STATUTORY RULES OF NORTHERN IRELAND

1997 No. 401

EXPLOSIVES

Explosives (Fireworks) Regulations (Northern Ireland) 1997

Made - - - -	*3rd September 1997*
To be laid before Parliament	
Coming into operation	*16th October 1997*

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. These Regulations may be cited as the Explosives (Fireworks) Regulations (Northern Ireland) 1997 and shall come into operation on 16th October 1997.

Interpretation

2. In these Regulations—

"another Member State" means a member state other than the United Kingdom.

"banger" and "Category" have the meaning assigned to them by British Standard BS7114: Part 1: 1988.

"classified" has the meaning assigned to it by the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**2**).

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

"firework" means a device intended for use as a form of entertainment containing explosive composition which, upon functioning, burns or explodes (or both burns and explodes) to produce a visual or aural effect or a combination of such effects.

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

"package" means any box, carton or other container.

"primary pack" means a package of fireworks of the same category and type offered or intended to be offered for sale as a single unit.

(**1**) 1970 c. 10 (N.I.) as amended by S.I. 1996/1920 (N.I. 17)
(**2**) S.R. 1991 No. 516

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

Savings for Explosives Acts

3. Nothing in these Regulations shall affect or derogate from any provisions under the Explosives Act 1875(**3**) or the Explosives Act (Northern Ireland) 1924(**4**) 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 8, the possession, purchase, sale or use of fireworks shall be prohibited except under licence issued by the Secretary of State.

(2) The possession, purchase, sale or use of the firework known as the "banger" shall be prohibited. The onus of proof that a firework in question is not a "banger" shall be on the person who is in possession of it.

(3) The use of any firework outdoors after 11.00 pm and before 7.00 am shall be prohibited except under licence.

Licence for the possession, purchase or use of fireworks.

5.—(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 as the Secretary of State may require.

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

Production of Licence

6.—(1) The purchaser of fireworks acting under a licence issued under regulation 4(1) shall produce his licence to the seller at the time of purchase and the seller, where such licence is not so produced, shall be prohibited from selling or supplying such fireworks.

(2) The seller of fireworks subject to licence shall keep a permanent record of all sales of such fireworks. He shall record the name and address of every person to whom he sells such fireworks together with the date of each such sale and particulars of the quantity and type of the fireworks sold.

(3) The record shall be retained for at least two years from the date of the last entry.

(4) The record shall on demand be immediately produced for inspection by a Government Inspector or Constable on production of his warrant card.

Supply, purchase and sale of primary packs and selection packs

7.—(1) The supply, purchase or sale of fireworks referred to in Schedule 1 other than in pre-packed quantities of 10 or more in selection packs and 5 or more in primary packs in their original package is hereby prohibited.

(**3**) 38 and 39 Vict. c. 17
(**4**) 14 and 15 Geo. 5. c. 5. (N.I.)

(2) No person, who carries on a business involving to whatever extent the supply of fireworks or assemblies by retail, shall supply to any person, including persons within his employ, any firework which he has removed, caused to be removed or knows to have been removed from a primary pack or a selection pack containing fireworks referred to in Schedule 1.

Fireworks exempt from prohibition

8. Regulation 4(1) shall not apply to—

(a) The fireworks in Schedule 1 or their equivalents classified by a competent authority in another Member State; and

(b) Any classified fireworks kept in premises registered or in stores or magazines licensed under Section 5 of the Explosives Act 1875 in relation to wholesale or retail trade.

Licence Fee

9. The fee payable to the Secretary of State for the issue of a licence under regulation 4(1) shall be £30 or such other sum as the Secretary of State shall provide.

Display of Notice and Certificate

10. The following notice and certificate shall be displayed—

(1) (a) A notice displaying the following statement—

"It is illegal to sell fireworks to anyone under the age of 16"

shall be exhibited at every premises at which fireworks are sold by retail and shall be so exhibited in a prominent position where the statement can be easily read by persons at the point of sale.

(b) The dimensions of the notice to be exhibited in accordance with this regulation shall be not less than 297 millimetres by 420 millimetres and the size of the statement to be displayed on the notice shall be such that no character is less than 36 millimetres high.

(2) The original certificate of Registration of Premises under Section 5 of the Explosives Act 1875.

Transactions in Fireworks

11. The provisions of section 1(1) and (2) of the Explosives Act (Northern Ireland) 1970 shall not apply to the fireworks in Schedule 2.

Offences

12. A person who contravenes regulations 4, 6, 7 or 10 or any condition of a licence issued by the Secretary of State under regulation 4(1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Repeal

13. The Explosives (Fireworks) Regulations (Northern Ireland) 1996(**5**) are hereby repealed.

(**5**) S.R. 1996 No. 391