VERŻJONI ELETTRONIKA



**L.N. 77 of 2012**

# EXPLOSIVES ORDINANCE
## (CAP. 33)
## Control of Fireworks and other Explosives (Amendment) Regulations, 2012

IN exercise of the powers conferred by article 22 of the Explosives Ordinance, the Minister for Home and Parliamentary Affairs has made the following regulations:-

Citation and Commencement.

**1.** The title of these Regulations is the Control of Fireworks and other Explosives (Amendment) Regulations, 2012 and they shall be read and construed as one with the Control of Fireworks and other Explosives Regulations, hereinafter referred to as "the principal regulations". S.L. 33.03.

Amends regulation 4of the principal regulations.

**2.** Regulation 4 of the principal regulations shall be amended as follows:

(a) immediately after regulation 4(2)(d) thereof there shall be added the following new paragraph:

"(e) Category "TEMP"- for persons holding a valid licence to let off fireworks in another State, particularly in a Member State, and who are authorised to let off fireworks in Malta for the duration of an event, such as fireworks exhibitions or festivals."; and

(b) immediately after regulation 4(11) thereof there shall be added the following new subregulations:

"(12) A Category "TEMP" licence shall be valid for the duration of an event, such as a fireworks exhibition or festival, during which the holder would be letting off fireworks in Malta.

(13) Applications for licences in Category "TEMP" are to be endorsed by the organiser of the event on the occasion of which the applicant is to let off fireworks. Such applications shall be submitted by the applicant, or by the organiser on behalf of the applicant, at least 14 days prior to the commencement of the event. Applications shall include the personal details of the applicant, information relating to the dates and site for letting off and copies of any licences or qualifications held by the applicant. Original licences or qualifications may be submitted at a later date as directed by the Commissioner.

(14) Applicants for a Category "TEMP" licence may, if deemed necessary by the Commissioner, be required to pass an oral test to ascertain that they possess the necessary technical

knowledge and ability to let off fireworks without danger to themselves or to others.".

Adds regulation 6Ato the principal regulations.

**3.** Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:

"Licence conditions.

6A. (1) The licensee of a fireworks factory shall be responsible to ensure that the fireworks factory is compliant with the provisions of these regulations including, but not limited to:

(a) ascertaining that licence 'A' holders are adequately supervising other licence holders at all times; and

(b) maintaining and updating the Register in regulation 22.

(2) All licence holders shall work under the direction of the licensee and shall report to him in relation to any obligation foreseen by these regulations.

(3) Whenever a fireworks factory is in contravention of regulations 7, 8, and 9 or is otherwise in serious breach of these regulations, or is in breach of any other law, as stipulated in the Ordinance, the Commissioner shall suspend the licence pertaining to the licensee, as well as the licence of any other person directly involved in the contravention.".

Amends regulation 16 of the principal regulations.

**4.** Regulation 16 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, immediately after the words "regulation 15" there shall be inserted the words "or for any other purpose";

(b) in paragraph (b) of sub-regulation (1) thereof, the words "Museums Department" shall be substituted by the words "Superintendence of Cultural Heritage or any other entity responsible for the preservation of cultural heritage in terms of the Cultural Heritage Act."; and

(c) in paragraph (c) of sub-regulation (1) thereof, immediately after the words "of the" there shall be added the words "Malta Environment and".

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