

Status: Point in time view as at 19/07/2015.

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VALID FROM 17/08/2015

SCHEDULE 1

Regulation 2(1)

Categories of pyrotechnic article

Fireworks

1. Category F1 fireworks are fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings.
2. Category F2 fireworks are fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.
3. Category F3 fireworks are fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
4. Category F4 fireworks are fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.

Theatrical pyrotechnic articles

5. Category T1 theatrical pyrotechnic articles are theatrical pyrotechnic articles which present a low hazard.
6. Category T2 theatrical pyrotechnic articles are theatrical pyrotechnic articles which are intended for use only by persons with specialist knowledge.

Other pyrotechnic articles

7. Category P1 other pyrotechnic articles are pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which present a low hazard.
8. Category P2 other pyrotechnic articles are pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which are intended for handling or use only by persons with specialist knowledge.

SCHEDULE 2

Regulation 2(1)

Essential safety requirements

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SCHEDULE 3

Regulation 11(2)

Labelling: required information

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<p>SCHEDULE 4</p> <p>Persons with specialist knowledge</p> <p>.....</p>	<p>Regulation 2(1)</p>
<p>SCHEDULE 5</p> <p>Notified body requirements</p> <p>.....</p>	<p>Regulation 2(1)</p>
<p>SCHEDULE 6</p> <p>Operational obligations of notified bodies</p> <p>.....</p>	<p>Regulation 50</p>
<p>SCHEDULE 7</p> <p>Enforcement powers of weights and measures authorities, district councils and the Secretary of State under the 1987 Act</p>	<p>Regulation 54(1)</p>

Enforcement powers under the 1987 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1987 Act apply subject to the modifications in paragraph 2—

- (a) section 13 (prohibition notices and notices to warn);
- (b) section 14 (suspension notices);
- (c) section 16 (forfeiture: England and Wales and Northern Ireland);
- (d) section 17 (forfeiture: Scotland);
- (e) section 18 (power to obtain information);
- (f) section 28 (test purchases);
- (g) section 29 (powers of search etc);
- (h) section 30 (provisions supplemental to s 29);
- (i) section 31 (powers of customs officer to detain goods);
- (j) section 33 (appeals against detention of goods);
- (k) section 34 (compensation for seizure and detention);
- (l) section 35 (recovery of expenses of enforcement);
- (m) section 37 (power of Commissioners for Revenue and Customs to disclose information);
- (n) section 45 (interpretation);
- (o) section 46(1) (meaning of “supply”); and
- (p) Schedule 2 (prohibition notices and notices to warn).

Modifications to the 1987 Act

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—
 - (a) in section 13—
 - (i) in subsection (1), “relevant” were omitted on each occasion that it appears;
 - (ii) in subsection (1), for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”;
 - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted; and
 - (iv) subsections (4) to (7) were omitted;
 - (b) in section 14—
 - (i) in subsection (1), after “any safety provision has been contravened in relation to any goods”, there were inserted “ or that any goods present a risk ”;
 - (ii) in subsection 2(b), after “a safety provision has been contravened in relation to the goods”, there were inserted “ or that the goods present a risk ”;
 - (iii) in subsection (2)(c), “under section 15 below” were omitted; and
 - (iv) subsections (6) to (8) were omitted;
 - (c) in section 16—
 - (i) in subsection (1), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that the goods present a risk ”;
 - (ii) for subsection 2(b) there were substituted—
 - “(b) where an application with respect to some or all of the goods has been made to a magistrates' court under regulation 70 (appeals against notices) of the 2015 Regulations or section 33, to that court; and”;
 - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that the goods present a risk ”;
 - (iv) after subsection (4), there were inserted—
 - “(4A) A court may infer for the purposes of this section that any goods present a risk if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
 - (v) in subsection (6), for “Subject to subsection (7) below, where” there were substituted “ Where ”; and
 - (vi) subsection (7) were omitted;
 - (d) in section 17—
 - (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “ or where the goods present a risk ”;
 - (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision”, there were inserted “ or that those goods present a risk ”; and
 - (iii) after subsection (7), there were inserted—
 - “(7A) The sheriff may infer for the purposes of this section that any goods present a risk if satisfied that such risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
 - (e) in section 18, subsections (3) and (4) were omitted;

