STATUTORY INSTRUMENTS

2015 No. 1553

The Pyrotechnic Articles (Safety) Regulations 2015

PART 2

Obligations of economic operators

Chapter 1

Manufacturers

Categorisation E+W+S

- 6. Before placing a pyrotechnic article on the market, a manufacturer must—
 - (a) categorise it using the categories set out in Schedule 1 (categories of pyrotechnic article), according to its—
 - (i) type of use; or
 - (ii) purpose and level of hazard, including its noise level; and
 - (b) ensure that [FI an approved body] has confirmed that categorisation as part of a relevant conformity assessment procedure.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F1 Words in reg. 6(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 4 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Categorisation N.I.

- 6. Before placing a pyrotechnic article on the market, a manufacturer must—
 - (a) categorise it using the categories set out in Schedule 1 (categories of pyrotechnic article), according to its—
 - (i) type of use; or
 - (ii) purpose and level of hazard, including its noise level; and
 - (b) ensure that a notified body has confirmed that categorisation as part of a relevant conformity assessment procedure.

Extent Information

E18 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Design and manufacture in accordance with essential safety requirements

7. Before placing a pyrotechnic article on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential safety requirements.

Technical documentation and conformity assessment E+W+S

- 8. Before placing a pyrotechnic article on the market, a manufacturer must—
 - (a) have a relevant conformity assessment procedure carried out; and
 - (b) draw up the technical documentation referred to—
 - (i) for a pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(a) is being carried out, in point 3(c) of Module B of [F2Schedule 2A];
 - (ii) for a pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(b) is being carried out, in point 2 of Module G of [F2Schedule 2A];
 - (iii) for pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(c) is being carried out, in point 3.1(b) of Module H of [F2Schedule 2A].

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F2 Words in reg. 8(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 5** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Technical documentation and conformity assessment N.I.

- 8. Before placing a pyrotechnic article on the market, a manufacturer must—
 - (a) have a relevant conformity assessment procedure carried out; and
 - (b) draw up the technical documentation referred to—
 - (i) for a pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(a) is being carried out, in point 3(c) of Module B of Annex II to the Directive (as amended from time to time);
 - (ii) for a pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(b) is being carried out, in point 2 of Module G of Annex II to the Directive (as amended from time to time);
 - (iii) for pyrotechnic article in respect of which the conformity assessment procedure in regulation 40(c) is being carried out, in point 3.1(b) of Module H of Annex II to the Directive (as amended from time to time).

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

Extent Information

E19 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

EU declaration of conformity and CE marking N.I.

- **9.**—(1) Where the conformity of a pyrotechnic article with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the pyrotechnic article on the market—
 - (a) draw up a declaration of conformity in accordance with regulation 41 (EU declaration of conformity); and
 - (b) affix the CE marking in accordance with regulation 42 (CE marking).
 - (2) The manufacturer must keep the EU declaration of conformity up-to-date.
- (3) Where a pyrotechnic article is subject to more than one EU instrument requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity, which—
 - (a) identifies the EU instruments; and
 - (b) includes references to the publication of those EU instruments in the Official Journal of the European Union.

Extent Information

E3 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F36... declaration of conformity and [F37UK] marking E+W+S

- **9.**—(1) Where the conformity of a pyrotechnic article with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the pyrotechnic article on the market—
 - (a) draw up a declaration of conformity in accordance with regulation 41 F38...; and
 - (b) affix the [F39UK] marking in accordance with regulation 42 F40....
 - (2) The manufacturer must keep the ^{F41}... declaration of conformity up-to-date.
- [^{F42}(3) Where a pyrotechnic article is subject to more than one enactment requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity, which identifies each enactment by its title.]

Extent Information

E20 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F36 Word in reg. 9 heading omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 6(2)(a) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- Word in reg. 9 heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 6(2)(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F38** Words in reg. 9(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 6(3)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F39** Word in reg. 9(1)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 6(4)(a)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F40** Words in reg. 9(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 6(4)(b)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F41** Word in reg. 9(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 6(5)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F42** Reg. 9(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 6(6) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention of technical documentation and F3... declaration of conformity E+W+S

10. A manufacturer must keep the technical documentation and the ^{F4}... declaration of conformity drawn up in respect of a pyrotechnic article for a period of 10 years beginning on the day on which the pyrotechnic article is placed on the market.

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3 Word in reg. 10 heading omitted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 7 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- Word in reg. 10 omitted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 7 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention of technical documentation and EU declaration of conformity N.I.

10. A manufacturer must keep the technical documentation and the EU declaration of conformity drawn up in respect of a pyrotechnic article for a period of 10 years beginning on the day on which the pyrotechnic article is placed on the market.

Extent Information

E21 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

Labelling of pyrotechnic articles other than pyrotechnic articles for vehicles E+W+S

- 11.—(1) Before placing a pyrotechnic article on the market, a manufacturer must ensure that it is labelled
 - (a) visibly, legibly and indelibly;
 - (b) clearly and understandably; and

[F5(c) in English.]

(2) The manufacturer must ensure that the labelling of the pyrotechnic article includes, as a minimum, the information specified in Schedule 3 (labelling: required information).

