
STATUTORY INSTRUMENTS

2015 No. 1553

The Pyrotechnic Articles (Safety) Regulations 2015

PART 6

Miscellaneous

Review **E+W+S**

- 73.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published no later than 5 years after the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Review **N.I.**

- 73.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [F6relevant states].
- (3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published no later than 5 years after the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F6** Words in [reg. 73\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 7 para. 6\(1\)](#)

Transitional provisions **E+W+S**

74.—(1) Subject to paragraphs (3) and (4), the provisions of Part 2 (and of Part 5, so far as applying in relation to obligations under Part 2) do not apply in respect of a design of pyrotechnic article which was lawfully manufactured or placed on the market in the United Kingdom immediately before 4th July 2010 and which is of one of the following categories—

- (a) a category F1 firework;
- (b) a category F2 firework; or
- (c) a category F3 firework.

(2) Subject to paragraphs (3) and (4), the provisions of Part 2 (and of Part 5, so far as applying in relation to obligations under Part 2) do not apply in respect of a design of pyrotechnic article which was lawfully manufactured or placed on the market in the United Kingdom immediately before 4th July 2013 and which is of one of the following categories—

- (a) a category F4 firework;
- (b) a category T1 theatrical pyrotechnic article;
- (c) a category T2 theatrical pyrotechnic article;
- (d) a category P1 other pyrotechnic article; or
- (e) a category P2 other pyrotechnic article.

(3) On 5th July 2017 the following provisions cease to have effect—

- (a) paragraph (1); and
- (b) paragraph (2), except to the extent that it applies to a pyrotechnic article for a vehicle (including as spare parts).

(4) The following regulations apply to pyrotechnic articles falling within paragraphs (1) and (2)—

- (a) regulation 31 (prohibition on making available to persons younger than the minimum age limit);
- (b) regulation 32 (prohibition on making available to persons without specialist knowledge); or

(c) regulation 33 (prohibition on making available certain category F2 or category F3 fireworks).

(5) For the purposes of these Regulations, a certificate issued, or approval granted, by a notified body under regulation 44(1) of the 2010 Regulations, or any enactment of [F1a] member State which implemented the 2007 Directive, is to be treated as a certificate issued or approval granted under Annex II to the Directive.

(6) In this regulation, “2007 Directive” means Directive 2007/23/EC of the European Parliament and of the Council on the placing on the market of pyrotechnic articles ^{M1}.

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F1 Word in reg. 74(5) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 19 para. 35** (with [Sch. 19 para. 36](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 OJ L 154, 14.6.2007, p. 1.

Transitional provisions **N.I.**

74.—(1) Subject to paragraphs (3) and (4), the provisions of Part 2 (and of Part 5, so far as applying in relation to obligations under Part 2) do not apply in respect of a design of pyrotechnic article which was lawfully manufactured or placed on the market in the United Kingdom immediately before 4th July 2010 and which is of one of the following categories—

- (a) a category F1 firework;
- (b) a category F2 firework; or
- (c) a category F3 firework.

(2) Subject to paragraphs (3) and (4), the provisions of Part 2 (and of Part 5, so far as applying in relation to obligations under Part 2) do not apply in respect of a design of pyrotechnic article which was lawfully manufactured or placed on the market in the United Kingdom immediately before 4th July 2013 and which is of one of the following categories—

- (a) a category F4 firework;
- (b) a category T1 theatrical pyrotechnic article;
- (c) a category T2 theatrical pyrotechnic article;
- (d) a category P1 other pyrotechnic article; or
- (e) a category P2 other pyrotechnic article.

(3) On 5th July 2017 the following provisions cease to have effect—

- (a) paragraph (1); and
- (b) paragraph (2), except to the extent that it applies to a pyrotechnic article for a vehicle (including as spare parts).

(4) The following regulations apply to pyrotechnic articles falling within paragraphs (1) and (2)—

- (a) regulation 31 (prohibition on making available to persons younger than the minimum age limit);

- (b) regulation 32 (prohibition on making available to persons without specialist knowledge); or
- (c) regulation 33 (prohibition on making available certain category F2 or category F3 fireworks).

(5) For the purposes of these Regulations, a certificate issued, or approval granted, by a notified body under regulation 44(1) of the 2010 Regulations, or any enactment of another [^{F7}relevant state] which implemented the 2007 Directive, is to be treated as a certificate issued or approval granted under Annex II to the Directive.

(6) In this regulation, “2007 Directive” means Directive [2007/23/EC](#) of the European Parliament and of the Council on the placing on the market of pyrotechnic articles ^{F8}.

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F7** Words in [reg. 74\(5\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 7 para. 6\(2\)](#)
- F8** OJ L 154, 14.6.2007, p. 1.

[^{F2}Transitional provision in relation to EU Exit

74A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day; and

“product” means a pyrotechnic article to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 19 to the Product Safety and Metrology (Amendment etc.) (EU Exit) Regulations 2019 any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member state of any matter;
- (b) any obligation to take action outside the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 40 as it had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done under regulation 40 as it had effect on and after IP completion day.

[^{F3}(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40.

- (6) Paragraph (5) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
 - (b) in any event, after 31st December 2027.]]

