

法令文件

1997 年第 2294 號

消費者保護

1997 年煙火(安全)規則

制定日	1997 年 9 月 23 日
提交國會備查日	1997 年 9 月 24 日
生效日	
第 3 條第(2)項	1997 年 12 月 31 日
第 4 條第(1)項(b)款	
第 4 條第(2)項(f)款	
第 7 條	
其餘條款	1997 年 10 月 15 日

鑒於 國務大臣依 1987 年消費者保護法^(註 a)第 11 條第 5 項之規定，就其認為與本規則具有重大利害關係之代表性組織，及其認為適當之人，及健康安全委員會已為諮詢。

因此，國務大臣本於該消費者保護法第 11 條授與之權利規定，特制定下列規則：

(註 a) 1987 c. 43

STATUTORY INSTRUMENTS

1997 No. 2294

CONSUMER PROTECTION

The Fireworks (Safety) Regulations 1997

Made	23rd September 1997
Laid before Parliament	24th September 1997
Coming into force	
Regulations 3(2), 4(1)(b), 4(2)(f) and 7	
	31st December 1997
Remainder	15th October 1997

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987^(a), 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 on her by section 11 of that Act hereby makes the following Regulations:

^(a) 1987 c. 43

名稱、生效、廢止及適用

- 1-(1) 本規則之名稱為 1997 年煙火(安全)規則。除下列本條第(2)項另有規定外，本規則應自 1997 年 10 月 15 日起生效。
- (2) 本規則第 3 條第(2)項、第 4 條第(1)項(b)款、第 4 條第(2)項(f)款及第 7 條，應自 1997 年 12 月 31 日起生效。
- (3) 1996 年煙火(安全)規則^(註 b)，即日起廢止。
- (4) 本規則不適用於北愛爾蘭。

釋義

2-(1) 本規則中一

“空中煙火”，係指某煙火一

- (a) 設計為自迫擊砲發射；
(b) 包括推進火藥及爆炸火藥；及

(c) 其機能包括升空及音爆；
惟為避免質疑，應不包括火箭式；

“空中砲彈”，係指某煙火一

- (a) 設計為自迫擊砲發射；
(b) 包括推進火藥及爆炸火藥；
(c) 包括煙火包，或未包裝的煙火混合物，或煙火包及未包裝的煙火混合物二者；及

^(註 b) S.I. 1996/3200

Citation, commencement, revocation and extent

- 1-(1) These Regulations may be cited as the Fireworks (Safety) Regulations 1997 and, except as provided for by paragraph (2) below, shall come into force on 15th October 1997.
- (2) Regulations 3(2), 4(1)(b), 4(2)(f) and 7 shall come into force on 31st December 1997.
- (3) The Fireworks (Safety) Regulations 1996^(b) are hereby revoked.
- (4) These Regulations shall not extend to Northern Ireland.

Interpretation

2-(1) In these Regulations

"aerial maroon" means a firework

- (a) which is designed to be projected from a mortar;
(b) which contains a propellant charge and a bursting charge;
and
(c) whose functioning involves ascent and report;
but, for the avoidance of doubt, shall not include a rocket;

"aerial shell" means a firework

- (a) which is designed to be projected from a mortar;
(b) which contains a propellant charge and a bursting charge;
(c) which contains pyrotechnic units or loose pyrotechnic composition, or both pyrotechnic units and loose pyrotechnic composition; and

^(b) S.I. 1996/3200

(d) 其機能包括升空，及其後之煙火盒爆炸，及任何煙火包之彈射；

惟為避免質疑，應不包括火箭式。

“空中炸彈”，係指機能僅為彈射某單一煙火包而組成之羅馬蠟燭式。其主要效果是音爆；

“玩具雷管”，係指某煙火為供玩具使用而設計之撞擊帽。該煙火由含撞擊感應煙火混合物之紙包所組成，並作成為捲狀之一部分；

“煙火組合”，係指包括任何煙火之某煙火組合；

“聽覺效果”，不包括附隨視覺效果發生之任何效果；

“鞭炮”，係指除空中炸彈外之某煙火一

(a) 由含黑色火藥及引信之真空管組成；

(b) 其機能主要為音爆；

“煙火列”，係指依本規則附表三所列之同類型二個或二個以上煙火所組成之某煙火組合，並具有一個引燃點；

“黑色火藥”，係指包括碳元素，及硝酸鉀或硝酸鈉在內之直接混合物，或其他包括硫磺在內之類似混合物之爆炸混合物；

“BS7114”，係指(依本條下列第4項規定)由下列英國標準規格組成之一

(a) BS7114 第一篇(1988)，1988年11月30日為煙火分類

(d) whose functioning involves ascent and subsequent bursting of the firework case and ejection of any pyrotechnic units; but, for the avoidance of doubt, shall not include a rocket;

"air bomb" means a Roman candle whose functioning comprises only the ejection of a single pyrotechnic unit, the principal effect of which is a report;

"amorce" means a firework which is a percussion cap designed for use in toys, which comprises a paper envelope containing a dot of impact-sensitive pyrotechnic composition and which forms part of a roll;

"assembly" means an assembly which includes any firework;

"aural effect" does not include any effect which is only incidental to a visual effect;

"banger" means a firework (other than an air bomb)

(a) which comprises a tube which contains black powder and has a fuse; and

(b) whose functioning principally involves report;

"battery" means an assembly which includes two or more fireworks of the same type, being a type listed in Schedule 3 to these Regulations, and which has one point of ignition;

"black power" means explosive composition which is an intimate mixture of carbon and either potassium nitrate or sodium nitrate, or a similar mixture also containing sulphur;

"BS 7114" means (subject to paragraph (4) below) the British Standard Specification comprising the following parts

(a) BS 7114: Part 1: 1988, the British Standard Specification for

所公佈之英國標準規格^(註a)；

(b) BS7114 第二篇(1988)，1988年11月30日為煙火所公佈之英國標準規格^(註b)；及

(c) BS7114 第三篇(1988)，1988年11月30日為煙火測試方法所公佈之英國標準規格^(註c)；

因此，BS7114第一、二、三篇所用名詞，應參照上開標準規格解釋：

“帽式”，係指為玩具使用而設計之某煙火(為避免置疑，應包括玩具雷管)，該煙火由一含撞擊感應煙火混合物在內之非金屬袋或杯所組成，當其受到撞擊時，即能產生音爆；

“第一類煙火”，係指依BS7114第一篇所分類之第一類煙火，並包括任何依此分類之煙火組合；

“第二類煙火”，係指依BS7114第二篇分類下之第二類煙火，並包括任何依此分類之煙火組合。又，任何第二類煙火論及之特殊煙火或煙火組合，亦應為相同解釋。

“第二類火箭”，係指某煙火一

(a) 由煙火混合物或煙火包(或二者)裝上一支或數支為穩定飛行而使用之木棒所組成之筒狀物；

(註a) ISBN 0 580 17026 8

(註b) ISBN 0 580 17027 6

(註c) ISBN 0 580 17028 4

classification of fireworks published on 30 November 1988^(a);

(b) BS 7114: Part 2: 1988, the British Standard Specification for fireworks published on 30 November 1988^(b); and

