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STATUTORY INSTRUMENTS

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**1997 No. 2294**

**The Fireworks (Safety) Regulations 1997**

**Citation, commencement, revocation and extent**

1.—(1) These Regulations may be cited as the Fireworks (Safety) Regulations 1997 and, except as provided for by paragraph (2) below, shall come into force on 15th October 1997.

(2) Regulations 3(2), 4(1)(b), 4(2)(f) and 7 shall come into force on 31st December 1997.

(3) The Fireworks (Safety) Regulations 1996<sup>(1)</sup> are hereby revoked.

(4) These Regulations shall not extend to Northern Ireland.

**Interpretation**

2.—(1) In these Regulations—

“aerial maroon” means a firework—

- (a) which is designed to be projected from a mortar;
- (b) which contains a propellant charge and a bursting charge; and
- (c) whose functioning involves ascent and report;

but, for the avoidance of doubt, shall not include a rocket;

“aerial shell” means a firework—

- (a) which is designed to be projected from a mortar;
- (b) which contains a propellant charge and a bursting charge;
- (c) which contains pyrotechnic units or loose pyrotechnic composition, or both pyrotechnic units and loose pyrotechnic composition; and
- (d) whose functioning involves ascent and subsequent bursting of the firework case and ejection of any pyrotechnic units;

but, for the avoidance of doubt, shall not include a rocket;

“air bomb” means a Roman candle whose functioning comprises only the ejection of a single pyrotechnic unit, the principal effect of which is a report;

“amorcer” means a firework which is a percussion cap designed for use in toys, which comprises a paper envelope containing a dot of impact-sensitive pyrotechnic composition and which forms part of a roll;

“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) whose functioning principally involves report;

“battery” means an assembly which includes two or more fireworks of the same type, being a type listed in Schedule 3 to these Regulations, and which has one point of ignition;

“black powder” means explosive composition which is an intimate mixture of carbon and either potassium nitrate or sodium nitrate, or a similar mixture also containing sulphur;

“BS 7114” means (subject to paragraph (4) below) the British Standard Specification comprising the following parts—

- (a) BS 7114: Part 1: 1988, the British Standard Specification for classification of fireworks published on 30 November 1988<sup>(2)</sup>;
- (b) BS 7114: Part 2: 1988, the British Standard Specification for fireworks published on 30 November 1988<sup>(3)</sup>; and
- (c) BS 7114: Part 3: 1988, the British Standard Specification for methods of test for fireworks published on 30 November 1988<sup>(4)</sup>;

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

“cap” means a firework (including, for the avoidance of doubt, an amorce) designed for use in toys which comprises a non-metallic envelope or cup containing a dot of impact-sensitive pyrotechnic composition, and which produces a report when it is hit;

“category 1 firework” means a firework classified as category 1 under Part 1 of BS 7114 and includes any 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 2 rocket” means a firework—

- (a) which comprises a tube containing pyrotechnic composition or pyrotechnic units (or both) equipped with a stick or sticks for the purpose of stabilising its flight;
- (b) which is designed so that, on functioning, it propels itself into the air; and
- (c) which is a category 2 firework;

“category 3 firework” means a firework classified as category 3 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being “in category 3” shall be construed accordingly;

“category 3 rocket” means a firework—

- (a) which comprises a tube containing pyrotechnic composition or pyrotechnic units (or both) equipped with a stick or sticks for the purpose of stabilising its flight, or with some other means for that purpose;
- (b) which is designed so that, on functioning, it propels itself into the air; and
- (c) which is a category 3 firework;

“category 4 firework” means a firework classified as category 4 under Part 1 of BS 7114 and includes any assembly so classified;

“combination” means an assembly, other than a battery, which includes two or more fireworks (both or all of which are listed in Schedule 3 to these Regulations) and which has one point of ignition;

“cracker snap” means a firework—

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(2) ISBN 0 580 17026 8.  
(3) ISBN 0 580 17027 6.  
(4) ISBN 0 580 17028 4.

- (a) which comprises two overlapping strips of card or paper with a friction-sensitive explosive composition in sliding contact with an abrasive surface; and
- (b) which produces a report when pulled apart;

“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 whose functioning involves it following a random trajectory or a random path along the ground, whether or not it functions within a pre-determined range;

“fountain” means a firework—

- (a) which comprises a case containing pyrotechnic composition intended to produce sparks and flames;
- (b) which is designed to be placed on or fixed in the ground or fixed to a support prior to functioning; and
- (c) whose functioning involves the emission of sparks and flames, either with aural effect (other than report) or without aural effect;

“local authority” means—

- (a) in relation to England, a county council, a district council or a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council; and
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994<sup>(5)</sup>;

“maroon-in-mortar” means—

- (a) an assembly comprising an aerial maroon inside a mortar, from which the aerial maroon is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial maroon, where the maroon is designed to be projected from the mortar;

“mine” means a firework—

- (a) which comprises a tube containing a propellant charge and pyrotechnic units;
- (b) which is designed to be placed on, or fixed or partly buried in, the ground prior to functioning; and
- (c) whose functioning involves the ejection of all its pyrotechnic units in a single burst, producing a widely dispersed visual or aural effect in the air, or a combination of such effects;

“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 12.0 millimetres;
- (b) which contains pyrotechnic composition or pyrotechnic units;
- (c) which is equipped with a stick or sticks for the purposes of stabilising its flight; and
- (d) whose overall length (including the length of any stick or sticks) is no more than 300 millimetres;

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(5) 1994 c. 39.

