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STATUTORY INSTRUMENTS

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**2015 No. 1553**

**The Pyrotechnic Articles (Safety) Regulations 2015**

**PART 5**

**Market surveillance and enforcement**

**Offences**

**62.**—(1) It is an offence for a manufacturer to contravene or fail to comply with any requirement of—

- (a) regulation 6 (categorisation);
  - (b) regulation 7 (design and manufacture in accordance with essential safety requirements);
  - (c) regulation 8 (technical documentation and conformity assessment);
  - (d) regulation 9 (EU declaration of conformity and CE marking);
  - (e) regulation 10 (retention of technical documentation and EU declaration of conformity);
  - (f) regulation 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles);
  - (g) regulation 12 (labelling of pyrotechnic articles for vehicles);
  - (h) regulation 13 (compliance procedures for series production);
  - (i) regulation 20 (traceability);
  - (j) regulation 21 (monitoring);
  - (k) regulation 22 (duty to take action in respect of pyrotechnic articles placed on the market which are considered not to be in conformity);
  - (l) regulation 23 (provision of information and cooperation);
  - (m) regulation 31 (prohibition on making available to persons younger than the minimum age limit);
  - (n) regulation 32 (prohibition on making available to persons without specialist knowledge);
  - (o) regulation 33 (prohibitions on making available certain category F2 and F3 fireworks);
  - (p) regulation 34 (prohibition on making pyrotechnic articles for vehicles available to members of the general public);
  - (q) regulation 35 (supply of safety data sheet);
  - (r) regulation 36 (translation of EU declaration of conformity);
  - (s) regulation 37 (identification of economic operators);
  - (t) regulation 38 (prohibition on improper use of CE marking).
- (2) It is an offence for an importer to contravene or fail to comply with any requirement of—
- (a) regulation 14 (prohibition on placing on the market pyrotechnic articles which are not in conformity);

- (b) regulation 15 (requirements which must be satisfied before an importer places a pyrotechnic article on the market);
  - (c) regulation 16 (prohibition on placing on the market pyrotechnic articles considered not to be in conformity with the essential safety requirements);
  - (d) regulation 17 (information identifying importer);
  - (e) regulation 18 (instructions and safety information);
  - (f) regulation 19 (retention of technical documentation and EU declaration of conformity);
  - (g) regulation 20;
  - (h) regulation 21;
  - (i) regulation 22;
  - (j) regulation 23;
  - (k) regulation 29 (storage and transport);
  - (l) regulation 31;
  - (m) regulation 32;
  - (n) regulation 33;
  - (o) regulation 34;
  - (p) regulation 35;
  - (q) regulation 36;
  - (r) regulation 37;
  - (s) regulation 38.
- (3) It is an offence for a distributor to contravene or fail to comply with any requirement of—
- (a) regulation 24 (duty to act with due care);
  - (b) regulation 25 (requirements which must be satisfied before a distributor makes a pyrotechnic article available on the market);
  - (c) regulation 26 (prohibition on making available on the market where pyrotechnic article not considered to be in conformity with the essential safety requirements);
  - (d) regulation 27 (duty to take action in respect of pyrotechnic articles made available on the market which are not in conformity);
  - (e) regulation 28 (provision of information and cooperation);
  - (f) regulation 29;
  - (g) regulation 31;
  - (h) regulation 32;
  - (i) regulation 33;
  - (j) regulation 34;
  - (k) regulation 35;
  - (l) regulation 36;
  - (m) regulation 37;
  - (n) regulation 38.
- (4) It is an offence for a conformity assessment body to fail to comply with regulation 49(5) (changes to notifications).

(5) It is an offence for any person to contravene or fail to comply with any requirement of a notice, other than a compliance notice, served on that person by an enforcing authority under these Regulations.

(6) It is an offence for any person—

(a) intentionally to obstruct—

(i) an enforcing authority (or officer of such authority) acting in pursuance of its powers and duties under these Regulations or Article 19 of RAMS (as amended from time to time);

(ii) a customs officer facilitating the action of an enforcing authority under these Regulations; or

(b) knowingly or recklessly to provide any statement, information, document or record which is false or misleading in a material respect in purported compliance with any requirement of these Regulations or Article 19 of RAMS (as amended from time to time).

(7) It is an offence for a person who is not authorised to act on behalf of an enforcing authority to purport to exercise any of the powers of the enforcing authority under these Regulations or RAMS.