

2013 No. 1950

CONSUMER PROTECTION

HEALTH AND SAFETY

**The Pyrotechnic Articles (Safety) (Amendment) Regulations
2013**

<i>Made</i> - - - -	<i>5th August 2013</i>
<i>Laid before Parliament</i>	<i>6th August 2013</i>
<i>Coming into force</i> - -	<i>30th August 2013</i>

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to pyrotechnic articles.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2 (2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Pyrotechnic Articles (Safety) (Amendment) Regulations 2013 and come into force on 30th August 2013.

Amendment

2.—(1) The Pyrotechnic Articles (Safety) Regulations 2010^(c) are amended as follows.

(2) In Schedule 2 (Essential Safety Requirements), for paragraph 1(4) substitute—

“(4) Pyrotechnic articles must not contain detonative explosives other than black powder and flash composition, except for pyrotechnic articles of categories P1, P2, T2 and fireworks of category 4 meeting the following conditions:

- (a) the detonative explosive cannot be easily extracted from the pyrotechnic article;
- (b) for category P1, the pyrotechnic article cannot function in a detonative manner or cannot, as designed and manufactured, initiate secondary explosives;

(a) S.I. 2009/2743.

(b) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) section 27(1)(a) and by the European Union (Amendment) Act (c.7), Schedule Part 1.

(c) S.I.2010/1554 to which there are amendments not relevant to these Regulations.

- (c) for categories 4, T2 and P2, the pyrotechnic article is designed and intended not to function in a detonative manner, or, if designed to detonate, it cannot as designed and manufactured, initiate secondary explosives.”.

Jo Swinson

Parliamentary Under-Secretary of State for Employment Relations, Consumer Affairs
5th August 2013 Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (recast) Directive 2013/29/EU (OJ L178, 28.06.2013, page 27) (“the 2013 Directive”). The Regulations amend the Pyrotechnic Articles (Safety) Regulations 2010 (“the 2010 Regulations”) as regards the provisions in the 2013 Directive relating to the prohibition on use of detonative explosives in the manufacture of categories P1, P2, T2 pyrotechnic articles and category F4 fireworks except on certain conditions. Category F4 fireworks are referred to as category 4 fireworks in the 2010 Regulations.

The 2010 Regulations implement Directive 2007/23/EC on the placing on the market of pyrotechnic articles (OJ L154, 14.06.2007, page 1) (“the 2007 Directive”). The 2013 Directive revokes the 2007 Directive with effect from 1 July 2015. However the provision in the 2007 Directive relating to a prohibition on use of commercial blasting agents (except for black powder or flash compositions), due to come into force on 4 July 2013 under that Directive is repealed and replaced by the 2013 Directive from that date. The prohibition in the 2007 Directive would have prevented the manufacture and supply of certain products e.g. car airbags. The 2013 Directive amends the prohibition so that these products are permitted subject to certain conditions thus enabling the uninterrupted manufacture and supply of products using detonative explosives.

A full Regulatory Impact Assessment has not been prepared for this instrument as no impact on the business or voluntary sector is foreseen. A transposition note has been prepared and is annexed to the Explanatory Memorandum which is available alongside the instrument on the UK legislation website (www.legislation.gov.uk). Copies have also been placed in the Libraries of both Houses of Parliament.

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