



## DEBATE PACK

Number CDP-2018-0018, 25 January 2018

# E-petition 201947 relating to fireworks

## Westminster Hall, Monday 29 January 2018, 4.30pm

A Westminster Hall debate on E-petition 201947 relating to fireworks is scheduled for Monday 29 January 2018 at 4.30pm. The Member leading the debate is Susan Elan Jones MP, a member of the Petitions Committee.

### Petition

The text of the petition, with the Government response, may be found here:

UK Government and Parliament petition 201947, [Change the laws governing the use of fireworks to include a ban on public use](#), 6 October 2017 - 6 April 2018

There is a page about the debate on the [Petitions Committee](#) website.

### Library briefing

A Commons Library Briefing explains the current legislation:

[Regulation of fireworks](#), Commons Library Briefing Paper CBP 5704, 27 November 2017

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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# 1. Background

## 1.1 Introduction

The sale and use of fireworks in England and Wales are governed primarily by the Fireworks Regulations 2004 made under the Fireworks Act 2003. The law is basically the same in Scotland, where the 2004 Regulations also apply alongside the Fireworks (Scotland) Regulations 2004. The position is different in Northern Ireland, where a valid licence is needed to buy, possess and use fireworks (except indoor fireworks and sparklers).

More detail is given in the Commons Library Briefing [Regulation of fireworks](#).

## 1.2 Petitions

UK Government and Parliament petitions are published on the website [petition.parliament.uk](http://petition.parliament.uk).

Once a petition has received 10,000 signatures, the Government responds to it and this response is published on the same website.

At 100,000 signatures, or possibly earlier, the [Petitions Committee](#) may put forward a petition for debate by Parliament. There is more general information [here](#).

There are certain standards for petitions, which are detailed [here](#).

## 1.3 E-petition 201947

The [petition](#) is entitled "Change the laws governing the use of fireworks to include a ban on public use".

It reached 111,037 signatures on 25 January 2018 and is due to be debated on 29 January.

The text is as follows:

### **Change the laws governing the use of fireworks to include a ban on public use**

Fireworks cause alarm, distress and anxiety to many people and animals. We call on the Secretary of State to make appropriate provision to secure that the risk of public use is the MINIMUM that is compatible with fireworks being used, as stated in Fireworks Act 2003 sect 2.

Noted in debate of firework petition 109702 statistics are not recorded. We ask government to collect statistics. We ask the Sec. of State to issue a full regulatory impact assessment in accordance with section 2(4) Act; 2004, consider statistics gathered by FireworkABatement (FAB) as stated in Fireworks Act 2003 sect 3b., 'as an organisation which appears to the Sec. of State to be representative of interests substantially affected by the proposal', Shown by this petition and past petitions.

## 1.4 Government's response to the petition

The Department of Business, Energy and Industrial Strategy responded in brief:

Government takes the issue of firework safety very seriously. There is legislation in place that controls the sale, use and misuse of fireworks; we have no plans to extend this further.

The Department's full response is as follows:

The Government takes the issue of firework safety very seriously. There is legislation in place relating to the supply, storage, possession and use and misuse of fireworks. This includes legislation which regulates the supply and use of fireworks, both for the general public and professional display operators. Restrictions on the sale and use of fireworks are set out under the 2003 Fireworks Act, the Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015. These contain provisions to minimise the risk of fireworks harming people, property and animals. Although a small minority of people use fireworks in a dangerous, inconsiderate or anti-social manner, we believe that the majority use them sensibly and responsibly.

The Government is aware of concerns about the distress noisy fireworks can cause to individuals, as well as to livestock, pets and wildlife. Therefore, the Government urges those using fireworks to be considerate to their neighbours and give sufficient notice of firework use, particularly to those who are vulnerable such as older people, children, those with mental health issues such as post-traumatic stress disorder (PTSD), and those with pets and livestock. We have worked with the fireworks industry to encourage users of fireworks to give notice of their displays so that those who are vulnerable or keep animals can make arrangements for their safety.

The Blue Cross animal charity has also produced information on animals and fireworks, which gives advice on how to avoid or reduce stress to animals when fireworks are being set off. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Kennel Club provide similar advice on their websites concerning how to minimise the impact of fireworks use on animals.

