licence or at a site occupied by the Secretary of State having responsibility for defence; and
- (g) where the application is for an explosives certificate relating to the keeping of relevant explosives, either—
  - (i) the applicant will ensure that the relevant explosives are kept at a site where the storage is permitted pursuant to a licence;
  - (ii) the relevant explosives will be kept at a site occupied on behalf of the Crown, or
  - (iii) in the case where the applicant does not hold a licence in respect of the storage of the relevant explosives, no licence is required to be held by the applicant in respect of that storage by virtue of regulation 7(2).

**Refusal of a licence and draft licence and refusal of a renewal or transfer of a licence**

**20.**—(1) Subject to paragraphs (3) to (5), the licensing authority must—

- (a) refuse an application for a licence; and
- (b) where regulation 14(1) applies, refuse to issue the draft licence referred to in regulation 14(1),

where paragraph (2) applies.

- (2) This paragraph applies where the licensing authority is of the opinion that—
  - (a) the proposed site or, within it, any place where the manufacture or storage of explosives is proposed to take place is unsuitable for that manufacture or storage; or
  - (b) the applicant is not a fit person—
    - (i) to store explosives, in the case of an application for a licence to store explosives; or
    - (ii) to manufacture explosives, in the case of an application for a licence to do so.
- (3) Where a licensing authority proposes to refuse an application for—
  - (a) a licence;
  - (b) a renewal of a licence;
  - (c) a variation of a licence; or
  - (d) a transfer of a licence;

it must, before taking any such action, notify the applicant of its proposed course of action and afford that applicant the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.

(4) Representations made for the purpose of paragraph (3) may be made in writing, or both in writing and orally.

- (5) Where the licensing authority decides to refuse an application for—
  - (a) a licence;
  - (b) a renewal of a licence;
  - (c) a variation of a licence; or
  - (d) a transfer of a licence;

it must provide the applicant with written reasons for its decision.

(6) A refusal by the licensing authority, pursuant to paragraph (1), to issue the draft licence referred to in regulation 14(1) is to be treated for the purposes of these Regulations as a refusal of an application for a licence.

**Changes to legislation:**

There are currently no known outstanding effects for the The Explosives Regulations 2014, PART 6.