



Regulation of fireworks

Number 05704, 16 November 2020

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Summary

Throughout the year, fireworks are widely used to mark public and private celebrations as well as traditional events. Since they are explosives, there are strict rules in place in the UK regulating the sale, possession and use of fireworks.

The storage of fireworks (and other explosives) is controlled by the [Explosives Regulations 2014](#). The [Pyrotechnic Articles \(Safety\) Regulations 2015](#), which came into force on 17 August 2015, deal with the safety of fireworks as a consumer product. Before placing a firework on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential safety requirements. All fireworks intended to be sold to the public must be 'CE' marked showing that they meet EU requirements set out in Directive 2013/29/EU. Importantly, a manufacturer must keep the technical documentation and the EU declaration of conformity drawn up in respect of a firework for a period of 10 years (beginning on the day on which the firework is placed on the market).

There are various categories of fireworks (see **Box 3** below). Category F1 fireworks present a very low hazard and are intended for use in confined areas, including inside domestic buildings. Categories F2 and F3 fireworks are on general sale to the public but only category F2 fireworks are intended for outdoor use in confined areas (such as a small garden).

Under the 2015 Regulations, an economic operator (i.e. retailer) must not sell category F1 fireworks to anyone under the age of 16.¹ F2 and F3 category fireworks must not be sold to anyone under 18. The most powerful F4 category fireworks (display fireworks) must not be sold to members of the public; they can only be supplied to a person with specialist knowledge.² These measures are specifically designed to promote consumer safety.

[The Fireworks Regulations 2004](#) (as amended) are designed to tackle the anti-social use of fireworks. Since January 2005 the sale of fireworks to the public is prohibited, except from licensed traders. However, fireworks can be sold by unlicensed traders for:

- Chinese New Year and the preceding three days,
- Diwali and the preceding three days,
- Bonfire Night celebrations (15 October to 10 November), and
- New Year celebrations (26 to 31 December).

Under the 2004 Regulations, it is an offence to use fireworks after 11pm and before 7am without permission (except on permitted fireworks nights when the times are extended).

The purpose of this briefing paper is to provide a detailed overview of the current legislative provisions regulating the manufacture, storage, supply, possession and use of fireworks in England and Wales and (in the main) Scotland. Regulation of the sale of fireworks in Scotland is regarded as a consumer safety issue and as such is a reserved matter. However, in respect of the use of fireworks (under the 2004 Regulations), there is some legislative variation in respect of Scotland.

The position is different in Northern Ireland. Anyone who wants to buy, possess and use fireworks (except indoor fireworks and sparklers) in Northern Ireland must have a valid fireworks licence. Further information is available from [NI direct government services](#).

¹ Section 31

² Section 32

1. Relevant legislation

There are several existing Acts of Parliament and regulations which cover the storage, supply, possession and use of fireworks (see **Box 1** below).

Box 1: Legislation on the storage, supply and use of fireworks:

- [Consumer Protection Act 1987](#)
- [Fireworks Act 2003](#)
- [Fireworks Regulations 2004](#), as amended by the [Fireworks \(Amendment\) Regulations 2004](#)
- [Pyrotechnic Articles \(Safety\) Regulations 2015](#)
- [Explosives Act 1875](#);
- [Explosives Regulations 2014](#)
- [Product Safety Amendment and Revocation Regulations 2012](#)
- [Health and Safety at Work etc. Act 1974](#)

It should be noted that Part 6 (Schedule 10) of the new [Pyrotechnic Articles \(Safety\) Regulations 2015](#) sets out consequential amendments to the [Fireworks Act 2004](#). Regulation 75 makes consequential amendments, including to section 31, of the [Explosives Act 1875](#).

2. Manufacture, labelling and supply

2.1 Manufacture

Box 2: Pyrotechnic Articles (Safety) Regulations: what is being done?

In a nutshell, the [Pyrotechnic Articles \(Safety\) Regulations 2015](#) aim to improve the safety of pyrotechnic articles made available on the market by:

- **Ensuring that the obligations of all economic operators in the supply chain are clearer** (and, those of importers and distributors). For example, manufacturers and importers will need to monitor the conformity of pyrotechnic articles placed on the market.
- **Making pyrotechnic articles easier to trace.** New requirements have been introduced to increase the traceability of pyrotechnic articles placed on the market, including a requirement to label pyrotechnic articles with a registration number and a requirement for economic operators to keep records of other economic operators in the supply chain for 10 years.
- **Providing a more structured market surveillance regime.** Enforcing authorities have been given additional powers (including issuing recall notices) but are also subject to more detailed requirements as to how they use their powers. For example, in the cases of pure formal non-compliance, it is necessary for enforcement authorities to give economic operators an opportunity to bring pyrotechnic articles into compliance before taking further action.
- In addition, more detailed requirements have been introduced concerning the process by which, and the criteria which must be satisfied before, bodies carrying out conformity assessment procedures can be considered notified bodies authorised to carry out tasks under the Directive.