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- (f) in section 28—
 - (i) in subsection (1), for “, services, accommodation or facilities”, there were substituted “ or whether any goods present a risk ”;
 - (ii) in subsection (1), paragraph (b) were omitted; and
 - (iii) subsections (3) and (4) were omitted;
- (g) in section 29—
 - (i) in subsection (2), after “any contravention of any safety provision” there were inserted “ or whether goods present a risk ”;
 - (ii) in subsection (3), after “any contravention of any safety provision” there were inserted “ or whether goods present a risk ”;
 - (iii) in subsection 4(a), after “any contravention of any safety provision in relation to the goods”, there were inserted “ or whether the goods present a risk ”;
 - (iv) in subsection 4(b), after “any such contravention”, there were inserted “ or whether the goods present a risk ”;
 - (v) in subsection (5), after “a contravention in relation to any goods of any safety provision”, there were inserted “ or that the goods present a risk ”;
 - (vi) in subsection (5)(a), after “any such contravention”, there were inserted “ or whether the goods present a risk ”;
 - (vii) in subsection (5)(b), after “any such contravention”, there were inserted “ or whether the goods present a risk ”; and
 - (viii) in subsection (7), after “a contravention of any safety provision”, there were inserted “ or prevent goods from presenting a risk ”;
- (h) in section 30—
 - (i) after subsection (2)(a)(ii), for “and”, there were substituted—
 - “or
 - (iii) that any goods which any officer has power to inspect under section 29 are on any premises and their inspection is likely to demonstrate that they present a risk; and”;
 - (ii) subsections (5), (7) and (8) were omitted;
- (i) in section 31(1), for “Part II of this Act”, there were substituted “ the 2015 Regulations ”;
- (j) in section 34(1), after paragraph (a), there were inserted
 - “(aa) the goods do not present a risk;”;
- (k) in section 37(1), for “Part II of this Act”, there were substituted “ the 2015 Regulations ”;
- (l) in section 45(1)—
 - (i) the definitions of “conditional sale agreement”, “credit-sale agreement”, “gas”, “motor vehicle”, “personal injury”, “subordinate legislation” and “substance” were omitted;
 - (ii) before the definition of “aircraft”, there were inserted—
 - ““2015 Regulations” means the Pyrotechnic Articles (Safety) Regulations 2015;”;
 - (iii) for the definition of “enforcement authority” there were substituted—

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- ““enforcement authority” means an enforcing authority within the meaning set out in regulation 2(1) of 2015 Regulations;”;
- (iv) for the definition of “goods” there were substituted—
- ““goods” means a pyrotechnic article within the meaning set out in regulation 3 of the 2015 Regulations;”;
- (v) after the definition of “modifications”, there were inserted—
- ““non-compliant” in relation to any goods means that—
- (a) a safety provision has been contravened in relation to the goods; or
- (b) the goods present a risk;”
- (vi) after the definition of “premises”, there were inserted—
- ““present a risk” means present a risk within the meaning set out in regulation 2(5) of the 2015 Regulations;”;
- (vii) for the definition of “safety provision” there were substituted—
- ““safety provision” means any provision of the 2015 Regulations;”;
- and
- (viii) for the definition of “safety regulations” there were inserted—
- ““safety regulations” means the 2015 Regulations;”;
- (m) in section 46(1), omit “and, in relation to gas or water, those references shall be construed as including references to providing the service by which the gas or water is made available for use”; and
- (n) in Schedule 2—
- (i) for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”; and
- (ii) for “safe”, on each occasion that it appears, there were substituted “ not non-compliant ”.

SCHEDULE 8

Regulation 54(2)

Enforcement powers of the Health and Safety Executive under the 1974 Act

Enforcement powers under the 1974 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1974 Act apply subject to the modifications in paragraph 2—

- (a) section 10(1) (establishment of the Executive);
- (b) section 19 (appointment of inspectors);
- (c) section 20 (powers of inspectors);
- (d) section 21 (improvement notices);
- (e) section 22 (prohibition notices);
- (f) section 23 (provisions supplementary to ss 21 and 22);
- (g) section 24 (appeal against improvement or prohibition notice);
- (h) section 25 (power to deal with cause of imminent danger);
- (i) section 25A (power of customs officer to detain articles and substances);

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- (j) section 26 (power of enforcing authorities to indemnify inspectors);
- (k) section 27 (obtaining of information by the Executive, enforcing authorities etc);
- (l) section 27A (information communicated by Commissioners for Revenue and Customs);
- (m) section 28 (restrictions on disclosure of information);
- (n) section 33 (offences);
- (o) section 34 (extension of time for bringing summary proceedings);
- (p) section 35 (venue);
- (q) section 39 (prosecution by inspectors);
- (r) section 41 (evidence); and
- (s) section 42 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture).

