

dti

**FIREWORKS (SAFETY)
AMENDMENT REGULATIONS
2004**

Consultation on proposals to
amend the Fireworks (Safety)
Regulations 1997

CONSULTATION DOCUMENT

January 2004

dti

The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK. We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world.

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1. Executive Summary

- 1.1 This consultation document seeks your views on three Government proposals to amend the **Fireworks (Safety) Regulations 1997** (the 1997 Regulations) using powers in the Consumer Protection Act 1987 (the 1987 Act).
- 1.2 The 1987 Act enables the Secretary of State to make regulations (Fireworks Regulations) in order to reasonably secure that consumers are protected from dangerous goods or goods that would be dangerous if in the hands of particular persons.
- 1.3 The main purpose of the 1997 Regulations is to protect consumers from both dangerous and potentially dangerous firework products by:
- **introducing a compulsory standard to which all such products must comply;**¹
 - **prohibiting the sale of certain fireworks regarded as particularly dangerous; and**
 - **raising the legal age of supply to 18 years and above.**
- 1.4 The proposed amendments to the 1997 Regulations are:
- **the creation of a prohibition on the supply of air bombs to the general public;**
 - **tightening up the definition of mini rockets; and**
 - **the creation of a strict liability offence for suppliers selling fireworks to those under the age of 18.**
- 1.5 We believe these proposals represent a progressive move in protecting consumers and, as an indirect benefit, curbing the anti-social use of fireworks. From our preliminary consultations, most of the UK industry, enforcement bodies and other interested parties expressed support for the proposed measures.
- 1.6 We view these proposed Regulations as complementary to the recent Fireworks Regulations 2003², made under the Fireworks Act

¹ All fireworks on sale to the general public are legally required to comply with the British Standard: BS 7114

² Prohibiting those under the age of 18 from possessing fireworks in a public place and prohibiting the possession of category 4 fireworks by anyone other than a fireworks professional. See:

2003 - and also complementary to the broad aims of that legislation, that is, to minimise the risk that fireworks will cause injury, distress, death, nuisance etc. We are proposing these Regulations at this time to ensure, as soon as is possible and with minimal damage to the retail and wholesale sectors, that the importation of these products for retail and wholesale trade is prevented. It is also important that fireworks are not available to those under the legal age to purchase or possess them – in which case retailers must play a more active role in ensuring that they do not supply to those under the ages set out in statute. ³

How to Respond?

- 1.7 When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.
- 1.8 Please submit your responses to this consultation by post or email to:

David Southerland
Consumer and Competition Policy Directorate
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1 Victoria Street
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Closing Date

- 1.9 Responses must be received by **Friday 23rd April 2004**.

Confidentiality

http://www.legislation.hmso.gov.uk/cgi-bin/htm_hl.pl?DB=hmso-new&STEMMER=en&WORDS=fireworks+regulations+&COLOUR=Red&STYLE=s&URL=http://www.hmso.gov.uk/si/si2003/20033085.htm#muscat_highlighter_first_match

³ Prohibited under regulation (6)(1) of the 1997 Regulations.

- 1.10 Your response may be made public by the DTI. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been requested.
- 1.11 We will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.

Consultees

- 1.12 We are sending this document to the consultees listed at Part 6. Please tell us if you know of others who would be interested in receiving this consultation. It is also available by request from the address listed above and on the DTI website at: www.dti.gov.uk
- 1.13 Other versions of the document in Braille, other languages or audio-cassette are available on request.

Enquiries

- 1.14 If you have any questions, or would like further information on this consultation please contact David Southerland on 020 7215 0371.
- 1.15 If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

Philip Martin
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- 1.16 A copy of the Code of Practice on Consultations may be viewed at the following website address:

<http://www.cabinet-office.gov.uk/regulation/Consultation/Code.htm>

Consultation questions

1.17 The following are general questions for consultees:

- i. Do consultees, particularly those whose trade includes the sale of fireworks in the context of importation, wholesale or retail, believe that the proposed Regulations will have a significant affect on competition or profitability?
- ii. Is the current strategy to disseminate information to those affected by the changes sufficient?
- iii. Will the proposed Regulations contribute to a reduction in firework related injuries?
- iv. Does the change in the law from “due diligence” to “strict liability” accurately reflect best practice in enforcement procedures?

