Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pyrotechnic Articles (Safety) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 1553

CONSUMER PROTECTION
HEALTH AND SAFETY

The Pyrotechnic Articles (Safety) Regulations 2015

Made - - - -	*19th July 2015*
Laid before Parliament	*21st July 2015*
Coming into force - -	*17th August 2015*

The Secretary of State is a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to pyrotechnic articles, market surveillance and marking which indicates that a product is in conformity with requirements of EU legislation.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A [F3] of Schedule 2 to, the European Communities Act 1972:

F1 S.I. 2009/2743, **S.I**. 2009/3214.

F2 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), **section 27(1)** and the European Union (Amendment) Act 2008 (c.7), **Sch**edule, Part 1.

F3 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Pyrotechnic Articles (Safety) Regulations 2015 and come into force on 17th August 2015 (“the commencement date”).

Interpretation

2.—(1) In these Regulations—

the "1974 Act" means the Health and Safety at Work etc Act 1974 [F4];

the "1987 Act" means the Consumer Protection Act 1987 [F5], as it has effect on the commencement date;

the "2010 Regulations" means the Pyrotechnic Articles (Safety) Regulations 2010 [F6];

"accreditation" has the meaning set out in point 10 of Article 2 of RAMS (as amended from time to time);

"accreditation certificate" means a certificate, issued by the United Kingdom Accreditation Service (a company limited by guarantee incorporated in England and Wales under number 03076190) or a national accreditation body in another member State, attesting that a conformity assessment body meets the notified body requirements;

"aerial wheel" means tubes containing propellant charges and sparks, flame or noise-producing pyrotechnic composition (or all three), the tubes being fixed to a supporting structure, the principal effect of which is rotation and ascent, with emission of sparks and flames, producing a visual or aural effect (or both) in the air;

"banger" means a firework (other than a firework within regulation 33(1)(g)(i) (prohibitions on making available certain category F2 and F3 fireworks))—

(a) which comprises a non-metallic tube which contains pyrotechnic composition and has a fuse; and

(b) whose functioning principally involves report;

"battery" means an assembly which includes two or more fireworks of the same type;

"category F1 firework" has the meaning set out in paragraph 1 of Schedule 1 (categories of pyrotechnic article);

"category F2 firework" has the meaning set out in paragraph 2 of Schedule 1;

"category F3 firework" has the meaning set out in paragraph 3 of Schedule 1;

"category F4 firework" has the meaning set out in paragraph 4 of Schedule 1;

"category P1 other pyrotechnic article" has the meaning set out in paragraph 7 of Schedule 1;

"category P2 other pyrotechnic article" has the meaning set out in paragraph 8 of Schedule 1;

"category T1 theatrical pyrotechnic article" has the meaning set out in paragraph 5 of Schedule 1;

"category T2 theatrical pyrotechnic article" has the meaning set out in paragraph 6 of Schedule 1;

"CE marking" means a marking which takes the form set out in Annex II of RAMS (as amended from time to time);

"Christmas cracker" means a paper or foil tube, crimped at each end, enclosing novelties and with one or more snaps running along the length of the tube;

"combination" means an assembly, other than a battery, which includes 2 or more fireworks;

"competent national authority" means an authority having responsibility for enforcing the law of a member State which implements the Directive;

"conformity assessment" means the process demonstrating whether the essential safety requirements relating to a pyrotechnic article have been fulfilled;

"conformity assessment body" means a person that performs conformity assessment activities, including calibration, testing, certification and inspection; the "Directive" means Directive

2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the member States relating to the making available on the market of pyrotechnic articles (recast) [F7];

"distributor" means any person in the supply chain, other than the manufacturer or the importer, who makes a pyrotechnic article available on the market;

"double banger" means a firework (other than a firework falling with in regulation 33(1)(g)(i))—

(a) which comprises a non-metallic tube containing two portions of pyrotechnic composition connected by a delay fuse; and

(b) whose functioning principally involves report and a flash of light;

"economic operator" means a manufacturer, importer or distributor;

"enforcing authority" means any person enforcing these Regulations under regulation 53 (enforcement), and, for these purposes, the Secretary of State is to be considered the person enforcing these Regulations where a person acts on the Secretary of State's behalf under regulation 53(5);

"essential safety requirements" means the requirements set out in Schedule 2 (essential safety requirements);

"EU declaration of conformity" means a declaration of conformity required to be drawn up in accordance with regulation 9(1)(a) (EU declaration of conformity and CE marking);

"European Commission" means the Commission of the European Union;

"firework" means a pyrotechnic article intended for entertainment purposes;

"flash banger" means a firework (other than a firework falling within regulation 33(1)(g)(i))—

(a) which comprises a non-metallic tube containing metal-based pyrotechnic composition; and

(b) whose functioning principally involves report and a flash of light;

"harmonised standard" has the meaning set out in point 1(c) of Article 2 of Regulation (EU) 1025/2012 of the European Parliament and of the Council on European standardisation [F8] (as amended from time to time);

"importer" means any person who—

(a) is established within the EU; and

(b) places a pyrotechnic article from a third country on the EU market;

"jumping cracker" means a paper tube containing black powder, folded back on itself several times and bound together, the principal effect of which is reports in succession with jumping motions;

"jumping ground spinner" means a non-metallic tube containing gas and sparks producing pyrotechnic composition, with or without whistling pyrotechnic composition, the principal effect of which is rotation on the ground frequently interrupted by a jumping motion and emission of sparks and flame, with or without an aural effect (other than report);