“novelty match” means a firework comprising a match with a dot of pyrotechnic composition which is designed to be held in the hand while functioning and whose functioning involves report or the production of visual effects, or both;

“party popper” means a firework comprising a device—

- (a) which is designed to be held in the hand while functioning;
- (b) which is operated by a pull-string with an abrasive surface in sliding contact with a friction-sensitive pyrotechnic composition; and
- (c) whose functioning involves report with the ejection of streamers or confetti, or both;

“primary pack” means a package of fireworks of the same type, all of which are either category 1 fireworks, category 2 fireworks or category 3 fireworks, which is intended to be offered for retail sale as a single unit;

“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;

“rocket” means a firework—

- (a) which comprises a tube containing pyrotechnic composition or pyrotechnic units (or both) equipped with a stick or sticks for the purpose of stabilising its flight, or with some other means for that purpose; and
- (b) which is designed so that, on functioning, it propels itself into the air;

“Roman candle” means a firework—

- (a) which comprises a tube containing alternate propelling charge or charges and pyrotechnic unit or units with one or more transmitting fuses; and
- (b) whose functioning involves the ejection of a pyrotechnic unit or of pyrotechnic units in succession, producing a visual or aural effect, or a series or combination of such effects, in the air;

“selection pack” means a package of fireworks of more than one type intended to be offered for retail sale as a single unit;

“serpent” means a firework comprising a pre-formed shape of pyrotechnic composition, with or without support, whose functioning involves the generation of expanded residue;

“set piece” means an assembly—

- (a) which consists of tubes containing pyrotechnic composition linked by a pyrotechnic fuse;
- (b) which may or may not include one or more fireworks listed in Schedule 3 to these Regulations; and
- (c) which, by the emission of sparks or flames (or both), functions to create a picture (moving or otherwise), symbol, design or message;

“shell-in-mortar” means—

- (a) an assembly comprising an aerial shell inside a mortar, from which the aerial shell is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial shell, where the shell is designed to be projected from the mortar;

“smoke device” means a firework which comprises a pre-formed shape of pyrotechnic composition or pyrotechnic composition in a container and which, on functioning, emits smoke;

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

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“table bomb” means a firework—

- (a) which comprises a paper, cardboard or plastic tube with a firm base and closed top;
- (b) which contains a propellant charge and non-pyrotechnic objects; and
- (c) whose functioning involves report with the ejection of streamers or novelties, or both;

“throwdown” means a firework comprising impact-sensitive explosive composition and grains of inert material wrapped in paper or foil and which functions to produce a report when thrown onto the ground;

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

“wheel” means an assembly—

- (a) which includes a tube or tubes containing pyrotechnic composition;
- (b) which is designed to be attached to a support and to rotate about a fixed point or axis and which is provided with a means of attaching it securely to such a support so that it can so rotate; and
- (c) whose functioning involves rotation around a fixed point and the emission of sparks and flames, with or without aural effect.

(2) Subject to paragraph (4) below, any reference in these Regulations to BS 7114 is a reference to that standard as it has effect when these Regulations are made, provided that where that standard is amended or revised after these Regulations are made and the amendment or revision is approved by the Secretary of State, that reference shall be construed at any time after such approval as a reference to that standard as so amended or revised.

(3) Where BS 7114 (including Part 3 of BS 7114 when read in accordance with paragraph (4) below) specifies relevant requirements by reference to another standard, that reference shall be construed as a reference to that other standard as it has effect when these Regulations are made, provided that where any such other standard is amended or revised after these Regulations are made and the amendment or revision is approved by the Secretary of State, that reference shall be construed at any time after such approval as a reference to that other standard as so amended or revised.

(4) For the purposes of these Regulations, Part 3 of BS 7114 shall be read subject to the amendments set out in Schedule 1 to these Regulations.

(5) Subject to paragraph (6) below, the requirements of regulations 3(1) and (2) and 7 below are satisfied if the firework or assembly in question conforms to any standard or specification recognised for use in a member State of the European Economic Community or any other State within the European Economic Area, provided that conformity to such a standard or specification provides a level of safety at least equivalent to that which would be provided by compliance with those requirements, and any reference to those requirements shall be construed accordingly.

(6) For the avoidance of doubt, a standard or specification referred to in paragraph (5) above shall not be considered to provide at least an equivalent level of safety to the extent that it provides for labelling or marking in any language other than English.

### **Safety requirements for category 1, 2 and 3 fireworks and prohibitions on supply**

3.—(1) Subject to paragraphs (3) and (4) and without prejudice to regulation 7 below, no person shall supply a category 1 firework, a category 2 firework or a category 3 firework which does not comply with the relevant requirements of Part 2 of BS 7114 when tested in accordance with the appropriate test method (if any) in Part 3 of BS 7114.

