STATUTORY RULES OF NORTHERN IRELAND

1999 No. 392

EXPLOSIVES

Explosives (Fireworks) Regulations (Northern Ireland) 1999

To be laid before Parliament

Made - - - - 17th September 1999

Coming into operation 26th October 1999

The Secretary of State, in pursuance of sections 1(4A) and 3 of the Explosives Act (Northern Ireland) 1970(**1**), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Explosives (Fireworks) Regulations (Northern Ireland) 1999 and subject to the provisions of paragraph 1(2) shall come into operation on 26th October 1999.

(2) Regulation 4(2) in so far as it relates to any mini-rocket or air bomb in category 2 shall come into operation on 1st February 2000.

Interpretation

2.—(1) In these Regulations—

"air bomb" means a Roman candle the functioning of which comprises only the ejection of any number of pyrotechnic units, the principal effect of which is any number of reports;

"another member state" means a member state other than the United Kingdom;

"assembly" means an assembly which includes any fireworks;

"aural effect" does not include any effect which is only incidental to a visual effect;

"banger" means a firework (other than an air bomb)—

(a) which comprises a tube which contains black powder and has a fuse; and

(b) the functioning of which principally involves a report;

"BS 7114" means the British Standard Specification comprising the following parts—

(**1**) 1970 c. 10 (N.I.) as amended by S.I. 1996/20 (N.I. 17)

(a) BS 7114: Part 1: 1988, the British Standard Specification for classification of fireworks published on 30th November 1988(**2**);

(b) BS 7114: Part 2: 1988, the British Standard Specification for fireworks published on 30th November 1988(**3**); and

(c) BS 7114: Part 3: 1988, the British Standard Specification for methods of test for fireworks published on 30th November 1988(**4**);

and references to Parts 1, 2 and 3 of BS 7114 shall be construed accordingly;

"category 1 firework" means a firework classified as category 1 under Part 1 of BS 7114 and includes an assembly so classified;

"category 2 firework" means a firework classified as category 2 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being "in category 2" shall be construed accordingly;

"category 4 firework" means a firework classified as category 4 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being "in category 4" shall be construed accordingly;

"competent authority" means an authority in another member state recognised by the Secretary of State as competent to classify fireworks;

"enforcing authority" means an authority with a duty to enforce the General Product Safety Regulations 1994(**5**) as defined by regulation 11(c) of those Regulations or an authority with a duty to enforce the Consumer Protection Act 1987(**6**) as defined by section 27(1)(a) of that Act;

"firework" means a device intended for use as a form of entertainment which contains, or otherwise incorporates, explosive composition or pyrotechnic composition (or both), and which, upon functioning, burns or explodes (or both) to produce a visual or aural effect (or both);

"firework of erratic flight" means a firework the functioning of which involves it following a random trajectory or a random path along the ground, whether or not it functions within a pre-determined range;

"mini-rocket" means a firework, which is designed so that, on functioning, it propels itself into the air, and which comprises a tube—

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

(b) which contains pyrotechnic composition or pyrotechnic units;

(c) which is equipped with a stick or sticks for the purposes of stabilising its flight; and

(d) the overall length of which (including the length of any stick or sticks) is no more than 300 millimetres;

"original package" means the package in which the fireworks were supplied for the purpose of retail sale by the manufacturer or importer;

"primary pack" means a package of fireworks of the same type, all of which are either category 1 fireworks or category 2 fireworks, which is intended to be offered for retail sale as a single unit;

(**2**) ISBN 0 580 17026 8
(**3**) ISBN 0 580 17027 6
(**4**) ISBN 0 580 17028 4
(**5**) 1994 No. 2328
(**6**) 1987 c. 43

"pyrotechnic composition" means a substance or a mixture of substances designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions;

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

"sparkler" means a firework comprising a rigid wire partially coated with slow burning pyrotechnic composition, the functioning of which involves the emission of sparks without a report;

"visual effect" does not include any effect which is only incidental to an aural effect.

Savings for Explosives Acts

3. Nothing in these Regulations shall affect or derogate from any provisions under the Explosives Act 1875(**7**) or the Explosives Act (Northern Ireland) 1924(**8**) whether by Order in Council, Rule or other Statutory Instrument.

Part II

Prohibition on the possession, purchase, sale or use of fireworks

4.—(1) Subject to regulation 9, the possession, purchase or use of fireworks by a person other than a Government Inspector, Constable or representative of an enforcing authority acting in his capacity as such shall be prohibited except under licence issued by the Secretary of State.

(2) Subject to these Regulations the possession, purchase, sale or use of any firework of erratic flight or any mini-rocket or banger or air bomb in category 2 is prohibited.

(3) Subject to these Regulations the use of any firework outdoors after 11.00 pm and before 7.00 am is prohibited except under licence, other than on the 31st December 1999 or the 1st January 2000.

Exceptions for special effects purposes

5. Regulation 4(2) shall not prohibit the possession, purchase, sale, acquisition or handling of any firework of erratic flight or any mini-rocket or banger or air bomb in category 2 or assembly of them by or to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television.

Licence for the possession, purchase or use of fireworks

6.—(1) An application for a licence under regulation 4(1) shall be made in writing to the Secretary of State and shall be accompanied by such information and in such form and be made in such time as the Secretary of State may require.

(2) A licence under regulation 4(1) shall be in such form and subject to such conditions bearing on health and safety as the Secretary of State may require.

(3) Without prejudice to the generality of paragraph (2), the conditions imposed under that paragraph may include conditions as to the persons who are present, on behalf of the applicant, when the fireworks are fired.

(4) The Secretary of State shall not issue a licence under regulation 4(1) unless she is satisfied that to do so would not put at risk the health and safety of any person.

(**7**) 38 and 39 Vict. c. 17
(**8**) 14 and 15 Geo 5 (N.I.)