1.18 All comments in relation to the proposed Regulations are welcome.

2. Proposals

- 2.1 The main objective of amending the 1997 Regulations is to reduce the risk that firework products cause injury to persons – and to ensure that those products considered safe for public sale are not supplied to those under the age regarded as being compatible with safe and responsible use.

Proposal 1 – prohibit the supply of air bombs to the general public.

- 2.2 There is already a voluntary air bomb ban which was agreed by the industry.⁴ However, industry representatives admit that there is no guarantee that all of the industry will continue to adhere to the voluntary ban – as the absence of a formal prohibition, by the same token, means no formal sanction if those aiming to profit from the sale of such items decide to break the agreement.
- 2.3 As with the 1997 Regulations, Local Trading Standards Officers would have the primary responsibility for enforcement of this prohibition.

Proposal 2 – tighten up the definition of mini rockets.

- 2.4 The current definition of mini-rockets is such that other small rockets, carrying similar risks, would continue to be available on the market. By modifying the definition we will prohibit those rockets on the market that are both inherently unsafe and a danger because of their attractiveness to those with a tendency to use them irresponsibly i.e. the under 18s.
- 2.5 Again, this prohibition would be enforced by Local Trading Standards Officers.

Proposal 3 – change the “due diligence” defence of suppliers to that of “strict liability” for supplying fireworks to those under the age of 18.

⁴ The voluntary ban came into place in 2003, but only applied to air bombs sold either alone or in primary packs.

- 2.6 The existing wording in the 1997 Regulations means that retailers, if supplying to those legally below the age to purchase and possess, have a defence of "due diligence". This means that in the event of prosecution, it would be a legal defence to claim that the prospective purchaser appeared to be 18 or over, irrespective of his or her actual age.
- 2.7 The amendment proposed to regulation (6)(1) is simple in form but would have an important impact on the way that retailers and suppliers go about ascertaining the age of prospective purchasers. By removing the word "apparently" from the existing text of regulation (6)(1), suppliers will be compelled to ensure that the age of purchasers is that of the legal age of purchase and possession. It is therefore hoped that retailers will respond to this by requesting proof of age, perhaps in the form of a driving licence or some sort of proof of age card etc.

3. Draft Regulatory Impact Assessment

Fireworks (Safety) Amendment Regulations 2004

1. Proposal

Amend the Fireworks (Safety) Regulations 1997 to **(i) provide for a prohibition on the supply of air bombs** to the general public; **(ii) tighten up the definition of mini rockets**; and, **(iii) create a strict liability offence for suppliers selling fireworks to those under the age of 18.**

2. Issue

2.1 The aim of the Fireworks (Safety) Regulations 1997 (the 1997 Regulations) is to ensure that the fireworks available to the general public are safer by placing restrictions on the supply of particular kinds of fireworks.

2.2 With regard to **(i)** and **(ii)**, in making the 1997 Regulations, the Government recognised that the three types of fireworks that had the potential to give rise to dangerous and irresponsible use were bangers, mini-rockets and air bombs. The 1997 Regulations imposed a prohibition on the supply of the former two, but stopped short of the latter, the judgement at the time being that this particular firework posed less of a risk.

2.3 However, it would appear that fireworks injuries - particularly those caused by air bombs – have continued at unacceptable levels. Despite a voluntary ban by the industry,⁵ there is anecdotal evidence from Trading Standards Officers and members of the public that such fireworks are still available for sale in primary packs.⁶ The Government therefore believe that an outright ban on these products will contribute to a reduction in injuries.

⁵ The statistics on fireworks injuries for 2003 have not yet been published (due for publication in March). It is therefore not possible, at this time, to accurately gauge the impact of the voluntary ban on the level of injuries sustained by this particular firework. The voluntary ban came into effect in 2003.

⁶ A primary pack comprises more than one of the same type of firework.

2.4 In recognition of the above, the fireworks industry has asked the Government to enshrine the voluntary ban in law to avoid others, not represented by the professional organisations (British Fireworks Association (BFA), CBI Explosives Industry Group (CBI EIG)), from flouting these agreements and selling through disreputable retailers, or even unlawfully.