Modifications to the 1974 Act

2. The sections of the 1974 Act referred to in paragraph 1 are to apply as if—
 - (a) references to “relevant statutory provisions” were references to—
 - (i) the provisions of the 1974 Act set out in paragraph 1, as modified by this paragraph; and
 - (ii) these Regulations;
 - (b) references to “risk” were references to “risk” within the meaning of regulation 2(5) of these Regulations;
 - (c) in section 19—
 - (i) in subsection (1), for “Every enforcing authority” there were substituted “ The Executive ”;
 - (ii) in subsection (1), “within its field of responsibility” were omitted;
 - (iii) in subsection (2), paragraph (b) were omitted; and
 - (iv) in subsection (3), for “enforcing authority which appointed him” there were substituted “ Executive ”;
 - (d) in section 20—
 - (i) in subsection (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
 - (ii) in subsection (2)(c)(i), for “his (the inspector's) enforcing authority” there were substituted “ the Executive ”;
 - (iii) in subsection 2(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “ contravene the relevant statutory provisions or present a risk ”; and
 - (iv) subsection (3) were omitted;
 - (e) in section 21—
 - (i) before paragraph (a), there were inserted—
 - “(za) is making available on the market a pyrotechnic article which presents a risk;”;
 - (ii) after “specifying the”, there were inserted “ risk, or ”; and
 - (iii) after “requiring that person to”, there were inserted “ address the risk or ”;

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- (f) for section 22(2) there were substituted—
 - “(2) An inspector may serve a notice (in this Part referred to as “a prohibition notice”) on a person if, as regards any activities to which this section applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—
 - (a) a risk; or
 - (b) a contravention of a relevant statutory provision.”;
- (g) in section 23, subsections (3), (4) and (6) were omitted;
- (h) in section 25A(1)—
 - (i) for “an enforcing authority or inspector”, there were substituted “ the Executive or an inspector ”; and
 - (ii) for “the authority”, there were substituted “ the Executive ”;
- (i) for the title to section 26, there were substituted “ Power of the Executive to indemnify its inspectors ”
- (j) in section 26, for each of the following references there were substituted “ the Executive ”
 - (i) “the enforcing authority which appointed him”;
 - (ii) “that authority”; and
 - (iii) “the authority”;
- (k) in section 27—
 - (i) in subsection (1), paragraph (b) were omitted; and
 - (ii) in subsection (1), “or, as the case may be, to the enforcing authority in question” were omitted;
- (l) in section 27A(2)—
 - (i) for “an enforcing authority” there were substituted “ the Executive ”; and
 - (ii) the words from “, other than the Office for Nuclear Regulation” to the end were omitted;
- (m) in section 28—
 - (i) in subsection (1)(a), “, other than the Officer for Nuclear Regulation (or an inspector appointed by it),” were omitted;
 - (ii) in subsection (1)(a), “, by virtue of section 43A(6) below” were omitted;
 - (iii) in subsection (3)(a), “or any enforcing authority” were omitted;
 - (iv) in subsection (4), “or an enforcing authority” were omitted;
 - (v) in subsection (4), “(including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
 - (vi) in subsection (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions,” were omitted;
 - (vii) in subsection (7), “14(4)(a) or” were omitted;
 - (viii) in subsection (7), for paragraph (b), there were substituted—
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
 - (ix) subsection (9B) were omitted;

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- (n) in section 33—
 - (i) in subsection (1), paragraphs (a) to (i) and (k) to (m) were omitted;
 - (ii) for subsection (2), there were substituted—
 - “(2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) in England and Wales, to a fine or imprisonment for a term not exceeding three months, or to both;
 - (ii) in Scotland, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding three months, or to both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or to both.”; and
 - (iii) section 33(3) were omitted;
- (o) in section 34—
 - (i) in subsection (1), paragraphs (a) and (b) were omitted;
 - (ii) in subsection (1), for the words from “and it appears” to the end, there were substituted—
 - “and it appears from the investigation or, in a case falling within paragraph (d), from the proceedings at the inquiry, that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the investigation or inquiry, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the investigation or inquiry.”; and
 - (iii) subsections (3) to (6) were omitted;
- (p) in section 35, for “any enforcing authority”, there were substituted “ the Executive ”;
- (q) in section 39(1), for “enforcing authority which appointed him” there were substituted “ Executive ”; and
- (r) in section 42, subsections (3A), (4) and (5) were omitted.

SCHEDULE 9

Regulation 54(3)

Compliance, withdrawal and recall notices

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SCHEDULE 10

Regulation 75(5)

Consequential amendments to the Fireworks Regulations 2004

1. The Fireworks Regulations 2004 are amended as set out below.
2. In regulation 3 (interpretation)—
 - (a) for the definition of “adult firework” substitute—
 - ““adult firework” means a—
 - (a) category F2 firework;