^{F6} (3)																
^{F6} (4)																
F6(5)																

- (6) Where it is not possible for information specified in paragraph 1(a) and (b) of Schedule 3 to be indicated on the pyrotechnic article (including where this is as a result of other labelling requirements referred to in Schedule 3 having taken up the available space on the pyrotechnic article), the manufacturer must ensure that that information is indicated on its packaging or in a document accompanying the pyrotechnic article.
- (7) Where the pyrotechnic article does not provide sufficient space for the other labelling requirements specified in Schedule 3 (including where this is as a result of the information specified in paragraph 1(a) and (b) of Schedule 3 having taken up the available space on the pyrotechnic article), the manufacturer must ensure that the information is provided on the smallest piece of packaging.
 - (8) This regulation does not apply to pyrotechnic articles for vehicles.

Extent Information

E5 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F5 Reg. 11(1)(c) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 8(a) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- Reg. 11(3)-(5) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 8(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Labelling of pyrotechnic articles other than pyrotechnic articles for vehicles N.I.

- 11.—(1) Before placing a pyrotechnic article on the market, a manufacturer must ensure that it is labelled
 - (a) visibly, legibly and indelibly;
 - (b) clearly and understandably; and
 - (c) subject to paragraphs (3) and (4), in the official language of the [F43 relevant state] in which the pyrotechnic article is to be made available to the end-user.
- (2) The manufacturer must ensure that the labelling of the pyrotechnic article includes, as a minimum, the information specified in Schedule 3 (labelling: required information).

- (3) The information specified in paragraph 1(a) and (b) of Schedule 3 must be provided in a language which can be easily understood by the end-users and the competent national authority in the [F43 relevant state] in which the pyrotechnic article is to be made available to such end-users.
- (4) The information specified in paragraph 1(f) of Schedule 3 must be provided in a language which can be easily understood by consumers and other end-users in the [F43 relevant state] in which the pyrotechnic article is to be made available to such consumers and other end-users.
- (5) Where the pyrotechnic article is to be made available to end-users in I^{F44} Northern Ireland] the language which can be easily understood by consumers and other end-users is English.
- (6) Where it is not possible for information specified in paragraph 1(a) and (b) of Schedule 3 to be indicated on the pyrotechnic article (including where this is as a result of other labelling requirements referred to in Schedule 3 having taken up the available space on the pyrotechnic article), the manufacturer must ensure that that information is indicated on its packaging or in a document accompanying the pyrotechnic article.
- (7) Where the pyrotechnic article does not provide sufficient space for the other labelling requirements specified in Schedule 3 (including where this is as a result of the information specified in paragraph 1(a) and (b) of Schedule 3 having taken up the available space on the pyrotechnic article), the manufacturer must ensure that the information is provided on the smallest piece of packaging.
 - (8) This regulation does not apply to pyrotechnic articles for vehicles.

Extent Information

E22 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- **F43** Words in reg. 11 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7 para. 3(1)**
- **F44** Words in reg. 11(5) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7** para. 3(3)

Labelling of pyrotechnic articles for vehicles E+W+S

- **12.**—(1) Before placing a pyrotechnic article for a vehicle on the market, a manufacturer must ensure that it is labelled with—
 - (a) the information about the manufacturer specified in paragraph 1(a) and (b) of Schedule 3;
 - (b) the name and type of the pyrotechnic article;
 - (c) the [F7UK] registration number of the pyrotechnic article;
 - (d) the product, batch or serial number of the pyrotechnic article; and
 - (e) safety instructions (where necessary).
- (2) If the pyrotechnic article for a vehicle does not provide sufficient space for the labelling requirements specified in paragraph (1), the manufacturer must ensure that the information is provided on the packaging.
- (3) Before placing a pyrotechnic article for a vehicle on the market, the manufacturer must draw up a [F8UK] safety data sheet.

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (4) In paragraph (3), "[F9UK] safety data sheet" means a document—
 - (a) compiled in accordance with Annex II to Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency M1 (as amended from time to time); and
 - (b) which takes account of the specific needs of professional users.

Extent Information

E6 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F7 Word in reg. 12(1)(c) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 9(a) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F8 Word in reg. 12(3) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 9(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F9 Word in reg. 12(4) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 9(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 OJ L 396, 30.12.2006, p. 1.

Labelling of pyrotechnic articles for vehicles N.I.

- **12.**—(1) Before placing a pyrotechnic article for a vehicle on the market, a manufacturer must ensure that it is labelled with—
 - (a) the information about the manufacturer specified in paragraph 1(a) and (b) of Schedule 3;
 - (b) the name and type of the pyrotechnic article;
 - (c) the registration number of the pyrotechnic article;
 - (d) the product, batch or serial number of the pyrotechnic article; and
 - (e) safety instructions (where necessary).
- (2) If the pyrotechnic article for a vehicle does not provide sufficient space for the labelling requirements specified in paragraph (1), the manufacturer must ensure that the information is provided on the packaging.
- (3) Before placing a pyrotechnic article for a vehicle on the market, the manufacturer must draw up a safety data sheet.
 - (4) In paragraph (3), "safety data sheet" means a document—
 - (a) compiled in accordance with Annex II to Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency ^{F45} (as amended from time to time); and
 - (b) which takes account of the specific needs of professional users.

Extent Information

E23 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F45 OJ L 396, 30.12.2006, p. 1.

