L.N. 243 of 1998

EXPLOSIVES ORDINANCE
(CAP. 33)

Fireworks and other Explosives (Control) Regulations, 1998

In exercise of the powers conferred by section 22 of the Explosives Ordinance, the Minister for Home Affairs has made the following regulations:–

Citation and commencement.

1. (1) These regulations may be cited as the Fireworks and other Explosives (Control) Regulations, 1998.

(2) These regulations shall come into force on such date as the Minister responsible for the Police may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

Definitions.

2. In these regulations, unless the context otherwise requires –

"Commissioner" means the Commissioner of Police;

"fireworks factory" means any premises where fireworks are manufactured or stored and includes any area within the boundary walls thereof;

"inhabited area" means any area in which there is an aggregation of houses inhabited, or capable of being inhabited, by more than one hundred persons;

"manufacture" includes the carrying out of any process of manufacture;

"Minister" means the Minister responsible for the Police;

"Ordinance" means the Explosives Ordinance.

Wall surrounding fireworks factories.

3. Fireworks factories shall be surrounded by a stone wall of a height of not less than one metre over which there shall be fixed a fence of not less than two metres.

Licence.

4. (1) No person shall manufacture any fireworks or assist in such manufacture without a licence from the Commissioner. Such licence shall be restricted to such fireworks only as are mentioned in the Second Schedule to these regulations.

(2) There shall be the following categories of licences:

(a) Category "A" – for persons who are qualified to manufacture and supervise the manufacture of fireworks;

(b) Category "B" – for assistants to persons holding licence Category "A"; and

(c) Category "C" – for persons who are authorised to let off fireworks under the supervision of a person in possession of a Category "A" licence:

Provided that persons licensed in Categories "A" and "B" shall also be authorised to let off fireworks.

(3) No licences "A" and "B" shall be issued unless the applicant has previously attended a course of instruction on the subject and passed an oral test which satisfies the examiners that he possesses the necessary technical knowledge and ability to manufacture fireworks in the case of a Category "A" licence, or to assist in their manufacture in the case of a Category "B" licence, without danger to himself or to others.

(4) Applications for licences in Categories "A" and "B" are to be endorsed by the licensee of the fireworks factory in which the applicant intends to operate.

(5) Applications for licences in Category "A" shall only be considered if applicants have been in possession of a licence in Category "B" for at least two years.

(6) A licence for Category "C" shall only be issued to those persons who pass an oral test which satisfies the examiners that he possesses the necessary technical knowledge and ability to let off fireworks without danger to himself or to others.

Form of licence.

5. Licences shall be in the form of an identity card.

Licensee to carry licence.

6. (1) No person shall enter into any fireworks factory to handle fireworks unless he carries with him the licence which he shall produce to an authorised inspector on demand. The licensee of a licensed fireworks factory, or in his absence any other person holding a licence "A", shall be responsible for ensuring that any restrictions or conditions attached thereto are complied with.

(2) No person holding a Category "B" licence shall enter or remain in any fireworks factory unless there is present therein a person holding a Category "A" licence.

(3) No person shall be present in fireworks factories for the purpose of maintenance of the premises or equipment unless he is so authorised by the divisional police inspector responsible for the district and unless he is accompanied by a person holding a Category "A" licence.

Handling of fireworks.

7. (1) No person shall handle or be allowed to handle any fireworks, or loiter within the boundaries of a fireworks factory unless he is in possession of a licence "A" or "B" issued under these regulations.

(2) The licensee of a fireworks factory shall set up signs indicating the presence of the factory at a distance of 200 metres from such factory on every road, lane or path leading to the said factory.

Prohibited substances.

8. It shall not be lawful for any person to manufacture, store, convey or discharge any firework which contains any of the following substances:

(a) any admixture of chlorate of potash and sulphur or any chlorates in an admixture with sulphur;

(b) an admixture of chlorate of potash with phosphorus or any chlorate in an admixture with phosphorus; or

(c) nitro-glycerine gelignite, TNT or other similar high explosive.

