THE PYROTECHNIC ARTICLES (SAFETY) REGULATIONS 2015

PART 1

1. Citation and commencement
2. Interpretation
3. Definition of “pyrotechnic article”
4. Exception for trade fairs, exhibitions and demonstrations
5. Exception for research, development and testing

PART 2

Chapter 1

6. Categorisation
7. Design and manufacture in accordance with essential safety requirements
8. Technical documentation and conformity assessment
9. EU declaration of conformity and CE marking
10. Retention of technical documentation and EU declaration of conformity
11. Labelling of pyrotechnic articles other than pyrotechnic articles for vehicles
12. Labelling of pyrotechnic articles for vehicles
13. Compliance procedures for series production
Chapter 2

14. Prohibition on placing on the market pyrotechnic articles which are not in conformity
15. Requirements which must be satisfied before an importer places a pyrotechnic article on the market
16. Prohibition on placing on the market pyrotechnic articles considered not to be in conformity with the essential safety requirements
17. Information identifying importer
18. Instructions and safety information
19. Retention of technical documentation and EU declaration of conformity

Chapter 3

20. Traceability
21. Monitoring
22. Duty to take action in respect of pyrotechnic articles placed on the market which are considered not to be in conformity
23. Provision of information and cooperation

Chapter 4

24. Duty to act with due care
25. Requirements which must be satisfied before a distributor makes a pyrotechnic article available on the market
26. Prohibition on making available on the market where pyrotechnic article not considered to be in conformity with the essential safety requirements
27. Duty to take action in respect of pyrotechnic articles made available on the market which are not in conformity
28. Provision of information and cooperation

Chapter 5

29. Storage and transport
30. Cases in which obligations of manufacturers apply to importers and distributors

Chapter 6

31. Prohibition on making available to persons younger than the minimum age limit
32. Prohibition on making available to persons without specialist knowledge
33. Prohibitions on making available certain category F2 and F3 fireworks
34. Prohibition on making pyrotechnic articles for vehicles available to members of the general public
35. Supply of safety data sheet
36. Translation of declaration of conformity
37. Identification of economic operators
38. Prohibition on improper use of CE marking

PART 3

39. Presumption of conformity
40. Conformity assessment procedures
41. EU declaration of conformity
42. CE marking

PART 4

43. Notified bodies
44. Notification
45. Presumption of conformity of notified bodies
46. Contents of notification
47. Monitoring
48. Delegation to the United Kingdom Accreditation Service
49. Changes to notifications
50. Operational obligations of notified bodies
51. Subsidiaries and contractors

PART 5

52. Designation of market surveillance authority
53. Enforcement
54. Enforcement powers
55. Exercise of enforcement powers
56. Evaluation of pyrotechnic articles presenting a risk
57. Enforcement action in respect of pyrotechnic articles which are not in conformity and which present a risk
58. EU safeguard procedure
59. Enforcement action in respect of pyrotechnic articles which are in conformity, but present a risk
60. Enforcement action in respect of formal non-compliance
61. Restrictive measures
62. Offences
63. Penalties
64. Defence of due diligence
65. Liability of persons other than principal offender
66. Time limit for prosecution of offences
67. Service of documents
68. Recovery of expenses of enforcement
69. Action by enforcing authority
70. Appeals against notices
71. Appropriate court for appeals against notices
72. Compensation

PART 6

73. Review
74. Transitional provisions
75. Consequential revocations, savings and amendments
Signature
SCHEDULE 1 — Categories of pyrotechnic article
1. Fireworks
2. Category F2 fireworks are fireworks which present a low hazard...
3. Category F3 fireworks are fireworks which present a medium hazard,...
4. Category F4 fireworks are fireworks which present a high hazard,...
5. Theatrical pyrotechnic articles
6. Category T2 theatrical pyrotechnic articles are theatrical pyrotechnic articles which...
7. Other pyrotechnic articles
8. Category P2 other pyrotechnic articles are pyrotechnic articles, other than...

