
STATUTORY INSTRUMENTS

2010 No. 1554

The Pyrotechnic Articles (Safety) Regulations 2010

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pyrotechnic Articles (Safety) Regulations 2010 and, except as provided for in paragraph (2) and (3), come into force on 4th July 2010.

(2) Part 3 and regulations 4(3), (4) and 47 come into force on 4th July 2013.

(3) For the purposes of regulation 18(4) to (7), regulations 36(6), 37(1), (5), (6), (8), (9) and (13) and 38 and Schedule 4 come into force on 4th July 2010.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland, except—
(a) paragraphs 1 and 2 of Schedule 4 which extend to England and Wales and Scotland only,
(b) regulation 49(11) and Schedule 5 which extend to Northern Ireland only.

Interpretation

2.—(1) In these Regulations—

the “Act” means the Consumer Protection Act 1987;

the “1974 Act” means the Health and Safety at Work etc. Act 1974(1);

“category”, in relation to a pyrotechnic article, means a category of pyrotechnic article referred to in Schedule 1;

“CE marking” means the CE marking applied in accordance, as the case may be, with regulation 12 or 29;

“the Directive” means Directive 2007/23/EC on the placing on the market of pyrotechnic articles(2);

“distributor” means a person in the supply chain, other than a manufacturer or an importer, who makes a pyrotechnic article available on the market in the course of that person’s business;

“enforcement authority” means—

in Great Britain, within its area, a weights and measures authority; and

in Northern Ireland, within its area, a district council;

“firework” means a pyrotechnic article intended for entertainment purposes;

(1) 1974 c.37.

(2) OJ L154, 14.06.2007, p.1.

“harmonised standard” means a European standard adopted by a European standardisation body under a mandate from the European Commission in conformity with the procedures laid down in Directive 98/34/EC(3) and with which compliance is not compulsory;

“importer” means a person established in the EU who makes a pyrotechnic article originating from a third country available on the EU market for the first time in the course of that person’s business;

“manufacturer” means a person who designs or manufactures a pyrotechnic article, or who causes such an article to be designed and manufactured, with a view to—

first making it available on the EU market, and

its distribution and use, distribution or use, whether for payment or free of charge,

under the name or trademark of that person;

“notified body” means a body (including a UK notified body) notified to the European Commission under Article 10 of the Directive to carry out conformity assessment procedures referred to in Article 9 of the Directive;

“other pyrotechnic article” means a pyrotechnic article falling within paragraph 3 of Schedule 1 (categories of pyrotechnic articles), including pyrotechnic articles for vehicles;

“person with specialist knowledge” means a person falling within regulation 42 (persons with specialist knowledge);

“pyrotechnic article” means any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions;

“pyrotechnic articles for vehicles” means components of safety devices in vehicles which contain pyrotechnic substances used to activate these or other devices;

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

“theatrical pyrotechnic article” means a pyrotechnic article falling within paragraph 2 of Schedule 1 (categories of pyrotechnic articles) designed for indoor or outdoor stage use, including film and television productions or similar use; and

“UK notified body” means a body appointed to carry out the conformity assessment procedures and any other tasks for which it is appointed under regulation 43.

Scope and exclusions

3.—(1) These Regulations apply to pyrotechnic articles.

(2) These Regulations do not apply to—

(a) pyrotechnic articles intended for non-commercial use by—

(i) the armed forces,

(ii) a police force in England and Wales,

(iii) a police force within the meaning of section 3 of the Police (Scotland) Act 1967(4),

(iv) the Police Service of Northern Ireland, the Police Service of Northern Ireland Reserve or the Northern Ireland Policing Board,

(v) the British Transport Police Force,

(3) OJ L24, 24.7.1998, p.37, as amended by Directive 98/48/EC (L217, 5.8.1998, p.18) and Directive 2006/96/EC (L363, 20.12.2006, p.81).

(4) c.77. Section 3 was substituted by the Police and Magistrates’ Courts Act 1994, section 47(1); subsections (3) and (4) were inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006, (2006 asp 10), section 48.

- (vi) the Ministry of Defence Police Force,
 - (vii) the Civil Nuclear Constabulary,
 - (viii) a police force for a harbour, port, airport, park, garden or forest in the United Kingdom or with a specialised function in the United Kingdom,
 - (ix) the Serious Organised Crime Agency,
 - (x) the Scottish Crime and Drug Enforcement Agency,
 - (xi) a fire and rescue authority within the meaning of section 1 or a combined authority within the meaning of section 2 or 4 of the Fire and Rescue Services Act 2004⁽⁵⁾,
 - (xii) a fire and rescue authority within the meaning of section 1 or a joint fire and rescue board within the meaning of section 2 or a joint fire board within the meaning of section 5 of the Fire (Scotland) Act 2005⁽⁶⁾, or
 - (xiii) the Northern Ireland Fire and Rescue Board;
- (b) equipment falling within the scope of Council Directive 96/98/EC on marine equipment⁽⁷⁾;
 - (c) pyrotechnic articles intended for use in the aerospace industry;
 - (d) percussion caps intended specifically for toys falling within the scope of Council Directive 88/378/EEC concerning the safety of toys⁽⁸⁾;
 - (e) explosives falling within the scope of Council Directive 93/15/EEC on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses⁽⁹⁾;
 - (f) ammunition, meaning projectiles and propelling charges and blank ammunition used in portable firearms, other guns and artillery.
- (3) A reference to a body in paragraph (2)(a) includes a reference to a—
- (a) person or constable who is under the direction and control of a chief officer (by whatever name called) of police or of a fire and rescue authority or board, as the case may be, and acting in that capacity; and
 - (b) a training or associated establishment of such a body.

Categorisation

4.—(1) A manufacturer or, where regulation 7(1)(b) applies, an importer must categorise a firework as falling within category 1, 2 or 3 according to—

- (a) its type of use; or
- (b) its purpose and level of hazard, including its noise level.

(2) The notified body to which the firework is submitted shall confirm the category assigned under paragraph (1).

(3) A manufacturer or, where regulation 24(1)(b) applies, an importer must categorise a pyrotechnic article, other than a category 1, 2 or 3 firework, as a firework falling within category 4, a pyrotechnic article falling within category T1 or T2 or a pyrotechnic article falling within category P1 or P2 according to—

- (a) its type of use; or

⁽⁵⁾ c.21. Section 1 was amended by the Civil Contingencies Act 2004, Schedule 2, paragraph 10(1) and (2).

⁽⁶⁾ 2005 asp 5.

⁽⁷⁾ OJ No L046, 17.02.97, p.25.

⁽⁸⁾ OJ No L187, 16.7.1988, p.1.

⁽⁹⁾ OJ No L121, 15.05.93. p.20.

- (b) its purpose and level of hazard, including its noise level.
- (4) The notified body to which the pyrotechnic article is submitted shall confirm the category assigned under paragraph (3).