Compliance procedures for series production E+W+S

- **13.**—(1) A manufacturer of pyrotechnic articles which are manufactured by series production must ensure that, before placing such a pyrotechnic article on the market, procedures are in place to ensure that any pyrotechnic article so manufactured will be in conformity with Part 2.
 - (2) In doing so, the manufacturer must take adequate account of—
 - (a) any change in pyrotechnic article design or characteristics; and
 - (b) any change in a [^{F10}designated] standard or in another technical specification by reference to which the ^{F11}... declaration of conformity was drawn up.

Extent Information

E7 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- **F10** Word in reg. 13(2)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 10(a) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F11 Word in reg. 13(2)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 10(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Compliance procedures for series production N.I.

- 13.—(1) A manufacturer of pyrotechnic articles which are manufactured by series production must ensure that, before placing such a pyrotechnic article on the market, procedures are in place to ensure that any pyrotechnic article so manufactured will be in conformity with Part 2.
 - (2) In doing so, the manufacturer must take adequate account of—
 - (a) any change in pyrotechnic article design or characteristics; and
 - (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

Extent Information

E24 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

Chapter 2

Importers

Prohibition on placing on the market pyrotechnic articles which are not in conformity

14. An importer must not place a pyrotechnic article on the market unless it is in conformity with the essential safety requirements.

Requirements which must be satisfied before an importer places a pyrotechnic article on the market E+W+S

- 15.—(1) Before placing a pyrotechnic article on the market, an importer must ensure that—
 - (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the pyrotechnic article—
 - (i) bears the [F12UK] marking; and
 - (ii) is accompanied by the required documents; and
 - (d) the manufacturer has complied with the requirements set out in regulations 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles) and 12 (labelling of pyrotechnic articles for vehicles).
- (2) In paragraph (1)(c)(ii), "required documents" means any documents that are required to be provided with the pyrotechnic article pursuant to—
 - (a) regulation 11(6); and
 - (b) regulation 35 (supply of [F13 UK] safety data sheet).

Extent Information

E8 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F12 Word in reg. 15(1)(c)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 11(a) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F13** Word in reg. 15(2)(b) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 11(b)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before an importer places a pyrotechnic article on the market N.I.

- 15.—(1) Before placing a pyrotechnic article on the market, an importer must ensure that—
 - (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the pyrotechnic article—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the required documents; and

- (d) the manufacturer has complied with the requirements set out in regulations 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles) and 12 (labelling of pyrotechnic articles for vehicles).
- (2) In paragraph (1)(c)(ii), "required documents" means any documents that are required to be provided with the pyrotechnic article pursuant to—
 - (a) regulation 11(6); and
 - (b) regulation 35 (supply of safety data sheet).

Extent Information

E25 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Prohibition on placing on the market pyrotechnic articles considered not to be in conformity with the essential safety requirements

- **16.**—(1) Where an importer considers, or has reason to believe, that a pyrotechnic article is not in conformity with the essential safety requirements, the importer must not place the pyrotechnic article on the market.
- (2) Where the pyrotechnic article presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

Information identifying importer E+W+S

- 17.—(1) Before placing a pyrotechnic article on the market, an importer must indicate on the pyrotechnic article—
 - (a) the name, registered trade name or registered trade mark of the importer; and
 - (b) a postal address at which the importer can be contacted.
- (2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the [F14enforcing authority]F15....
 - [F16(3) Paragraph (1) does not apply where—
 - (a) either—
 - (i) it is not possible to set out the information referred to in paragraph (1) on the pyrotechnic article; or
 - (ii) the importer has imported the pyrotechnic article from an EEA state and places it on the market within the period of 24 months beginning with IP completion day; and
 - (b) before placing the pyrotechnic article on the market, the importer sets out the information referred to in paragraph (1)—
 - (i) on the packaging; or
 - (ii) in a document accompanying the pyrotechnic article.]

Extent Information

E9 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

Textual Amendments

- **F14** Words in reg. 17(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 12(a)(i)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F15 Words in reg. 17(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 12(a)(ii) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16 Reg. 17(3) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 12(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2; and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(h)(ii); and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 2(1)(d)); 2020 c. 1, Sch. 5 para. 1(1)

Information identifying importer N.I.

- 17.—(1) Before placing a pyrotechnic article on the market, an importer must indicate on the pyrotechnic article—
 - (a) the name, registered trade name or registered trade mark of the importer; and
 - (b) a postal address at which the importer can be contacted.
- (2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the competent national authority in the [F46 relevant state] in which it is to be made available to such end-users.
- (3) Where it is not possible to indicate the information specified in paragraph (1) on the pyrotechnic article, the importer must indicate that information—
 - (a) on the packaging; or
 - (b) in a document accompanying the pyrotechnic article.

Extent Information

E26 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F46 Words in reg. 17(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 7 para. 3(1)

Instructions and safety information E+W+S

18.—(1) When placing a pyrotechnic article on the market, an importer must ensure that it is accompanied by instructions and safety information [F17that are clear, legible and in easily understandable English].

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Extent Information

E10 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- **F17** Words in reg. 18(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 13(a)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F18** Reg. 18(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 13(b)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Instructions and safety information N.I.

- **18.**—(1) When placing a pyrotechnic article on the market, an importer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the [F47 relevant state] in which the pyrotechnic article is to be made available to such consumers and other end-users.
- (2) When the pyrotechnic article is being made available to consumers and other end-users in [F48Northern Ireland], the language which can be easily understood by consumers and other end-users is English.

