



## DEBATE PACK

Number CDP-2018-0259 , 22 November 2018

# E-petition 231147 relating to the sale of fireworks to the public

Westminster Hall, Monday 26 November 2018, 4.30pm

A Westminster Hall debate on E-petition 231147 relating to the sale of fireworks to the public is scheduled for Monday 26 November 2018 at 4.30pm. The Member leading the debate is Helen Jones MP, Chair of the Petitions Committee.

### Petition

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

UK Government and Parliament petition 231147, [Ban the sale of fireworks to the public. Displays for licenced venues only.](#), 30 April 2018 – 30 October 2018

### Library briefing

A Commons Library Briefing explains the current legislation:

[Regulation of fireworks](#), Commons Library Briefing Paper SN05704, 6 November 2018

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.

Contributor: Sarah Pepin  
Subject specialist: Lorraine Conway (Fireworks)

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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 231147

The [petition](#) is entitled "Ban the sale of fireworks to the public. Displays for licenced venues only."

It reached 290,377 signatures on 21 November 2018 and is due to be debated on 26 November.

The text is as follows:

Ban the sale of fireworks to the public. Displays for licenced venues only.

Every year fireworks are set off unnecessarily.

Fireworks are a nuisance to the public. They scare animals, young children and people with a phobia.

They injure thousands of people every year.

They cause damage to buildings, vehicles, emergency vehicles etc.

Lastly Kids are STILL being sold them.

## 1.4 Government's response to the petition

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

Government takes the issue of safety of fireworks very seriously. Legislation is in place to control their sale, use and misuse. We have no plans to change legislation.

The Department's full response is as follows:

Fireworks have played a part in the UK's history, and have been used for celebrations by many of our cultures – Christian, Hindu, Muslim - for many years. We recognise the enjoyment they bring to many people and the important role that they play in bringing communities together in celebration or remembrance. Private displays allow families and friends to hold their own displays and create their own traditions, celebrating events throughout the year such as weddings and birthdays. However, there is a limit on when fireworks can be set off, with a nightly curfew after 11pm every day apart from the four traditional dates, when that curfew is extended.

The Government understands the strong feelings that many people have about fireworks. But we would like to reassure you that there is already strict legislation in place to regulate the supply, storage, possession, use and misuse of fireworks to ensure public safety. This includes powers to prosecute those who use them in a dangerous or antisocial manner.

Together, the restrictions set out in the 2003 Fireworks Act, the Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015, provide a regulatory framework that allows for the safe enjoyment of fireworks by the public while minimising the risk of fireworks harming individuals, property or animals.

In addition, the availability of fireworks to the public is restricted by a licensing scheme for retailers which only allows for their sale without a license during the traditional firework periods of November 5th, New Year's Eve, Diwali and the Chinese New Year. There are also age restrictions in place which prevent the sale of fireworks to those under the age of 16 or 18 dependent on the classification of firework. There are further restrictions on the public possession of most fireworks by those under 18.

Local Authority Trading Standards have powers to take action against those who sell fireworks illegally, including those selling fireworks without an appropriate licence, or outside the normal selling period, or to underage people. This also includes the sale of illegally imported fireworks and internet sales.

We recognise that the noise from fireworks can be distressing to some people and so there is in place a noise level limit of 120 decibels on fireworks that are available for consumer use. Consumers can also choose to buy from the wide range of low noise fireworks now available.

The Government is also aware of concerns about the risks of firework-related injury. Measures have already been taken to ban certain dangerous items from sale in the UK including bangers and jumping jacks. This removes from sale higher risk fireworks which could lead to injury. Also, the most powerful category of display fireworks must not be sold to members of the public.

Having said that legislation is in place, we have listened to the concerns around the potential for distress to be caused by fireworks to individuals, as well as to livestock, pets and wildlife.

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

That is why the new Office for Product Safety and Standards is working with industry, retailers, charities and others, including the Royal Society for the Prevention of Accidents (RoSPA) and Netmums, to promote their safe and responsible use and to raise consumer awareness on firework safety.

The Government urges those using fireworks to be considerate to their neighbours and to give sufficient notice of firework use, particularly to those who are vulnerable such as the elderly, children, those with mental health issues such as Post Traumatic Stress Disorder and those with pets and livestock. Government-sponsored guidance on safe and considerate use of fireworks is available via the GOV.UK website. This includes a link to the Fireworks Code hosted by RoSPA containing guidance on respecting neighbours, especially those with pets and informing them of planned displays. In addition, the Government supports the Blue Cross animal charity guidance which advises 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), the Kennel Club and the Dogs Trust provide similar advice on their websites concerning how to minimise the impact of fireworks use on animals.

The Government believes the legislation and guidance already in place is appropriate to allow for the safe use of fireworks by the public; therefore, we have no plans to ban private sales.