There is already a ban on the general public from purchasing fireworks with higher levels of risk and noise and seasonal limitations on their sale. The Fireworks Regulations 2004 restrict their sale to the traditional fireworks periods around 5th November, Diwali, New Year's Eve and the Chinese New Year. These are an important part of British tradition reflecting our history and multi-culturalism. While it is possible to buy fireworks at other times of the year, a 'licence to sell fireworks' is required and strict conditions are imposed outside the traditional periods.

At present any firework that exceeds 120 decibels must not be supplied to consumers. There are also low noise fireworks available that consumers can choose to buy, but we do not propose to bring in regulations to require all fireworks to be low noise.

Government acknowledges that many people have genuine concerns about the use and, the misuse, of fireworks and the risks of firework-related injury. However, the number of injuries is low

and the total number of hospital admissions caused by firework injuries has remained below 200 a year for the last 10 years.

The Government does not plan to make any changes to the way statistics relating to enforcement actions are collected. The Government believes the focus of enforcement should be on delivering necessary protections and on working with businesses, citizens and others to ensure safety.

The Government believes that the current regulations strike the right balance between the enjoyment of fireworks by the public and restricting the sale and use of fireworks for public safety reasons.

The best way to continue to reduce the distress caused by fireworks is to work with industry, retailers and others to promote the safe and responsible use of fireworks through guidance and public education and to ensure that appropriate action is taken against those that break the rules.

The obligations for the Secretary of State referred to in the e-petition, to publish a regulatory Impact Assessment and to consult interested organisations, only apply when making new regulations and we have no plans to change the legislation relating to fireworks.

As set out above, given there is already legislation in place which controls the sale and use and misuse of fireworks; we have no plans to extend this further.

## 1.5 Statistics: prosecutions

The petition asks the Government “to collect statistics” and refers to the debate on E-petition 109702 on [fireworks](#) of 6 June 2016.<sup>1</sup>

During this debate Jim Fitzpatrick asked the Minister for Universities and Science, Jo Johnson:

On the enforcement of the regulations, does the Minister have the statistics on how many prosecutions there have been, what the trend is, and whether it is improving or deteriorating? Those could give confidence to people that trading standards officers, for sales, and the police, for enforcement, are working on this and are doing all they can to protect exposed communities and animals.

Jo Johnson replied that:

No centrally available data are with the Department; the data are not separated out to show specific fireworks offences. The basis on which data are collected and given to the Home Office has changed, so we are unable to identify fireworks offences specifically or data of the kind the hon. Gentleman is interested in.

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<sup>1</sup> [HC Deb 6 June 2016 c1-30WH](#)

## 1.6 Statistics: hospital admissions (contributed by Rachael Harker, Library statistician)

The table below shows data on admission to hospitals in England due to the discharge of a firework. The rate per 100,000 external cause (accidents and injuries) admissions is also shown.

<b>HOSPITAL ADMISSIONS DUE TO DISCHARGE OF FIREWORK</b>			
England			
Year	Admissions	Rate per 100,000 external cause admissions	
2006-07	144	14.6	
2007-08	131	12.6	
2008-09	101	9.2	
2009-10	96	8.1	
2010-11	158	12.7	
2011-12	166	13.0	
2012-13	137	11.3	
2013-14	120	9.8	
2014-15	114	9.2	
2015-16	168	13.4	
2016-17	184	14.3	

Source: [Hospital Episode Statistics Admitted Patient Care](#)

## 2. News and blogs

RSPCA

[Act now for fairer fireworks](#) (Extract)

23 January 2018

We're supporting calls for three important amends to be made to our current firework regulations, and we hope that they will be raised in the debate on 29 January. These are:

- Restricting the use of fireworks to the agreed traditional dates (November 5th, New Year's Eve, Chinese New Year and Diwali) only. So that there are **limitations not just on the sale of fireworks at other times of the year, but on the use** of them too.
- Reducing the **maximum permitted noise level of fireworks to 97 decibels**, about the same level of noise as a door slamming. Fireworks louder than this would only be used for licensed public displays. We'd also like **fireworks to be labelled as 'loud' or 'low noise'** so that shoppers are able to make informed decisions.
- Ensuring that **all public firework displays need a license from the relevant licensing authority**, and giving all local residents the opportunity to appeal against the granting of the licence.

