

Applying for a port licence?

Guidance for applicants for a licence to handle explosives at a harbour or other place

1 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 at a port or harbour. This licence is known as a 'port licence'.

2 This document contains guidance on the procedures necessary to obtain a port licence. The steps are to be taken in the following order:

Step 1 Apply to the Chief Inspector of Explosives.

Step 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.

Step 3 The draft licence is sent formally to the applicant. If the licence is large or complicated it may be sent to the applicant informally for comment first.

Step 4 The applicant publishes a notice (where required by HSE) announcing their intention to handle explosives under a licence.

Step 5 If HSE receives objections or comments on the application, then it may amend the draft licence and require a further notice to be published.

Step 7 The applicant prepares a safeguarding plan in accordance with the terms of the licence.

Step 8 HM Chief Inspector of Explosives signs the licence and sends it to the applicant.

Step 9 The applicant commences operations in accordance with the licence.

Applying for a licence

Step 1 Making an application

3 An application must be made in writing and contain the information required in the form LP88 (<https://www.hse.gov.uk/forms/explosive/index.htm>). The application should be sent to:

The Explosives Inspectorate
Redgrave Court, Merton Road
Bootle, Liverpool 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 on the licence is complete. See www.hse.gov.uk/explosives/information/fees.htm for the current fees.

4 Applicants are advised to consult the Explosives Inspectorate before making an application, as difficulties and delays may be avoided by obtaining the Inspectorate's advice.

Step 2 Rough draft licence

5 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 their agreement. In either case, plans are required. The site of the proposed handling operations should be marked on 1:2500 scale Ordnance Survey plan, which includes the surrounding district for at least 2 kilometres in all directions. As the fee for the licence depends on the amount of work carried out on the application by explosives inspectors, it is in the applicant's 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.

6 When the draft is sent back to the applicant, they should carefully check that the various provisions 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 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.

Step 3 Settlement of the terms

7 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.

Step 4 Publishing notices

8 The applicant will normally be required to publish a notice in two 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:

- the chief executive of the county in which the site is situated;
- the Department for Transport (Branch FRH2) Room 1/31, Great Minster House, 76 Marsham St, London SW1P 4DR;
- any harbour authority having jurisdiction over any place within 1 kilometre of the place covered by the draft licence;
- any harbour authority through whose jurisdiction vessels using the place covered by the draft licence must pass; and
- the chief planning officer for any planning authority as defined in the terms to the draft licence.

9 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 Appendix.

Step 5 Receipt of objections and amendment to the licence

10 HSE and the applicant may receive objections and comments on the application for the period of one calendar month from the date the notice is published. The applicant may be required to supply additional information to people making objections or comments either via HSE or by writing directly to correspondents.

11 After giving due consideration to the objections received, HSE may allow the licence to stand unchanged, or may make amendments to it. If the licence is amended and HSE requires it, the applicant must publish a further notice to draw attention to the amended licence in a similar manner to that stated in paragraphs 8–9. A further period of one calendar month shall be given for any further comments or objections on the amendments to the draft licence.

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

Step 6 Safeguarding plan

13 The applicant should prepare a safeguarding plan and agree it with the Explosives Inspectorate.

Step 7 Signature of licence

14 Once the period of consideration of comments or objections is complete, the licence is signed by HM Chief Inspector of Explosives

Step 8 Commencement of operations

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

16 It may be some time before a licence can be obtained. Advice on the estimated time may be requested from the Inspectorate

Variations to licences

17 The procedure for obtaining a variation to an original licence is the same as described above for the licence, with the exception that if the licensee can satisfy HSE 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 HSE will not normally require the applicant to publish notices. This reduces the time necessary for obtaining the licence.

Appendix 1 Suggested wording for the published notice

(See paragraphs 8–9.)

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
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).....

NB 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 to help you complete 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) Applicant's name. This is the same as (a) above, but may be a person acting on behalf of another named at (a).
- (f) Applicant's address.
- (g) Date of notice.
- (h) Reference as quoted in covering letter accompanying draft licence, eg XI/4811/23/3.

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