

**Reprint
as at 15 May 2008**



**Hazardous Substances (Fireworks)
Regulations 2001**

(SR 2001/121)

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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry for the Environment.

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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—
(a) has the same meaning as in section 2 of the Act; and
(b) includes any pyrotechnic novelty or noise maker
pyrotechnic substance has the same meaning as in Part 2 of Schedule 1 of the Hazardous Substances (Classification) Regulations 2001
retail fireworks package means any package of fireworks that—
(a) is offered for retail sale as a single unit; and
(b) meets the requirements of regulation 10(4) of the Hazardous Substances (Packaging) Regulations 2001; and

- (c) if the package contains sparklers,—
 - (i) contains at least 3 other fireworks (not being sparklers) with a minimum pyrotechnic substance content of 15 g per item; and
 - (ii) contains no more than 50 sparklers, whether contained separately or in packets

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

sparkler means a firework made up of a rigid wire or non-metallic stick that is partially coated at one end with a slow-burning pyrotechnic substance, with or without an ignition tip, that is designed to be held in the hand and which emits sparks without a report.

Regulation 3 **firework**: substituted, on 23 September 2004, by regulation 3 of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 3 **retail fireworks package**: inserted, on 2 August 2007, by regulation 4(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 3 **sparkler**: added, on 2 August 2007, by regulation 4(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

4 Application

- (1) These regulations apply to fireworks with the hazard classification 1.3G, 1.4G, or 1.4S.
- (2) Despite subclause (1), regulations 6, 7, and 8 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.

Regulation 4(2): amended, on 28 August 2003, by regulation 3 of the Hazardous Substances (Fireworks) Amendment Regulations 2003 (SR 2003/179).

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 2 November 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 18 years.
- (4) A retailer must not sell any fireworks unless a test certificate for those fireworks that complies with regulation 10 has been issued.
- (5) A retailer must not sell a retail fireworks package containing any firework referred to in regulation 4(2).
- (6) A retailer must not sell sparklers unless they are contained in a retail fireworks package.

Regulation 6(1): amended, on 2 August 2007, by regulation 5(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 6(3): amended, on 2 August 2007, by regulation 5(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 6(5): added, on 23 September 2004, by regulation 4 of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 6(5): amended, on 2 August 2007, by regulation 5(3) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 6(6): added, on 2 August 2007, by regulation 5(4) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

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 or a consignment of retail fireworks packages into New Zealand must obtain a test certificate for all fireworks of each type within the consignment.
- (2) The manufacturer of a batch of fireworks or retail fireworks packages in New Zealand must obtain a test certificate for each batch and package.
- (3) An importer or manufacturer to whom subclause (1) or subclause (2) applies—
 - (a) must not supply fireworks or retail fireworks packages 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.

Regulation 9(1): substituted, on 2 August 2007, by regulation 6(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 9(2): substituted, on 2 August 2007, by regulation 6(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

Regulation 9(3)(a): amended, on 2 August 2007, by regulation 6(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

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.
- (1A) A test certificate may be issued by a test certifier for a retail fireworks package.
- (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 one 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 one 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.

Regulation 10(1A): inserted, on 2 August 2007, by regulation 7 of the Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186).

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 (except if the fireworks are of a kind referred to in regulation 4(2)); and

- (e) do not, if the fireworks are shaped as hand-held fireworks, discharge fire and burst the casing following ignition; and
 - (ea) are not in the shape of a gun, grenade, or similar device that could suggest the fireworks may be pointed or thrown at a person; 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, on discharge, result in hot or burning material falling to the ground in a manner that creates a hazard; and
 - (h) have a fuse burning time of not less than 3 seconds and not more than 11 seconds; and
 - (i) do not have a tube diameter of more than 22 mm; and
 - (j) when used produce a percussive effect that—
 - (i) is not greater than necessary to achieve the visual effect of the fireworks; and
 - (ii) is a subsidiary effect only; and
 - (k) when used produce a noise that is not more than 90 dB as measured—
 - (i) at a horizontal distance of 15 metres from, and at a height of 1 metre above, the location of the firework tested; and
 - (ii) by a sound measuring device that conforms with type 1 of BS EN 61672-1:2003, *Electroacoustics. Sound level meters. Specifications*.
- (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.

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**Hazardous Substances (Fireworks)
Regulations 2001**

Regulation 11(1)(d): amended, on 23 September 2004, by regulation 5(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 11(1)(ea): inserted, on 23 September 2004, by regulation 5(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 11(1)(g): amended, on 28 August 2003, by regulation 4 of the Hazardous Substances (Fireworks) Amendment Regulations 2003 (SR 2003/179).

Regulation 11(1)(h): amended, on 23 September 2004, by regulation 5(3) of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 11(1)(i): added, on 23 September 2004, by regulation 5(4) of the Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252).

Regulation 11(1)(i): amended, on 15 May 2008, by regulation 4(1) of the Hazardous Substances (Fireworks) Amendment Regulations 2008 (SR 2008/103).

Regulation 11(1)(j): added, on 15 May 2008, by regulation 4(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2008 (SR 2008/103).

Regulation 11(1)(k): added, on 15 May 2008, by regulation 4(2) of the Hazardous Substances (Fireworks) Amendment Regulations 2008 (SR 2008/103).

Martin Bell,
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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Notes**1 General**

This is a reprint of the Hazardous Substances (Fireworks) Regulations 2001. The reprint incorporates all the amendments to the regulations as at 15 May 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Hazardous Substances (Fireworks) Amendment Regulations 2008 (SR 2008/103)
Hazardous Substances (Fireworks) Amendment Regulations 2007 (SR 2007/186)
Hazardous Substances (Fireworks) Amendment Regulations 2004 (SR 2004/252)
Hazardous Substances (Fireworks) Amendment Regulations 2003 (SR 2003/179)