Extent Information

E27 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F47 Words in reg. 18(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 7 para. 3(1)
- **F48** Words in reg. 18(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7** para. **3(3)**

Retention of technical documentation and F19... declaration of conformity E+W+S

- **19.** An importer must, for a period of 10 years beginning on the day on which the pyrotechnic article is placed on the market—
 - (a) keep a copy of the F20... declaration of conformity at the disposal of enforcing authorities; and
 - (b) ensure that the technical documentation can be made available to enforcing authorities, upon request.

Extent Information

E11 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F19 Word in reg. 19 heading omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 14 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F20 Word in reg. 19(a) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 14** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention of technical documentation and EU declaration of conformity N.I.

- **19.** An importer must, for a period of 10 years beginning on the day on which the pyrotechnic article is placed on the market—
 - (a) keep a copy of the EU declaration of conformity at the disposal of enforcing authorities; and
 - (b) ensure that the technical documentation can be made available to enforcing authorities, upon request.

Extent Information

E28 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Chapter 3

Manufacturers and importers

Traceability E+W+S

- **20.**—(1) Where a manufacturer or importer places a pyrotechnic article on the market before 17th October 2016, the manufacturer or importer must—
 - (a) maintain a record of the [F21UK] registration number of the pyrotechnic article for a period of at least 10 years beginning on the day on which it is placed on the market; and
 - (b) upon request, make this information available to an enforcing authority.
- (2) Where a manufacturer or importer places a pyrotechnic article on the market after 16th October 2016, the manufacturer or importer must—
 - (a) keep a record of the required information for the pyrotechnic article for a period of at least 10 years beginning on the day on which it is placed on the market;
 - (b) transfer the record referred to in sub-paragraph (a) to the Secretary of State if the manufacturer or importer is ceasing to trade; and
 - (c) upon a reasoned request, provide an enforcing authority with the required information.
- (3) The Secretary of State may appoint a person to receive, hold and manage the record referred to in paragraph (2) on the Secretary of State's behalf.
- (4) In this regulation, "required information" means the following information about a pyrotechnic article—
 - (a) the [F21UK] registration number;
 - (b) the trade name;
 - (c) the generic type and sub-type (where applicable); and
 - (d) the site of manufacture.

Extent Information

E12 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F21 Word in reg. 20 inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 15** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Traceability N.I.

- **20.**—(1) Where a manufacturer or importer places a pyrotechnic article on the market before 17th October 2016, the manufacturer or importer must—
 - (a) maintain a record of the registration number of the pyrotechnic article for a period of at least 10 years beginning on the day on which it is placed on the market; and
 - (b) upon request, make this information available to an enforcing authority.
- (2) Where a manufacturer or importer places a pyrotechnic article on the market after 16th October 2016, the manufacturer or importer must—
 - (a) keep a record of the required information for the pyrotechnic article for a period of at least 10 years beginning on the day on which it is placed on the market;
 - (b) transfer the record referred to in sub-paragraph (a) to the Secretary of State if the manufacturer or importer is ceasing to trade; and
 - (c) upon a reasoned request, provide an enforcing authority with the required information.
- (3) The Secretary of State may appoint a person to receive, hold and manage the record referred to in paragraph (2) on the Secretary of State's behalf.
- (4) In this regulation, "required information" means the following information about a pyrotechnic article—
 - (a) the registration number;
 - (b) the trade name;
 - (c) the generic type and sub-type (where applicable); and
 - (d) the site of manufacture.

Extent Information

E29 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring

- **21.**—(1) When an enforcing authority deems it appropriate, with regard to the risks to the health and safety of consumers presented by a pyrotechnic article, a manufacturer or importer must, upon a duly justified request of the authority and within such period as the authority may specify—
 - (a) carry out sample testing of pyrotechnic articles made available on the market;
 - (b) investigate complaints that pyrotechnic articles are not in conformity with Part 2; and
 - (c) keep distributors informed of any monitoring carried out under sub-paragraphs (a) and (b).

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (2) A manufacturer or importer must keep a register and must promptly make entries in that register of any—
 - (a) complaints that pyrotechnic articles are not in conformity with Part 2;
 - (b) pyrotechnic articles which are found not to be in conformity with Part 2; and
 - (c) pyrotechnic article recalls.
- (3) A manufacturer or importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of pyrotechnic articles placed on the market which are considered not to be in conformity E+W+S

- **22.**—(1) A manufacturer or importer who considers, or has reason to believe, that a pyrotechnic article which they have placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—
 - (a) bring the pyrotechnic article into conformity;
 - (b) withdraw the pyrotechnic article; or
 - (c) recall the pyrotechnic article.
- (2) Where the pyrotechnic article presents a risk, the manufacturer or importer must immediately inform the market surveillance authority, F22... of the risk, giving details of—
 - (a) the respect in which the pyrotechnic article is considered not to be in conformity with Part 2; and
 - (b) any corrective measures taken.

Extent Information

E13 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F22 Words in reg. 22(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 16** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Duty to take action in respect of pyrotechnic articles placed on the market which are considered not to be in conformity N.I.