(c) BS 7114: Part 3: 1988, the British Standard Specification for methods of test for fireworks published on 30 November 1988^(c);

and references to Parts 1, 2 and 3 of BS 7114 shall be construed accordingly:

"cap" means a firwork (including, for the avoidance of doubt, an amorce) designed for use in toys which comprises a non-metallic envelope or cup containing a dot of impact-sensitive pyrotechnic composition, and which produces a report when it is hit;

"category 1 firework" means a firework classified as category 1 under Part 1 of BS 7114 and includes any assembly so classified;

"category 2 firework" means a firework classified as category 2 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being "in category 2" shall be construed accordingly;

"category 2 rocket" means a firework

(a) which comprises a tube containing pyrotechnic composition or pyrotechnic units (or both) equipped with a stick or sticks for the purpose of stabilising its flight;

(a) ISBN 0 580 17026 8

(b) ISBN 0 580 17027 6

(c) ISBN 0 580 17028 4

- (b) 其機能上設計為自力推動進入空中；及
- (c) 為第二類煙火；

“第三類煙火”，係指依 BS7114 第一篇所分類之第三類煙火，並包括任何依此分類之煙火組合。又，任何第三類煙火論及之特殊煙火或煙火組合，亦應為相同之解釋。

“第三類火箭”，係指某煙火一

- (a) 由煙火混合物或煙火包(或二者)裝上一支或數支為穩定其飛行而使用之木棒，或其他為穩定飛行而使用之工具所組成之筒狀物；

- (b) 其機能上設計為自力推動進入空中；及

- (c) 為第三類煙火；

“第四類煙火”係指依 BS7114 第一篇所分類之第四類煙火，並包括任何依此分類之煙火組合；

“聯合式”係指除煙火列外之某煙火組合。該煙火組合包括二個或二個以上之煙火(指依本規則附表三所列之煙火)及具有一個引燃點；

“拉爆炸”係指某煙火一

- (a) 由二個重疊條狀卡或紙張，附隨以滑動接觸研磨面之摩擦感應爆炸混合物所組成；及

- (b) 當拉扯分離時，能產生音爆；

“煙火”係指意圖供娛樂方式使用之某裝置，該裝置包括或

- (b) which is designed so that, on functioning, it propels itself into the air; and

- (c) which is a category 2 firework;

"category 3 firework" means a firework classified as category 3 under Part 1 of BS 7114 and includes any assembly so classified, and any reference to a particular firework or assembly being "in category 3" shall be construed accordingly;

"category 3 rocket" means a firework

- (a) which comprises a tube containing pyrotechnic composition or pyrotechnic units (or both) equipped with a stick or sticks for the purpose of stabilising its flight; or with some other means for that purpose;

- (b) which is designed so that, on functioning, it propels itself into the air; and

- (c) which is a category 3 firework;

"category 4 firework" means a firework classified as category 4 under Part 1 of BS 7114 and includes any assembly so classified;

"combination" means an assembly, other than a battery, which includes two or more fireworks (both or all of which are listed in Schedule 3 to these Regulations) and which has one point of ignition;

"cracker snap" means a firework

- (a) which comprises two overlapping strips of card or paper with a friction-sensitive explosive composition in sliding contact with an abrasive surface; and

- (b) which produces a report when pulled apart;

"firework" means a device intended for use as a form of

合併爆炸混合物或煙火混合物(或二者)，並且機能上可燃燒或爆炸(或二者)而產生視覺或聽覺上效果(或二者)；

“不規則飛行煙火”係指某煙火可在事先預定之範圍內或外，延著地面不規則軌道或路徑前進；

“火樹銀花”係指某煙火—

- (a) 由一個包括意圖產生火花及火焰之煙火混合物所組成之盒子；
- (b) 發射前，設計置放或固定於地面，或附著於其支撐物上；及
- (c) 其機能包括火花及火焰之噴射，不論有無聽覺效果(除音爆外)。

“地方主管機關”係指—

- (a) 英格蘭部分：郡議會、地區議會或倫敦自治區議會、倫敦市共同議會，或 Scilly 島議會；
- (b) 威爾斯部分：郡議會、或郡自治區議會；及
- (c) 蘇格蘭部分：依 1994 年(蘇格蘭)地方政府法^(註 a)第二條設立之議會；

“迫擊砲煙火式”係指—

^(註 a) 1987 c. 43

entertainment which contains, or otherwise incorporates, explosive composition or pyrotechnic composition (or both), and which, upon functioning, burns or explodes (or both) to produce a visual or aural effect (or both);

"firework of erratic flight" means a firework whose functioning involves it following a random trajectory or a random path along the ground, whether or not it functions within a pre-determined range;

"fountain" means a firework

- (a) which comprises a case containing pyrotechnic composition intended to produce sparks and flames;
- (b) which is designed to be placed on or fixed in the ground or fixed to a support prior to functioning; and
- (c) whose functioning involves the emission of sparks and flames, either with aural effect (other than report) or without aural effect;

"local authority" means

- (a) in relation to England, a county council, a district council or a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council; and
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994^(a);

"maroon-in-mortar" means

^(a) 1987 c. 43

- (a) 由迫擊砲內之空中煙火組成之某煙火組合，該空中煙火並設計為可自砲口發射；
- (b) 由二個或二個以上之迫擊砲所組成，其中之一含空中煙火，該空中煙火並設計為可自砲口發射；

“地雷式”係指某煙火—

- (a) 由推進火藥或煙火包所組成之筒狀物；

- (b) 發射前，設計置放或固定，或局部埋設於地下；及

- (c) 其機能包括所有煙火包在單一爆炸中之彈射，並在空中產生擴散之視覺及聽覺效果，或此種聯合效果；

“迷你火箭式”係指某煙火在機能設計上為自力推動進入空中，並由下列規定組成之筒狀物—

- (a) 其外部直徑最大直徑點，不得超過 12 公厘；

- (b) 包括煙火混合物或煙火包；

- (c) 為穩定飛行之目的，配備有一支或數支木棒；及

- (d) 其整體長度(包括任何木棒長度)不得超過 300 公厘；

“新奇仙女棒”係指由導火線及少許煙火混合物組成之某煙火。點燃時，設計上可用手持有，且其機能包括音爆或產生視覺效果，或二者；

- (a) an assembly comprising an aerial maroon inside a mortar, from which the aerial maroon is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial maroon, where the maroon is designed to be projected from the mortar;

"mine" means a firework

- (a) which comprises a tube containing a propellant charge and pyrotechnic units;
- (b) which is designed to be placed on, or fixed or partly buried in, the ground prior to functioning; and
- (c) whose functioning involves the ejection of all its pyrotechnic units in a single burst, producing a widely dispersed visual or aural effect in the air, or a combination of such effects;

"mini-rocket" means a firework which is designed so that, on functioning, it propels itself into the air and which comprises a tube

- (a) the outside diameter of which, at the point where that diameter is greatest, is less than 12.0 millimetres;
- (b) which contains pyrotechnic composition or pyrotechnic units;
- (c) which is equipped with a stick or sticks for the purposes of stabilising its flight; and
- (d) whose overall length (including the length of any stick or sticks) is no more than 300 millimetres;

