

# Guidance for Members of the General Public on the Introduction, Acquisition, Possession and Use of Explosives Precursors



Issued by the Office of the  
Government Inspector of Explosives  
GD 3/2014  
First Issued December 2014

Status: This document is an aide-memoire. It should not be taken or quoted as an authority for action. It is not a legal interpretation of, or substitution for, the legislation, and is non-exhaustive. The guidance may be amended or updated from time to time without notice

### New Regulation on Explosives Precursors

A new EU Regulation<sup>1</sup> which restricts the introduction<sup>2</sup> into the State, the acquisition, possession or use by members of the general public of certain chemical substances, which can be used as explosives precursors, has now come into force. These restricted substances and mixtures are called 'Restricted Explosives Precursors'. The EU Regulation is given effect in Ireland by **S.I. 611 of 2014**, the European Union (Marketing and Use of Explosives Precursors) Regulations 2014.

### Who is a Member of the General Public?

A member of the general public is defined in this context, as a person who is acting for purposes not connected with his trade, business or profession. For example, a professional hairdresser would not be considered a member of the general public if they were purchasing products, such as bleach, used in the hairdressing industry.

### What are Restricted Explosives Precursors (REPs)?

The chemicals listed in the table below, or products containing them, when in concentrations above the limit value specified are **Restricted Explosives Precursors (REPs)**.

Substance	Limit Value	Main uses for products where chemical may be present
<b>Hydrogen Peroxide</b>	12% w/w	Bleaching agent, antiseptic and water disinfectant, (e.g swimming pool steriliser) Cleaning agents
<b>Nitromethane</b>	30% w/w	Fuel for model kits and drag racing
<b>Nitric acid</b>	3% w/w	Etching agent & metal treatment.
<b>Potassium Chlorate</b>	40% w/w	Oxidising agent & disinfectant
<b>Potassium Perchlorate</b>	40% w/w	Bleaching
<b>Sodium Chlorate</b>	40% w/w	Bleaching, oxygen generators and formerly weed control (now banned in EU as a herbicide)
<b>Sodium Perchlorate</b>	40% w/w	Used to make other perchlorates and rocket fuel

<sup>1</sup> For details of the Regulation (EU) No 98/2013 and supporting Irish regulation see page 5. This Regulation was amended on 1<sup>st</sup> March 2017 with three additional substances being added to Annex II so that the requirements in relation suspicious transactions apply to these new substances (see page 5 for information).

<sup>2</sup> 'Introduction into the State' means bringing into Ireland from another country.

### **What restrictions apply?**

These REPs may not be introduced into the State, acquired, possessed or used by a member of the general public unless that member of the general public has a valid Garda Restricted Explosives Precursor Certificate for that REP.

### **What is a “Garda Restricted Explosives Precursor Certificate”?**

This is a Certificate issued by the Superintendent of An Garda Síochána for the district in which the member of the general public applying for the certificate ordinarily resides. In the case of a member of the general public who resides outside the State it is the Superintendent of An Garda Síochána for the district in which that member of the general public intends to introduce into the State or acquire the REP. The issuing Garda Superintendent is known as the “Competent Authority”.

### **How to apply for a Certificate?**

If you are a member of the general public and you wish to introduce into the State, acquire, possess or use a REP then you must apply to the relevant Garda Superintendent on the designated Application Form (see Annex 1). The completed application form must be submitted at least 14 days in advance of the proposed introduction or acquisition unless agreed otherwise with An Garda Síochána.

### **How long will the Certificate be valid for?**

A certificate can be valid for a single use transaction or multiple transactions up to a maximum period of 3 years and can be for one REP or a number of REPs.

### **What is the Fee?**

The fee for each application is €25.

### **What will the Garda Superintendent consider in making a decision?**

A Garda Superintendent will review each application and in making their decision will consider at least the following:

- Whether the applicant has a legitimate interest in acquiring the REPs
- Whether the proposed security arrangements are suitable
- Whether the applicant is a fit and proper person
- What is the intended use of the REPs
- Whether there is any potential danger to public safety or public order
- Any other relevant circumstances.

### **What should you expect when you go to acquire a REP?**

When acquiring a REP you will have to produce your valid Certificate and to satisfy the retailer that you are the legitimate holder of that Certificate, (possibly requiring production of ID). The retailer must record the transaction in the space provided on

the rear of the Certificate. The retailer is also obliged to report to the Gardaí any attempted suspicious transaction (for example any attempt to acquire a REP by a member of the general public who does not have a valid Certificate for that REP).

### **What are the Offences and Penalties?**

It is an offence for a member of the general public to

- Introduce into the State, acquire, possess or use a REP unless they have a valid Certificate (subject to transitional measures mentioned below).
- Supply a REP.
- Provide false or misleading information on an application form for a Certificate
- Refuse to comply with conditions on their Certificate
- Refuse to produce a Certificate if requested by a Government Inspector of Explosives, a member of An Garda Síochána or an Officer of Customs and Excise
- Refuse to return a certificate which is suspended or revoked to the Competent authority.