- **22.**—(1) A manufacturer or importer who considers, or has reason to believe, that a pyrotechnic article which they have placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—
 - (a) bring the pyrotechnic article into conformity;
 - (b) withdraw the pyrotechnic article; or
 - (c) recall the pyrotechnic article.
- (2) Where the pyrotechnic article presents a risk, the manufacturer or importer must immediately inform the market surveillance authority, and the competent national authorities of any other [F49] relevant state] in which the manufacturer or importer made the pyrotechnic article available on the market, of the risk, giving details of—

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (a) the respect in which the pyrotechnic article is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E30 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F49 Words in reg. 22(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7 para. 3(1)**

Provision of information and cooperation

- **23.**—(1) A manufacturer or importer must, further to a reasoned request from an enforcing authority and within such period as the enforcing authority may specify, provide the authority with the information and documentation necessary to demonstrate that the pyrotechnic article is in conformity with Part 2—
 - (a) in paper or electronic form; and
 - (b) in a language which can be easily understood by the enforcing authority.
- (2) A manufacturer or importer must, at the request of the enforcing authority, cooperate with the authority on any action taken to—
 - (a) evaluate a pyrotechnic article in accordance with regulation 56 (evaluation of pyrotechnic articles presenting a risk); or
 - (b) eliminate the risks posed by a pyrotechnic article which the manufacturer or importer has placed on the market.

Chapter 4

Distributors

Duty to act with due care

24. When making a pyrotechnic article available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

Requirements which must be satisfied before a distributor makes a pyrotechnic article available on the market E+W+S

- **25.**—(1) Before making a pyrotechnic article available on the market, the distributor must verify that—
 - (a) the pyrotechnic article—
 - (i) bears the [F23UK] marking;
 - (ii) is accompanied by the required documents;
 - (iii) is accompanied by instructions and safety information [F24that are clear, legible and in easily understandable English];

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles) and 12 (labelling of pyrotechnic articles for vehicles); and
- (c) the importer has complied with the requirements set out in regulation 17 (information identifying importer).
- (2) In paragraph (1)(a)(ii), "required documents" means the documents that are required to be provided with the pyrotechnic article pursuant to—
 - (a) regulation 11(6);
 - (b) regulation 17(3)(b); and
 - (c) regulation 35 (supply of [F25UK] safety data sheet).

Extent Information

E14 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- **F23** Word in reg. 25(1)(a)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 17(a)(i)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F24** Words in reg. 25(1)(a)(iii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 17(a)(ii)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F25 Word in reg. 25(2)(c) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 17(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before a distributor makes a pyrotechnic article available on the market N.I.

- **25.**—(1) Before making a pyrotechnic article available on the market, the distributor must verify that—
 - (a) the pyrotechnic article—
 - (i) bears the CE marking;
 - (ii) is accompanied by the required documents;
 - (iii) is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the [F50] relevant state] in which the pyrotechnic article is to be made available on the market;
 - (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles) and 12 (labelling of pyrotechnic articles for vehicles); and
 - (c) the importer has complied with the requirements set out in regulation 17 (information identifying importer).
- (2) In paragraph (1)(a)(ii), "required documents" means the documents that are required to be provided with the pyrotechnic article pursuant to—
 - (a) regulation 11(6);
 - (b) regulation 17(3)(b); and

(c) regulation 35 (supply of safety data sheet).

Extent Information

E31 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F50 Words in reg. 25(1)(a)(iii) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7 para. 3(1)**

Prohibition on making available on the market where pyrotechnic article not considered to be in conformity with the essential safety requirements

- **26.**—(1) Where a distributor considers, or has reason to believe, that a pyrotechnic article is not in conformity with the essential safety requirements, the distributor must not make the pyrotechnic article available on the market.
- (2) Where the pyrotechnic article presents a risk, the distributor must inform the following persons of the risk—
 - (a) the manufacturer or the importer; and
 - (b) the market surveillance authority.

Duty to take action in respect of pyrotechnic articles made available on the market which are not in conformity E+W+S

- **27.**—(1) A distributor who considers, or has reason to believe, that a pyrotechnic article which the distributor has made available on the market is not in conformity with Part 2 must make sure that the necessary corrective measures are taken to—
 - (a) bring that pyrotechnic article into conformity;
 - (b) withdraw the pyrotechnic article; or
 - (c) recall the pyrotechnic article.
- (2) Where the pyrotechnic article presents a risk, the distributor must immediately inform the market surveillance authority, ^{F26}... of that risk, giving details of—
 - (a) the respect in which the pyrotechnic article is considered not to be in conformity with Part 2; and
 - (b) any corrective measures taken.

Extent Information

E15 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F26 Words in reg. 27(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 18** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Duty to take action in respect of pyrotechnic articles made available on the market which are not in conformity N.I.

- **27.**—(1) A distributor who considers, or has reason to believe, that a pyrotechnic article which the distributor has made available on the market is not in conformity with Part 2 must make sure that the necessary corrective measures are taken to—
 - (a) bring that pyrotechnic article into conformity;
 - (b) withdraw the pyrotechnic article; or
 - (c) recall the pyrotechnic article.
- (2) Where the pyrotechnic article presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the other [F51 relevant states] in which the distributor has made the pyrotechnic article available on the market, of that risk, giving details of—
 - (a) the respect in which the pyrotechnic article is considered not to be in conformity with Part 2; and
 - (b) any corrective measures taken.