"novelty match" means a firework comprising a match with a dot of pyrotechnic composition which is designed to be held in the hand while functioning and whose functioning involves report or the

“宴會拉炮”係指由下列裝置組成之某煙火—

- (a) 當使用時，設計上該裝置可用手持有；
- (b) 該裝置係經由一條拉線與研磨式表面以滑動接觸磨擦感應煙火混合物而使用；及
- (c) 其機能包括音爆及飾帶或五彩碎紙之彈射，或二者；

“原裝式”係指預定以單一包裝方式零售同類型之捆裝煙火，該全部捆裝煙火或為第一類煙火，或為第二類煙火，或為第三類煙火。

“煙火混合物”係非經設計為藉由熱量、光能、聲音、氣體或煙霧或上述綜合而成有自行散熱作用、非爆炸性之化學反應而產生某效果之物質或物質混合物。

“火箭式”係指某煙火—

- (a) 由煙火混合物或煙火包 (或二者) 裝上為穩定飛行目的之一支或數支木棒，或其他為同一目的而配備之其他工具所組成之筒狀物；及
- (b) 其設計為引爆後會自行彈入空中。

“羅馬蠟燭式”係指某煙火—

- (a) 由一個或數個交替式推進火藥或煙火包，及一個或數個傳導引信所組成之筒狀物；及

production of visual effects, or both;

"party popper" means a firework comprising a device

- (a) which is designed to be held in the hand while functioning;
- (b) which is operated by a pull-string with an abrasive surface in sliding contact with a friction-sensitive pyrotechnic composition; and
- (c) whose functioning involves report with the ejection of streamers or confetti, or both;

"primary pack" means a package of fireworks of the same type, all of which are either category 1 fireworks, category 2 fireworks or category 3 fireworks, which is intended to be offered for retail sale as a single unit;

"pyrotechnic composition" means a substance or a mixture of substances designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions;

"rocket" means a firework

- (a) which comprises a tube containing pyrotechnic composition or pyrotechnic unit (or both) equipped with a stick or sticks for the purpose of stabilising its flight, or with some other means for that purpose; and
- (b) which is designed so that, on functioning, it propels itself into the air;

"Roman candle" means a firework

- (a) which comprises a tube containing alternate propelling charge or charges and pyrotechnic unit or units with one or

- (b) 其機能包括一個或數個煙火包之連續發射，並在空中製造視覺及聽覺效果，或此種效果之連串或聯合效果；

“精選包式”係指預定以單一包裝方式零售一種以上煙火之煙火包；

“蛇形煙火”係指由預先排列成形且不論有無撐物之煙火混合物所組成之煙火，其機能包括製造擴散殘留物；

“空中彩繪”係指某煙火組合—

- (a) 由煙火混合物連接煙火引信所組成之筒狀物；
- (b) 包括或不包括本規則附表三所列之一種或一種以上煙火；及
- (c) 經由火花或火焰（或二者）之噴射創造圖形（動態或其他方式）、符號、圖樣或訊息；

“迫擊砲彈式”係指—

- (a) 某煙火組合，由迫擊砲內之空中砲彈所組成，該空中砲彈並設計為發射用；或
- (b) 某煙火組合，由二個或二個以上之迫擊砲組成，其中一個迫擊砲內有空中砲彈，該空中砲彈並設計為發射用；

“煙霧裝置式”係指由事先排列成形之煙火混合物，或罐裝式煙火混合物組成之煙火，該煙火機能上可噴射煙霧；

more transmitting fuses; and

- (b) whose functioning involves the ejection of a pyrotechnic unit or of pyrotechnic units in succession, producing a visual or aural effect, or a series or combination of such effects, in the air;

"selection pack" means a package of fireworks of more than one type intended to be offered for retail sale as a single unit;

"serpent" means a firework comprising a pre-formed shape of pyrotechnic composition, with or without support, whose functioning involves the generation of expanded residue;

"set piece" means an assembly

- (a) which consists of tubes containing pyrotechnic composition linked by a pyrotechnic fuse;
- (b) which may or may not include one or more fireworks listed in Schedule 3 to these Regulations; and
- (c) which, by the emission of sparks or flames (or both), functions to create a picture (moving or otherwise), symbol, design or message;

"shell-in-mortar" means

- (a) an assembly comprising an aerial shell inside a mortar, from which the aerial shell is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial shell, where the shell is designed to be projected from the mortar;

"smoke device" means a firework which comprises a pre-formed shape of pyrotechnic composition or pyrotechnic composition in a

“火花式”係指由局部塗上慢性燃燒煙火混合物之硬電線所組成之煙火，其機能包括無音爆之火花噴射；

“供應”包括供給之要約、供給之同意，為供給而陳列，及為供給而持有，及應為相同解釋之同源辭句；

“平台式炸彈”係指某煙火—

(a) 由紙張、紙板或塑膠管附隨堅固底部及密封頂部所組成；

(b) 包括一個推進火藥及非煙火物體；及

(c) 其機能包括音爆，及飾帶或新奇物，或飾帶及新奇物之噴射；

“摔炮”係指某煙火由撞擊感應爆炸混合物，及以紙張或錫箔紙包裝之粒狀遲鈍物質所組成，且當該煙火摔於地面時，機能上會產生音爆；

“視覺效果”，不包括附隨聽覺效果發生之任何效果；及

“輪式”係指某煙火組合—

(a) 包括一個或數個含煙火混合物之筒狀物；

(b) 被設計為附著於某支撐物，並旋轉某定著點及中心軸。該煙火組合並裝設一個工具，藉以固定該支撐物以利其旋轉；及

container and which, on functioning emits smoke;

"sparkler" means a firework comprising a rigid wire partially coated with slow-burning pyrotechnic composition, whose functioning involves the emission of sparks without report;

"supply" includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

"table bomb" means a firework

(a) which comprises a paper, cardboard or plastic tube with a firm base and closed top;

(b) which contains a propellant charge and non-pyrotechnic objects; and

(c) whose functioning involves report with the ejection of streamers or novelties, or both;

"throwdown" means a firework comprising impact-sensitive explosive composition and grains of inert material wrapped in paper or foil and which functions to produce a report when thrown onto the ground;

"visual effect" does not include any effect which is only incidental to an aural effect; and

"wheel" means an assembly

(a) which includes a tube or tubes containing pyrotechnic composition;

(b) which is designed to be attached to a support and rotate about a fixed point or axis and which is provided with a means of attaching it securely to such a support so that it can so rotate;

- (c) 其機能包括圖著定著點旋轉，及不論有無聽覺效果之火花及火焰噴射。
- (2) 依本條下列第(4)項規定，本規則中任何參照 BS7114 部分，係指參照本規則制定時該標準已生效部分。但本規則制定後，該標準所為之修正或修訂業經國務大臣核准時，該經核准之修正或修訂標準，亦應隨時適用之。
- (3) BS7114(當依本條下列第(4)項解讀時，亦包括 BS7114 第三篇) 參照其他標準而列舉相關必要條件時，該參照應解釋為參照本規則完成時，該其他標準已生效部分。但該其他標準於本規則制定後有修正或修訂之情形時，該修正或修訂經國務大臣批准後，亦應隨時適用之。
- (4) 為本規則之目的，BS7114 第三篇應依照本規則附表一列舉之修正案適用。
- (5) 若本規則論及之煙火或煙火組合，符合歐洲經濟體會員國，或任何其他歐洲經濟區域內國家承認使用之標準或規