2.5 In relation to (ii), the risk has also been identified that the definition of mini rockets, as appears in regulation 4 of the 1997 Regulations, is such that it would be easy for determined importers to get around the prohibition by circumventing the current definition - thereby placing on the market items similar in nature. Effectively, the smaller and unpredictable fireworks could continue to be available - and on account of their "pocket money" status, could continue to be obtained, albeit illegally, by those under the age of 18.

3. Existing Legislation

- The *Fireworks (Safety) Regulations 1997*, made under the *Consumer Protection Act 1987* (under which this prohibition is proposed), place a number of prohibitions on specific types of fireworks.
- The *Fireworks Act 2003* enables the Government to make Regulations – Fireworks Regulations – controlling the supply and use of fireworks.
- The *Fireworks Regulations 2003* make it an offence for anyone under the age of 18 to possess fireworks in a public place and for anyone other than a fireworks professional to possess category IV fireworks.⁷
- The *Explosives Act 1875*, makes it an offence to throw fireworks or discharge a firework in the street or a public place. This offence is punishable by a maximum fine of £5000.

4. Objectives

4.1 The objective of these proposed Regulations with regard to the ban of air bombs is simply to reduce the risk that the supply of this type of firework may cause injury. As an indirect benefit it is also hoped that the potential for the anti-social use of such fireworks can be minimised by controlling their supply in this way.

⁷ Category IV fireworks are professional display devices and are usually the most powerful of fireworks.

4.2 The proposed amendments to definition of “mini rocket” in the 1997 Regulations are intended to reduce the possibilities for firework importers to circumvent the existing ban by introducing items similar to the prohibited rockets (but currently outside the scope of the ban) onto the UK market. Again, the principal objective is to remove unsafe products from the market and to reduce the possibility that other similar items do not fall into the hands of those whose possession would render the fireworks unsafe.

4.3 The objective of the amendment of regulation 6(1) is to ensure that retailers are more proactive in determining the age of prospective purchasers. This latter regulation is designed to make sure that fireworks do not get into the wrong hands - as those whose appearance is ambiguous will have to present age verifying identification.

5. Risk Assessment

5.1 Were these proposals not implemented, the potential risks are as follows:

<p>Firework injuries</p>	<p>The number of recorded firework injuries fluctuates around a historical figure of around 1000 per year.⁸ However, it is hoped that injuries will fall as a result of a formal and outright prohibition on air bombs and mini rockets.⁹</p>
<p>Competition</p>	<p>A voluntary ban on air bombs by responsible firework importers/suppliers would mean that those disreputable companies not bound by a sense of responsibility could profit by playing on an unequal playing field.</p> <p>Notwithstanding the above, it</p>

⁸ The overall number of firework injuries rose from a level of around **800-1000 per year in 1997-2000 to 1362 in 2001 and 1017 in 2002**, and the number of injuries in the street or other public places from **200-300 in each year from 1997-2000 to 442 in 2001 although fell in 2002 to 295** (Firework Injury Survey for each year respectively, published by DTI). Figures for 2003 are as yet not available.

⁹ On average there are 64 injuries arising from the use of air bombs alone – with an unprecedented level of 148 in 2002.

	<p>may also be the case that by companies flouting the voluntary ban – the companies responsible will cause a domino effect whereby the reputable companies begin to supply - leading to the collapse of the voluntary agreement.</p>
<p>Anti-social/ criminal potential</p>	<p>Fireworks - such as bangers (banned under the 1997 Regulations), air bombs and mini rockets – the so-called “pocket money” fireworks, are generally responsible for much of the nuisance that is caused in terms of noise and misuse in the street. It is hoped that these proposals would contribute to a lessening of the potential anti-social or criminal use.</p>
<p>Supplier’s diligence</p>	<p>Trading Standards officers are of the view that some retailers are supplying to those under the age of 18 on account of how a person may appear. ¹⁰ This means that in the absence of a strict liability offence, retailers are not encouraged to take positive steps to ascertain the age of prospective purchasers.</p>

6. Options

¹⁰ Current wording in the 1997 Regulations is as follows: *Subject to paragraph (2) below, no person shall supply any firework or any assembly to any person apparently under the age of eighteen years* (regulation 6(1)).

