

1. Please tell us about yourself

No Response

2. Which role best describes you?

Charity or social enterprise

3. Do you agree with the amendment of the Pyrotechnic Articles (Safety) Regulations 2010?

No

This proposal does not address the root cause of this regulatory burden (which is the poorly drafted EU Directive). Article 7(1)(a) Category 1 should instead be deleted. BIS should be lobbying the EU to achieve this rather than imposing another regulatory burden on retailers of having yet another different age for a different product.

4. Are there any other consequences to the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 not outlined in this document?

This will add costs, particularly for small independent businesses. In particular it creates yet another age for retailers to be aware of, train their staff on and maintain diligence systems for. It also diminishes the role of challenge 21 and challenge 25 for age restricted products. An additional problem will be the enforceability of these proposals. The current government approved guidelines require an under age test purchase volunteer to be a minimum of 18 months younger than the age restriction in place. This would mean that Trading Standards Officers would be required to use 10-year olds to enforce this legislation and fulfil the market surveillance obligations imposed by the Directive. This would require the government to amend the model byelaws issued under s.18(2) and s.20(2) of the Children and Young Persons Act 1933. Implementing a legal requirement which is unlawful to enforce places an utterly unnecessary burden on those charged with ensuring compliance with it.

5. What benefits will the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 have? Can you quantify these?

None. Only additional costs. The answer to this problem is to amend the Directive to remove Category 1 fireworks from the age restrictions altogether. That requires EU action.

6. Are there any costs for business that have not been anticipated as a result of the amendment of the Pyrotechnic Articles (Safety) Regulations 2010? Can you quantify these?

There are one-off costs, such as reprogramming age prompt software on tills, retraining staff on the new rules and rewriting due diligence policies and procedures to make the changes.