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| <p>F2 Reg. 74A inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 19 para. 36 (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(h)(v)); 2020 c. 1, Sch. 5 para. 1(1)</p> <p>F3 Reg. 74A(5)(6) inserted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 11(2)</p> |
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Consequential revocations, savings and amendments **E+W+S**

75.—(1) Subject to paragraph (2), the 2010 Regulations and the Pyrotechnic Articles (Safety) (Amendment) Regulations 2013 ^{M2} are revoked.

(2) [^{F4}Subject to the modifications made to the 2010 Regulations in paragraph (2A), the enactments referred to in paragraph (1) continue to apply, as if they had not been revoked, to—

- (a) an article placed on the market before the commencement date;
- (b) a pyrotechnic article to which regulation 74(1) or (2) applies.

[^{F5}(2A) The modifications referred to in paragraph (2) are as follows—

- (a) in regulations 18(3) and 36(3), for “EU” substitute “UK”;
- (b) in regulation 13, omit paragraph (4);
- (c) in regulation 19—

- (i) omit paragraphs (9) and (11); and
- (ii) for paragraph (10) substitute—

“(10) Where the Secretary of State has sufficient reason to believe that a category 1,2 or 3 firework presents a serious risk to the health or safety of persons in the UK, the Secretary of State shall perform an appropriate evaluation.”

- (d) in regulation 30 omit paragraph (4);
- (e) in regulation 37—

- (i) omit paragraphs (10) and (12); and
- (ii) for paragraph (11) substitute—

“(11) Where the Secretary of State has sufficient reason to believe that a pyrotechnic article presents a serious risk to the health or safety of persons in the UK, the Secretary of State shall perform an appropriate evaluation.”.]

(3) In section 31 of the Explosives Act 1875 ^{M3}, for subsections (2) to (5), substitute—

- “(2) Subsection (1) does not apply to—
- (a) pyrotechnic articles within the meaning set out in regulation 3 of the Pyrotechnic Articles (Safety) Regulations 2015; or
 - (b) percussion caps intended specifically for toys within the meaning set out in regulation 4(2) of the Toys (Safety) Regulations 2011 (S.I. 2011/1881).”.

(4) Paragraph (3) of this regulation, and regulation 49(1) of the 2010 Regulations, cease to have effect when the repeal of section 31 of the Explosives Act 1875 (by section 15 of, and the Schedule to, the Fireworks Act 2003^{M4}) comes into force.

(5) The Fireworks Regulations 2004^{M5} are amended as set out in Schedule 10 (consequential amendments to the Fireworks Regulations 2004).

(6) The Explosives (Fireworks) Regulations (Northern Ireland) 2002^{M6} are amended as set out in Schedule 11 (consequential amendments to the Explosives (Fireworks) Regulations (Northern Ireland) 2002).

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F4** Words in [reg. 75\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 19 para. 37\(2\)](#) (with [Sch. 19 para. 36](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F5** [Reg. 75\(2A\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 19 para. 37\(3\)](#) (with [Sch. 19 para. 36](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M2** [S.I. 2013/1950](#).
- M3** [1875 c.17](#); [section 31\(2\) to \(5\)](#) was inserted by [S.I. 2010/1554](#).
- M4** [2003 c.22](#).
- M5** [S.I. 2004/1836](#); amended by the Commissioners for Revenue and Customs Act 2005, [section 50](#), [S.I. 2004/3262](#) and [2010/1554](#).
- M6** [S.R. \(N.I.\) 2002 No. 147](#); amended by [S.I. 2010/1554](#).

Consequential revocations, savings and amendments **N.I.**

75.—(1) Subject to paragraph (2), the 2010 Regulations and the Pyrotechnic Articles (Safety) (Amendment) Regulations 2013^{F9} are revoked.

(2) The enactments referred to in paragraph (1) continue to apply, as if they had not been revoked, to—

- (a) an article placed on the market before the commencement date;
- (b) a pyrotechnic article to which regulation 74(1) or (2) applies.

(3) In section 31 of the Explosives Act 1875^{F10}, for subsections (2) to (5), substitute—

“(2) Subsection (1) does not apply to—

- (a) pyrotechnic articles within the meaning set out in regulation 3 of the Pyrotechnic Articles (Safety) Regulations 2015; or
- (b) percussion caps intended specifically for toys within the meaning set out in regulation 4(2) of the Toys (Safety) Regulations 2011 (S.I. 2011/1881).”

(4) Paragraph (3) of this regulation, and regulation 49(1) of the 2010 Regulations, cease to have effect when the repeal of section 31 of the Explosives Act 1875 (by section 15 of, and the Schedule to, the Fireworks Act 2003^{F11}) comes into force.

(5) The Fireworks Regulations 2004^{F12} are amended as set out in Schedule 10 (consequential amendments to the Fireworks Regulations 2004).

(6) The Explosives (Fireworks) Regulations (Northern Ireland) 2002 ^{F13} are amended as set out in Schedule 11 (consequential amendments to the Explosives (Fireworks) Regulations (Northern Ireland) 2002).

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Extent Information

- E6** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F9** [S.I. 2013/1950](#).
- F10** [1875 c.17](#); [section 31\(2\) to \(5\)](#) was inserted by [S.I. 2010/1554](#).
- F11** [2003 c.22](#).
- F12** [S.I. 2004/1836](#); amended by the Commissioners for Revenue and Customs Act 2005, section 50, [S.I. 2004/3262](#) and [2010/1554](#).
- F13** [S.R. \(N.I.\) 2002 No. 147](#); amended by [S.I. 2010/1554](#).

Changes to legislation:

There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, PART 6.