Blasting accessories

9. The use of blasting accessories, such as detonators, electric or otherwise, and detonating cord in the manufacture of any fireworks, shall be prohibited:

Provided that the use of electric igniters shall be allowed.

Casing.

10. No material other than paper and cardboard shall be used as casing for ground, rooftop, terrace and aerial fireworks.

Sales of fireworks.

11. (1) The sale of any item of fireworks, except for small sparklers, by shops or street vendors shall not be lawful.

(2) For the purpose of this regulation, a small sparkler is a wire or stick, coated with pyrotechnic composition which cannot exceed fifty (50) grams per item that produces a shower of sparks upon ignition.

Items containing chlorate or perchlorate salt, cannot exceed five (5) grams of composition every item.

Discharge of fireworks.

12. Any person who applies for a licence to discharge fireworks as provided for in section 24 of the Ordinance shall –

(a) comply with the times set out in the First Schedule to these regulations;

(b) satisfy the Commissioner that the fireworks were manufactured in a licensed factory;

(c) produce a policy of insurance adequately covering any claims arising from the death or personal injury to third parties or from damage to third party's property that may be caused by any explosion or other factor during discharge of fireworks;

(d) ensure that persons letting off fireworks are in possession of a Category "A", "B" or "C" licence.

Fireworks during band marches etc.

13. Except for such ground fireworks (without bombs, rockets and aerial catherine wheels) as are known as *ġiġġifogu*, the letting off of any other types of fireworks from streets during band marches or other occasions shall be unlawful.

Discharge sites.

14. No person shall discharge any fireworks from any site unless –

(a) the site is the one approved for that purpose in a licence issued under the Ordinance;

(b) in the discharge of any fireworks from any approved site, he satisfies the provisions set out in the First and Second Schedules to these regulations;

(c) the pipes for the discharge of aerial fireworks are effectively screened at the site by wooden boards, sandbags, tyres or cardboard or wooden boxes filled with soil or similar material, so as to prevent the flying of fragments caused by unintentional explosion.

Restricted sites.

15. (1) Only fireworks of the approved type may be let off from a restricted site.

(2) For the purposes of paragraph (1) hereof, a "restricted site" is a site so declared by the Commissioner on the advice of the

group of experts referred to in regulation 16 and includes an area within such distance from such site as may be declared by the Commissioner on the advice of the same group, and "fireworks of the approved type" are fireworks of such type as may be approved by the Commissioner for the purpose on the advice of the said group.

Group of experts to advise Minister on restricted areas.

16. (1) The Minister shall appoint a group of experts under the chairmanship of the chairman of the Explosives Committee for the purposes of regulation 15, consisting of –

(a) all the members of the Explosives Committee,

(b) a representative of the Museums Department,

(c) a representative of the Planning Authority,

(d) a representative of such association as in the opinion of the Minister is most representative of fireworks manufacturers,

(e) such other person chosen from amongst persons who in the opinion of the Minister have knowledge and experience in explosives and/or fireworks after consultation with the most representative organisations concerned in such matters.

(2) In submitting their advice, the experts shall take into consideration the type of fireworks to be discharged from the site, the value, historical or otherwise, of the site from where these fireworks are intended to be discharged, and the safety distances involved.

(3) Any member of the group of experts may at any time resign his appointment and the Minister may direct that any such member who appears to him to be unfit to continue in office or to be incapable of discharging his duties shall cease to hold office; but, save as aforesaid, the members of the group shall hold office for such period, not exceeding two years from the date of their appointment, as may be determined by the Minister on their appointment and shall be eligible for reappointment.

(4) If any vacancy in the composition of the group of experts occurs during its term of office, on account of death, resignation or for any other cause, the Minister shall, as soon as practicable, appoint another person to fill the vacancy:

Provided that the group may act notwithstanding any such vacancy as long as a quorum consisting of half the members is present. The group shall otherwise regulate its own proceedings.

Removal of misfired fireworks.

17. The person licensed to discharge fireworks shall take the necessary steps for the recovery and removal from the area around the site of discharge, of such items of fireworks which fail to ignite or explode as well as any other material resulting from the discharge of such fireworks.

Times for discharge.

