

CHAPTER 3

EXPLOSIVES SAFETY ORGANISATION

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1 EXPLOSIVES SAFETY ORGANISATION

1.1 Explosives Regulation and Licensing

1.1.1 The SofS for Defence assumes ultimate responsibility for the licensing and regulation of MOD explosives facilities. They exercise this responsibility through a delegation to Director DSEA, who then sub delegates to the DSEA Defence OME Safety Regulator (DOSR); the DOSR is responsible for ensuring that arrangements are in place for all explosives substances and articles to be safely developed, classified, processed, stored, handled, transported and disposed of while under MOD control.

1.2 DSEA DOSR

1.2.1 DSEA DOSR is delegated by Director DSEA the position of Chief Inspector Explosives (MOD), and is also the Chairman of the ESTC. So that such practical arrangements can be properly managed DOSR shall be a Crown Servant. DOSR shall:

- (1) Set, maintain and promulgate appropriate MOD explosives safety regulations pertaining to storage, processing, handling, transport and disposal that meet the requirements of current legislation;
- (2) Put in place arrangements to enforce the requirements of Statutory Regulations and MoD Regulations for the safe operation of MoD explosives activities;
- (3) Engage with national; international; and NATO experts to ensure that MOD standards reflect national and international best practice;
- (4) Report to D-DSEA on explosives licensing and activities at any time when the risks involved in the operation of any explosives facility fall outside the departmental or statutory standards;
- (5) Assess applications for a Letter of Endorsement (LoE) from TLB/TFA's in respect of the appointment of an IE and issue LoE for suitable applicants;
- (6) Provide advice to TLB/TFA's and Project Teams on the explosives licensing for MOD's explosive facilities in the UK and overseas in accordance with statutory, host nation and MOD requirements;
- (7) Put in place and oversee an inspection and audit programme, independent of the TLB/TFA, to provide assurance to Director DSEA and the Secretary of State, that MoD Explosives Regulations meet legislative requirements; and that explosives activities under MOD control are licensed, managed and operated in accordance with statutory and departmental regulations and any additional licence conditions;
- (8) Issue CIE(MOD) Instructions to cover bespoke explosives governance arrangements that sit outside the normal sphere of JSP 482;
- (9) Assess Consequence Analysis (CA) in support of CA Explosives Licences raised by IE's where the Quantity Distances are not met; where the evidence supports the interpretation that the intent of the QDs is met endorse the licence;
- (10) Assess applications for Non-Standard Licences in accordance with Chapter 9 and issue advice and/or authority as appropriate;
- (11) Act as the MOD focal point for the MOD (CIE)/HSE Hazardous Industries Division (HID) Engagement Plan;
- (12) Act as the Chairman Explosives Storage and Transport Committee (ESTC).

1.3 The Explosives Storage and Transport Committee (ESTC)

1.3.1 The ESTC, through its Secretariat, will undertake the following:

- (1) Determine and promulgate Defence Explosives Regulations, ensuring they comply with current legislation. which requires that they;
 - (a) provide for the safe manufacture¹ and storage² of explosives; and
 - (b) prescribe —
 - (i) Separation distances, or
 - (ii) a combination of separation distances and other safety measures, which are designed to ensure a standard of safety which is equivalent to that ensured by the separation distances prescribed in MSER Regulation 5 and Schedule 2.
 - (c) provide for the safe transport of explosives
- (2) Classify military explosives in accordance with current legislation.
- (3) Provide technical explosives advice to other Government Departments, MOD, NATO, UN and other national and international organisations.
- (4) Certify and register explosives packaging as defined by current legislation.
- (5) Contribute to the formulation of National and European Explosives and Dangerous Goods legislation.

1.3.2 The ESTC is supported by a small core of Technical Advisors and several sub-committees, which make recommendations to the ESTC Main Committee. The Technical Advisors are drawn from a range of MOD TLBs, as appropriate, to provide a single, authoritative focal point for their specialist areas and have Terms of Reference that are defined and agreed in Letters of Agreement.