Dogs Trust

[Position on fireworks](#) (Extract)

2016

Dogs Trust is supportive of introducing further restrictions around the sale of fireworks, limiting them to licensed, public occasions at certain times of the year.

We also recommend that local authorities should take the location of public displays into consideration when granting them a licence and require that they are well publicised in the surrounding area.

Kennel Club

[Regulation of fireworks](#)

November 2013

Whilst the Kennel Club does not wish to see all fireworks removed from public display, there is a need to ensure that sensible measures diminish the harmful effects that fireworks have on dogs.

As part of the 'Animal Welfare Charities Fireworks Coalition' the Kennel Club was involved in ensuring that the Fireworks Regulations 2004 passed through the legislative process. The Regulations had the potential to introduce the following improvements to the welfare of animals in relation to the use of fireworks:

- Restrictions on the periods of the year in which they can be used
- Restrictions on times of the day during which fireworks can be used
- Definition of a public place
- Categories of fireworks available for purchase by the public etc
- Restrictions on the age below which an individual is not allowed to possess a firework in a public place

Surveys undertaken since their introduction highlight that in spite of the Regulation, the pet owning public are still experiencing problems associated with the use of fireworks.

It is clear that there remain concerns that more could/should be done to protect the welfare of animals for example:

- By ensuring that only category 1&2 fireworks are available for public sale/use
- Existing legislation is properly and rigorously enforced
- Ensuring there is communication and dialogue between those departments responsible for fireworks i.e. BERR, Home Office, Trading Standards and the HS&E

## 2.1 Press

Horse and Hound

[‘We have to move forwards’: fireworks petition gathers momentum](#)

1 November 2017

Metro

[Petition to ban fireworks reaches 17,000 signatures](#)

29 October 2017

Daily Mirror

[Thousands back petition to ban people staging their own displays on fireworks night](#)

27 October 2017

Independent

[Petition launched to stop people using fireworks in their back gardens](#)

9 October 2017

## 3. Parliamentary Business

### 3.1 Debate

[Fireworks](#) [Petition 109702]

HC Deb 6 June 2016 c1-30WH

### 3.2 Parliamentary Questions

[Fireworks: Antisocial Behaviour](#)

**Asked by: Steve McCabe**

To ask the Secretary of State for the Home Department, what recent steps her Department has taken to tackle the anti-social use of fireworks.

**Answered by: Victoria Atkins | Home Office**

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and local authorities with a range of powers to tackle anti-social and nuisance behaviour. Provided that the relevant legal tests are met, these powers can be used to tackle those who cause alarm or distress to others through their misuse of fireworks.

These powers are in addition to regulations in place covering the supply, storage, possession and use of fireworks which includes restrictions on when fireworks can be sold, curfews which limit the hours during which fireworks can be used, local authority powers to deal with excessive firework noise and a prohibition on setting off or throwing fireworks in the street or other public places.

**18 December 2017 | Written question | 119263**

[Fireworks: Sales](#)

**Asked by: Chris Williamson**

To ask the Secretary of State for Business, Energy and Industrial Strategy, if his Department will make an assessment of the merits of lowering the net explosive content a person can obtain when purchasing fireworks without a licence.

**Answered by: Margot James | Department for Business, Energy and Industrial Strategy**

The Government has no plans to make such an assessment. Certain classes of fireworks (display fireworks) can only be supplied to a person with specialist knowledge. Experience has shown that the current regulations strike the right balance between the enjoyment of fireworks by the public and restricting the sale of fireworks for public safety reasons.

**14 December 2017 | Written question | 117254**



[Fireworks: Accidents](#)**Asked by: Toby Perkins**

To ask the Secretary of State for Communities and Local Government, what information his Department holds on the number of (a) people and (b) animals injured in incidents involving fireworks during November in each of the last five years.