6.1 To the question of whether there are alternative ways of reducing the injuries, noise and nuisance caused by the use of these particular pyrotechnic products without taking them off the market - the following options are instructive:

(a) Do nothing and **(i)** rely on the current voluntary ban on the supply of air bombs by the industry; and, **(ii)** allow the possible proliferation of items similar to mini rockets, that is, small enough to be unstable in certain weather conditions, and thus compromise safety; and, **(iii)** leave the current diligence defence for retailers where they are not encouraged to ask for proof of age.

(b) Intensify public campaigns highlighting the dangers of such fireworks to encourage particular care when using these fireworks.

(c) Accept these proposals and make Regulations under section 11 of the Consumer Protection Act 1987 – prohibiting the supply of air bombs to the general public; redefining mini rockets so as to ensure that similarly unsafe and nuisance products are taken off the market; and, change the defence of retailers from “due diligence” to one of “strict liability”.

6.2 Option (a), by the industry’s own admission, is not sustainable. Notwithstanding that most of the socially responsible industry are in compliance with the voluntary code, there are some who are flouting the ban and, indeed, some who may in future do so if the supply of such fireworks were to become profitable. It is unlikely that vocal disapproval of importers wishing to compete on an unequal playing field would prove sufficient to deter.

6.3 Option (b), although resting on the reasonable idea that public campaigns are effective for the purposes of creating an awareness of the safe use of fireworks, is not reasonable in the context of products which are inherently unsafe and thus unsuitable for public use. The effectiveness of a campaign of this sort would therefore be limited – not only in terms of missing the point that the product itself is particularly dangerous, but it also would not address the nuisance value of the product, that is, its principal effect is the emission of noise.

6.4 Option (c) is the recommended option for ensuring consumer safety – that is - to reduce consumer injuries and also the indirect benefit of removing from the market fireworks that are attractive to troublesome elements. This option is complementary to recent legislation (the Fireworks Regulations 2003 – possession offences) – and also constitutes a logical step to resolving the issues that the 1997 Regulations were designed to address, that is, to eliminate unsafe

products from the market and place restrictions on those that would be unsafe in the hands of young people.

6.5 The proposed amendment to 6(1) of the 1997 Regulations is the most sensible option to ensure that retailers are primarily concerned with the safety of their product, that is, what happens to it after sale, as opposed to being primarily concerned with selling stock, as is sometimes the case with seasonal products. They will be aware that when faced with a person whose age is ambiguous, positive steps to determine the age of the person will be necessary. This is the current sensible procedure that retailers follow in the context of tobacco and alcohol sales. ¹¹

7. Benefits

7.1 Were the proposals to be accepted, in addition to addressing the risks identified in 5 and 6, above, the likely benefits are as follows:

- potentially reduce the number of firework injuries - either by accident or misuse - thereby resulting in cost savings for the NHS in the treatment of such injuries; ¹²
- potentially reduce the number of fireworks getting into the hands of those under the age of 18 – thereby reducing injuries, nuisance and prosecutions under the Fireworks Act 2003 (possession offences);
- the removal from the market of nuisance fireworks e.g. those whose principal effect is the emission of noise;
- removing one of the preferred fireworks for the anti-social consumer; and
- enshrine in law the voluntary ban on such products (air bombs)– eliminating unfair competitive advantage in the industry.

¹¹ Under the *Children and Young Persons (Protection from Tobacco) Act 1991* (c. 23) and the *Licensing Act 2003* (c.17), respectively.

¹² There is no readily available data setting out the costs of treatment for injuries sustained by firework use, although the Department of Health believe the hospital cost of treating serious burns can be around £1,500 on average. In addition, the social and emotional costs to individuals who are permanently disfigured by such accidents will be considerable.

7.2 In the context of the 2003 Regulations, the amendment of regulation 6 (1) - creating a strict liability offence for the supply to those under the age of 18, it is likely that the number of young people prosecuted for unlawful possession of fireworks under regulation 3 of the Fireworks Regulations 2003 and section 11 of the Fireworks Act 2003 may be reduced were retailers to be more diligent in ensuring that they adhere to current age restrictions on the supply of fireworks.¹³

7.2 It should be noted that most of the benefits cited above, with the exception of the first, are all qualitative benefits in that they are concerned not so much with value for money as rather ensuring the safety of consumers and improving the quality of life for many in our communities e.g. noise reductions etc.