Extent Information

E32 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F51 Words in reg. 27(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 7 para. 3(2)

Provision of information and cooperation

- **28.**—(1) A distributor must, further to a reasoned request from an enforcing authority and within such period as the authority may specify, provide the authority with the information and documentation, in paper or electronic form, necessary to demonstrate that the pyrotechnic article is in conformity with Part 2.
- (2) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—
 - (a) evaluate a pyrotechnic article in accordance with regulation 56 (evaluation of pyrotechnic articles presenting a risk); and
 - (b) eliminate the risks posed by a pyrotechnic article which the distributor has made available on the market.

Chapter 5

Importers and distributors

Storage and transport

29. Each importer and distributor must ensure that, while a pyrotechnic article is under their responsibility, its storage or transport conditions do not jeopardise its conformity with the essential safety requirements.

Cases in which obligations of manufacturers apply to importers and distributors

- **30.** An economic operator who would, but for this regulation, be considered an importer or distributor ("A"), is to be considered a manufacturer for the purposes of these Regulations and is subject to the obligations of a manufacturer under this Part, where A—
 - (a) places a pyrotechnic article on the market under A's own name or trademark; or
 - (b) modifies a pyrotechnic article already placed on the market in such a way that it may affect whether the pyrotechnic article is in conformity with Part 2.

Chapter 6

All economic operators

Prohibition on making available to persons younger than the minimum age limit

- **31.** An economic operator must not make a pyrotechnic article available on the market in the United Kingdom to a person younger than the following minimum age limits—
 - (a) for a Christmas cracker, 12 years;
 - (b) for a category F1 firework other than a Christmas cracker, 16 years;
 - (c) for a category F2 firework or a category F3 firework, 18 years;
 - (d) for a category T1 theatrical pyrotechnic article, 18 years;
 - (e) for a category P1 other pyrotechnic article, 18 years.

Prohibition on making available to persons without specialist knowledge

- **32.** An economic operator must not make available on the market the following pyrotechnic articles, except to a person with specialist knowledge—
 - (a) a category F4 firework;
 - (b) a category T2 theatrical pyrotechnic article; or
 - (c) a category P2 other pyrotechnic article.

Prohibitions on making available certain category F2 and F3 fireworks

- **33.**—(1) An economic operator must not make available on the market in the United Kingdom a category F2 firework or a category F3 firework of any of the following descriptions—
 - (a) an aerial wheel;
 - (b) a banger, flash banger or double banger;
 - (c) a jumping cracker;
 - (d) a jumping ground spinner;
 - (e) a spinner;
 - (f) a mini rocket;
 - (g) a shot tube—
 - (i) which produces a report as its principal effect; or
 - (ii) the inside diameter of which is greater than 30mm;
 - (h) a battery containing bangers, flash bangers or double bangers;
 - (i) a combination (other than a wheel) which includes one or more bangers, flash bangers or double bangers.

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (2) Paragraph (1)(b) does not prohibit the making available on the market of a category F2 firework or category F3 firework as part of a wheel.
- (3) Paragraph (1) does not prohibit the making available on the market of a category F2 firework or category F3 firework to a person with specialist knowledge.
- (4) No person who carries on a business involving the making available of fireworks on the market by retail may supply a category F2 firework or category F3 firework which that person—
 - (a) has removed or caused to be removed from a selection pack or primary pack; or
 - (b) knows to have been removed from a selection pack or primary pack.

Prohibition on making pyrotechnic articles for vehicles available to members of the general public

34. An economic operator must not make a category P1 pyrotechnic article, which is also a pyrotechnic article for a vehicle (including an airbag or seat belt pre-tensioner system), available to a member of the general public unless the article has been incorporated in a vehicle or a detachable vehicle part.

Supply of [F27UK] safety data sheet E+W+S

35. When making a pyrotechnic article for a vehicle available on the market to a professional
user, an economic operator must supply to the professional user the [F28UK] safety data sheet referred
to in regulation 12(3) (labelling of pyrotechnic articles for vehicles)—

F29(a)		
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(b) on paper or in electronic form, provided that the format chosen is accessible to the professional user.

Extent Information

E16 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- **F27** Word in reg. 35 heading inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 19(a)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F28** Word in reg. 35 inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 19(a)** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F29 Reg. 35(a) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 19(b) (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Supply of safety data sheet N.I.

- **35.** When making a pyrotechnic article for a vehicle available on the market to a professional user, an economic operator must supply to the professional user the safety data sheet referred to in regulation 12(3) (labelling of pyrotechnic articles for vehicles)—
 - (a) in the language requested by that professional user; and

(b) on paper or in electronic form, provided that the format chosen is accessible to the professional user.

Extent Information

E33 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[F30 Translation of declaration of conformity

- **36.**—(1) Before making a pyrotechnic article available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the [F31] relevant state] in which it is to be made available on the market.
- (2) Where the pyrotechnic articles is to be made available on the market in [F32Northern Ireland], the language required is English.]

Textual Amendments

- **F30** Reg. 36 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 20** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F31** Words in reg. 36(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 7** para. 3(1)
- F32 Words in reg. 36(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 7 para. 3(3)

Identification of economic operators

- **37.**—(1) An economic operator ("E"), who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—
 - (a) any economic operator who has supplied E with a pyrotechnic article; and
 - (b) any economic operator to whom E has supplied a pyrotechnic article.
 - (2) The relevant period is—
 - (a) for information under paragraph (1)(a), a period of 10 years beginning on the day on which E was supplied with the pyrotechnic article;
 - (b) for information under paragraph (1)(b), a period of 10 years beginning on the day on which E supplied the pyrotechnic article.

