

# **Fireworks (Amendment) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Mr David Amess, are published separately as Bill 106 – EN.

# Fireworks (Amendment) Bill

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## CONTENTS

- 1 Amendment of Fireworks Act 2003
- 2 Consequential amendments
- 3 Short title, commencement and extent

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Schedule 1 – New Schedule 1 to the 2003 Act  
Schedule 2 – Consequential amendments

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**B I L L**

TO

Amend the Fireworks Act 2003; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment of Fireworks Act 2003**

- (1) In the Fireworks Act 2003 (c. 22) ("the 2003 Act"), the following is inserted after section 5—

**“5A Prohibitions to include loud category 3 fireworks**

- (1) Where fireworks regulations impose a prohibition for a purpose referable to any of the consequences set out in section 2(2)(a) or (b), the fireworks to which the prohibition relates must include loud fireworks of category 3. 5
- (2) For the purposes of this Act a “loud firework” is a firework which does not meet the noise requirement set out in subsection (3). 10
- (3) The noise requirement is that the firework is materially identical to a specimen which, on testing in accordance with the relevant standard, was found to produce a noise, measured in accordance with the relevant standard, not exceeding 97 dBAI.
- (4) For the purposes of this section— 15
- (a) Part 3 of the British Standard Specification mentioned in section 1(1)(a) shall have effect subject to the modifications set out in Schedule 1,
- (b) the Secretary of State shall by fireworks regulations specify such modifications to any provisions of a British Standard Specification wholly or partly replacing that Part as he considers necessary to ensure that the replacement provisions have substantially the same effect as that Part as modified by Schedule 1, and 20
- (c) in this section the “relevant standard” means that Part, or its replacement, with those modifications. 25

- (2) The new Schedule set out in Schedule 1 to this Act is inserted immediately before the Schedule to the 2003 Act and becomes Schedule 1 to that Act.
- (3) The Schedule to the 2003 Act is numbered Schedule 2.

## **2 Consequential amendments**

Schedule 2 (consequential amendments) has effect. 5

## **3 Short title, commencement and extent**

- (1) This Act may be cited as the Fireworks (Amendment) Act 2006.
- (2) This Act comes into force at the end of the period of three months beginning with the date on which it is passed.
- (3) This Act extends to England and Wales only. 10

## SCHEDULES

### SCHEDULE 1

Section 1(2)

#### NEW SCHEDULE 1 TO THE 2003 ACT

Before the Schedule to the 2003 Act there is inserted –

#### “SCHEDULE 1

Section 5A(4)

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#### MODIFICATIONS TO PART 3 OF BS 7114 FOR THE PURPOSES OF SECTION 5A

- 1 The following text is added at the end of the “procedure” subsection of each of sections 3 to 27 of Part 3 so far as relating to devices in category 3 –

“*Noise testing: category 3 fireworks*

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The purpose of this test is to measure the impulsive sound pressure produced by the aural effects of the device.

Place the device at a height of one metre above the ground. Ignite the device.

Measure and record  $L_{A\text{I}max}$  for the duration of the aural effects of the device, using a sound measuring device which conforms to type 1 of BS EN 61672-1:2003 and BS EN 61672-2:2003 with a free-field microphone at a testing point one metre above ground and at a horizontal distance of 15 metres from the device.”

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- 2 The following text is added at the end of the “test report” subsection of each such section –

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“( ) the measurements recorded on noise testing.””

### SCHEDULE 2

Section 2

#### CONSEQUENTIAL AMENDMENTS

*The Fireworks Regulations 2004 (S.I. 2004/1836)*

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- (1) The Fireworks Regulations 2004 (S.I. 2004/1836) are amended in their application to England and Wales as follows.

- (2) In regulation 3 (interpretation), insert at the appropriate place –

““loud category 3 firework” means a category 3 firework which is a loud firework (within the meaning given by s. 5A(3) of the 2003 Act);”.

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- (3) In the heading before regulation 5 (prohibition of possession of category 4 fireworks), after “category 4” insert “and loud category 3”.

- (4) In regulation 5, after “firework” insert “or loud category 3”.
- (5) In paragraph (1) of regulation 7 (prohibition of use of certain fireworks at night), after “firework” insert “or a loud category 3 firework”.
- (6) For regulation 8 (prohibition of supply of excessively loud category 3 fireworks), substitute –
  - “Prohibition of supply of loud category 3 fireworks**
  - 8. No person shall supply, or offer or agree to supply, any loud category 3 firework.”.

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## B I L L

To amend the Fireworks Act 2003; and for connected purposes.

*Ordered to be brought in by Mr David Amess,  
Norman Baker, James Brokenshire,  
Mr Roger Gale, Dr Brian Iddon, Lynne Jones,  
Shona McIsaac, Rob Marris, Mr Eric Martlew,  
Bob Russell, Joan Walley  
and Miss Ann Widdecombe.*

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*Ordered, by The House of Commons,  
to be printed, 20th December 2005.*

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