(2) Subject to paragraph (4) and regulation 5 below, no person shall supply any firework or assembly referred to in Schedule 2 to these Regulations which contravenes the size or weight requirements specified for that firework or assembly in that Schedule.

(3) Paragraph (1) above shall not prohibit the supply of any sparkler designed to be held in the hand which contravenes that paragraph by reason only that it is more than 450 millimetres in length, so long as it is not more than 470 millimetres in length.

(4) For the purposes of paragraphs (1) and (2) above, no firework or assembly which would otherwise be a category 2 firework or a category 3 firework shall be taken not to be a category 2 firework or a category 3 firework solely because its supply is prohibited by paragraph (2) above or by regulation 4(2) (a), (c), (d), (e) or (f) below.

### **Prohibitions on supply of certain fireworks and assemblies**

4.—(1) Subject to paragraph (3) below, no person shall supply—

- (a) any firework of erratic flight; or
- (b) any mini-rocket.

(2) Subject to regulation 5 below, no person shall supply—

- (a) any aerial shell, shell-in-mortar, aerial maroon or maroon-in-mortar or any assembly which includes one or more aerial shells or aerial maroons and which has one point of ignition;
- (b) any category 4 firework other than one whose supply is prohibited by sub-paragraph (a) above or (c), (d), (e) or (g) below;
- (c) any battery containing bangers;
- (d) any combination (other than a wheel) which includes one or more bangers;
- (e) subject to paragraph (4) below, any banger other than a banger which is a category 2 firework;
- (f) subject to paragraph (4) below, any banger other than a banger whose supply is prohibited by sub-paragraph (e) above; or
- (g) any firework or assembly which is not listed in Schedule 3 to these Regulations.

(3) Paragraph (1) above shall not prohibit the supply of any firework of erratic flight or any mini-rocket to 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.

(4) Paragraphs (2)(e) and (f) above shall not apply to any banger supplied as part of a wheel.

### **Exceptions to regulations 3(2) and 4(2)**

5. Regulations 3(2) and 4(2) above shall not prohibit the supply of any firework or assembly to—

- (a) any person who is in business as a professional organiser or professional operator of firework displays;
- (b) any person, being a person whose trade or business (or part of whose trade or business) is the supply of fireworks or assemblies, for the purpose of supplying them in accordance with the provisions of these Regulations;
- (c) any local authority for the purposes of a firework display put on by that authority or for use by that authority at a national public celebration or a national commemorative event;
- (d) 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;
- (e) any local authority, enforcement authority or other body, where that authority or body—

- (i) has enforcement powers, conferred by or under any enactment, applying to the firework or assembly in question; and
  - (ii) before it 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;
- (f) any department of the Government of the United Kingdom for the purposes of a firework display put on by that department, for use by that department at a national public celebration or a national commemorative event or for use by that department for research or investigations purposes;
- (g) any person who—
- (i) is in business as a supplier of goods designed and intended for use in conjunction with fireworks or assemblies; and
  - (ii) intends to use the firework or assembly in question solely for the purposes of testing those goods to ensure that, when used in conjunction with fireworks or assemblies of the same type, they will perform their intended function or comply with any provision made by or under any enactment and relating to the safety of those goods; or
- (h) any establishment of the naval, military or air forces of the Crown for the purposes of a firework display or for use at a national public celebration or a national commemorative event.

### **Prohibition on supply of fireworks and assemblies to persons apparently under the age of eighteen years**

6.—(1) Subject to paragraph (2) below, no person shall supply any firework or any assembly to any person apparently under the age of eighteen years.

(2) Paragraph (1) above shall not prohibit the supply of any cap, cracker snap, novelty match, party popper, serpent or throwdown.

### **Additional marking requirements for certain fireworks and assemblies**

7.—(1) No person shall supply—

- (a) any firework or assembly whose supply would, but for regulation 5 above, be prohibited by regulation 4(2) above;
- (b) any firework or assembly listed in Schedule 2 to these Regulations which contravenes the size or weight requirements specified for that firework or assembly in that Schedule; or
- (c) any firework of erratic flight or mini-rocket whose supply would, but for regulation 4(3) above, be prohibited by regulation 4(1) above;

unless either the firework or assembly or, in the case only of a firework referred to in subparagraph (c) above, the packaging in which it is supplied is marked with the words “This device must not be sold to, or used by, a member of the general public”.

(2) No person shall supply 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”.

### **Prohibition on splitting up primary packs and selection packs**

8. No person who carries on a business involving, to whatever extent, the supply of fireworks by retail shall supply any firework which he has removed, caused to be removed, or knows to have been removed from a primary pack or a selection pack.

### **Proceedings**

9. In England and Wales a magistrates' court may try an information in respect of an offence under section 12 of the Consumer Protection Act 1987<sup>(6)</sup> arising from a contravention of these Regulations if the information is laid within twelve months from the time when the offence was committed, and in Scotland summary proceedings for such an offence may be brought at any time within twelve months from the time when the offence was committed.

23rd September 1997

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Competition and Consumer Affairs,  
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<sup>(6)</sup> 1987 c. 43.