

Draft

2013 No. 0000

CONSUMER PROTECTION

HEALTH AND SAFETY

**The Pyrotechnic Articles (Safety) (Amendment)
Regulations 2013**

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - [xxth xxxc 2013

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to pyrotechnic articles.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2 (2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Pyrotechnic Articles (Safety) (Amendment) Regulations 2013 and come into force on xth^{xxxx} 2013.

Amendment

2.—(1) The Pyrotechnic Articles (Safety) Regulations 2010(c) are amended as follows.

(2) In Schedule 2 (Essential Safety Requirements), for paragraph 1(4) substitute—

“(4) Pyrotechnic articles must not contain detonative explosives other than black powder and flash composition, except for pyrotechnic articles of categories P1, P2, T2 and fireworks of category 4 meeting the following conditions:

- (a) the detonative explosive cannot be easily extracted from the pyrotechnic article;
- (b) for category P1, the pyrotechnic article cannot function in a detonative manner or cannot, as designed and manufactured, initiate secondary explosives;

(a) S.I. 2009/2743.

(b) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) section 27(1)(a) and by the European Union (Amendment) Act (c.7), Schedule Part 1.

(c) S.I.2010/1554 to which there are amendments not relevant to these Regulations.

(c) for categories 4, T2 and P2, the pyrotechnic article is designed and intended not to function in a detonative manner, or, if designed to detonate, it cannot as designed and manufactured, initiate secondary explosives.”.

Date

XX
Minister
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (recast), Directive 2013/29/EU (OJ L178, 28.06.2013, page 27) (“the 2013 Directive”) as regards the provisions relating to prohibition on use of detonative explosives in the manufacture of categories P1, P2, T2 and category 4 pyrotechnic articles except on certain conditions.

The 2013 Directive revokes Directive 2007/23/EC on the placing on the market of pyrotechnic articles (OJ L154, 14.06.2007, page 1) (“the 2007 Directive”) with effect from 1 July 2015. However the provision in the 2007 Directive relating to a prohibition on use of commercial blasting agents except for black powder or flash compositions or military explosives, due to come into force on 4 July 2013 under that Directive is repealed and replaced by the 2013 Directive from that date. This is because this prohibition would prevent the manufacture and supply of certain products eg. car airbags. The 2013 Directive amends the prohibition providing for it to be subject to certain conditions thus enabling the uninterrupted manufacture and supply of products using detonative explosives.

A full Regulatory Impact Assessment has not been prepared for this instrument as no impact on the business or voluntary sector is foreseen. A transposition note has been prepared and is annexed to the Explanatory Memorandum which is available alongside the instrument on the UK legislation website (www.legislation.gov.uk). Copies have also been placed in the Libraries of both Houses of Parliament.

URN – BIS/13/1072 – Draft Pyrotechnic Articles (Safety) (Amendment) Regulations 2013