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STATUTORY INSTRUMENTS

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**2010 No. 1554**

**The Pyrotechnic Articles (Safety) Regulations 2010**

**PART 3**

Category 4 fireworks, theatrical pyrotechnic articles and other pyrotechnic articles

**Persons with specialist knowledge for category 4 fireworks, category T2 theatrical pyrotechnic articles or category P2 other pyrotechnic articles**

**42.**—(1) A person with specialist knowledge for category 4 fireworks is any individual who can demonstrate having—

- (a) undertaken training recognised in the fireworks business, in relation to the type of category 4 fireworks to be supplied,
- (b) used category 4 fireworks; and
- (c) valid liability insurance covering use of category 4 fireworks.

(2) A person with specialist knowledge for category T2 theatrical pyrotechnic articles is any individual who can demonstrate having—

- (a) undertaken training recognised in the theatrical profession, in relation to the type of category T2 theatrical pyrotechnic articles to be supplied;
- (b) used category T2 theatrical pyrotechnic articles; and
- (c) valid liability insurance covering use of category T2 theatrical pyrotechnic articles.

(3) A person with specialist knowledge for category P2 other pyrotechnic articles is any individual who can demonstrate having—

- (a) undertaken training recognised in the industry in question, in relation to the type of category P2 other pyrotechnic articles to be supplied;
- (b) used category P2 other pyrotechnic articles; and
- (c) valid liability insurance covering use of category P2 other pyrotechnic articles.

(4) The training referred to in paragraphs (1)(a), (2)(a) and (3)(a) must include training in—

- (a) the nature and correct use of the articles to be supplied; and
- (b) the risks associated with the transport, storage and use of such articles, and

includes such training recognised in the relevant business, profession or industry of any Member State.

(5) In paragraph (2)(a), “the theatrical profession” means the profession related to indoor and outdoor stage productions and includes film and television or similar productions.

(6) The use of articles referred to in paragraphs (1)(b), (2)(b) and (3)(b) includes use anywhere in the world.

(7) The “liability insurance” referred to in paragraph (1)(c), (2)(c) and (3)(c) may be in the name of the individual in question or the employer of that person.

- (8) A person with specialist knowledge also includes—
- (a) any person whose trade or business (or a significant part of whose trade or business) is the supply of category 4 fireworks, for the purpose of supplying them in accordance with these Regulations;
  - (b) any person whose trade or business (or a significant part of whose trade or business) is the supply of category T2 theatrical pyrotechnic articles, for the purpose of supplying them in accordance with these Regulations;
  - (c) any person whose trade or business (or a significant part of whose trade or business) is the supply of category P2 other pyrotechnic articles, for the purpose of supplying them in accordance with these Regulations;
  - (d) any person employed by or under or acting on behalf of an enforcement authority proposing to make a test purchase (as referred to in section 28 of the Act), where the authority—
    - (i) has enforcement powers, conferred by or under any enactment, applying to the category 4 firework, category T2 theatrical pyrotechnic article or category P2 other pyrotechnic article in question; and
    - (ii) before that person purchases the goods, informs the supplier that the purchase is to be made for the purposes of ascertaining whether any provision made by or under any enactment and relating to the safety of the goods has been contravened in relation to those goods;
  - (e) any person who is—
    - (i) in business as a supplier of goods designed and intended for use in conjunction with a category 4 firework; and
    - (ii) intends to use the category 4 firework solely for the purposes of testing it to ensure that, when used in conjunction with fireworks of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods;
  - (f) any person who is—
    - (i) in business as a supplier of goods designed and intended for use in conjunction with a category T2 theatrical pyrotechnic article; and
    - (ii) intends to use the category T2 theatrical pyrotechnic article in question solely for the purposes of testing it to ensure that, when used in conjunction with articles of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.
  - (g) any person who is—
    - (i) in business as a supplier of goods designed and intended for use in conjunction with a category P2 other pyrotechnic article; and
    - (ii) intends to use the category P2 other pyrotechnic article in question solely for the purposes of testing it to ensure that, when used in conjunction with articles of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.