8. Business Sectors Affected

8.1 The proposed amendments would affect mainly firework importers, wholesalers and retailers, as very little manufacture of fireworks takes place in the UK. Local Authority trading standards would be involved in inspection for compliance, especially around the traditional fireworks season (October/November) and the New Year, although they are already active at inspecting storage and sales of fireworks e.g. ensuring that prohibited items are not for sale and that sale restrictions in relation to age are being complied with.

8.2 Were the Regulations to be made, guidance for the businesses affected will be available on the DTI website. We hope to publish the guidance for 1st March 2004 (12 weeks before the coming into force of the Regulations).

8.3 Additionally, retailers and wholesalers will also be informed by:

- press coverage (where DTI will issue a press notice);
- information provided by Local Trading Standards Officers (co-ordinated by LACORS);
- the DTI's annual Fireworks Safety Campaign; and
- information provided the fireworks industry (importers).

9. Competition Assessment

¹³ Although it should be acknowledged that the under 18s also obtain fireworks by asking adults to purchase them on their behalf.

9.1 When applying the competition filter, the results indicate there is likely to be little in the way of negative affects on competition – that is, questions 1, 2 and 3 (on industry concentration) were answered “yes”, as was question 9 on restricting choice. The other 5 questions were answered in the negative. On that basis, there is no need to proceed to a detailed Competition Assessment.¹⁴

9.2 The proposed Regulations will apply to all of the GB fireworks industry as well as to retailers. We therefore consider that there are no competition issues, that is, no barriers to trade or competition are created. On the contrary, as outlined in the *Risks Assessment* above (paragraph 5), this Regulation will create the legal conditions for all players in the fireworks industry to compete on an equal footing – thereby avoiding the possibility that those not adhering to the voluntary ban have an unfair advantage by targeting the anti-social market, for example.

9.3 It is a requirement under the *Technical Standards and Regulations Directive* (98/34/EC) to notify the European Commission (EC) of “technical regulations”. The criteria in judging what is a technical regulation is based on the inclusion of:

- technical specifications, other requirements and rules on services;
- prohibitions on particular products within the European Union.

It is clear that these particular Regulations meet with the latter rather than the former criterion, and we will shortly be informing the EC of our proposals. The Commission will have issued a response after a three-month consideration period. As there is little in the way of manufacture of fireworks in GB, there are no problems with manufacturers being adversely affected by them not being able to sell their domestically produced product on the UK market. The companies affected are mainly Chinese firework manufacturers.

10. Small Businesses: The Impact Test

10.1 The main small businesses potentially affected will be small retailers e.g. the corner shop/ newsagents. Pocket money fireworks, including air bombs and the smaller variety of rockets (mini rockets), will be a more

¹⁴ For details of the competition filter: www.cabinet-office.gov.uk/regulation/_private/Competition/competition/index.htm

significant part of their sales than the 3% rough estimate for the industry as a whole. However:

- these sales will have largely (90%) disappeared as a result of the voluntary measures that the industry has already put in place;
- these products are usually sold in just a few months of the year – yielding less of an impact on overall sales and profit margins;
- there would also be benefits for these retailers, as the kinds of fireworks associated with irresponsible use are also likely to be the subject of attempted underage purchases. So a move away from these products to other firework products is likely to help reduce the difficulty in enforcing the ban on underage sales.

11. Issues of Equity and Fairness

11.1 The proposed Regulations do not have any implications with regard to religion or gender. However, in certain areas, there is likely to be disproportionate number of Asian shop owners or managers who will be affected by these proposals, although we consider the proposals to be a socially neutral measure, that is, the measures will affect all retail outlets across GB equally, irrespective of ethnicity. By the same token, the proposed Regulations will not disproportionately affect consumers of any particular ethnic or cultural group.

12. Enforcement, Sanctions, Monitoring and Costs

12.1 It is currently the responsibility of Local Authority Trading Standards Officers to enforce the prohibitions under the 1997 Regulations. The proposed prohibitions would, we believe, constitute a change of existing enforcement duties - from ensuring that air bombs comply with BS 7114 to that of making sure that air bombs are not sold at all.