Prohibition on improper use of [F33UK] marking E+W+S

- **38.**—(1) An economic operator must not affix the $[^{F34}UK]$ marking to a pyrotechnic article unless—
 - (a) that economic operator is the manufacturer; and
 - (b) the conformity of the pyrotechnic article with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (2) An economic operator must not affix to a pyrotechnic article a marking (other than the [F34UK] marking) which purports to attest that the pyrotechnic article is in conformity with the essential safety requirements.
- (3) An economic operator must not affix to a pyrotechnic article a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F34UK] marking.
- (4) An economic operator must not affix to a pyrotechnic article any other marking if the visibility, legibility and meaning of the [F34UK] marking would be impaired as a result.

Extent Information

E17 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- **F33** Word in reg. 38 heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 21** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- **F34** Word in reg. 38 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 19 para. 21** (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Prohibition on improper use of CE marking N.I.

- **38.**—(1) An economic operator must not affix the CE marking to a pyrotechnic article unless—
 - (a) that economic operator is the manufacturer; and
 - (b) the conformity of the pyrotechnic article with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.
- (2) An economic operator must not affix to a pyrotechnic article a marking (other than the CE marking) which purports to attest that the pyrotechnic article is in conformity with the essential safety requirements.
- (3) An economic operator must not affix to a pyrotechnic article a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.
- (4) An economic operator must not affix to a pyrotechnic article any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

Extent Information

E34 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[F35Obligations which are met by complying with obligations in the Directive

- **38A.**—(1) In this regulation—
 - (a) any reference to an Article or an Annex is a reference to an Article or an Annex to the Directive; and
 - (b) "CE marking" has the meaning given to it in Article 3(22); and
 - (c) "harmonised standard" has the meaning given to it in Article 3(14).

- (2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer—
 - (a) ensures that the pyrotechnic article has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;
 - (b) ensures that the technical documentation referred to in Annex II has been drawn up;
 - (c) ensures that the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (e) affixes a CE marking and other markings, in accordance with Articles 19 and 20(1) to (4);
 - (f) draws up an EU declaration of conformity, in accordance with Article 18; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
 - (3) Where this paragraph applies—
 - (a) the requirements of regulation 7, 8, 9(1) and 9(3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 9(2), 10, 13(2) and 38 apply subject to the modifications in paragraph (8);
 - (c) Part 3 does not apply; and
 - (d) regulations 60(1)(a), (c), (d) and (f) do not apply.
- (4) Paragraph (5) applies where, before placing a pyrotechnic article on the market, the importer ensures that—
 - (a) the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex II; and
 - (c) the vessel bears the CE marking and other markings referred to in Article 20(3) to (4).
 - (5) Where this paragraph applies—
 - (a) the requirements of regulation 15(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 16(1) and 19, and regulation 29 insofar as it relates to importers, apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a pyrotechnic article available on the market, a distributor ensures that the vessel bears the CE marking.
 - (7) Where this paragraph applies—
 - (a) regulation 25(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 26(1), and regulation 29 insofar as it relates to distributors, apply subject to the modifications in paragraph (8).
 - (8) The modifications referred to in paragraphs (3)(b), (5)(b) and (9)(b) are that—
 - (a) any reference to "declaration of conformity" is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to "UK marking" is to be read as a reference to the CE marking;
 - (c) any reference to "essential safety requirements" is to be read as a reference to the essential safety requirements referred to in Annex I;
 - (d) any reference to "designated standard" is to be read as a reference to a harmonised standard;

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (e) any reference to "relevant conformity assessment procedure" is to be read as a reference to the conformity assessment procedure that applies to the pyrotechnic article in accordance with Article 17;
- (f) any reference to "technical documentation" is a reference to the technical documentation referred to in Annex II.

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Obligations which are met by complying with obligations in the Directive that relate to the registration number

38B.—(1) In this regulation—

- (a) any reference to an Article is a reference to an Article of the Directive; and
- (b) "registration number" means a number comprising the elements set out in Article 1 of Commission Implementing Directive 2014/58/EU of 16 April 2014 setting up a system for the traceability of pyrotechnic articles, as it has effect immediately before exit day.
- (2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer labels the pyrotechnic article with a registration number in accordance with Article 10(2) or Article 11(1), as applicable.
 - (3) Where this paragraph applies—
 - (a) the requirements of regulations 11, 12 and 20 apply subject to the modifications in paragraph (8); and
 - (b) regulation 60(1)(f) does not apply.
- (4) Paragraph (5) applies where, before placing a pyrotechnic article on the market, the importer ensures that the pyrotechnic article has been labelled with a registration number in accordance with Articles 10(2) or 11(1), as applicable.
- (5) Where this paragraph applies the requirements of regulation 15(1)(d) and 20 apply subject to the modifications at paragraph (8).
- (6) Paragraph (7) applies where, before making a pyrotechnic article available on the market, a distributor verifies that the pyrotechnic article has been labelled with a registration number in accordance with Articles 10(2) or 11(1), as applicable.
- (7) Where this paragraph applies the requirements of regulation 25(1)(b) apply subject to the modifications at paragraph (8).
 - (8) The modifications referred to in paragraphs (3)(a), (5) and (7) are that—
 - (a) any reference to "Schedule 3" in regulations 11 or 12 is to be read as a reference to Schedule 3 subject to the modification that, in paragraph 1(d) of that Schedule, the reference to "UK registration number" is to be read as a reference to the registration number; and
 - (b) any reference to "UK registration number" is to be read as a reference to the registration number.