## 2. Animal charities

RSPCA, [Fireworks and animal welfare briefing](#), November 2018

Extract:

Key points...

- The RSPCA supports calls to restrict the private use (i.e. the display of fireworks by the general public) of fireworks to certain traditional dates such as November 5th, New Year's Eve, Chinese New Year and Diwali.
- Fireworks can be a source of fear and distress for many animals. This can have a considerable negative effect on their welfare.
- The current legislative framework, primarily the Fireworks Act 2003 and Fireworks Regulations 2004, has had some success in restricting the private display of fireworks. We would like to see it go further.
- Firework phobia in domestic pets is a treatable condition and should not be ignored. The RSPCA has produced species specific advice for some of the most common pet animals which we would urge concerned owners to follow, in addition to seeking veterinary advice.

Dogs Trust, [We launch Firework Dog Code to help our four-legged friends this 5th November](#), 31 October 2018

Extract:

Our latest survey found that:

Over half of the British Public think fireworks should be limited to public displays only to limit potential distress to animals, and over a third dislike fireworks due to their pets being scared. Out of the people surveyed, almost three-quarters agreed that fireworks should be restricted to certain times of year only. Current law states that anyone over the age of 18 can legally buy fireworks and set them off at any time of the year from 7am-11pm. Two-thirds of people would also support increasing the legal age people can buy fireworks from 18 to 21.

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

Text in full:

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.

There remains concern 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

### 3. Press

ITV News

[More than 200,000 sign petition to ban sale of fireworks to public](#)

7 November 2018

BBC News

[Lit firework 'put in homeless army veteran's coat by youths'](#)

6 November 2018

Independent

[Youths 'drop lit firework inside homeless man's pocket' on Bonfire Night](#)

6 November 2018

BBC News

[Firework burn girl, 4, makes safety plea to friends](#)

5 November 2018

Police Professional

[Chief constable: ban sale of fireworks to stop people 'terrorising' communities](#)

23 October 2018

Telegraph

[Ban fireworks, says chief constable who insists he's no 'party pooper'](#)

19 October 2018

## 4. Parliamentary Business

[Fireworks](#) (E-petition 201947)

HC Deb 29 January 2018 c227-62WH

Extract: (c258-61WH)

### **The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths):**

... ..

I thank the huge number of people who have signed the petition and made the debate possible, particularly the Firework Abatement campaign. A lot of people get petitions together and try to raise issues, but it is clear that Firework Abatement has done a lot of groundwork to understand the issue. It speaks not only for the more than 111,000 signatories of the petition, but for many of our constituents. With my three weeks' experience as a Minister, I can tell the House that a huge number of my letters have been about fireworks, so it is clearly an issue that concerns constituents. This is our second petitions debate on it in recent years; the first, in June 2016, focused more specifically on the impact on pets and animals, which I shall address later.

Hon. Members have made some compelling speeches. No one could fail to be moved by the tragic stories we have heard. The hon. Member for Derby North (Chris Williamson) described somebody seeing their house destroyed as a result of fireworks. We have heard some really distressing and disturbing anecdotes about animals, including pets, horses, cows and other livestock, suffering not just distress but death from the misuse of fireworks. Of course, we also heard about Flo from my right hon. Friend—sorry, my hon. Friend, but it is just a matter of time—the Member for Walsall North (Eddie Hughes). He made the case for pets in his constituency with his usual passion and aplomb, and I am sure that many pet lovers will be pleased that he is raising their concerns in this place.

I recognise the effects that fireworks can have—the pleasure that they give to many of our constituents, but also their negative impact on many people, including those who are vulnerable or have pets or livestock. The hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) said a number of times that many fireworks are used responsibly. That is true: there are many examples of law-abiding people who use their fireworks safely, responsibly and in a caring and considerate manner towards their neighbours. However, as we have heard, there are others who do not use them in that way, and they are the people with whom we are concerned.

It is for the Government to ensure that we have a system that allows for the enjoyment of fireworks but protects those who might be harmed or inconvenienced, including the young, the elderly and those with mental health issues. As a former trustee of a service charity for veterans in the criminal justice system, I understand the impact that post-traumatic stress can have on veterans. Fireworks also have an effect on wildlife and livestock, as we have heard.

The Government's aim is to ensure that people who enjoy fireworks can do so safely, but that we minimise the risks, noise and distress that can be an unwelcome by-product of their use. Even in this debate, in which the same concerns have been raised consistently in almost every speech, there has been a difference of opinion about how we should tackle the issue. Some advocate an outright ban, some want a consultation and some want tighter legislation. It is for the Government to consider all those arguments in the round, form an opinion and ensure that the legislation meets those challenges.

