

2002 No. 147

EXPLOSIVES

Explosives (Fireworks) Regulations (Northern Ireland) 2002

Made *11th April 2002*

Coming into operation *6th May 2002*

To be laid before Parliament

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The Secretary of State, in pursuance of sections 1(4A) and 3 of the Explosives Act (Northern Ireland) 1970(a), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Explosives (Fireworks) Regulations (Northern Ireland) 2002 and shall come into operation on 6th May 2002.

(a) 1970 c. 10 (N.I.) as amended by S.I. 1996/20 (N.I. 17)

Interpretation

2.—(1) In these Regulations—

“air bomb” means a Roman candle of one or more tubes and with report with or without any other effect;

“another member State” means a member State other than the United Kingdom;

“assembly” means an assembly which includes any firework;

“aural effect” does not include any effect which is only incidental to a visual effect;

“banger” means a firework (other than an air bomb)—

(a) which comprises a tube which contains black powder and has a fuse; and

(b) the functioning of which principally involves a report;

“BS 7114” means the British Standard Specification comprising the following parts—

(a) BS 7114: Part 1: 1988, the British Standard Specification for classification of fireworks published on 30th November 1988^(a);

(b) BS 7114: Part 2: 1988, the British Standard Specification for fireworks published on 30th November 1988^(b); and

(c) BS 7114: Specification for methods of test for fireworks published on 30th November 1988^(c);

and references to Parts 1, 2 and 3 of BS 7114 shall be construed accordingly;

“category 1 firework” means a firework classified as category 1 under Part 1 of BS 7114 and includes an assembly so classified;

“category 2 firework” means a firework classified as category 2 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being “in category 2” shall be construed accordingly;

“category 4 firework” means a firework classified as category 4 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being “in category 4” shall be construed accordingly;

“competent authority” means an authority in another member State recognised by the Secretary of State as competent to classify fireworks;

“enforcing authority” means an authority with a duty to enforce the General Product Safety Regulations 1994^(d) as defined by regulation 11(c) of those Regulations or an authority with a duty to enforce the Consumer Protection Act 1987^(e) as defined by section 27(1)(f) of that Act;

“firework” means a device intended for use as a form of entertainment which contains, or otherwise incorporates, explosive composition or pyrotechnic composition (or both), and which, upon functioning, burns or explodes (or both) to produce a visual or aural effect (or both);

“firework of erratic flight” means a firework the functioning of which involves it following a random trajectory or a random path along the ground, whether or not it functions within a pre-determined range;

“mini-rocket” means a firework, which is designed so that, on functioning, it propels itself into the air, and which comprises a tube—

(a) the outside diameter of which, at the point where that diameter is greatest, is less than 12 millimetres;

(b) which contains pyrotechnic composition or pyrotechnic units;

(c) which is equipped with a stick or sticks for the purposes of stabilising its flights; and

(d) the overall length of which (including the length of any stick or sticks) is no more than 300 millimetres;

(a) ISBN 0 580 17026 8

(b) ISBN 0 580 17027 6

(c) ISBN 0 580 17028 4

(d) 1994 No. 2328

(e) 1987 c. 43

“pyrotechnic composition” means a substance or a mixture of substances designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions;

“sparkler” means a firework comprising a rigid wire partially coated with slow burning pyrotechnic composition, the functioning of which involves the emission of sparks without a report;

“visual effect” does not include any effect which is only incidental to an aural effect.

Savings for Explosives Acts

3. Nothing in these Regulations shall affect or derogate from any provisions under the Explosives Act 1875^(a) or the Explosives Act (Northern Ireland) 1924^(b) whether by Order in Council, Rule or other Statutory Instrument.

PART II

Prohibition on the possession, purchase, sale, acquisition, handling or use of fireworks

4.—(1) Subject to regulation 9, the possession, purchase, sale, acquisition, handling or use of fireworks by a person other than a Government Inspector, Constable or representative of an enforcing authority acting in his capacity as such shall be prohibited except under licence issued by the Secretary of State.

(2) Subject to regulation 5 the possession, purchase, sale, acquisition, handling or use of any firework of erratic flight or any mini-rocket, or banger or air bomb in category 2 is prohibited.

Exception for special effects purposes

5. Regulation 4(2) shall not prohibit the possession, purchase, sale, acquisition, handling or use of any firework or assembly to which that regulation applies under licence issued under regulation 4(1) to any person for use in the course of trade or business of his, for special effects purposes in the theatre, or film or television.

Licence for the possession, purchase, sale, acquisition, handling or use of fireworks

6.—(1) An application for a licence under regulation 4(1) shall be made in writing to the Secretary of State and shall be accompanied by such information and in such form and be made in such time as the Secretary of State may require.

(2) A licence under regulation 4(1) shall be in such form and subject to such conditions bearing on health and safety as the Secretary of State may require.

(3) Without prejudice to the generality of paragraph (2), the conditions imposed under that paragraph may include conditions as to the persons who are present, on behalf of the applicant, when the fireworks are fired.

(4) The Secretary of State shall not issue a licence under regulation 4(1) unless he is satisfied that to do so would not put at risk the health and safety of any person.

Production of licence

7.—(1) The purchaser of fireworks acting under a licence issued under regulation 4(1) shall produce his licence to the seller at the time of purchase and the seller, where such licence is not so produced, shall be prohibited from selling such fireworks.