**Answered by: Jake Berry | Department for Communities and Local Government**

The Department for Communities and Local Government does not hold data for people or animals injured in incidents involving fireworks.

**28 November 2017 | Written question | 114692**

[Fireworks: Sales](#)**Asked by: Richard Burden**

To ask the Secretary of State for Business, Energy and Industrial Strategy, what assessment his Department has made of the effectiveness of existing legislation regulating the sale of fireworks.

**Answered by: Margot James | Department for Business, Energy and Industrial Strategy**

The Government takes the safety of fireworks very seriously. Regulations are currently in place which control the sale of fireworks to both consumers and professional display operators. Experience has shown that the current regulations strike the right balance between the enjoyment of fireworks by the public and restricting the sale and use of fireworks for public safety reasons.

Certain dangerous items are already banned for sale in the UK. These include bangers and jumping jacks, among others. Such items are prohibited regardless of whether they are approved for sale in other EU countries. This removes from sale higher risk fireworks which could lead to injury.

We will continue to focus on reducing accidents and nuisance by encouraging industry, retailers and others to promote the responsible sale and use of fireworks through guidance and public education.

**20 November 2017 | Written question | 112830**

[Fireworks: Sales](#)**Asked by: Gordon Henderson**

To ask the Secretary of State for Business, Energy and Industrial Strategy, if he will take steps to ban the public sale of fireworks that are not silent.

**Answered by: Margot James | Department for Business, Energy and Industrial Strategy**

There are no plans to ban the sale of fireworks that are not silent. The Government is aware of the impact of exceedingly loud fireworks which is why there is already a noise limit in place on consumer fireworks. Under the 2015 Pyrotechnic Articles (Safety) Regulations the maximum noise level of fireworks, for sale to the public, must not exceed 120dB.

**17 November 2017 | Written question | 112475**

[Fireworks](#)

**Asked by: Charles Walker**

To ask the Secretary of State for the Home Department, what steps she has taken to reduce the nuisance caused by fireworks; what plans she has to reduce instances of nuisance and abuse.

**Answered by: Victoria Atkins | Home Office**

The Government's approach to the safe use of fireworks and reducing nuisance is to encourage industry, retailers and others to promote responsible use through guidance and public education. There is also significant regulation in place covering the supply, storage, possession and use of fireworks, which helps to reduce instances of nuisance and abuse. This includes restrictions on when fireworks can be sold, curfews which limit the hours during which fireworks can be used, local authority powers to deal with excessive firework noise and a prohibition on setting off or throwing fireworks in the street or other public places.

In addition, the police or local authorities can consider the use of the powers provided by the Anti-social Behaviour, Crime and Policing Act 2014, if they are satisfied that the relevant legal tests are met, to tackle those who cause alarm or distress to others through their misuse of fireworks.

**16 November 2017 | Written question | 112621**

## 4. Organisations and further reading

### *Library briefing*

[Regulation of fireworks](#), Commons Library Briefing Paper CBP 5704, 27 November 2017

UK House of Commons Facebook post, [Do you think the use of fireworks needs to be more regulated?](#) 19 January 2018

Gov.uk, [Fireworks: the law](#)

Home Office, [Celebrating with bonfires and fireworks: a community guide](#), 17 March 2015

Department for Business, Innovation and Skills, [Promoting firework safety: guide to working with local media](#), 20 July 2010

UK Fire Service Resources, [Firework safety advice](#)

Royal Society for the Prevention of Accidents (RoSPA), [Firework safety](#)

[FAB Fireworks Abatement UK](#)

[UK Fireworks Forum](#)

### *Animal charities*

Blue Cross, [Fireworks and pets](#)

Dogs Trust, [Position on fireworks](#), 2016

Kennel Club, [Dogs and fireworks: dealing with anxiety](#)

Kennel Club, [Regulation of fireworks](#), November 2013

RSPCA, [Fireworks](#)

12 Number CDP-2018-0018, 25 January 2018

RSPCA, [Act now for fairer fireworks](#), 23 January 2018

RSPCA, [RSPCA tips to keep your pet calm on fireworks night](#), 23 October 2017

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