1.3.3 The ESTC reporting committees are:

- (1) MOD Explosives Regulations Sub-Committee
- (2) Explosions Effects Sub-Committee
- (3) Transport of Dangerous Goods Committee

1.3.4 The Terms of Reference for ESTC and the ESTC reporting Committees are given in ESTC Standard No 3. The ESTC Standards and Guidance Notes include direction on all technical matters relating to the siting, construction and safety requirements of both existing and projected explosives facilities and explosives. Many of these ESTC publications have now been subsumed into this publication, but some remain extant for reasons of security classification, etc.

1.4 DSEA Defence OME Safety Inspectors

1.4.1 To assist with the discharge of their duties, the DOSR shall appoint OME Safety Inspectors. DOSR Safety Inspectors shall be crown servants authorised by the Defence OME Safety Regulator to regulate through inspections and audits in the Defence environment. They shall also be authorised to take enforcement action where necessary in accordance with Chapter 20, in order to hold MOD Duty Holders to account for compliance with Statutory and Mandatory standards. They shall also operate the engagement plan agreed between CIE(MOD) and the HSE HID.

¹ Manufacture includes processing, any onsite testing of explosives and logistical disposal activities.

² Storage includes any on site handling of explosives.

1.5 Top Level Budget Holder (TLB) /Trading Fund Agency (TFA) Inspectors of Explosives (IE)

1.5.1 It is a Line Management responsibility to put in place an organisation to manage and discharge its safety responsibilities.

1.5.2 Each TLB/TFA has responsibility to ensure that it complies with Statutory and MOD regulations and standards where it requires explosives facilities and activities as part of its business.

1.5.3 Each TLB/TFA that has a requirement to undertake explosives activities shall either;

- (1) appoint a competent crown servant to be the IE through a personal Letter of Authority (LoA) with the authority to issue explosives licences in accordance with the standards laid down in Chapter 9; or
- (2) agree for the provision of explosives licensing support from another TLB/TFA which has appointed a competent person as their IE; such agreement is to be documented through an Joint Business Agreement (JBA).

1.5.4 The IE must be of a grade commensurate with the explosives activities the TLB/TFA carries out and requires licences for. Normally this would be Cdr/Lt Col/Wg Cdr/B2. However, where the activities do not include explosives processing, the storage of explosives in excess of 2000Kg NEQ aggregated total HD1.1 – 1.3 for an establishment, then a junior grade may be considered.

1.5.5 In determining the grade at which the TLB/TFA appoints its IE, consideration must also be given to the level of authority that person is to be granted in regards to ensuring TLB/TFA HoE/Duty Holders achieve compliance with licence conditions.

1.5.6 The TLB/TFA IE may delegate further, within their own line management chain, through a personal LoA, the authority to issue explosives licences in accordance with the standards laid down in para 1.5.7 and Chapter 9.

1.5.7 Table 1 below details the authority to sign or endorse explosives licences.

TYPE OF LICENCE	SIGNATURE	REQUIREMENTS
Standard Licence MoD F1659 and MoD F1658	TLB/TFA IE; or SO1/C1 authorised by IE; or SO2 authorised by IE	Full compliance with JSP 482 within the limitations of the type of licence.
Consequence Analysis (CA) Supported Standard Licence	TLB/TFA IE	Evidence of meeting intent of regulations
Non Standard Licence	Endorsed by CIE(MoD); signed by TLB/TFA IE	a. Potential consequences are limited to, Explosives Workers, Explosives Area Support Workers; and b. Members of the general public are at no greater risk than at Inhabited Building Distance (IBD) or Public Transport Route (PTRD) as appropriate; and c. Clear evidence of a Defence Imperative; and d. The risks of the proposed activity are considered Tolerable and ALARP; and e. The additional risk and potential consequences are acknowledged and accepted by the relevant TLB 2*; and f. The TLB, HoE and CIE (MOD) agree an action plan to remove the need for the Non Standard Licence where practicable.
Non Standard Licence	Endorsed by CIE (MoD) and authorised by PUS	a. Risks are not tolerable; or b. Potential consequences include risks to members of the general public greater than expected at IBD or PTRD as appropriate; and c. Clear evidence of a Defence Imperative; and d. The additional risk and potential consequences are acknowledged and accepted by the HoE and relevant TLB 3*; and d. Requirement for the explosives licence to be endorsed by CIE (MoD) and authorised by PUS.
Operational Licence	IE	See Chapter 11.