- and
- (c) whose functioning involves rotation around a fixed point and the emission of sparks and flames, with or without aural effect.
- (2) Subject to paragraph (4) below, any reference in these Regulations to BS 7114 is a reference to that standard as it has effect when these Regulations are made, provided that where that standard is amended or revised after these Regulations are made and the amendment or revision is approved by the Secretary of State, that reference shall be construed at any time after such approval as a reference to that standard as so amended or revised.
- (3) Where BS 7114 (including Part 3 of BS 7114 when read in accordance with paragraph (4) below) specifies relevant requirements by reference to another standard, that reference shall be construed as a reference to that other standard as it has effect when these Regulations are made, provided that where any such other standard is amended or revised after these Regulations are made and the amendment or revision is approved by the Secretary of State, that reference shall be construed at any time after such approval as a reference to that other standard as so amended or revised.
- (4) For the purposes of these Regulations, Part 3 of BS 7114 shall be read subject to the amendments set out in Schedule 1 to these Regulations.
- (5) Subject to paragraph (6) below, the requirements of regulations 3(1) and (2) and 7 below are satisfied if the firework or assembly

格，且符合下列第(6)項規定時，即為該當本規則下列第3條第(1)項及第(2)項及第7條之必要條件。但該標準或規格之安全標準，至少須等同於上述必要條件所遵守之安全標準。又，其他本規則所定之必要條件，亦應為相同之解釋。

- (6) 為避免質疑，上述第(5)項所論及之標準及規格，如係以英文以外之語言規定標籤或標誌時，則在此範圍內不應被認為是已提供相當於同等級之安全標準。

第一、二、三類煙火安全必要條件及供應之禁止

- 3-(1) 依本條第(3)項第(4)項規定，及不違反下列第7條規定之情況下，任何人不得供給於依 BS7114 第三篇所定(若有)適當測試方式測試時，不符合 BS7114 第二篇所定相關必要條件之第一、二、三類煙火。
- (2) 依本條第(4)項及下列第5條規定，任何人不得供給本規則附表二論及之任何煙火或煙火組合，倘該煙火或煙火組合與表列之煙火或煙火組合所規定之尺寸、重量要求不相符合時。

in question conforms to any standard or specification recognised for use in a member State of the European Economic Community or any other State within the European Economic Area, provided that conformity to such a standard or specification provides a level of safety at least equivalent to that which would be provided by compliance with those requirements, and any reference to those requirements shall be construed accordingly.

- (6) For the avoidance of doubt, a standard or specification referred to in paragraph (5) above shall not be considered to provide at least an equivalent level of safety to the extent that it provides for labelling or marking in any language other than English.

Safety requirements for category 1, 2 and 3 fireworks and prohibitions on supply

- 3-(1) Subject to paragraphs (3) and (4) and without prejudice to regulation 7 below, no person shall supply a category 1 firework, a category 2 firework or a category 3 firework which does not comply with the relevant requirements of Part 2 of BS 7114 when tested in accordance with the appropriate test method (if any) in Part 3 of BS 7114.
- (2) Subject to paragraph (4) and regulation 5 below, no person shall supply any firework or assembly referred to in Schedule 2 to these Regulations which contravenes the size or weight requirements specified for that firework or assembly in that Schedule.

- (3) 上述第(1)項並不適用於設計上為手持之火花式煙火，但以該火花式煙火僅抵觸該項有關長度超過 450 公厘部分，而未超過 470 公厘者為限。
- (4) 為本條上述第(1)項及第(2)項之目的，其他應被歸為第二類或第三類煙火之煙火或煙火組合，不得因該類煙火之供應為本條上述第(2)項或本規則下列第 4 條第(2)項(a)款(c)款(d)款(e)款(f)款或(g)款所禁止，而認其非第二類或第三類煙火。

煙火及煙火組合供應之禁止

- 4-(1) 依本條第(3)項規定，任何人不得供給－
- (a) 任何不規則飛行煙火；或
 - (b) 任何迷你火箭式煙火。
- (2) 依本規則下列第 5 條規定，任何人不得供給－
- (a) 任何空中砲彈、迫擊砲彈式、空中煙火或迫擊砲煙火式，或任何內有一個引燃點之一個或一個以上之空中砲彈或空中煙火；
 - (b) 依本項上述(a)款或下述(c)款(d)款(e)款(g)款所規定禁止供應煙火外之任何第四類煙火；
 - (c) 任何包括鞭炮之煙火列；
 - (d) 任何包括一種或一種以上鞭炮在內之聯合式煙火(不包括輪式)；

- (3) Paragraph (1) above shall not prohibit the supply of any sparkler designed to be held in the hand which contravenes that paragraph by reason only that it is more than 450 millimetres in length, so long as it is not more than 470 millimetres in length.
- (4) For the purposes of paragraphs (1) and (2) above, no firework or assembly which would otherwise be a category 2 firework or a category 3 firework shall be taken not to be a category 2 firework or a category 3 firework solely because its supply is prohibited by paragraph (2) above or by regulation 4(2)(a), (c), (d), (e) or (f) below.

Prohibitions on supply of certain fireworks and assemblies

- 4-(1) Subject to paragraph (3) below, no person shall supply
- (a) any firework of erratic flight; or
 - (b) any mini-rocket.
- (2) Subject to regulation 5 below, no person shall supply
- (a) any aerial shell, shell-in-mortar, aerial maroon or maroon-in-mortar or any assembly which includes one or more aerial shells or aerial maroons and which has one point of ignition;
 - (b) any category 4 firework other than one whose supply is prohibited by sub-paragraph (a) above or (c), (d), (e) or (g) below;
 - (c) any battery containing bangers;
 - (d) any combination (other than a wheel) which includes one or more bangers;

- (e) 依本條下述第(4)項規定，任何歸第二類煙火鞭炮以外之鞭炮；
 - (f) 依本條下述第(4)項規定，任何依本項上述(e)款規定所禁止供應之鞭炮以外之鞭炮；或
 - (g) 本規則附表三未刊之任何煙火或煙火組合。
- (3) 任何不規則飛行煙火，或任何迷你火箭式煙火之供應，於任何人在商業或業務過程中，因戲劇、電影、電視之特殊效果目的而使用時，上述第(1)項規定，不適用之。
- (4) 任何鞭炮為輪式煙火之一部時，上述第(2)項(e)款及(f)款，不適用之。

本規則第3條第(2)項及第4條第(2)項之例外

- (5) 本規則上述第3條第(2)項及第4條第(2)項之規定，不適用於煙火或煙火組合供應給下列之人或組織—
- (a) 任何以煙火展示為業之專業組織或專業經營人；
 - (b) 依本規則條款供給煙火之任何以煙火或煙火組合供應為其營業全部或一部之人；
 - (c) 任何地方主管機關為煙火展示之目的，而由該機關備份，或國家公眾慶典，或國家紀念性場合時，該管機關之使用；

- (e) subject to paragraph (4) below, any banger other than a banger which is a category 2 firework;
 - (f) subject to paragraph (4) below, any banger other than a banger whose supply is prohibited by sub-paragraph (e) above; or
 - (g) any firework or assembly which is not listed in Schedule 3 to these Regulations.
- (3) Paragraph (1) above shall not prohibit the supply of any firework of erratic flight or any mini-rocket to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television.
- (4) Paragraphs (2)(e) and (f) above shall not apply to any banger supplied as part of a wheel.