18. No aerial fireworks shall be discharged on any day and times other than those indicated in the Police Permit.

Importation of explosives.

19. (1) An application for the importation of explosives shall be made on a form as prescribed in the Third Schedule to these regulations. Such application shall be accompanied by a declaration in English from the supplier showing that such explosives are suitable for the manufacture of fireworks or otherwise as well as by a certificate in English of the chemical analysis of the explosives.

(2) The Commissioner of Police may require the applicant to produce a sample of the explosives to be imported for laboratory analysis and the Commissioner of Police may also require to take a sample of the imported material to ascertain that the explosives imported are in conformity with the specifications contained in the declaration and the certificate produced with the application.

(3) The importer shall not remove any labels or other specifications affixed to the containers of such explosives prior to the supply thereof to the manufacturers.

Limitation of certain sales.

20. No dealer or manufacturer may sell or deliver to any person not being the licensee of a fireworks factory any quantity of chlorate of potash, chlorate of barium, perchlorate of potash and the nitrates of potassium and barium.

Revokes L.N. 5 of 1981.

21. The Fireworks (Control) Regulations, 1981, are hereby revoked without prejudice to anything done or omitted to be done thereunder or to any proceedings pending for any offence against any regulations contained in any such notice.

FIRST SCHEDULE

Regulations 12 (a) and 14 (b)

TIMES OF DISCHARGING OF FIREWORKS

1. Moving the Statute from the Niche

8 a.m.	10 minutes
12 noon	10 minutes
Removal of the statue from the niche	20 minutes
Evening display	20 minutes, not to finish later than 10 p.m.

Ground fireworks, without bombs, rockets and aerial catherine wheels (*mġienen*) shall finish by not later than 1 a.m. of the following day.

2. First and Second Day of Triduum

8 a.m.	10 minutes
12 noon	10 minutes
End of religious function *(barka)*	20 minutes
Evening display	20 minutes, not to finish later than 10 p.m.

Ground fireworks, without bombs, rockets and aerial catherine wheels (*mġienen*) shall finish by not later than 1 a.m. of the following day.

3. Third Day of Triduum

As per days at 1 and 2 above, except that the evening display may extend for up to 45 minutes, but not to exceed 11 p.m.
Ground fireworks, without bombs, rockets and aerial catherine wheels (*mġienen*) shall finish by not later than 1 a.m. of the following day.

4. Eve of the Feast

Te Deum or 8 a.m.	30 minutes
12 noon	20 minutes
Evening service *(Translazzjoni)*	1 hour of daylight fireworks display
Evening display	to commence by not later than 10 p.m. but to finish by not later than 11.30 p.m. (provided that any such display shall not exceed in total a maximum of two hours from commencement)
Ground fireworks, without bombs, rockets and aerial Catherine Wheels (mġienen)	to end by 1.30 a.m. of the following day – no aerial fireworks to follow.

5. Day of the feast

8 a.m.	10 minutes
12noon/*Sanctus*	20 minutes
Procession	(a) 7 p.m. on Feast Day and to finish by 11p.m. in general; and (b) 8 a.m. on Feast Day and to finish by 12 noon in respect of feasts where the procession is traditionally held in the morning

6. The following conditions shall also be observed:–

(a) The times of firing shall be clearly indicated in the Police Permit. The sporadic discharge of aerial fireworks shall be prohibited.

(b) All applications for air or ground fireworks shall be endorsed by the President or Secretary of the *Għaqda Piroteknika Maltija*.

(c) All applications for the discharge of fireworks shall be referred to the Commissioner of Police at least one month in advance of the event.

(d) Only applications from licensed manufacturers and endorsed by the *Għaqda Piroteknika Maltija* shall be accepted.

(e) In all cases, the times of firing shall be clearly indicated in the application and Permits shall be strictly enforced.

(f) The Divisional Police shall perform patrols in the countryside to ensure that no unauthorised discharge of aerial fireworks takes place beyond the times laid down in the Permits and from sites not indicated in the Permits. The firing sites shall be manned by the Police, on payment by the organisers of the event, in such numbers to be determined by the District Superintendent to ensure that the times of firing laid down in the Permits shall be strictly enforced.

