
STATUTORY INSTRUMENTS

2010 No. 1554

The Pyrotechnic Articles (Safety) Regulations 2010

PART 3

Category 4 fireworks, theatrical pyrotechnic articles and other pyrotechnic articles

Enforcement actions

37.—(1) For the purposes of the enforcement of regulation 4(3) and Part 3 by the Health and Safety Executive, Schedule 4 shall have effect.

(2) For the purposes of the enforcement of regulation 4(3) and Part 3 by an enforcement authority or the Secretary of State, the authority or the Secretary of State may use any provisions relating to enforcement of the Act to enforce regulation 4(3) and Part 3.

(3) Where an enforcement authority proposes to enforce under regulation 36(2), it shall notify the Health and Safety Executive (in relation to enforcement in Great Britain) or the Secretary of State (in relation to enforcement in Northern Ireland) of that fact and the bodies in question shall consider, in the circumstances of the case, which is best placed to enforce the Regulations.

(4) Where the bodies referred to in paragraph (3) decide that an enforcement authority shall enforce, the duty in regulation 36(1) no longer applies.

(5) This paragraph applies where the Health and Safety Executive, an enforcement authority or the Secretary of State becomes aware that a pyrotechnic article, used in accordance with its intended purpose, is liable to endanger the health and safety of persons.

(6) Where paragraph (5) applies—

(a) in relation to enforcement in Great Britain, the Health and Safety Executive shall take action under Schedule 4;

(b) in relation to enforcement in Northern Ireland, the Secretary of State shall take action as if regulation 19(3) to 19(6) applied to pyrotechnic articles falling within this Part.

(7) Where paragraph (5) applies, an enforcement authority may take action as if regulation 19(3) to 19(6) applied to pyrotechnic articles falling within this Part.

(8) Where the Health and Safety Executive or an enforcement authority takes any action under this regulation it shall as soon as practicable notify the Secretary of State, specifying its reasons for taking the action.

(9) Where the Health and Safety Executive or an enforcement authority has notified the Secretary of State under paragraph (8), it shall as soon as practicable notify the Secretary of State of any modification or lifting of any such action.

(10) Where the Secretary of State is notified under paragraph (8), in relation to a pyrotechnic article which bears a CE marking and is accompanied by an EC declaration of conformity, the Secretary of State shall inform the European Commission and other relevant Member States of that action.

(11) This paragraph applies where the Secretary of State has sufficient reason to believe that a pyrotechnic article presents a serious risk to the health or safety of persons in the EU.

- (12) Where paragraph (11) applies the Secretary of State shall—
- (a) inform the European Commission and other Member States of that risk;
 - (b) perform an appropriate evaluation; and
 - (c) inform the European Commission and other Member States of the background for and the results of the evaluation.
- (13) This Regulation does not prevent an enforcement authority or the Secretary of State taking other enforcement action under the General Product Safety Regulations 2005.