Exceptions to regulations 3(2) and 4(2)

- (5) Regulations 3(2) and 4(2) above shall not prohibit the supply of any firework or assembly to
- (a) any person who is in business as a professional organiser or professional operator of firework displays;
 - (b) any person, being a person whose trade or business (or part of whose trade or business) is the supply of fireworks or assemblies, for the purpose of supplying them in accordance with the provisions of these Regulations;
 - (c) any local authority for the purposes of a firework display put on by that authority or for use by that authority at a national public celebration or a national commemorative event;

- (d) 任何人在其商業或營業過程中，因戲劇、電影、或電視特殊效果目的之使用；
- (e) 任何地方主管機關，軌法機關或其他單位，倘因該機關或單位—
 - (i) 有本規則討論之煙火或煙火組合相關法令授與之執法權力；及
 - (ii) 於購買煙火及煙火組合前，通知供應商該次購買目的，係為探究這些煙火或煙火組合，是否與某法令所定有關該煙火及煙火組合之安全規定有所抵觸。
- (f) 任何英國政府下的部會，為煙火展示之目的，而由該部會備份，或國家公眾慶典，或國家紀念性場合時，該管部會之使用，或該管部會為研究、調查之目的而使用。
- (g) 任何人—
 - (i) 係意圖結合煙火或煙火組合而使用之他種商品供應業者；及
 - (ii) 意圖使用本規則所定之煙火或煙火組合，其目的僅係為測試該煙火或煙火組合結合使用時之商品，是否該商品會展現預期之機能，及符合法令所定有關

- (d) any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;
- (e) any local authority, enforcement authority or other body, where that authority or body
 - (i) has enforcement powers, conferred by or under any enactment, applying to the firework or assembly in question; and
 - (ii) before it purchases the goods, informs the supplier that the purchase is to be made for the purposes of ascertaining whether any provision made by or under any enactment and relating to the safety of the goods has been contravened in relation to those goods;
- (f) any department of the Government of the United Kingdom for the purposes of a firework display put on by that department, for use by that department at a national public celebration or a national commemorative event or for use by that department for research or investigations purposes;
- (g) any person who
 - (i) is in business as a supplier of goods designed and intended for use in conjunction with fireworks or assemblies; and
 - (ii) intends to use the firework or assembly in question solely for the purposes of testing those goods to ensure that, when used in conjunction with fireworks or assemblies of the same type, they will perform their

該商品安全之任何規定；或

- (h) 任何英國皇家空軍、陸、海軍設施，因煙火展示，或國家公眾慶典，或國家紀念性場合所使用。

煙火及煙火組合供應給明顯十八歲以下青少年之禁止

6-(1) 依下述第(2)項規定，任何人不得供應煙火或煙火組合給年齡明顯在十八歲以下之人。

- (2) 前述第(1)項，就任何帽式，拉鞭炮，新奇仙女棒，宴會拉炮，蛇形煙火或摔炮，不適用之。

某些煙火或煙火組合附加標記之必要條件

7-(1) 任何人不得供給一

- (a) 依本規則上述第 4 條第(2)項所禁止供給之任何煙火或煙火組合。但本規則上述第 5 條不在禁止之列。
- (b) 本規則附表二列舉之任何煙火或煙火組合，其尺寸、重量之必要條件與該表所列之該當煙火或煙火組合之必要條件不相符合時；或
- (c) 任何不規則飛行煙火或迷你火箭式，其供應為本規則上

intended function or comply with any provision made by or under any enactment and relating to the safety of those goods; or

- (h) any establishment of the naval, military or air forces of the Crown for the purposes of a firework display or for use at a national public celebration or a national commemorative event.

Prohibition on supply of fireworks and assemblies to persons apparently under the age of eighteen years

6-(1) Subject to paragraph (2) below, no person shall supply any firework or any assembly to any person apparently under the age of eighteen years.

- (2) Paragraph (1) above shall not prohibit the supply of any cap, cracker snap, novelty match, party popper, serpent or throwdown.

Additional marking requirements for certain fireworks and assemblies

7-(1) No person shall supply

- (a) any firework or assembly whose supply would, but for regulation 5 above, be prohibited by regulation 4(2) above;
- (b) any firework or assembly listed in Schedule 2 to these Regulations which contravenes the size or weight requirements specified for that firework or assembly in that Schedule; or
- (c) any firework of erratic flight or mini-rocket whose supply

述第4條第(1)項所禁止。但本規則上述第4條第(3)項，不在此限。

除非煙火或煙火組合，或上述(c)款論及之煙火，供給之包裝上須標記文字“本裝置不得出售給一般大眾個人，或由一般大眾之個人使用。”

- (2) 任何人不得供給任何火花式煙火，除非包裝上標記文字“警告：不得給5歲以下小孩使用”。

原裝式及精選包式拆卸之禁止

8. 任何人，凡以零售方式供應煙火為業者，不論其營業範圍，均不得供給任何自原裝式或精選包式煙火中，其所拆卸，或使人拆卸，或明知為拆卸之煙火。

程式

9. 在英格蘭及威爾斯，治安法庭得依1987年^(註a)消費者保護法第12條規定審理有關與本規則抵觸之違法行為之告發，若該告發係於違法行為發生時十二個月內提出。在蘇格蘭，就此項違反行為，得於該違法行為發生後十二個月內，隨時以簡易程序行之。

^(註a) 1987 c. 43

would, but for regulation 4(3) above, be prohibited by regulation 4(1) above;

unless either the firework or assembly or, in the case only of a firework referred to in sub-paragraph (c) above, the packaging in which it is supplied is marked with the words "This device must not be sold to, or used by, a member of the general public".

- (2) No person shall supply any sparkler unless the packet in which is contained is marked with the words "Warning: not to be given to children under 5 years of age".

Prohibition on splitting up primary packs and selection packs

8. No person who carries on a business involving, to whatever extent, the supply of fireworks by retail shall supply any firework which he has removed, caused to be removed, or knows to have been removed from a primary pack or a selection pack.

Proceedings

9. In England and Wales a magistrates' court may try an information in respect of an offence under section 12 of the Consumer Protection Act 1987^(a) arising from a contravention of these Regulations if the information is laid within twelve months from the time when the offence was committed, and in Scotland summary proceedings for such an offence may be brought at any time within twelve months from the time when the offence was committed.