TABLE 1 – EXPLOSIVES LICENCE AUTHORISATION LEVELS

1.6 DSEA Endorsement of IEs

1.6.1 IEs requiring a LoA for the purposes of Explosives Licensing in the MoD, should be assessed by the DOSR to confirm they are Suitably Qualified and Experienced Persons (SQEP) to issue explosives licences. Once satisfied the DOSR will issue a personal Letter of Endorsement (LoE) recognising the suitability of the applicant. The applicant should receive their LoE before their LoA can be issued. If the applicant is considered unsuitable then this is to be discussed with both the applicant and the TLB/TFA. Where appropriate a training and development plan

should be agreed and the applicant endorsed with any limitations or controls clearly stated in the LoE based on the individuals current competence.

1.6.2 Applications for a LoE should be submitted in the form of a CV giving details of the Post Competency Profile; the applicant's relevant qualifications and competencies, and relevant experience, including dates achieved. A Model Template for the application for a LE is at Annex A.

1.6.3 Once issued a LoE is valid for as long as the individual is in the post for which the LoE has been issued. A copy should be retained by the TLB/TFA; a copy on the individuals' personnel file; and a copy will be retained by the DOSR.

1.7 Duties of TLB/TFA IEs

1.7.1 The responsibility to assess the risks arising from their explosives activities and to ensure that adequate resources are provided to implement the controls required to manage the explosives activities sits with the establishment conducting the activity and the TLB/TFA line management chain.

1.7.2 The duties of the IE are to:

- (1) Provide advice to the TLB/TFA; establishments in the TLB/TFA functional area; and any other TLB/TFA, where an agreement exists, on explosives licensing and safety in explosives activities.
- (2) Act as the TLB/TFA Focal point for ESTC matters.
- (3) Issue Standard Explosives Licences and Registrations in accordance with the standards in Chapters 9 and 10 for their TLB/TFA functional area, and any other TLB area where such an agreement exists.
- (4) Assist in the generation of a safety case, in accordance with Chapter 9, when the regulations in this publication cannot be met and a Non Standard Explosives Licence may be required.
- (5) Provide CIE (MOD) with copies of Licences authorised by Consequence Analysis (CA).
- (6) Maintain a register of all Explosive Licences and Registrations issued within their functional area iaw with Chapter 9.
- (7) Revalidate and reissue licences iaw Chapter 9.
- (8) Provide assurance to the TLB/TFA that activities authorised by explosives licenses in their functional area are managed in accordance with Statutory and MoD standards through inspections of explosives safety management and facilities at intervals not exceeding 2 years³.
- (9) Appoint IE Inspectors.
- (10) Staff Approved Variants.

1.7.3 Where a TLB/TFA does not have suitable personnel to appoint as IE Inspectors it should agree, through a written JBA, support from a TLB/TFA for the provision of inspections of their explosives facilities and activities. Where this is the case, the reports produced by the IE Inspectors are for the purpose of the establishment inspected and that establishments' TLB/TFA.

1.7.4 Inspections are to be carried out in accordance with the criteria in Chapter 20; their evidence should inform the TLB/TFA OME End to End (E2E) assurance report.

1.7.5 The TLB/TFA appointing IE Inspectors must determine and articulate the level of authority their IE Inspectors require that enables them to inspect sites and provide assurance that HoE/Duty Holders comply with the conditions of their explosives licence(s).

³ For units storing only SAA licensed under Chapter 10, Sect 8, Annex A, this periodicity may be increased to 3 years.

1.7.6 Where a TLB/TFA enters into an agreement with another TLB/TFA to provide the IE inspection function, it will be for the host TLB/TFA to determine the level of authority that the guest inspectors shall have during inspections of the host establishments.

1.8 Explosives License Holder Responsibility for Risk and Safety

1.8.1 All MOD staff, without exception, are charged by the SofS to take responsibility for health and safety matters and to act on behalf of their superiors to ensure standards are enforced. However, the person who has ownership and is answerable for the level of risk generated from the activities associated with the explosives license is the explosives licence holder (explosives licensee).

