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**EXPLOSIVES LICENSING  
FORCE REFERENCE DOCUMENT**

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## **POLICY**

1. Northern Constabulary is committed to implementing and administering explosives legislation with fairness and with primary consideration for public safety. The Force will seek to fulfil its responsibilities to protect the rights of individuals. However, where rights are infringed, this will only be done where the law allows, where it is necessary for a legitimate purpose, i.e. the prevention of crime or disorder in the interests of public safety, or for the protection of the rights and freedoms of others. The means used to achieve this will balance the general interests of the community against the rights of the individual and will use the least intrusive option available to meet the objectives.
2. This document had been written in an open and transparent manner. However, should there be a requirement to disclose confidential information, this may be withheld.
3. All applicants for the grant of an Explosives Certificate will be considered on their own merits. Every opportunity will be taken to assess a certificate holder's suitability and all enquiries will be thoroughly conducted to ensure that only fit and proper persons have legal access to explosives.

## **STANDARDS**

### **1. GENERAL**

- 1.1 This document has been reviewed in terms of the principles of the Human Rights Act 1998 and is considered to be compliant.
- 1.2 The police powers contained within this document are derived from the Control of Explosives Regulations 1991 ("the Regulations") and associated legislation.
- 1.3 Any and all members of staff who are involved in making any decisions or recommendations based on this document, must give due consideration to all information available to them prior to making any decision or recommendation. Such a decision or recommendation must not be discriminatory.
- 1.4 Any decision or recommendation made in connection with explosives licensing contained within this document can be appealed by summary application to the Sheriff.

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- 1.5 Any or all information obtained during police enquiries will be recorded in Northern Constabulary notebooks, administrative forms and computer systems to ensure that there is a clear and accountable audit trail of the decision-making process.
- 1.6 This document will be reviewed annually by 30 September of each year, or on an interim basis, in light of new legislation or information becoming available.
- 1.7 The enforcement of the Regulations will be carried out by inspectors appointed by the Chief Constable under the relevant Legislation. In Northern Constabulary, inspectors will be qualified Explosives Liaison Officers who have completed the relevant course. The Licensing Manager at Police Headquarters has overall responsibility for explosives certification.

## **2. EXPLOSIVES CERTIFICATE APPLICATION**

- 2.1 If the Certificate is for "acquire only", application will be made to the police force in whose area the applicant resides or, if a company, where the registered or principal office is situated.
- 2.2 If the Certificate is for "acquire and keep", application will be made to the police force in whose area the explosives store/registered premises/magazine/factory is situated.
- 2.3 Application forms will be held at, and issued from, the Licensing Department, Headquarters.
- 2.4 On completion by the applicant, applications will be forwarded to the Licensing Department, Headquarters.
- 2.5 On receipt of completed applications, the Licensing Department will carry out CHS/PNC and Special Branch checks.
- 2.6 OP/44/1 will be completed for every application.
- 2.7 Part 1 of OP/44/1 is completed locally by an enquiry officer. Part 2 is completed by an Explosives Liaison Officer.
- 2.8 Explosives Certificates will be issued by the Licensing Department and sent directly to the applicant.

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### **3. APPLICATIONS ON BEHALF OF VISITORS TO GREAT BRITAIN**

- 3.1 Where a visitor to Great Britain requires to hold an Explosives Certificate, application will be made on Form COER 2 by a sponsor resident in Great Britain.

### **4. INSPECTION VISITS TO EXPLOSIVE STORES**

- 4.1 Inspection visits to explosives stores should be made by an Explosives Liaison Officer at least annually. More regular visits may be required where large quantities of explosives are used.

### **5. RESPONSE PLANS**

- 5.1 A response plan should be held for each explosive store at the relevant Area Command office. Form OP/44/6 will be used for creating response plans.
- 5.2 Cross Border response plans should be in place where stores are situated near to our borders with other police forces.

### **6. LOSS OF EXPLOSIVES**

- 6.1 Police officers receiving a report of loss of explosives should obtain as much information as possible and submit an immediate report to the Area Commander and a report to the Explosives Liaison Officer.

## **GUIDANCE**

### **1. "A GUIDE TO CONTROL OF EXPLOSIVES REGULATIONS 1991"**

- 1.1 The above publication covers the legislation in relation to the issue of Explosives Certificates. The Control of Explosives Regulations 1991 ("the Regulations") update and simplify earlier controls imposed by the Explosives Act 1875 and associated legislation and introduce a number of new controls. There is no change in the registration of licensing of explosives, storage places and associated physical security; these matters remain the responsibility of the Local Authority.

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1.2 The guide is clearly laid out with each section detailing the relevant regulation and then giving guidance notes to that regulation.

1.3 This document is available from the Health and Safety Executive at HSE Books, PO Box 1999, Sudbury, Suffolk.

### **2. EXPLOSIVES CERTIFICATE APPLICATION**

2.1 Application for the grant of an Explosives Certificate will be made on national form COER/1, supplies of which are held at the Licensing Department, Headquarters. The applicant also completes Form OP/44/2 which names other individuals who will have control over the explosives.

2.2 Fees are required for some applications.

### **3. APPLICATIONS ON BEHALF OF VISITORS TO GREAT BRITAIN**

3.1 Guidance for dealing with an enquiry in relation to such applications can be found in "A Guide to Control of Explosives Regulations 1991", regulation 4, guidance notes 11 to 16.

### **4. EXPLOSIVES LIAISON OFFICERS**

4.1 The Licensing Manager is the Explosives Liaison Officer for the mainland areas; each island Area Command has its own qualified Explosives Liaison Officer.

4.2 Administrative work and enquiries into the suitability of applicants may be done by persons who are not qualified as inspectors.

### **5. INSPECTION VISITS TO EXPLOSIVE STORES**

5.1 The inspection of stores entails checks on security and record keeping.

5.2 The Local Authority has responsibility for the physical condition of explosive stores but if authority has been transferred to the police, this can be included in the checks.

5.3 Joint visits may also be carried out with a representative from the Local Authority.

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### **6. LICENSING**

- 6.1 The Police are responsible for stores containing high explosives up to 2,000 kg.
- 6.2 The Health and Safety Executive is responsible for licensing stores over 2,000 kg, factories and magazines.

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