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- (b) category F3 firework; or
- (c) category F4 firework.”;
- (b) omit the definitions of—
 - (i) “amorce”;
 - (ii) “BS 7114”;
 - (iii) “BS EN 61672”;
 - (iv) “cap”;
 - (v) “category 3 firework”;
 - (vi) “category 4 firework”;
 - (vii) “cracker snap”;
 - (viii) “novelty match”;
 - (ix) “party popper”;
 - (x) “serpent”; and
 - (xi) “sparkler”;
- (c) after the definition of “assembly”, insert—
 - ““category F2 firework” has the meaning set out in paragraph 2 of Schedule 1 to the 2015 Regulations;
 - “category F3 firework” has the meaning set out in paragraph 3 of Schedule 1 to the 2015 Regulations;
 - “category F4 firework” has the meaning set out in paragraph 4 of Schedule 1 to the 2015 Regulations;”;
- (d) for the definition of “explosives” substitute—
 - ““explosives” has the meaning set out in regulation 2(1) of the Explosives Regulations 2014 ^{M1};”;
- (e) after the definition of “explosives”, insert—
 - ““firework” means any article, intended for entertainment purposes, 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;”;
- (f) for the definition of “the 2010 Regulations”, substitute—
 - ““the 2015 Regulations” means the Pyrotechnic Articles (Safety) Regulations 2015;”.

Marginal Citations

M1 S.I. 2014/1638.

3. In regulation 5 (prohibition of possession of category 4 fireworks), for “category 4 firework”, substitute “ category F4 firework ”.

4. In regulation 6(1)(c) (exceptions to regulations 4 and 5), for “2010 Regulations”, substitute “ 2015 Regulations ”.

5. In regulation 9 (licensing of fireworks suppliers)—

- (a) in paragraph (2A)(a), for “2010 Regulations”, substitute “ 2015 Regulations ”;
- (b) for paragraph (4), substitute—

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“(4) A local licensing authority may only grant a licence to a person (“A”) under paragraph (1), if satisfied that—

- (a) A, or another person on A's behalf, holds a valid licence for the storage of the fireworks under the Explosives Regulations 2014; or
- (b) a licence for storage of the fireworks is not required under the Explosives Regulations 2014.”;

(c) for paragraph (5)(b), substitute—

“(b) an offence under regulation 62 of the 2015 Regulations;”;

(d) in paragraph 5(c), for “sections 4, 5 or”, substitute “ section ”.

6. In regulation 10 (information about fireworks)—

(a) in paragraph (1), for “adult fireworks or sparklers” on each occasion that it occurs, substitute “ category F2 fireworks or category F3 fireworks ”;

(b) for paragraph (2), substitute—

“(2) In paragraph (1), the “required information” means information that—

- (a) it is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of 18; and
- (b) it is illegal for anyone under the age of 18 to possess category F2 fireworks or category F3 fireworks in a public place.”; and

(c) in paragraph (3)—

(i) omit sub-paragraph (a); and

(ii) in sub-paragraph (b), after “the firework”, insert “, except where that person is an economic operator within the meaning of regulation 2(1) of the 2015 Regulations ”.

SCHEDULE 11

Regulation 75(6)

Consequential amendments to the Explosives (Fireworks) Regulations (Northern Ireland) 2002

1. The Explosives (Fireworks) Regulations (Northern Ireland) 2002 are amended as set out below.

2. In regulation 2 (interpretation)—

(a) after “In these Regulations—”, insert—

“the “2015 Regulations” means the Pyrotechnic Articles (Safety) Regulations 2015;”;

(b) for the definition of “category 1 firework”, substitute—

““category F1 firework” has the meaning set out in paragraph 1 of Schedule 1 (categories of pyrotechnic article) to the 2015 Regulations;”;

(c) for the definition of “category 2 firework”, substitute—

““category F2 firework” has the meaning set out in paragraph 2 of Schedule 1 to the 2015 Regulations;”;

(d) for the definition of “category 3 firework”, substitute—

““category F3 firework” has the meaning set out in paragraph 3 of Schedule 1 to the 2015 Regulations;”;

(e) for the definition of “enforcing authority”, substitute—

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““enforcing authority” has the meaning set out in regulation 2(1) (interpretation) of the 2015 Regulations;” and

(f) for the definition of “firework”, substitute—

““firework” means any article, intended for entertainment purposes, 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;”.

3. In regulation 4(1) (prohibition on the possession, purchase, sale, acquisition, handling or use of fireworks), omit “Government inspector;”.

4. In regulation 7 (production of licence)—

(a) in paragraph (2), after the first reference to “licence”, insert “ under regulation 4(1), ”; and

(b) in paragraph (4), omit “Government Inspector;”.

5. In regulation 11(1)(a) (display of notice and certificate)—

(a) for “category 1 fireworks”, substitute “ category F1 fireworks ”; and

(b) for “category 2 and 3 fireworks”, substitute “ category F2 fireworks and category F3 fireworks ”.

6. In regulation 12 (transactions in fireworks), for “the fireworks in Schedule 2”, substitute “ carrying out, or undertaking to carry out, transactions in fireworks which are in accordance with the 2015 Regulations ”.

7. In Schedule 1 (fireworks exempt from the provisions of regulation 4(1)), after each reference to “category”, insert “ F ”.

8. Omit Schedule 2.

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