I will not go into great detail on the laws that govern the sale and regulation of fireworks, because other hon. Members have already outlined them. The controls on supply, sale and use reflect the level of risk posed by the four different categories of firework. Those controls include a curfew on their use; restrictions on when they can go on general sale; restrictions on their sale to minors; and noise limits and penalties for their misuse. The controls restrict the general availability of fireworks for public sale to certain times of the year, such as bonfire night, new year's eve, Diwali and Chinese new year. Outside those traditional periods, retailers who wish to sell fireworks must obtain a licence from their local licensing authority. It is worth noting that local authorities have the power to restrict such licences if they so wish. A local authority can refuse to issue a licence for the sale of fireworks outside seasonal celebrations, so hon. Members who have concerns about such sales may wish to raise them with their local authority.

Another way in which the current system seeks to lessen the distressing impact on vulnerable groups is by controlling the times at which fireworks can be used. As we have heard, there is a strict curfew of 11 pm, with exceptions for bonfire night, new year and Diwali.

My hon. Friend the Member for Saffron Walden (Mrs Badenoch) raised Collecchio, the Italian town that has banned noisy fireworks. In the UK, there is already a limit on the noise levels of fireworks that can be bought for general sale. That is, as has been said, 120 dB. However, I think there is a disagreement in this House about whether 120 dB is a jumbo jet, a chainsaw, a rock band starting up or a number of other very noisy things. Also, quieter fireworks are increasingly being developed by manufacturers, and they are increasingly available from retailers, so that consumers can have more choice and a better chance of acquiring lower-noise fireworks, to help them to avoid disturbing their neighbours.

Earlier, we touched on the issue of education, which is important, both for fireworks users and for pet or livestock owners. They are not the outright solution but there are things that pet owners can do to reduce the very real distress their pets can experience. There is excellent advice provided by the Royal Society for the Prevention of Cruelty to Animals and the Kennel Club, intended to help owners to reduce their pets' stress, and it can be found on those organisations' websites.

There are a number of controls on the use and misuse of fireworks. Antisocial behaviour, such as the throwing of fireworks, is covered by the Explosives Act 1875, which prohibits fireworks from being thrown in or on to public places. Some hon. Members asked whether the powers that I am

drawing attention to actually work. Earlier this year, a man in Kirkwall was sentenced to six months in prison after admitting setting off fireworks in a culpable and reckless manner in the town centre. So these powers are available and they are used.

There are a number of agencies that have responsibility for enforcing those rules, including the police, trading standards, and the Health and Safety Executive. Of course, any injury caused by fireworks can be a tragedy, but thankfully the number of people admitted to hospital because of fireworks is quite stable. I think that the hon. Member for Sheffield, Brightside and Hillsborough said that fireworks accidents are on the rise, but my statistics show that the number of people admitted to hospital with firework injuries remains at a stable and relatively low level. NHS statistics show that the total number of people admitted to hospital because of firework injuries remained below 200 a year from 2007-08 to 2016-17. Of course, that is still too many injuries, and we want to do more to bring that number down, but the figures are relatively stable. The number of accident and emergency attendances in England in 2016-17 due to “firework injury” was 5,340. Again, that has remained pretty stable as a proportion of all A&E attendances between 2013-14 and 2016-17.

The safety of UK consumers is our highest priority, and we recognise the particular impact that fireworks can have. We believe that, at the moment, we have a balance between people’s concerns about fireworks, and the legitimate interests of those who wish to enjoy celebrating with fireworks and of those employed in the firework industry. However, we recognise that more can and must be done.

I will share with hon. Members here today the news that one of the first things I did when I became the Minister with responsibility for consumer protection was to announce on 21 January the creation of the Office for Product Safety and Standards. This is a new body that will receive some £12 million a year in central Government funding to ensure that we have access to information nationally and to support local authorities in their work. The new office will work with key stakeholders and enforcing authorities to review the guidance materials available on the safe and responsible use of fireworks. It will also provide an intelligence-handling function to improve the information we have. It will also examine the individual safety of particular fireworks and of other products on sale.

There was some suggestion about cuts in relation to trading standards bodies. I will just draw the attention of the House to the fact that the Department for Business, Energy and Industrial Strategy gives some £15 million a year to local authorities to support the work they do through trading standards, but in addition we will have this new £12 million-a-year body to provide extra resource to local authorities.

... ..

[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 | DBEIS**

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**

## 5. Further reading

[Regulation of fireworks](#), Commons Library Briefing Paper SN05704, 6 November 2018

[E-petition 201947 relating to fireworks](#), Commons Library debate pack CDP-2018-0018, 25 January 2018

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

[FAB Firework Abatement UK](#)

[UK Fireworks Forum](#)

[RSPCA](#)

[Dogs Trust](#)

[Kennel Club](#)

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