

Guidance

31

What is a transfer?

91 Transfer of relevant explosives may be by way of sale, gift, loan or any other method.

92 It does not include a transfer of relevant explosives from one employee to another in the same company for the purposes of that employment. If the explosive is also a civil explosive, any physical movement apart from movement within the site will be a transfer subject to the provisions of regulation 8.

Confirming the identity of the transferee

93 No person should transfer relevant explosives unless they are satisfied about the identity of the prospective recipient.

94 The person transferring the relevant explosives should ensure that any individual acquiring those relevant explosives on behalf of their employer is duly authorised. The practical implications of this will depend on the circumstances. In some cases, for example where no previous transfer has taken place between the people involved, written authorisation may be required. In other situations, however, the conditions of transfer may make this unnecessary, for example where:

- there are repeated deliveries under a fixed contract;
- the recipient is able to show valid identification; and
- periodic checks of the recipient's employment status are made.

The requirement for an explosives certificate

95 The person transferring the relevant explosives must be satisfied that the transferee holds a valid explosives certificate or that one of the exemptions to the requirement for a transferee to hold a valid explosives certificate applies. When relevant explosives are being transferred to employees acting in the course of their employment, it is the employer who must hold the explosives certificate.

96 The person transferring the explosives should check that the certificate is still in force and that any terms, eg limits on type and quantity of relevant explosives to be acquired, adequately cover the proposed transfer. A photocopy of an explosives certificate would be acceptable for validation of a transfer provided this is accompanied by a statement from the certificate holder that the certificate is still in force. If necessary, validity of explosives certificates may be verified with the police.

Transfer of explosives to Northern Ireland

97 The Explosives Act (Northern Ireland) 1970 prohibits transport, without written consent of the Police, of any explosive in or through Northern Ireland or any part thereof. Anyone transferring explosives to Northern Ireland is required to ensure beforehand that such consent has been obtained.

Agents and the transfer of relevant explosives

98 The duties in regulation 31 are extended to agents acting on behalf of another person or buying or arranging the transfer as an intermediary of any relevant explosive. For example, an agent buying relevant explosives for a third person would need to possess an explosives certificate. Even though the relevant explosive may never be in the agent's ownership or possession, it would be under the agent's control.