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STATUTORY INSTRUMENTS

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**2004 No. 1372**

**CONSUMER PROTECTION**

**The Fireworks (Safety) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>17th May 2004</i>
<i>Laid before Parliament</i>		<i>18th May 2004</i>
<i>Coming into force</i>	- -	<i>8th June 2004</i>

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987<sup>(1)</sup>, consulted such organisations as appear to her to be representative of interests substantially affected by these Regulations, such other persons as she considers appropriate and the Health and Safety Commission.

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 11 of that Act hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Fireworks (Safety) (Amendment) Regulations 2004 and, subject to regulation 4, shall come into force on 8th June 2004.

(2) These Regulations shall not extend to Northern Ireland.

**Interpretation**

2. In these Regulations “the 1997 Regulations” means the Fireworks (Safety) Regulations 1997<sup>(2)</sup>.

**Amendment of the Fireworks (Safety) Regulations 1997**

3. The 1997 Regulations are amended in accordance with the Schedule to these Regulations.

**Saving for air bombs sold in selection packs**

4.—(1) The amendments in the Schedule to these Regulations shall not prohibit the supply, on or before 3rd January 2005 and as part of a selection pack, of an air bomb whose supply was permitted by the 1997 Regulations before the coming into force of these Regulations.

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(1) 1987 c. 43.  
(2) S.I.1997/2294.

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(2) In paragraph (1), the expressions “air bomb”, “selection pack” and “supply” shall have the same meaning as in the 1997 Regulations.

*Gerry Sutcliffe,*  
Parliamentary Under Secretary of State for  
Employment Relations, Competition and  
Consumers,  
Department of Trade and Industry

17th May 2004

## SCHEDULE

Regulation 3

### Amendments to the Fireworks (Safety) Regulations 1997

- 1.—(1) Regulation 2 of the 1997 Regulations is amended as follows.
  - (2) For the definition of “air bomb” there is substituted—

““air bomb” means a Roman candle (or a combination which includes three or fewer roman candles) whose functioning comprises the ejection of eleven or fewer pyrotechnic units, and which contains any pyrotechnic unit designed to eject and burst and whose bursting charge is other than black powder and constitutes more than ten per cent of the pyrotechnic unit.”
  - (3) For the definition of “mini-rocket” there is substituted—

““mini-rocket” means a firework which is designed so that, on functioning, it propels itself into the air and which comprises a body or motor—

    - (a) which contains pyrotechnic composition or pyrotechnic units; and
    - (b) the outside diameter of which, at the point where the diameter is greatest, is less than 12 millimetres; or
    - (c) if equipped with a stick or sticks for the purposes of stabilising its flight—
      - (i) where the firework is intended to be supplied singly, whose overall length (including the length of any such stick or sticks) is less than 900 millimetres or (not including the length of any such stick or sticks) is less than 195 millimetres; or
      - (ii) where the firework is intended to be supplied in a primary pack, whose overall length (including the length of any such stick or sticks) is less than 400 millimetres or (not including the length of any such stick or sticks) is less than 125 millimetres; or
      - (iii) where the firework is intended to be supplied in a selection pack, whose overall length (including the length of any such stick or sticks) is less than 300 millimetres; or
    - (d) if not equipped with a stick or sticks for the purposes of stabilising its flight—
      - (i) whose overall length is less than 300 millimetres; and
      - (ii) is intended to be supplied singly or in a primary pack.”
- 2.—(1) Regulation 4(1) of the 1997 Regulations is amended as follows.
  - (2) In sub-paragraph (a) the word “or” is revoked.
  - (3) In sub-paragraph (b) after “mini-rocket” there is inserted “; or”
  - (4) After sub-paragraph (b) there is inserted—

“(c) any air bomb.”
- 3.—(1) Regulation 6 of the 1997 Regulations is amended as follows.
  - (2) In paragraph (1) the word “apparently” is revoked.
  - (3) In the cross heading the word “apparently” is revoked.
- 4.—(1) Schedule 2 to the 1997 Regulations is amended as follows.
  - (2) Paragraphs 1 and 2 are revoked.
- 5.—(1) Schedule 3 to the 1997 Regulations is amended as follows.
  - (2) Paragraph 1 is revoked.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations (which do not extend to Northern Ireland) amend the Fireworks (Safety) Regulations 1997, in particular by extending the prohibition of the supply of certain fireworks under regulation 4(1) of those Regulations to cover air bombs. Regulation 6 of those Regulations is also amended so as to prohibit the supply of certain fireworks to persons who are (instead of persons who appear to be) under eighteen years old. Amendments are also made to the definitions of “air bomb” and “mini-rocket” and to Schedules 2 and 3.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, Room 427, 1 Victoria Street, London SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.

These Regulations have been notified in draft to the European Commission in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (OJNo. L204, 21.7.98, p.37), as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).