(g) An application for Police attendance (on payment) for the conveyance of fireworks shall invariably be demanded.

(h) All departures from Permits shall be reported to the Commissioner of Police immediately by telephone message and in writing. All offenders shall be charged without fail.

SECOND SCHEDULE

Regulation 14 (b)

TYPE OF FIREWORKS PERMITTED DURING DISCHARGE

A. Ground fireworks

(a) The set piece and fireworks known as *ġiġġifogu.*

(b) Catherine wheels.

B. Permitted rooftop and terrace fireworks

(a) Small paper bombs *(musketterija)* to be let off at a distance of not less than seven metres from the inside of the facade. In the absence of such distance, applicant shall encase the roll of paper bombs in wire netting to prevent the flying of projectiles.

(b) Coloured smoke canisters to be let off at a distance of not less than two metres from the inside of the facade.

(c) Bengala lights or lances not exceeding one inch (2.5cms) in diameter, to be let off at a distance of not less than two metres from the inside of the facade.

(d) *Stoppini* not exceeding 1cm in diameter to be let off at a distance of not less than four metres on the inside of the facade.

C. Aerial fireworks

(a) Not more than 21 maroons not exceeding 15 cms diameter and 15cms length to be fired as a salute at (i) exit of the statute from the niche, (ii) during the Evening Service *(Translazzjoni),* and (iii) during the commencement of the procession on the Feast Day.

(b) Maroons of a size not exceeding 10cms in diameter and 10 cms in length.

(c) Coloured or cracker multiple break shells. Any bomb attachments are not to exceed 10cms in diameter and 10cms in length.

(d) Batteries of coloured shells, maroons, crackers and whistles.

D. Distances for the letting off of fireworks

(a) To be discharged from 60 metres distance – *bukketti tal-kulur* and *beraq/spanjoli* of up to 5 cms diameter: maroons cannot be discharged.

(b) To be discharged from 150 metres distance – maroons not exceeding 7.6 cms in diameter and 7.6 cms in length; also coloured, whistles or cracker shells *(kaxxi tal-bombi, kuluri, beraq u sfafar).*

(c) To be discharged from 200 metres distance – all other types of fireworks.

THIRD SCHEDULE

(Regulation 19)

APPLICATION FOR THE IMPORTATION OF EXPLOSIVES

B 2013

PULIZIJA TA' MALTA
Malta Police

DIKJARAZZJONI DWAR L-IMPORTAZZJONI TA' ESPLOŻIVI
Declaration for the importation of explosives

Isem sħiħ u indirizz ta' l-importatur
Full name & address of importer _____

_____

_____ Tel. No _____ .

_____	_____	_____
Firma ta' l-applikant *Signature of applicant*	Data *Date*	Numru tal-karta ta' l-identità *I.D. Card Number*

Dettalji ta' l-esplożivi li ser jiġu importati
Details of explosives to be imported _____

_____

_____

Isem sħiħ u indirizz tad-ditta li tkun immanifatturat l-espożivi
Full name and address of company manufacturing the explosives

_____

_____

_____

Marka ta' l-esplożivi *Brand name of explosives*	Kwantità li ser tiġi importata *Quantity to be imported*	Valur fi flus Maltin *Value in Maltese currency*

Kummenti mill-Forzi Armati ta' Malta
Comments by the Armed Forces of Malta _____

_____

_____

_____	_____	
Data/*Date*	Firma/*Signature*	Timbru/*Stamp*

Kummenti mill-Laboratorju Forensiku tal-Pulizija
Comments by the Police Forensic Science Laboratory _____

_____

_____

_____	_____	
Data/*Date*	Firma/*Signature*	Timbru/*Stamp*

Għall użu ta' l-Uffiċju ta' l-Armi tal-Pulizija / *For use by Police Weapons Office*

Dikjarazzjoni mill-fornitur / *Declaration by supplier* ☐

Ċertifikat ta' l-analiżi / *Certificate of analysis* ☐

_____	_____	
Data/*Date*	Firma/*Signature*	Timbru/*Stamp*