



Hazardous Substances (Fireworks) Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of May 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 75(1)(a) and 140(1)(r) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

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Regulations

1 Title

These regulations are the Hazardous Substances (Fireworks) Regulations 2001.

2 Commencement

These regulations come into force on 2 July 2001.

3 Interpretation

In these regulations, unless the context otherwise requires,—
Act means the Hazardous Substances and New Organisms Act 1996

firework has the same meaning as in section 2 of the Act

pyrotechnic substance has the same meaning as in Part 2 of Schedule 1 of the Hazardous Substances (Classification) Regulations 2001

retailer means a person engaged in a business that includes the sale of fireworks for any reason other than for resale by the person to whom the fireworks are sold.

4 Application

- (1) These regulations apply to fireworks with the hazard classification 1.3G, 1.4G, or 1.4S.
- (2) Despite subclause (1), these regulations do not apply to—
 - (a) those bonbon crackers, snaps, or similar pyrotechnic novelties or noise makers containing less than 1.7 mg of pyrotechnic substance; or
 - (b) those amorces, crackshots, or similar pyrotechnic novelties or noise makers containing less than 5 mg of pyrotechnic substance; or
 - (c) those party poppers, streamer bombs, handblasters, or similar pyrotechnic novelties or noise makers containing less than 20 mg of pyrotechnic substance.
- (3) Nothing in these regulations limits or affects the operation of Part 15 of the Act.

5 Exemptions from other regulations

The following regulations do not apply to fireworks with the hazard classification 1.3G, 1.4G, or 1.4S, at any time after sale by a retailer to another person:

- (a) Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001:
- (b) Hazardous Substances (Tracking) Regulations 2001.

6 Display and sale of fireworks

- (1) Fireworks may be displayed for retail sale or sold by a retailer during the period beginning on 27 October and ending at the close of 5 November in each year.
- (2) Fireworks may be sold by a retailer at other times only under a written approval issued by the Authority under regulation 7.
- (3) A retailer must not sell fireworks to a person aged under 14 years.
- (4) A retailer must not sell any fireworks unless a test certificate for those fireworks that complies with regulation 10 has been issued.

7 Circumstances in which Authority may issue approval to sell fireworks at other times

The Authority may issue a written approval permitting a retailer to sell fireworks at times outside the period specified in regulation 6(1) if—

- (a) the fireworks are to be sold for use at a gathering of people held for cultural or religious purposes; and
- (b) the use of fireworks is a feature of the cultural or religious traditions of the people at the gathering.

8 Form of approval

A written approval issued under regulation 7 must set out details of—

- (a) the event or gathering or class of event or gathering for which the display and sale of fireworks by the retailer to whom the approval is issued is permitted; and
- (b) the period during which that retailer may sell fireworks; and
- (c) the class or classes of persons to whom that retailer may sell fireworks; and

- (d) any other conditions imposed by the Authority in relation to the approval.

9 Importer or manufacturer must obtain test certificate

- (1) The importer of a consignment of fireworks into New Zealand must obtain a test certificate for all fireworks of each type within that consignment.
- (2) The manufacturer of a batch of fireworks in New Zealand must obtain a test certificate for each batch.
- (3) An importer or manufacturer to whom subclause (1) or subclause (2) applies—
 - (a) must not supply fireworks to a retailer unless the importer or manufacturer has first obtained the appropriate test certificate for those fireworks under subclause (1) or subclause (2):
 - (b) must make a copy of that certificate available to that retailer on request.

10 Requirements for issue of test certificates

- (1) A test certificate may be issued by a test certifier for all fireworks of any one type within an imported consignment or for a batch of fireworks manufactured in New Zealand, if those fireworks comply with regulation 11.
- (2) For the purposes of subclause (1), a batch of fireworks complies with regulation 11 if—
 - (a) not less than 10 fireworks are selected at random from the batch and each of the selected fireworks, when tested, complies with that regulation; or
 - (b) in a case where 1 of the fireworks selected under paragraph (a) does not comply with 1 or more of the requirements of regulation 11(1)(c), (f), (g) or (h), not less than 10 additional fireworks are selected at random from the same batch and each of the selected fireworks, when tested, complies with regulation 11.
- (3) For the purposes of subclause (1), all fireworks of any one type within an imported consignment comply with regulation 11 if—
 - (a) not less than 10 fireworks are selected at random from those fireworks of that type within the consignment, and

- each of the selected fireworks, when tested, complies with that regulation; or
- (b) in a case where 1 of the fireworks selected under paragraph (a) does not comply with 1 or more of the requirements of regulation 11(1)(c), (f), (g), or (h), not less than 10 additional fireworks of the same type are selected at random from the same consignment, and each of the selected fireworks, when tested, complies with regulation 11.
- (4) If a batch of fireworks does not satisfy the requirements of subclause (2), it must not be given a test certificate.
- (5) If all fireworks of any one type within an imported consignment do not satisfy the requirements of subclause (3), a test certificate must not be given for those fireworks.
- (6) Despite subclauses (1), (2), and (4), the Authority may waive the requirement that a batch of fireworks be tested for compliance with regulation 11(1)(b), if a batch of fireworks containing the same type or types of fireworks has earlier been tested and found to comply with that regulation.
- (7) Despite subclauses (1), (3), and (5), the Authority may waive the requirement that all fireworks of any one type within an imported consignment be tested for compliance with regulation 11(1)(b), if an imported consignment of fireworks containing the same type of fireworks has earlier been tested and found to comply with that regulation.

11 Test certificate for fireworks

- (1) A test certificate for fireworks must identify the consignment or batch, certify that the objects in that consignment or batch are fireworks, and certify that the fireworks in that batch or the fireworks within that consignment of a particular type to which the certificate relates—
- (a) do not contain more than 40 g of pyrotechnic substances; and
- (b) do not include—
- (i) any chlorate mixed with sulphur, phosphorus, or any sulphide (unless the fireworks are an amorce containing more than 5 mg of pyrotechnic substance):

- (ii) any toxic substances of classification 6.1A, 6.1B, or 6.1C other than traces of antimony, arsenic, cadmium, chromium, lead, mercury, nickel, selenium, zinc, and their compounds; and
 - (c) are constructed in a manner that does not allow pyrotechnic substances to escape at any time; and
 - (d) do not have their own means of ignition; and
 - (e) do not, if the fireworks are shaped as hand-held fireworks, discharge fire and burst the casing following ignition; and
 - (f) have instructions for use on the outer case, or packet, if there are no outer cases; and
 - (g) when used in accordance with the instructions for the use of the fireworks, do not create a hazard by discharging hot or burning material; and
 - (h) have a fuse burning time of not less than 3 seconds and not more than 11 seconds.
- (2) The instructions required by subclause (1)(f) must comply with regulations 34 (comprehensibility) and 35 (clarity) of the Hazardous Substances (Identification) Regulations 2001.
- (3) A copy of the test certificate must be given to the Authority by the test certifier as soon as practicable after the certificate is issued.
- (4) Despite subclause (1), if regulation 10(6) or regulation 10(7) applies, the test certificate must not certify that subclause (1)(b) is complied with, but must certify that the obligation to test for compliance with that subclause has been waived.

Martin Bell,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 2 July 2001, regulate the sale of fireworks to the public. The sale of fireworks to the public

is permitted during the 10 days before Guy Fawkes night (27 October to 5 November). The sale of fireworks outside this period may be permitted by the Environmental Risk Management Authority under these regulations if the sale is for use at a gathering held for cultural or religious purposes.

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These regulations are administered in the Ministry for the Environment.