^(a) 1987 c. 43

Nigel Griffiths
工商部，競爭及消費者事務
議會助理大臣

1997年9月23日

附表一

本規則第2條第(4)項

BS7114 第三篇適用本規則時之修正

附件 A 測試紙
以下列取代附件 A 一

A.1 測試紙

A.1.1 必要條件

依 BS EN ISO 536^(註b)之規定，在 BS EN 20187^(註c)之條件限制下紙張之(公)克，應為 $70(\text{公})\text{克} / \text{公尺}^2 \pm 5(\text{公})\text{克} / \text{公尺}^2$

^(註b) BS EN ISO 536:1997 紙張及測試板(公)克之英國標準規格，1997年2月15日發行 ISBN 0 580 25355 4。

^(註c) BS EN 20187:1993 測試及限定紙張、板與紙漿，及檢測樣本條件與狀況之英國標準規格，1993年12月15日發行 ISBN 0 580 21881 3。

Nigel Griffiths,
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

23rd September 1997

SCHEDULE 1

Regulations 2(4)

AMENDMENTS SUBJECT TO WHICH PART 3 OF BS 7114
IS TO BE READ FOR THE PURPOSES OF THESE REGULATIONS

Appendix A. Test paper
Substitute the following for Appendix A

A.1 Test paper

A.1.1 Requirements

When determined in accordance with BS EN ISO 536^(b), after conditioning as specified in BS EN 20187^(c), the grammage of the paper shall be $70\text{g/m}^2 + 5\text{g/m}^2$.

^(b) BS EN ISO 536: 1997, the British Standard Specification for paper and board-determination of grammage, published on 15th February 1997. ISBN 0 580 25355 4.

^(c) BS EN 20187: 1993, the British Standard Specification for paper, board and pulps-standard atmosphere for conditioning and testing and procedure for monitoring the atmosphere and conditioning of samples, published on 15 December 1993. ISBN 0 580 21881 3.

A1.2 使用前之狀態調整

測試前至少 24 小時，將測試紙調整狀態為 $(20 \pm 4)^{\circ}\text{C}$ 及相對濕度為 $(65 \pm 5)\%$ 。

A.2 燃燒證明紙

使用前測試紙應符合 A.1.1 之規定及 A.3 規定之燒炙測試。依燒炙測試後，將無褪色痕跡之紙置於紙堆之最上層，並編號為 "6"，"7"，"8"，"9" 或 "10"。

A.3 燒炙測試

A.3.1 材料

A.3.1.1 紙煙，捲曲長度 70 公厘 \pm 4 公厘，直徑 8.0 公厘 \pm 0.5 公厘，及重 1.0(公)克 \pm 0.1(公)克，及依附件 D 測試時，其噴煙速度為 12.0 分鐘 \pm 3 分鐘內可達 50 公尺之距離。

A.3.2 器具

A.3.2.1 鐵板，重 225(公)克 \pm 1(公)克，尺寸如附圖 A.1，並於鐵板中央鑿一長方形洞口(如附圖)。於必要時，在鐵板四週鑽對稱式洞孔，鐵板重量應降為 225(公)克。

注意：附圖 A.1 所示四個洞孔，僅為例示用。

A.3.3 測試樣本

取 12 張紙，每一張至少 205 公厘 \times 105 公厘，將這些紙張連續編號(為區別用)，並堆置成疊，粗糙面(如有)置於最上層，最上層編號為 1。

A.1.2 Conditioning prior to use

The test paper shall be conditioned at $(20 \pm 4)^{\circ}\text{C}$ and $(65 \pm 5)\%$ relative humidity for at least 24h immediately prior to use.

A.2 Flame witness paper

The test paper shall comply with A.1.1 and shall also be subjected to the scorch test described in A.3 immediately prior to use. The highest sheet in the stack which shows no sign of discoloration after being subjected to the scorch test described shall be sheet '6', '7', '8', '9' or '10'.

A.3 Scorch test

A.3.1 Material

A.3.1.1 Cigarette(s), untipped, of length 70mm \pm 4mm, diameter 8.0mm \pm 0.5mm and mass 1.0g \pm 0.1g, and having a smouldering rate of 12.0 min \pm 3.0 min over 50mm distance when determined in accordance with appendix D.

A.3.2 Apparatus

A.3.2.1 Metal plate, mass 225g \pm 1g, dimensions as shown in figure A.1, with a rectangular hole cut in the centre (as shown). The mass of the plate shall be reduced to 225g by drilling holes symmetrically around the plate as necessary.

NOTE. The four holes in figure A.1 are shown as an example only.

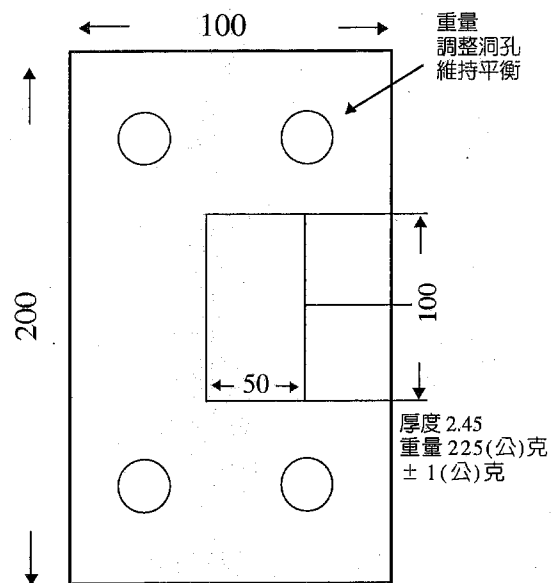
A.3.3 Test specimen

Take twelve sheets of the paper, each at least 205mm \times 105mm, number them consecutively (for identification) and assemble them in a stack, with the matt surfaces(if any) uppermost and sheet '1' on the top.

A.3.4 程序

A.3.4.1 將測試紙(A.3.3)放置平滑木製之平面，及將鐵板(A.3.2.1)置放於紙疊頂端(例：置於編號1之紙張上)，使紙張因之突出於四週邊緣。點燃紙煙(A.3.1.1)讓其隨著其長度至少燃燒10公厘。

A.3.4.2 放置燃燒紙煙在看得見的紙張上，該紙張須放置於離鐵板上長方形洞孔邊緣至少10公厘之位置，使其由向內方向燃燒，然後約60秒後，取走紙煙。



附圖 A.1 燒灸測試鐵板 全部尺寸為公厘

A.3.4 Procedure

A.3.4.1 Place the test specimen (A.3.3) on a flat, smooth, wooden surface and place the metal plate (A.3.2.1) on top of the stack (i.e. on top of sheet '1') so that the paper projects out around the edges. Light a cigarette (A.3.1.1) and allow it to burn at least 10mm along its length.

A.3.4.2 Place the burning cigarette on the exposed paper in a position which is at least 10mm from any edge of the rectangular hole in the metal plate, and so that it will burn inwards, and then remove the cigarette after 60 s.