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Obligations which are met by complying with obligations in the Directive that relate to safety data sheet

- **38C.**—(1) In this regulation "safety data sheet" means a document—
- (a) compiled in accordance with Annex II to Regulation No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, as it has effect in EU law immediately before exit day; and
- (b) which takes into account the specific needs of professional users.
- (2) Paragraph (3) applies where, before placing a pyrotechnic article for vehicles on the market, the manufacturer draws up a safety data sheet in English.
 - (3) Where this paragraph applies—
 - (a) regulation 12 applies subject to the modification—
 - (i) in paragraph (10); and
 - (ii) that paragraph (4) of that regulation is omitted; and
 - (b) regulation 60(1)(f) does not apply.
- (4) Paragraph (5) applies where, before placing a pyrotechnic article for vehicles on the market, the importer ensures that the article is accompanied by a safety data sheet in English.
- (5) Where this paragraph applies regulation 15 applies subject to the modification that paragraph (2) of that regulation is substituted by the following—
 - "(2) In paragraph (1)(c)(ii), "required documents" means—
 - (a) the documents that are required to be provided with the pyrotechnic article pursuant to regulation 11(6); and
 - (b) the safety data sheet.".
- (6) Paragraph (7) applies where, before making a pyrotechnic article for vehicles available on the market, a distributor verifies that the article is accompanied by a safety data sheet in English.
- (7) Where this paragraph applies regulation 25 applies subject to the modification that paragraph (2) of that regulation is substituted by the following—
 - "(2) In paragraph (1)(a)(ii), "required documents" means—
 - (a) the documents that are required to be provided with the pyrotechnic article pursuant to regulations 11(6) and 17(3)(b); and
 - (b) the safety data sheet.".
- (8) Paragraph (9) applies where, before making a pyrotechnic article for vehicles available on the market to a professional user, an economic operator supplies to the professional user a safety data sheet in respect of that article.
- (9) Where this paragraph applies regulation 35 applies subject to the modification at paragraph (10).

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

(10) The modification referred to in sub-paragraphs (3) and (9) is that any reference to a "UK safety data sheet" is to be read as a reference to a safety data sheet.

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Conformity assessment procedure obligation which is met by complying with the Directive

- **38D.**—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.
- (2) Paragraph (3) applies where, prior to the manufacture of a pyrotechnic article, the manufacturer ensures that the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17(a), referred to as Module B and set out in Annex II, has been carried out.
 - (3) Where this paragraph applies—
 - (a) the requirement in regulation 40(a) to conform to Module B as set out in Schedule 2A is to be treated as being satisfied;
 - (b) any reference to "relevant conformity assessment procedure" in regulations 8(a), 9(1), 15(1)(a), 38(1)(b) and 41(b) is to be read as including the conformity assessment procedure referred to in Article 17(1)(a), referred to as Module B and set out in Annex II; and
 - (c) any reference to "technical documentation" in regulations 8(b), 10, 15(1)(b) and 19(b) is to be read as including the technical documentation relating to the design of the pyrotechnic article referred to in Module B of Annex II.

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Expiry of regulations 38A to D

- **38E.**—(1) Subject to paragraph (2), regulations 38A to 38C cease to have effect at the end of the period of 12 months beginning with IP completion day.
 - (2) Notwithstanding the expiry of regulation 38A—
 - (a) any pyrotechnic article which was placed on the market pursuant to regulation 38A may continue to be made available on the market on or after the expiry of regulation 38A;
 - (b) any obligation to which a person was subject under regulation 38A in respect of a pyrotechnic article placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that article;
 - (c) any obligation to which a person was subject under regulations 38B and 38C in respect of a pyrotechnic article pursuant to regulations 38B and 38C continues to have effect after the expiry of regulations 38B and 38C, in respect of that article.

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

- (3) Subject to paragraph (4), regulation 38D ceases to have effect at the end of the period of 24 months beginning with IP completion day.
- (4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a pyrotechnic article prior to the expiry of regulation 38D, regulation 38D continues to apply in respect of that article where—
 - (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
 - (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
 - (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.
- (5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in Annex II of the Directive.

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Qualifying Northern Ireland Goods

- **38F.**—(1) Where paragraph (2) applies, a pyrotechnic article is to be treated as being in conformity with Part 2.
 - (2) This paragraph applies where—
 - (a) a pyrotechnic article—
 - (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
 - (ii) is qualifying Northern Ireland goods; and
 - (b) an importer has complied with the obligations set out in paragraph (3).
- (3) The obligations referred to in paragraph (2)(b) are that, before placing the pyrotechnic article on the market, the importer—
 - (a) complies with regulation 17;
 - (b) ensures that—
 - (i) the relevant conformity assessment procedure has been carried out in relation to the pyrotechnic article;
 - (ii) the manufacturer has drawn up the technical documentation; and
 - (iii) the pyrotechnic article bears the CE marking.
 - (4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland; "qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning give to it in regulation 2(1), as it applies in Northern Ireland;

Changes to legislation: There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2. (See end of Document for details)

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

Textual Amendments

F35 Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 22 (with Sch. 19 para. 36) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 11(3)); 2020 c. 1, Sch. 5 para. 1(1)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 2.