

1978/54



THE EXPLOSIVES REGULATIONS 1959, AMENDMENT NO. 3

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of March 1978

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 62 of the Explosives Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations:

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Explosives Regulations 1959, Amendment No. 3, and shall be read together with and deemed part of the Explosives Regulations 1959* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Restrictions on sale of fireworks—(1) The principal regulations are hereby amended by revoking regulation 69 (as amended by regulations 4 and 5 (1) of the Explosives Regulations 1959, Amendment No. 2), and substituting the following regulation:

“69. (1) The Chief Inspector may refuse to approve any firework as suitable for unrestricted sale to the public where—

- “(a) The firework, not being an amorce, contains a composition consisting either wholly or in part of a chlorate in admixture with sulphur, any sulphide, or phosphorous; or
- “(b) The firework is of such construction that it may allow the accidental escape of firework composition; or
- “(c) The firework, not being an amorce, a throw-down, or a snap for a bon-bon cracker, contains its own means of ignition; or
- “(d) The firework, on ignition, is likely to be projected through the air in an erratic or unpredictable flight; or

*S.R. 1959/126
Amendment No. 1: S.R. 1967/182
Amendment No. 2: S.R. 1977/144

- “(e) The firework, being in the shape of a port fire or squib which is normally held in the hand, on ignition commences with a discharge of fire, and concludes with an explosion which bursts the case; or
 - “(f) The firework on discharge results in hot or burning material falling to the ground in such a manner as to create a hazard; or
 - “(g) The firework, being a rocket, has a sharp pointed rigid nose cone; or
 - “(h) The firework contains a composition containing either wholly or in part an arsenical mixture, or any other chemical composition of a poisonous nature; or
 - “(i) The firework possesses such other features which, in the opinion of the Chief Inspector, makes it unsafe.
- “(2) No person shall sell to the public any firework, being a cannon, banger, bungler, or similar firework, containing as the explosive charge any explosive other than gunpowder, or containing an explosive charge in quantity greater than 0.50 g, or which has a greater length than 40 mm or a greater diameter than 7 mm, or which has in its construction any material other than paper or cardboard which is liable to be projected without disintegration by the explosion of the firework.”

(2) Regulation 4 of the Explosives Regulations 1959, Amendment No. 2, and so much of the First Schedule to those regulations that relate to regulation 69 of the principal regulations, are hereby consequentially revoked.

P. G. MILLEN,
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 amend the Explosives Regulations 1959 by consolidating and amending regulation 69, which relates to the sale of fireworks to the public.

The maximum explosive charge which a banger or cracker type firework may contain has been reduced from 2.5 g to 0.5 g, its maximum diameter reduced from 15 mm to 7 mm, and its maximum length changed to 40 mm.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 March 1978.

These regulations are administered in the Department of Internal Affairs.