
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which do not extend to Northern Ireland) revoke and re-enact with amendments the provisions of the Fireworks (Safety) Regulations 1996 and make other provision relating to the safety of fireworks and assemblies which include fireworks.

The Regulations provide that fireworks and assemblies classified as category 1, category 2 or category 3 under British Standard 7114 must comply with that Standard (regulation 3(1)). For these purposes, BS 7114 is to be read subject to certain modifications (regulation 2(4) and Schedule 1), and the Regulations provide a limited exception for certain sparklers (regulation 3(3)).

The Regulations also impose size and weight requirements for certain specified fireworks and assemblies which are in certain respects stricter than those contained in BS 7114. Subject to exceptions referred to below, the Regulations prohibit the supply of fireworks and assemblies which contravene these requirements (regulation 3(2) and Schedule 2).

The Regulations prohibit the supply of fireworks of erratic flight and mini-rockets, but provide an exception for supplies 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 (regulation 4(1) and (3)).

The Regulations prohibit the supply of aerial shells, shells-in-mortar, aerial maroons and maroons-in-mortar and also certain assemblies which include these devices. They also prohibit the supply of bangers (including combinations and batteries containing bangers, but not wheels containing bangers) and fireworks classified as category 4 under British Standard 7114 (regulation 4(2)). These prohibitions are subject to exceptions referred to below.

Further, the Regulations prohibit the supply of any firework or assembly which is not listed in Schedule 3 (regulation 4(2)(g)), again subject to exceptions referred to below.

The exceptions referred to above enable the fireworks and assemblies to which they relate to be supplied to—

- (a) any person who is in business as a professional organiser or operator of firework displays;
- (b) any person whose trade or business, or part of whose trade or business, is the supply of fireworks or assemblies, for the purpose of supplying them in accordance with these Regulations;
- (c) local authorities, Government departments and naval, military and air force establishments, for the purposes of firework displays or for use at national public celebrations or commemorative events (or, in the case of Government departments, for research or investigations purposes);
- (d) any person for use, in the course of his trade or business, for special effects purposes in the theatre, on film or on television;
- (e) bodies with enforcement powers when they make certain test purchases; and
- (f) persons who supply goods for use with fireworks or assemblies and who intend to use the fireworks or assemblies to ensure that the goods they supply perform correctly or comply with safety legislation (regulation 5).

The Regulations prohibit the supply of fireworks and assemblies (other than caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns) to persons apparently under the age of eighteen (regulation 6).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Regulations also require specified fireworks and assemblies to be marked with the words “This device must not be sold to, or used by, a member of the general public”. Packets of sparklers must be marked with the words “Warning: not to be given to children under 5 years of age” (regulation 7). Finally, the Regulations prohibit retailers from supplying any firework which they have removed, caused to be removed, or know to have been removed from a primary pack or a selection pack.

For the purposes of the requirement to comply with BS 7114, the size and weight requirements and the marking requirements, the Regulations allow for the supply of fireworks and assemblies which comply with any standard or specification recognised for use in a member State of the European Community or any other State within the European Economic Area, so long as that standard or specification provides an equivalent level of safety (regulation 2(5) and (6)).

Copies of British Standard 7114, and the British Standards referred to in it, are available from any of the sales outlets operated by the British Standards Institution (BSI), by post from BSI at 389 Chiswick High Road, London W4 4AL or from any of the bookshops operated by the Stationery Office Limited.

These Regulations were notified in draft to the European Commission in accordance with Council Directive [83/189/EEC](#) (O.J. No. L109, 26.4.1983, p.8), as amended.

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs and Competition Policy Directorate of the Department of Trade and Industry, Room 4.H.3, 1 Victoria Street, London SW1H 0ET.