(2) The seller of fireworks subject to licence shall keep a permanent record of all sales of such fireworks. He shall record the name and address of every person to whom he sells such fireworks together with the date of each such sale and particulars of the quantity and type of the fireworks sold and the licence number.

(3) The record shall be retained for at least two years.

(4) The record shall on demand be immediately produced for inspection by a Government Inspector, Constable or representative of an enforcing authority on production of his warrant.

(a) 38 and 39 Vict. c. 17

(b) 14 and 15 Geo 5 (N.I.)

Labelling requirements

8.—(1) Where fireworks and assemblies in category 4 are sold or transferred in accordance with regulation 4(1) the packaging must be marked with the words—

“This device must not be sold to, or used by, a member of the general public”.

(2) A person shall not sell or transfer any sparkler unless the packet in which it is contained is marked with the words “Warning: not to be given to children under 5 years of age”.

(3) A person shall not sell or transfer any firework which is not labelled in English.

Fireworks exempt from prohibition

9. Regulation 4(1) shall not apply to—

- (a) the fireworks in Schedule 1 or their equivalents classified by a competent authority in another member state; and
- (b) any person keeping classified fireworks in premises registered or in stores or magazines licenced under section 5 of the Explosives Act 1875 for the purpose of wholesale or retail trade;
- (c) “Classified” in this regulation has the meaning assigned to it by the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991^(a).

Licence fee

10. The fee payable to the Secretary of State for the processing of a licence under regulation 4(1) shall be such sum as is specified in Schedule 3.

PART III

Display of notice and certificate

11.—(1) (a) A notice displaying the following statement—

“It is illegal to sell fireworks to anyone under the age of 16”

shall be exhibited at every premises at which fireworks are sold by retail and shall be so exhibited in a prominent position where it can be easily read by persons at the point of sale, and comprise characters in bold black colour against a white background;

(b) the dimensions of the notice to be exhibited in accordance with paragraph (a) shall be not less than 297 millimetres by 420 millimetres and the size of the statement to be displayed on the notice shall be such that no character is less than 36 millimetres high.

(2) The original certificate of registration of premises under section 5 of the Explosives Act 1875 shall be displayed prominently at the point of sale.

Transactions in fireworks

12. The provisions of section 1(1) and (2) of the Explosives Act (Northern Ireland) 1970 shall not apply to the fireworks in Schedule 2.

Offences

13. A person who contravenes regulations 4, 7, 8 or 11 or any condition of a licence issued by the Secretary of State under regulation 4(1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Repeal

14. The Explosives (Fireworks) Regulations (Northern Ireland) 1999^(b) are hereby repealed.

11th April 2002 Northern Ireland Office

John Reid
One of her Majesty’s Principal
Secretaries of State

(a) S.R. 1991 No. 516

(b) S.R. 1999 No. 392

Fireworks exempt from the provisions of regulation 4(1)

Fireworks classified under British Standard BS 7114: Part 1: 1988 under the direction of the Chemical Standards Committee—

- (i) Part 1 Category 1; and
- (ii) Sparklers in Category 2.

**Fireworks to which the provisions of section 1(1) and (2) of the Explosives Act
(Northern Ireland) 1970 do not apply**

Fireworks classified under British Standard BS 7114: Part 1: 1988 under the direction of the Chemical Standards Committee—

- (1) Part 1 Category 1.
- (2) Part 1 Category 2 if the total weight of fireworks does not exceed 900 kilograms.

SCHEDULE 3

Regulation 10

Scale of licence fees

Fees for Firework Licences—

Where the attendance of any persons at a fireworks display will not exceed 100;	£30
Where the attendance of any persons at a fireworks display will not exceed 1000;	£80
Where the attendance of any persons at a fireworks display will exceed 1000;	£160

The sum payable for the processing of a fireworks licence shall not be refundable in the event of the licence not being issued on the grounds of health and safety or if the applicant withdraws his application within 10 days of the date of the proposed fireworks display.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations repeal previous Regulations which are largely re-enacted and make provisions to prohibit the possession, purchase, sale, acquisition, handling or use of certain categories of fireworks except under licence, issued by the Secretary of State to whom application shall be made in writing. A licence fee will be payable (regulations 4, 5, 6, 7 and 10). Fireworks exempt from the general prohibition are described (regulation 9 and Schedule 1).

The regulations now prohibit the possession, purchase, sale, acquisition, handling or use of all but one class of firework except under licence from the Secretary of State.

The Regulations prohibit the possession, purchase, sale, acquisition, handling or use of fireworks of erratic flight, mini-rockets, bangers or certain air bombs but provide an exception for any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television (regulation 4 and 5).

The Regulations also require specified fireworks and assemblies to be marked with the words "This device must not be sold to, or used by, a member of the general public". Packets of sparklers must be marked with the words "Warning: not to be given to children under 5 years of age" (regulation 8).

The Regulations provide a sliding scale of fees for the issue of fireworks licences (regulation 10 and Schedule 3).

Copies of British Standard 7114, and the British Standards referred to in it, are available from any of the sales outlets operated by the British Standards Institution (BSI), by post from BSI at 389 Chiswick High Road, London W4 4AL or from any of the bookshops operated by the Stationery Office Limited.

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