Hazardous Substances (Fireworks) Amendment Regulations 2007

Preamble

At Wellington this 2nd day of July 2007

Pursuant to sections 75(1)(a) and 140(1)(f) and (r) of the Hazardous Substances and New Organisms Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

These regulations are the Hazardous Substances (Fireworks) Amendment Regulations 2007.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

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

4 Interpretation

(1) Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:

"**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".

(2) Regulation 3 is amended by adding the following definition:

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

5 Display and sale of fireworks

(1) Regulation 6(1) is amended by omitting "27 October" and substituting "2 November".

(2) Regulation 6(3) is amended by omitting "14 years" and substituting "18 years".

(3) Regulation 6(5) is amended by omitting "package of fireworks" and substituting "retail fireworks package".

(4) Regulation 6 is amended by adding the following subclause:

"(6) A retailer must not sell sparklers unless they are contained in a retail fireworks package."

6 Importer or manufacturer must obtain test certificate

(1) Regulation 9 is amended by revoking subclauses (1) and (2) and substituting the following subclauses:

"(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."

(2) Regulation 9(3)(a) is amended by inserting "or retail fireworks packages" after "must not supply fireworks".

7 Requirements for issue of test certificates

Regulation 10 is amended by inserting the following subclause after subclause (1):

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

Diane Morcom,

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 28 days after the date of their notification in the *Gazette*, amend the Hazardous Substances (Fireworks) Regulations 2001.

The amendment—

- inserts definitions for retail fireworks package and sparkler:
- shortens the fireworks sale period from 10 days to 4 days:
- raises the legal age limit for purchasing fireworks from 14 years to 18 years:
- provides that a retailer must not sell sparklers unless they are contained in a retail fireworks package:
- provides that test certificates may be issued for a retail fireworks package.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 July 2007.