1.8.2 Normally this will be the HoE at establishment level. However it should be noted that the explosives license may not always be issued to the HoE, it may be held by a lodger unit or a contractor, depending upon who actually has day to day control of compliance with the licensee duties (See Chapter 9). Ultimately, it is the responsibility of the licensee to review conditions of all their licences held and the operations carried out that generate risks and ensure that they are managed iaw with Statutory and MoD requirements.

1.8.3 Even where the HoE is not the explosives licensee they still retain duties to co-ordinate overall safety on their site (See JSP 375 Leaflet 32: Health and Safety on Multi Occupier Sites) Therefore, where the explosives licensee is a lodger or contractor operating on their establishment, the explosives licensee has a duty to communicate any hazards to the establishment HoE. Both parties have a duty to co-operate in controlling the risks generated.

1.8.4 The TLB/TFA also has duties to ensure that where it requires explosives activities and therefore explosives licences, it properly resources the explosives licensee (see JSP 815).

1.8.5 The regulations in relation to the explosives licences are at Chapter 1.

1.9 Explosives Safety Representative(s) (ESR)

1.9.1 The explosives licensee may formally authorise, in writing, a person to manage the day to day activities of discharging their duties for explosives safety, to a properly qualified and competent MOD employee from within their management chain.

1.9.2 Furthermore, personnel charged with supervising explosives safety, and especially with explosives licensing matters, are to be suitably qualified, by passing the appropriate Service or departmental course, and experienced, relevant to the establishment's explosives activities, and must be deemed to possess and maintain an appropriate level of competence. Even where the explosives licensee appoints an ESR, it does not absolve them of their duties for the safe management and operation of the activities authorized by the explosives license. All matters out of the ordinary or which cannot be resolved within normal regulations are to be referred up the reporting chain and, in the first instance, directly to the explosives licensee in order for him to exercise his Duty of Care.

1.10 Competence

1.10.1 Competence is a line management responsibility; it is the duty, at all levels of management, to ensure that people are competent for the duties and activities upon which they are employed.

1.10.2 The competence of those working in Weapons, Ordnance, Munitions and Explosives (WOME) shall be demonstrated against the standards of best practice set by the sector; these are the National Occupational Standards (NOS) for Explosives Substances and Articles (ESA). These can be found on the Defence Intranet under People Service/Learning and Development/Competence Frameworks and Professional Skills for Government/Functional Competences/Functional Competence Frameworks N-Z/WOME Functional Competences.

1.10.3 Line Management is responsible for:

- (1) Ensuring competence can be demonstrated to at least that required in the NOS ESA.
- (2) Where skill gaps exist ensure positive action is taken to resolve them.
- (3) Ensure appropriate records of competence are maintained.
- (4) Provide reports on the progress of implementation of the NOS through their E2E Assurance.

CHAPTER 3**ANNEX A****MODEL TEMPLATE FOR THE APPLICATION FOR A LETTER OF
ENDORSEMENT**

1. Title:

Rank	
Initials	
Name	
Post Nominals	
TLB/Branch	
POST	

2. Post Competency Profile

WOME Competency Framework (Map the post requirements to the NOS WOME Framework. List all that are relevant)	

3. Qualifications

Degree	
Technical/Functional	
Any Other (Appropriate to the post requirements)	

4. Qualifications and Experience Pertinent to the Post

This should focus on qualifications and experiences pertinent to the post and relate them to the relevant competences. It should be detailed in chronological order, with the most recent relevant experiences coming first. Candidates should consider this section carefully as the experience should be supported by commentary or evidence to support the relevant experiences. Ideally it will be submitted in tabular format.

5. Additional Information.

The applicant should include any other information they consider relevant, including supporting evidence, which may not have been fitted into the previous CV elements.

6. Candidates Statement.

CVs are to include the following candidate statement: "I Certify that the information supplied above is accurate to the best of my knowledge. "I believe that the courses attended and my training together with my relevant experiences, fit me to accept the responsibility of IE (insert relevant TLB/TFA)"

Signature.....
Date.....