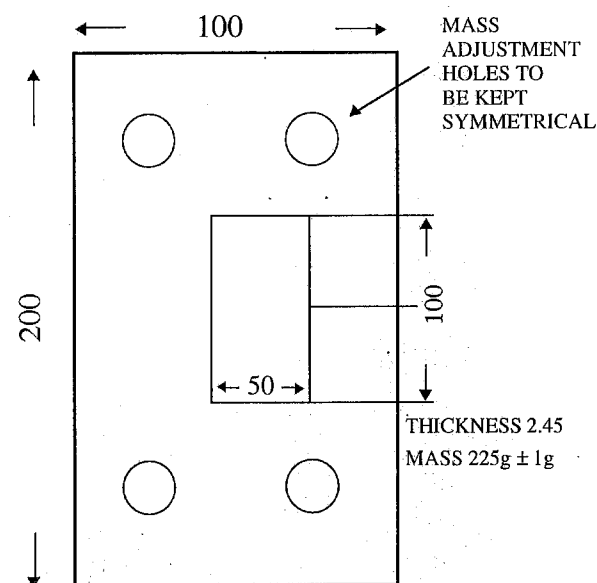


Figure A.1. Metal plate for scorch test, All dimensions are in mm

A.3.4.3 重複A.3.4.2描述之操作4次，每一次選擇不同位置，惟該位置至少距離邊緣 10 公厘，及至少距離燒炙記號 10 公厘。若紙煙延著其長度燃燒超過 40 公厘，則點燃新紙煙，讓其燃燒 10 公厘，然後繼續在下個位置使用該紙煙。

A.3.4.4 檢查每一紙張，並決定何者為無褪色痕跡之最上面一張(亦即最低號碼者)。

附件 D

於附件 C 後，增加新附件如下一
附件 D 紙煙噴霧速度測試法

測試前至少 16 小時，將紙煙調整狀態為 $20^{\circ}\text{C} \pm 5^{\circ}\text{C}$ ，及相對濕度 $50\% \pm 20\%$ 。

在紙煙預定點燃尾端點 10 公厘及 60 公厘處做標記，點燃紙煙並吹氣直至頂端燒亮起來。以此一方式將紙煙 5 公厘至 8 公厘間燒完。在無通風空氣下，將紙煙以水平方式釘在一個水平向長釘上，此一長釘自非點燃點起算不得超過 13 公厘。記錄紙煙自 6 公厘標記處噴霧至 60 公厘標記處所耗費之時間。

A.3.4.3 Repeat the operations described in A.3.4.2 a further four times, each time selecting a different position which is at least 10mm from any edge and at least 10mm from any scorch mark. If the cigarette has burnt more than 40mm along its length, light a new cigarette, allow it to burn 10mm and then use in for the next position.

A.3.4.4 Examine each sheet of paper and determine which is the highest sheet (i.e. that with the lowest number) which shows no sign of discoloration."

Appendix D

After Appendix C, add a new appendix as follows

"Appendix D. Method for determination of smouldering rate of cigarette

Condition the cigarette for at least 16 h, immediately before the test, at a temperature of $20^{\circ}\text{C} \pm 5^{\circ}\text{C}$ and a relative humidity of $50\% \pm 20\%$.

Mark the cigarette at 10mm and 60mm from the end to be lit. Ignite the cigarette and draw air through it until the tip glows brightly. Not less than 5mm and not more than 8mm of the cigarette shall be consumed in this operation. In draught-free air, impale the cigarette horizontally on a horizontal spike inserted not more than 13mm from the unlit end. Record the time taken for the cigarette to smoulder from the 6mm mark to the 60mm mark."

附表二

本規則第 3 條第(2)項及第 7 條第(1)項(b)款

特殊煙火及煙火組合之尺寸及重量之要求

煙火/煙火組合	尺寸及重量之要求
1. 第二類空中炸彈	內部直徑不得超過 20 公厘
2. 第三類空中炸彈	內部直徑不得超過 30 公厘
3. 第二類煙火列	淨重(扣除框架)不得超過 1 公斤
4. 第三類煙火列	淨重(扣除框架)不得超過 10 公斤
5. 第二類火箭式	淨重不得超過 150(公)克
6. 第三類火箭式	淨重不得超過 500(公)克，內部火箭發動機直徑不得超過 25 公厘
7. 第二類聯合式	淨重(扣除框架)不得超過 1 公斤
8. 第三類火箭式	淨重(扣除框架)不得超過 10 公斤
9. 第二類地雷式	淨重不得超過 125(公)克
10. 第三類地雷式	淨重不得超過 1.2 公斤
11. 第二類羅馬蠟燭式	內部直徑不得超過 20 公厘
12. 第三類羅馬蠟燭式	內部直徑不得超過 30 公厘
13. 第二類輪式	淨重(扣除框架)不得超過 100 (公)克
14. 第三類輪式	淨重(扣除框架)不得超過 1.5 公斤

SCHEDULE 2

Regulations 3(2) and 7(1)(b)

SIZE AND WEIGHT REQUIREMENTS FOR PARTICULAR FIREWORKS AND ASSEMBLIES

Firework/assembly	Size and weight requirements
1. Air bomb in category 2	inside body diameter not to exceed 20mm
2. Air bomb in category 3	inside body diameter not to exceed 30mm
3. Battery in category 2	gross mass (excluding any frame) not to exceed 1kg
4. Battery in category 3	gross mass (excluding any frame) not to exceed 10kg
5. Category 2 rocket	gross mass not to exceed 150g
6. Category 3 rocket	gross mass not to exceed 500g. Internal diameter of rocket motor not to exceed 25mm
7. Combination in category 2	gross mass (excluding any frame) not to exceed 1kg
8. Combination in category 3	gross mass (excluding any frame) not to exceed 10kg
9. Mine in category 2	gross mass not to exceed 125g
10. Mine in category 3	gross mass not to exceed 1.2kg
11. Roman candle in category 2	inside body diameter not to exceed 20mm
12. Roman candle in category 3	inside body diameter not to exceed 30mm
13. Wheel in category 2	gross mass (excluding any frame) not to exceed 100g
14. Wheel in category 3	gross mass (excluding any frame) not to exceed 1.5kg

附表三

本規則第 4 條第(2)項第(g)款

本規則第 4 條第(2)項第(g)款所規範之煙火及煙火組合

1. 空中炸彈
2. 鞭炮
3. 煙火列
4. 帽式
5. 第二類火箭式
6. 第三類火箭式
7. 聯合式
8. 拉爆炮
9. 火樹銀花
10. 地雷式
11. 新奇仙女棒
12. 宴會拉炮
13. 羅馬蠟燭式
14. 蛇形煙火
15. 空中彩繪
16. 煙霧裝置式
17. 火花式
18. 平台式炸彈
19. 摔炮
20. 輪式

SCHEDULE 3

Regulation 4(2)(g)

FIREWORKS AND ASSEMBLIES REFERRED TO IN REGULATION 4(2)(g)

1. Air bomb
2. Banger
3. Battery
4. Cap
5. Category 2 rocket
6. Category 3 rocket
7. Combination
8. Cracker snap
9. Fountain
10. Mine
11. Novelty match
12. Party popper
13. Roman candle
14. Serpent
15. Set piece
16. Smoke device
17. Sparkler
18. Table bomb
19. Throwdown
20. Wheel

釋義備忘錄

本備忘錄不構成本規則之一部

本規則(不適用於北愛爾蘭)係廢止 1996 年煙火安全規則條款，及以修正案方式重新制定相關煙火及煙火組合(含煙火)之安全規則。

本規則規定，依BS7114規定分類之第一、二、三類煙火及煙火組合必須遵守該標準(本規則第 3 條第(1)項)。據此，BS7114 必須依某些修正條款(本規則第 2 條第(4)項及附表一)來解釋。又，本規則對某些火花式做一例外規定(第 3 條第(3)項)。

本規則就某些在某方面比BS7114 所規定更嚴格之特殊煙火及煙火組合，亦訂有尺寸及重量之要求規定。除下列例外之情形外，本規則禁止供給與要求條件(本規則第 3 條第(2)項及附表二)相抵觸之煙火及煙火組合。

本規則禁止不規則飛行及迷你火箭式煙火之供給，但因營業或商業過程中，因戲劇、電影、或電視之特殊效果目的而使用時，不在此限 (本規則第 4 條第(1)項及第(3)項)。

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which do not extend to Northern Ireland) revoke and re-enact with amendments the provisions of the Fireworks (Safety) Regulations 1996 and make other provision relating to the safety of fireworks and assemblies which include fireworks.

