

SCHEDULE 4

Regulation 2(1)

Persons with specialist knowledge

Person with specialist knowledge: category F4 fireworks

1.—(1) A person with specialist knowledge for a category F4 firework is any individual who can demonstrate having—

- (a) undertaken training recognised in the fireworks business, in relation to the type of category F4 firework which is to be made available to that individual;
- (b) used category F4 fireworks; and
- (c) valid liability insurance covering use of category F4 fireworks.

(2) A person with specialist knowledge for a category F4 firework also includes—

- (a) any person whose trade or business (or a significant part of whose trade or business) is the supply of category F4 fireworks, for the purposes of making them available on the market in accordance with these Regulations; and
- (b) any person who is—
 - (i) in business as a supplier of goods designed and intended for use in conjunction with a category F4 firework; and
 - (ii) intends to use the category F4 firework solely for the purposes of testing it to ensure that, when used in conjunction with fireworks of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.

Person with specialist knowledge: category T2 theatrical pyrotechnic articles

2.—(1) A person with specialist knowledge for a category T2 theatrical pyrotechnic article is any individual who can demonstrate having—

- (a) undertaken training recognised in the theatrical profession, in relation to the type of category T2 theatrical pyrotechnic article which is to be made available to that individual;
- (b) used category T2 theatrical pyrotechnic articles; and
- (c) valid liability insurance covering use of category T2 theatrical pyrotechnic articles.

(2) A person with specialist knowledge for a category T2 theatrical pyrotechnic article also includes—

- (a) any person whose trade or business (or a significant part of whose trade or business) is the supply of category T2 theatrical pyrotechnic articles, for the purpose of making them available on the market in accordance with these Regulations;
- (b) any person who is—
 - (i) in business as a supplier of goods designed and intended for use in conjunction with a category T2 theatrical pyrotechnic article; and
 - (ii) intends to use the category T2 theatrical pyrotechnic article in question solely for the purposes of testing it to ensure that, when used in conjunction with articles of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.

(3) In paragraph 2(1)(a), “the theatrical profession” means the profession related to indoor and outdoor stage productions and includes film and television or similar productions.

Person with specialist knowledge: category P2 other pyrotechnic articles

3.—(1) A person with specialist knowledge for a category P2 other pyrotechnic articles is any individual who can demonstrate having—

- (a) undertaken training recognised in the industry in question, in relation to the type of category P2 other pyrotechnic article which is to be made available to that individual;
 - (b) used category P2 other pyrotechnic articles; and
 - (c) valid liability insurance covering use of category P2 other pyrotechnic articles.
- (2) A person with specialist knowledge for a category P2 other pyrotechnic article also includes—
- (a) any person whose trade or business (or a significant part of whose trade or business) is the supply of category P2 other pyrotechnic articles, for the purpose of making them available on the market in accordance with these Regulations;
 - (b) any person who is—
 - (i) in business as a supplier of goods designed and intended for use in conjunction with a category P2 other pyrotechnic article; and
 - (ii) intends to use the category P2 other pyrotechnic article in question solely for the purposes of testing it to ensure that, when used in conjunction with articles of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.

Person with specialist knowledge: officers of enforcing authorities

4. Any person employed by or under or acting on behalf of an enforcing authority proposing to make a test purchase of a category F4 firework, category T2 theatrical pyrotechnic article or category P2 other pyrotechnic article, is to be considered to be a person with specialist knowledge where the enforcing authority—

- (a) has enforcement powers, conferred by or under any enactment, applying to the pyrotechnic article in question; and
- (b) before that person purchases the pyrotechnic article, informs the person making it available on the market that the purchase is to be made for the purposes of ascertaining whether any provision made by or under any enactment and relating to the safety of the pyrotechnic article has been contravened in relation to that pyrotechnic article.

Interpretation

5.—(1) The training referred to in paragraphs 1(1)(a), 2(1)(a) and 3(1)(a) must include training in—

- (a) the nature and correct use of the articles which are to be made available; and
 - (b) the risks associated with the transport, storage and use of such articles.
- (2) The training referred to in paragraphs 1(1)(a), 2(1)(a) and 3(1)(a) includes such training recognised in the relevant business, profession or industry of any member State.
- (3) The use of articles referred to in paragraphs 1(1)(b), 2(1)(b) and 3(1)(b) includes the use anywhere in the world.
- (4) The “liability insurance” referred to in paragraphs 1(1)(c), 2(1)(c), and 3(1)(c) may be in the name of the individual in question or the employer of that person.