

Health and Safety at Work Act 1974
Dangerous Substances in Harbour Areas Regulations
1987

MEMORANDUM FOR THE GUIDANCE OF
APPLICANTS FOR A LICENCE TO HANDLE
EXPLOSIVES AT A HARBOUR OR OTHER PLACE

Under the Dangerous Substances in Harbour Areas Regulations 1987 a Licence must be obtained from the Health and Safety Executive (HSE) before certain explosives handling operations may take place. This memorandum has been prepared to give guidance on the procedures necessary to obtain a licence.

The steps are to be taken in the following order:

- 1.1 Application is made to The Chief Inspector of Explosives, Explosives Inspectorate, at Bootle.
- 1.2 A draft licence may be prepared by HM Inspectors of Explosives in consultation with the applicant. This usually involves a visit to the site.
- 1.3 The "draft licence" is prepared, and sent formally to the applicant. If the licence is large or complicated it may be sent to the applicant informally for comment, first.
- 1.4 The applicant publishes a notice where this is required by HSE, announcing his intention to handle explosives under a licence.
- 1.5 The HSE receives objections or comments on the application.
- 1.6 The HSE may amend the draft licence and require a further notice to be published.
- 1.7 The Applicant is to prepare a safeguarding plan in accordance with the terms of the licence.
- 1.8 HM Chief Inspector of Explosives signs the licence and sends it to the applicant.
- 1.9 The applicant commences operations in accordance with the licence.

Dealing with the above steps in more detail

- 2.1 Making application An application must be made in writing and contain the information required in the Form provided at the back of this memorandum. The application should be sent to The Explosives Inspectorate, Building 1, Floor 2, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS. The application fee for a Port licence must also be sent with the application. Additionally an hourly fee is charged for all work carried out by the HSE Inspector. This is payable when all work in the licence is complete.
- Applicants are strongly advised to consult the Explosives Inspectorate at the above address, telephone 0151-951-4025 or 0151 951 3133 before making an application, as difficulties and delays may be avoided by obtaining their advice.
- 2.2 Rough draft licence If a draft licence has been prepared by the applicant, it should be forwarded with the application, but if not, it will be prepared by the Explosives Inspectorate after consultation with the applicant, and will be sent to the applicant for his agreement. In either case, plans are required. The plan should be from the Ordnance Survey, 1:2,500 scale on which the site of the proposed handling operations has been marked, and which includes the surrounding district for at least 2 kilometres in all directions. As the fee for the licence is dependant on the amount of work carried out on the application by Explosives Inspectorate inspectors it is in the applicants own financial interest to see that a clear statement is made of the area for which the licence is required and that as much preparatory work as possible is done before formal application is made.
- When the draft is sent back to the applicant, they should go carefully over the various provisions to see whether they meet their requirements, and if they find anything which they think unduly severe or difficult to observe, they should return the document and draw attention to the points in question, giving any special reasons they may have for changing the conditions. This should be done most carefully, as any subsequent alteration can only be made by a variation to the licence, which will entail expense and delay. Three copies of the plan as finally approved will have to be submitted. No alteration in the terms will be made without informing the applicant.
- 2.3 Settlement of the terms When all the details of the licence have been finally settled between the Explosives Inspectorate and the applicant, the final draft licence is sent to the applicant.

- 2.4 Publishing notices The applicant will normally be required to publish a notice in 2 local papers drawing attention to the fact that they have applied for a licence and that a draft licence has been prepared, and to send copies of the notice to:
- a) The Chief Executive of the county in which the state is situated.
- and
- b) Department of Transport (Branch FRH2, Room 1/31, Great Minster House, 76 Marsham St, London SW1P 4DR.
- and
- c) Any harbour authority having jurisdiction over any place within one kilometre of the place covered by the draft licence.
- and
- d) Any harbour authority through whose jurisdiction vessels using the place covered by the draft licence must pass.
- and
- e) Chief Planning Officer for any planning authority as defined in the terms to the draft licence.

A copy of the notice and details of the date and method of publication should be sent to HM Chief Inspector of Explosives. The usual wording for such a notice is given in the annex to this memorandum.

- 2.5 Receipt of objections The HSE and the applicant receive objections and comments on the application for the period of one calendar month from the date of publications of the notice. The applicant may be required to supply additional information to persons making objections or comments either via the HSE or by writing directly to correspondents.

- 2.6 Amendment to the Licence After giving due consideration to the objections received, the HSE may allow the licence to stand unchanged, or may make amendments to it. If the licence is amended and the HSE requires it the applicant shall publish a further notice to draw attention to the amended licence in a similar manner to that stated at item 2.4 above. A further period of one calendar month shall be given for any further comments or objections on the amendments to the draft licence.

Objections or comments will not normally be taken into account on parts of the amended draft licence, which are unchanged from the original draft.

- 2.7 Signature of Licence Once the period of consideration of comments or objections is complete, the licence is signed by HM Chief Inspector of Explosives.

2.8 Commencement of Operations

Once the signed licence has been received, and the safeguarding plans prepared and agreed by the HSE, the licensee may commence operation in accordance with the terms of the licence, and other general statutory regulations.

It will be seen from the above steps 2.1 to 2.8 that it is a matter of some time before a licence can be obtained. Advice on the estimated time for the licence to be obtained may be requested from the Inspectorate.

VARIATIONS TO LICENCES

The procedure for obtaining a variation to an original licence is the same as above described for the licence, with the important exception that, if the licensee can satisfy the Health and Safety Executive that the alteration will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any explosives handling operations from any building or work outside, etc, then the HSE will not normally require the applicant to publish notices. This materially reduces the time necessary for the obtaining of the licence. Application for a variation to a licence is as described above for a first licence.

Suggested wording for the published notice (see para 2.4)

Dangerous Substances in Harbour

Areas Regulations 1987

NOTICE IS HEREBY GIVEN that (a) has applied to the Health and Safety Executive for a (variation to a)* licence to handle certain explosives under regulation 35, at(b)

A copy of the draft licence is available for viewing at

..... (c)

between the hours of

..... (d)

Any person or persons who wishes to object to, or comment on, the application shall send a written statement of their objections to, or comments to

HM Chief Inspector of Explosives
Health and Safety Executive
Building 1, Floor 2
Redgrave Court
Merton Road, Bootle
Merseyside
L20 7HS

quoting the references given below, to arrive within one calendar month of the date of this notice.

..... (e)

..... (f)

..... (g)

Reference (h)

* delete brackets, or brackets and text within, as appropriate.

Notes on completion of the Notice

Various details specific to each application have to be inserted into the notice. The following notes are intended to help completion of the notice. Each gap in the notice is identified by a letter, which corresponds to the relevant note below.

- (a) Name of prospective licensee: This is the name of the company or individual who has applied for the licence.
- (b) Name of the place where explosives are to be loaded/unloaded.
- (c) Place where draft licence is to be made available for viewing by the public.
- (d) Viewing times and days of the week.
- (e) Applicants name. This is the same as (a) above, but may be a person acting on behalf of another named at (a).
- (f) Applicants address.
- (g) Date of notice.
- (h) Reference as quoted in covering letter accompanying draft licence eg XI/4811/23/3.