12.2 There are difficulties in estimating what, if any, the extra costs may be to Local Authorities in relation to the enforcement of these Regulations, as there is no available breakdown of the costs for the enforcement of different aspects of both regulations relating to fireworks and other consumer safety related areas. However, LACORS have estimated that if there is an extra cost this may be in the region of £60,000.00 per annum.¹⁵

¹⁵ Given the problems of isolating costs, LACORS indicate that this figure is at best a rough guide.

12.3 As with the 1997 Regulations and the Fireworks Act 2003, those (suppliers) who are in breach of the requirements under the Regulations could be liable to prosecution in a magistrates court, and if found guilty could face:

- a fine of up to £5000 and/or
- imprisonment for a term not exceeding 6 months

12.4 In conjunction with the Fireworks Regulations 2003, these measures may reduce the total number of young people prosecuted for the possession of fireworks – given that shopkeepers will be encouraged to be more diligent. However, although commonsense deduction suggests this, there is, at present, no statistical evidence to substantiate this claim as the 2003 Regulations only came into force on 22 December 2003, too short a time to compile accurate statistics.

12.5 As mentioned in 7.2 (Benefits), aside from the cost benefits for the NHS and those expected from possession prosecutions, the overall benefit is not quantitative as such so much as qualitative in that the safety of fireworks consumers - and the public at large would be increased.

13 Consultation

13.1 To date the following stakeholders were among those consulted for the proposed Regulations:

Formal Consultation to begin on 30th January 2004

14. Conclusion and Recommendations

The Consumer Protection Act 1987, under which the Firework (Safety) Regulations are made, is concerned with the protection of consumers. In light of this objective, the above amendments to the 1997 Regulations are essential to ensure that consumers are protected against unsafe products and products that are rendered unsafe in the hands of particular persons. For all of the above mentioned reasons – and in the context of widespread support for the proposed measures from both the industry and enforcement bodies, the Government recommends that these proposals are implemented as soon as possible.

4. Draft Regulations

STATUTORY INSTRUMENTS

2004 No. []

CONSUMER PROTECTION

The Fireworks (Safety) (Amendment) Regulations 2004

<i>Made</i> - - - -	2004
<i>Laid before Parliament</i>	2004
<i>Coming into force</i> - -	2004

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(16), 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 make the following Order:

Citation, commencement and extent

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

These Regulations shall not extend to Northern Ireland.

Interpretation

In these Regulations “the 1997 Regulations” means the Fireworks (Safety) Regulations 1997(17).

Amendment of the Fireworks (Safety) Regulations 1997

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

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

Saving for air bombs sold in selection packs

—2. The amendments to the 1997 Regulations shall not prevent the supply, on or before 9th November 2004, of an air bomb included in a selection pack.

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

[Date]

SCHEDULE

Article 3

Amendments to the Fireworks (Safety) Regulations 1997

1.—(1) Regulation 2 of the 1997 Regulations is amended as follows.

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.”

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 a motor—(a) which contains pyrotechnic composition or pyrotechnic units; and

(b) the outside diameter of which, at the point where that diameter is greatest, is less than 12mm; 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 440 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. Regulation 4(1) of the 1997 Regulations is amended as follows.

In sub-paragraph (a) the word “or” is revoked.

In sub-paragraph (b) after “mini-rocket” there is inserted “;or”

After sub-paragraph (b) there is inserted—

“(c) any air bomb.”

- 3. Regulation 6 of the 1997 Regulations is amended as follows.
In paragraph (1) the word “apparently” is revoked.

5. What happens next?

- 5.1 We intend for the Regulations to be laid before Parliament in April after the consultation has closed. We hope they will come into force in either April or May.
- 5.2 We aim to publish a report on the outcome of this consultation by **1st June 2004**.
- 5.3 In addition to these Regulations, the Government plan to make Regulations controlling the supply and use of fireworks under the Fireworks Act 2003. These Regulations will form a comprehensive set of measures designed, in the main, to tackle the anti-social use of fireworks. The Government will be conducting a formal consultation on the proposals during the summer of 2004 – in time for the 2004 fireworks season.

6. List of Consultees

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Annex A

Code of Practice on Consultations

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
7. The complete code is available on the Cabinet Office's web site address:

www.cabinet-office.gov.uk/servicefirst/index/consultation.htm