A standard scale of penalties applies to the specified offenses which are

- On summary conviction, to a Class A fine up to €5,000, or imprisonment up to 12 months or both.
- On indictment conviction, to a fine up to €20,000 or imprisonment up to three years or both.

GD 3/2014  
Guidance for Members of the General Public on the Introduction, Acquisition,  
Possession and Use of Explosives Precursors  
Rev 1<sup>st</sup> March 2017

**Additional Information**

<b>Information</b>	<b>Location</b>
Regulation S.I. 611 of 2014 on the marketing and use of explosives precursors	<a href="http://www.irishstatutebook.ie/eli/2014/si/611/made/en/pdf">http://www.irishstatutebook.ie/eli/2014/si/611/made/en/pdf</a> or <a href="http://www.justice.ie/en/JELR/Pages/explosives_precursors">http://www.justice.ie/en/JELR/Pages/explosives_precursors</a>
GD 1/2014 Guidance on the EU Marketing and Use of Explosives Precursors	<a href="http://www.justice.ie/en/JELR/Pages/explosives_precursors">http://www.justice.ie/en/JELR/Pages/explosives_precursors</a>
GD 2/2014 Guidance for Retail Sector on the Sale of Explosives Precursors	<a href="http://www.justice.ie/en/JELR/Pages/explosives_precursors">http://www.justice.ie/en/JELR/Pages/explosives_precursors</a>
Regulation (EU) No. 98/2013 on the marketing and use of explosives precursors	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0098&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0098&amp;from=EN</a>
Commission Delegated Regulation (EU) 2017/214 on Aluminium Powder	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R0214">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R0214</a>
Commission Delegated Regulation (EU) 2017/215 on Magnesium Nitrate Hexahydrate	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2017.034.01.0003.01.ENG">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2017.034.01.0003.01.ENG</a>
Commission Delegated Regulation (EU) 2017/216 on Magnesium Powder	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0216">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0216</a>
Guidelines by the EU Commission on the marketing and use of explosives precursors	<a href="https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines_on_the_marketing_and_use_of_explosives_precursors_en.pdf">https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines_on_the_marketing_and_use_of_explosives_precursors_en.pdf</a>

**Annex 1 - Form of Application for a  
Garda Restricted Explosives Precursor Certificate**

<b>Section 1: Personal Details of Applicant (Note 1)</b>		
Surname:	Home Address:	
First Name:		
Middle Name:		
Gender:	County:	
Date of Birth:	Home Tel no	
Occupation:	Business Tel No	
Nationality:	E Mail or Fax No:	
	<b>Type of Certificate Required (Note 2)</b>	*
1	Single Acquisition, Possession or Use	
2	Multiple Acquisitions, Possession or Use	
3	Single Introduction into the State, Possession or Use	
4	Multiple Introductions into the State, Possession or Use	

\*Place 'X' in appropriate box

<b>Section 3: Restricted Explosives Precursors to be covered in this certificate: (Note 3)</b>		
Commercial Name of Product and Chemical Name of Precursor (Attach schedule if necessary)	% Concentration	Maximum Quantity Kg / L
<b>Section 4: Location of activity: (Note 4)</b>		
<b>Section 5: Purpose and Duration Required For: (Note 5)</b>		
<b>Section 6: Declaration (Note 6)</b>		
<p>I declare that above information is true. I understand that my details may be held on Garda record in accordance with the law. I understand that I may be subject to further Garda enquiries if it is deemed necessary in order to decide on whether or not to grant this certificate. I will comply with all conditions that may be included on any Garda Restricted Explosives Precursor Certificate that may be issued to myself.</p>		
<p>Applicant's signature: _____</p> <p>Date of application: _____</p>		

**Notes for filling out the Form**

1. Personal details: Note that the applicant must provide full current contact details
2. Type of Certificate Required:: ‘Acquisition’ in this context is to obtain or purchase the substance from *within* the State, whereas ‘Introduction’ is to *bring* the substance *into* the State. ‘Single’ in this context permits the certificate to be used only once while ‘Multiple’ permits the certificate to be used on any number of occasions over a specified time period (see Note 4 also)
3. Restricted Explosives Precursors to be covered: Full details should be given including full commercial name of product and the chemical name of the restricted explosive precursors concerned e.g. “Bleach”, "Hydrogen Peroxide" and relevant concentration levels
4. Location of activity: If introducing, then name the place where the substance will enter the State. In all cases the location of the storage and other location(s) where the substances will be used should be provided.
5. Purpose Required for: Give full details of why you require the specified restricted explosives precursor. Applicant to indicate if required for a single use and if so the date required or if required for multiple use the dates from and to which it is required for up to a maximum of three years.
6. General: Application should be typed or written legibly. For persons resident in the State, it should be submitted to the Garda Superintendent of the Garda Division where the applicant ordinarily resides. For persons resident outside the State, the form should be submitted to the Garda Superintendent of the Garda Division in which the applicant intends to introduce the substance into the State or where the applicant intends to acquire the substance. Application form should be submitted at least 14 days in advance of the proposed acquisition or introduction to allow adequate time for processing.