The Regulations provide that fireworks and assemblies classified as category 1, category 2 or category 3 under British Standard 7114 must comply with that Standard (regulation 3(1)). For these purposes, BS 7114 is to be read subject to certain modifications (regulation 2(4) and Schedule 1), and the Regulations provide a limited exception for certain sparklers (regulation 3(3)).

The Regulations also impose size and weight requirements for certain specified fireworks and assemblies which are in certain respects stricter than those contained in BS 7114. Subject to exceptions referred to below, the Regulations prohibit the supply of fireworks and assemblies which contravene these requirements (regulation 3(2) and Schedule 2).

The Regulations prohibit the supply of fireworks of erratic flight and mini-rockets, but provide an exception for supplies to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television (regulation 4(1) and (3)).

本規則禁止供給空中砲彈，迫擊砲彈式，空中煙火及迫擊煙火式煙火，及某些包括此類設置之煙火組合。本規則並禁止供給鞭炮(包括聯合式煙火及含鞭炮之煙火列，但不包括含鞭炮之輪式煙火)，及依 BS7114 分類之第 4 類煙火(本規則第 4 條第(2)項)。本規則應遵守下列例外規定。

再者，本規則禁止供給附表三所列以外之任何煙火及煙火組合(本規則第 4 條第(2)項(g)款)。又，本規則應遵守下列例外規定。

上述所指之例外，係指相關之煙火及煙火組合得提供給一

- (a) 任何以煙火展示為業之專業組織或專業經營人。
- (b) 任何人以煙火或煙火組合之供應為其營業全部或一部，於其依本規則條款供給煙火時；
- (c) 地方主管機關、政府部門，或陸、海、空軍設施，因煙火展示之目的，或在國家公眾慶典，或紀念性場合所使用時(或政府部門因研究或調查目的之場合)；
- (d) 任何人在其商業或營業過程中，因戲劇、電影、電視之特殊效果目的之使用；
- (e) 執法權力單位因測試而購買時；及

The Regulations prohibit the supply of aerial shells, shells-in-mortar, aerial maroons and maroons-in-mortar and also certain assemblies which include these devices. They also prohibit the supply of bangers (including combinations and batteries containing bangers, but not wheels containing banger) and fireworks classified as category 4 under British Standard 7114 (regulation 4(2)). These prohibitions are subject to exceptions referred to below.

Further, the Regulations prohibit the supply of any firework or assembly which is not listed in Schedules 3 (regulations 4(2)(g)), again subject to exceptions referred to below.

The exceptions referred to above enable the fireworks and assemblies to which they relate to be supplied to

- (a) any person who is in business as a professional organiser or operator of firework displays;
- (b) any person whose trade or business, or part of whose trade or business, is the supply of fireworks or assemblies, for the purpose of supplying them in accordance with these Regulations;
- (c) local authorities, Government departments and naval, military and air force establishments, for the purposes of firework displays or for use at national public celebrations or commemorative events (or, in the case of Government departments, for research or investigations purposes);
- (d) any person for use, in the course of his trade or business, for special effects purposes in the theatre, on film or on television;
- (e) bodies with enforcement powers when they make certain test purchases; and

- (f) 任何人倘其供應與煙火或煙火組合結合使用之商品，且其意圖使用煙火或煙火組合，係為確定其供應之商品符合安全規則，並可正確使用時。(本規則第 5 條)

本規則禁止煙火或煙火組合(除帽式、拉鞭炮、新奇仙女棒、宴會拉炮、蛇形煙火、摔炮)供應給明顯為 18 歲以下之任何人。(本規則第 6 條)

本規則亦要求特定之煙火及煙火組合標記文字 " 本裝置不得出售給一般大眾個人或由一般大眾個人使用"。火花式煙火之包裝必須標記文字 " 警告：不得給 5 歲以下小孩 "。(本規則第 7 條)

最後，本規則禁止零售商供給任何其已拆卸，或使他人拆卸之煙火，或明知自原包裝或精選包所拆卸之煙火。

為遵守BS7114要求之條件，以及有關尺寸、重量及標記之要求，就符合歐洲經濟體會員國，或任何其他歐洲經濟區域內國家承認使用之標準及規格之煙火或煙火組合，只要該標準及規格符合同樣等級之安全標準(本規則第 2 條第(5)項及第(6)項)，本規則允許該煙火或煙火組合之供應。

BS7114 及其所提及之英國標準之影印本可自英國標準局(BSI)經營之零售處取得，或向389 Chiswick High Road, London W4 4AL 之英國標準局以郵遞方式索取，或向 Stationery Office

- (f) persons who supply goods for use with fireworks or assemblies and who intend to use the fireworks or assemblies to ensure that the goods they supply perform correctly or comply with safety legislation (regulation 5).

The Regulations prohibit the supply of fireworks and assemblies (other than caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns) to persons apparently under the age of eighteen (regulation 6).

The Regulations also require specified fireworks and assemblies to be marked with the words "This device must not be sold to, or used by, a member of the general public". Packets of sparklers must be marked with the words "Warning: not to be given to children under 5 years of age" (regulation 7).

Finally, the Regulations prohibit retailers from supplying any firework which they have removed, caused to be removed, or know to have been removed from a primary pack or a selection pack.

For the purposes of the requirement to comply with BS 7114, the size and weight requirements and the marking requirements, the Regulations allow for the supply of fireworks and assemblies which comply with any standard or specification recognised for use in a member State of the European Community or any other State within the European Economic Area, so long as that standard or specification provides an equivalent level of safety (regulation 2(5) and (6)).

Copies of British Standard 7114, and the British Standards referred to in it, are available from any of the sales outlets operated by the British Standards Institution (BSI), by post from BSI at 389

Limited 經營之任一書店索取。

本規則依修正後之 Council Directive 83/189/EEC (O.J. No. L109, 26.4. 1983, p.8.)以草案通知歐洲委員會。

遵守本規則之成本評估之影印本置放於國會上下議院圖書館供索取，影印本亦可自位於Room 4.H.3, 1 Victoria Street, London SW1H 0ET 之工商部消費者事務及競爭政策處索取之。

Chiswick High Road, London W4 4AL or from any of the bookshops operated by the Stationery Office Limited.

These Regulations were notified in draft to the European Commission in accordance with Council Directive 83/189/EEC (O.J. No. L109, 26.4.1983, p.8), as amended.

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs and Competition Policy Directorate of the Department of Trade and Industry, Room 4.H.3, 1 Victoria Street, London SW1H 0ET.