STATUTORY RULES OF NORTHERN IRELAND

1996 No. 391

EXPLOSIVES

Explosives (Fireworks) Regulations (Northern Ireland) 1996

Made - - - -	*24th August 1996*
To be laid before Parliament	
Coming into operation	*18th September 1996*

The Secretary of State, in pursuance of section 3 of the Explosives Act (Northern Ireland) 1970(**1**) hereby makes the following regulations.

Part I

Interpretation and Application

Citation and Commencement

1. These Regulations may be cited as the Explosives (Fireworks) Regulations (Northern Ireland) 1996 and shall come into operation on 18th September 1996.

Interpretation

2. In these Regulations—

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

"banger" and "Category 1" have the meaning assigned to them by British Standard BS 7114: Part 1: 1988.

"classified and authorised" have the meaning assigned to them 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.

"fireworks" has the meaning assigned to it by Order in Council No. 1A dated 12th December 1891, made under the Explosives Act 1875(**3**).

(**1**) 1970 c. 10 (N.I.)
(**2**) S.R. 1991 No. 516
(**3**) 38 and 39 Vict. c. 17

"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 for sale as a single unit.

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

Savings for Explosives Acts

3. Nothing in these Regulations shall affect or derogate from any provisions under the Explosives Act 1875 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 6, 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" is prohibited.

(3) The use of any firework outdoors after 11.00 p.m. and before 7.00 a.m. is prohibited except under licence.

(4) For the purpose of this regulation any person who has with him a "banger", howsoever called, the proof to the contrary of which shall be on him, shall be guilty of an offence.

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 these Regulations 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 unless the sale or supply is to such bodies or persons as are referred to in regulation 8 and for the purposes set out in that regulation.

(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.

(**4**) 14 and 15 Geo. 5. c. 5. (N.I.)

7. The sale or purchase of fireworks referred to in Schedule 1 other than in prepacked quantities of 10 or more in selection packs and 5 or more in primary packs in their original package is hereby prohibited.

Exemptions from general prohibition

8. Regulation 4(1) and (3) shall not apply to any classified and authorised fireworks stored on premises registered under Section 5 of the Explosives Act 1875 in relation to wholesale or retail trade or in the possession of or purchased or used by

(a) the armed forces of the Crown, or by any department of the Government of Northern Ireland or the Police Authority for Northern Ireland, or by any department of the Government of the United Kingdom, or by the Commissioners of Irish Lights, or by any member of the Royal Ulster Constabulary acting as such;

(b) any fire brigade in the discharge of its duties;

(c) any person for the purpose of the safety or guidance of shipping or aircraft or railways.

Fireworks exempt from prohibition

9. The fireworks in Schedule 1 or their equivalents classified by a competent authority in another member state shall be exempt from the provisions of regulations 4(1) and 6.

Licence Fee

10. 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 by order provide.

Display of Notice and Certificate

11. The following notice and certificate shall be displayed—

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

"It is illegal to sell fireworks to anyone apparently 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 of fireworks.

(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.

Transfer of Fireworks

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

13. A person who contravenes regulations 4, 6, 7, 11 or 12 or any condition of a licence issued by the Secretary of State under regulation 5, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.