SCHEDULE 2 — Essential safety requirements
1. (1) Each pyrotechnic article must attain the performance characteristics specified...
2. Fireworks
3. Other pyrotechnic articles
4. Ignition devices

SCHEDULE 3 — Labelling: required information
1. Labelling
2. Additional instructions and safety information
3. The labelling of sparklers must also display the words “Warning:...
4. The labelling of a theatrical pyrotechnic article must also display...
5. The labelling of a category P1 other pyrotechnic article or...
6. In paragraph 3, “sparkler” means a rigid wire article partially...

SCHEDULE 4 — Persons with specialist knowledge
1. Person with specialist knowledge: category F4 fireworks
2. Person with specialist knowledge: category T2 theatrical pyrotechnic articles
3. Person with specialist knowledge: category P2 other pyrotechnic articles
4. Person with specialist knowledge: officers of enforcing authorities
5. Interpretation

SCHEDULE 5 — Notified body requirements
1. A conformity assessment body must be established in the United...
2. A conformity assessment body must be a third party body...
3. (1) A conformity assessment body, its top level management and the...
4. A conformity assessment body, its top level management and the...
5. A conformity assessment body, its top level management and the...
6. A conformity assessment body must ensure that the activities of...
7. A conformity assessment body and its personnel must carry out...
8. A conformity assessment body must be capable of carrying out...
9. A conformity assessment body must have at its disposal—
10. A conformity assessment body must have the means necessary to...
11. The personnel responsible for carrying out conformity assessment activities must...
12. A conformity assessment body must be able to demonstrate the...
13. The remuneration of the top level management and the personnel...
14. A conformity assessment body must have, and must satisfy the...
15. A conformity assessment body must ensure that its personnel observe...
16. Paragraph 15 does not prevent the personnel from providing information...
17. A conformity assessment body must participate in, or ensure that...

SCHEDULE 6 — Operational obligations of notified bodies
1. A notified body must carry out conformity assessments in accordance...
2. A notified body must carry out conformity assessments in a...
3. A notified body must perform its activities taking due account...
4. A notified body must respect the degree of rigour and...
5. A notified body carrying out a conformity assessment must—
6. After 16th October 2016— (a) an entry made in the...
7. Where a notified body finds that essential safety requirements or...
8. Where, in the course of the monitoring of conformity following...
9. Where the notified body has required a manufacturer to take...
10. Paragraph 11 applies where a notified body is minded to—...
11. Where this paragraph applies, the notified body must—
12. A notified body must inform the Secretary of State of—...
13. A notified body must make provision in its contracts with...
14. A notified body must provide other bodies notified under the...
15. A notified body must participate in the work of any...

SCHEDULE 7 — Enforcement powers of weights and measures authorities, district councils and the Secretary of State under the 1987 Act
1. Enforcement powers under the 1987 Act
2. Modifications to the 1987 Act

SCHEDULE 8 — Enforcement powers of the Health and Safety Executive under the 1974 Act
1. Enforcement powers under the 1974 Act
2. Modifications to the 1974 Act

SCHEDULE 9 — Compliance, withdrawal and recall notices
1. Compliance notice
2. Withdrawal notice
3. Recall notice
4. Interpretation

SCHEDULE 10 — Consequential amendments to the Fireworks Regulations 2004
1. The Fireworks Regulations 2004 are amended as set out below....
2. In regulation 3 (interpretation)— (a) for the definition of “adult...
3. In regulation 5 (prohibition of possession of category 4 fireworks),...
4. In regulation 6(1)(c) (exceptions to regulations 4 and 5), for...
5. In regulation 9 (licensing of fireworks suppliers)—
6. In regulation 10 (information about fireworks)— (a) in paragraph (1),...

SCHEDULE 11 — Consequential amendments to the Explosives (Fireworks) Regulations (Northern Ireland) 2002
1. The Explosives (Fireworks) Regulations (Northern Ireland) 2002 are amended as...
2. In regulation 2 (interpretation)— (a) after “In these Regulations—”, insert —...,
3. In regulation 4(1) (prohibition on the possession, purchase, sale, acquisition,...
4. In regulation 7 (production of licence)— (a) in paragraph (2),...
5. In regulation 11(1)(a) (display of notice and certificate)—
6. In regulation 12 (transactions in fireworks), for “the fireworks in...
7. In Schedule 1 (fireworks exempt from the provisions of regulation...

Explanatory Note