"make available on the market" means any supply for distribution, consumption or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

"manufacturer" means a person who—

(a) manufactures a pyrotechnic article, or has such an article designed or manufactured; and

(b) markets that pyrotechnic article under that person's name or trade mark;

"market surveillance authority" has the meaning set out in regulation 52 (designation of market surveillance authority);

"mini-rocket" means a firework which is designed so that, on functioning, it propels itself into the air and which comprises a body or motor which contains pyrotechnic composition and—

(a) the outside diameter of which, at the point where the diameter is greatest, is less than 12 millimetres; or

(b) if equipped with a stick for the purpose of stabilising its flight—

(i) where the firework is intended to be made available on the market singly, whose overall length (including the length of any such stick) is less than 900 millimetres or (not including the length of any such stick) is less than 195 millimetres; or

(ii) where the firework is intended to be supplied in a primary pack, whose overall length (including the length of any such stick) is less than 400 millimetres or (not including any such stick) is less than 125 millimetres; or

(iii) where the firework is intended to be supplied in a selection pack, whose overall length (including the length of any such stick) is less than 300 millimetres; or

(c) if not equipped with a stick for the purposes of stabilising its flight—

(i) whose overall length is less than 300 millimetres; and

(ii) is intended to be supplied singly or in a primary pack;

"national accreditation body" has the meaning set out in point 11 of Article 2 of RAMS (as amended from time to time);

"notified body requirements" means the requirements set out in Schedule 5 (notified body requirements);

"person with specialist knowledge" has the meaning set out in Schedule 4 (persons with specialist knowledge);

"place on the market" means the first making available on the EU market, and related expressions must be construed accordingly;

"primary pack" means a package of fireworks of the same type, all of which are either category F1 fireworks, category F2 fireworks or category F3 fireworks, which is intended to be offered for retail sale as a single unit;

"pyrotechnic article" has the meaning set out in regulation 3 (definition of "pyrotechnic article");

"pyrotechnic article for a vehicle" means a pyrotechnic article which is a component of a safety device in a vehicle and which is used to activate that device or another device;

"RAMS" means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93[F9];

"recall" means taking any measure aimed at achieving the return of a pyrotechnic article that has already been made available to the end-user and related expressions must be construed accordingly;

"registration number" means the number assigned to a pyrotechnic article by a notified body under paragraph 5(a) of Schedule 6 (operational obligations of notified bodies) or the laws of any other member State which implement the Article 33(3) of the Directive (as amended from time to time) or Commission Implementing Directive 2014/58/EU setting up a system for the traceability of pyrotechnic articles [F10] (as amended from time to time);

"relevant conformity assessment procedure" means a conformity assessment procedure referred to in regulation 40 (conformity assessment procedures);

"relevant economic operator" means, in relation to a pyrotechnic article, an economic operator with obligations in respect of that pyrotechnic article under Part 2;

"selection pack" means a package of fireworks of more than one type intended to be offered for retail sale as a single unit;

"shot tube" means a tube containing propellant charge and a pyrotechnic unit, with or without a transmitting fuse, the principal effect of which is the ejection of the pyrotechnic unit producing a visual effect in the air, an aural effect in the air or both;

"snap" means two overlapping strips of cardboard or paper, or two strings, with a friction-sensitive pyrotechnic composition in sliding contact with an abrasive surface and designed to be held in the hand;

"spinner" means a tube containing pyrotechnic composition, with or without aerofoils attached, the principal effect of which is rotation and ascent with the emission of sparks, flames or both, with or without aural effect (other than report);

"technical documentation" has the meaning set out in regulation 8(b) (technical documentation and conformity assessment);

"technical specification" means a document that prescribes technical requirements to be fulfilled by a pyrotechnic article;

"theatrical pyrotechnic article" means a pyrotechnic article designed for indoor or outdoor stage use, including use in film and television productions or similar use;

"weights and measures authority" means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985 [F11];

"wheel" means an assembly—

(a) which includes a tube or tubes containing pyrotechnic composition;

(b) which is designed to be attached to a support and to rotate about a fixed point or axis and which is provided with a means of attaching it securely to such a support so that it can rotate; and

(c) whose functioning involves rotation around a fixed point and the emission of sparks and flames, with or without aural effect.

"withdraw", when used in relation to a pyrotechnic article, means taking any measure aimed at preventing a pyrotechnic article in the supply chain from being made available on the market and related expressions must be construed accordingly.

(2) In these Regulations, a reference to a pyrotechnic article being "in conformity with Part 2" means that—

(a) the pyrotechnic article is in conformity with the essential safety requirements; and

(b) each relevant economic operator has complied with the obligations imposed on them under Part 2 which must be satisfied at or before the time at which they make the pyrotechnic article available on the market.

(3) In these Regulations (except in Part 4 (notification of conformity assessment bodies) and Schedules 5 (notified body requirements) and 6 (operational obligations of notified bodies)), "notified body" means—

(a) a notified body within the meaning set out in regulation 43 (notified bodies); or

(b) a notified body under the laws of any other member State which implement the Directive.

(4) In regulation 21(1) (monitoring), and paragraphs 2(5), 3(1) and 3(3) of Schedule 2 (essential safety requirements), "risk" means a risk which could arise from lawful and readily predictable human behaviour.

(5) In the other provisions of these Regulations, "risk" means a risk—