The starting position is that fireworks made or imported into the UK must be manufactured to high standards.

The [Pyrotechnic Articles \(Safety\) Regulations 2015](#)³ came into force on 17 August 2015 and apply across the UK.⁴ The Regulations implement two EU Directives:

- [Directive 2013/29/EU](#)⁵, which sets harmonised rules relating to the safety of pyrotechnic articles.⁶
- [Directive 2014/58/EU](#)⁷ on setting up a system for the traceability of pyrotechnic articles on the market, thereby improving safety.

The 2015 Regulations are part of the EU's New Legislative Framework (NLF) approach to the pyrotechnics sector. (The 2015 Regulations revoke the Pyrotechnic Articles (Safety) Regulations 2010)

³ SI 215 No. 1553, made under section 2(2) of the European Communities Act 1972

⁴ Department for Business, Innovation and Skill (now BEIS) carried out a 6 week public [consultation on the new Regulations](#) from 11 December 2014 to 22 January 2015

⁵ OJ No L178, 28.06.2013, p27

⁶ The NLF is a set of general principles and rules to make legislation on the single market for goods clearer, more consistent and more effective. It replaces [Pyrotechnic Directive 2007/23/EC Directive](#).

⁷ OJ No L115, 17.4.2014, p28

The 2015 Regulations are concerned with the safety of fireworks made available on the market (see **Box 2** above).⁸

Under **Part 2** of the 2015 Regulations, a manufacturer is under an obligation to ensure that a firework has been designed and manufactured in accordance with the essential safety requirements set out in **Schedule 2**, having a relevant conformity assessment procedure carried out before the firework is placed on the market, affixing the CE marking and labelling the firework. The aim is to minimise the risks of injury to users, onlookers and the public in general, and of damage to property.

2.2 Labelling

All fireworks offered for sale in the UK must carry a CE mark to show that they are safe and conform to European safety standards.

Fireworks are categorised and labelled according to their explosive content (see **Box 3** below). The label must also include instructions on safety distances and means of ignition and safety messages.

Box 3: Categorisation of fireworks

Part 2, section 6 of the new [Pyrotechnic Articles \(Safety\) Regulations 2015](#), states:

6. Before placing a pyrotechnic article on the market, a manufacturer must-

(a) categorise it using the categories set out in Schedule 1 (categories of pyrotechnic article), according to its –

- (i) type of use; or
- (ii) purpose and level of hazard, including its noise level; and

(b) ensure that a notified body has confirmed that categorisation as part of a relevant conformity assessment procedure

Under **Schedule 1**, firework categories have been retitled as follows:

- **Category F1** – fireworks which present a very low hazard and negligible noise level, and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings (i.e. indoor fireworks).
- **Category F2** – fireworks which present a low hazard and low noise level, and which are intended for outdoor use in confined areas (i.e. garden fireworks).
- **Category F3** – fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health (i.e. display fireworks for open areas such as fields).
- **Category F4** – fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health (i.e. professional fireworks for large open spaces).

It is an offence for a manufacturer to contravene or fail to comply with the categorisation requirement contained in the Regulations.⁹

⁸ The Regulations revoke and replace the Pyrotechnic Articles (Safety) Regulations 2010. They also contain consequential amendments to the [Explosives Act 1875](#) and secondary legislation regulating the use of fireworks

⁹ Section 62

2.3 Supply

Pursuant to the [Pyrotechnic Articles \(Safety\) Regulations 2015](#), manufacturers and importers, along with distributors, have to keep records of the registration numbers of fireworks, who they have sold fireworks to and who has supplied them, for a period of 10 years.¹⁰ They will also have new obligations to take action over unsafe articles that they have put on the market.

Importers are also required to supply information at the point of entry (the ports) to help ensure that their fireworks are destined for legitimate storage and distribution. This information will be passed on to the relevant authority responsible for storage licences to enable checks on deliveries to be carried out.

In addition, under the [Consumer Protection Act 1987](#) suppliers of all consumer goods (including fireworks) are required to supply goods that meet an acceptable standard of safety. Under section 11 of the Act it is an offence to supply goods which fail to comply with general safety requirements.

¹⁰ Section 20

3. Storage of fireworks

The [Explosives Regulations 2014](#)¹¹ (ER 2014) deal with the storage of fireworks and came into force on 1 October 2014¹² (see **Box 4** below).

As regards Great Britain, the ER 2014 implement:

- [Directive 93/15/EEC](#)¹³ on the harmonisation of provisions relating to the placing on the market and supervision of explosives for civil uses (as amended).
- [Directive 2008/43/EC](#), on the setting up (pursuant to Council Directive 93/15/EC)¹⁴ a system for the identification and traceability of explosives for civil uses.

In a nutshell, the storage of fireworks of less than two tonnes in weight needs a licence from the local authority; storage of more than two tonnes of fireworks requires a licence from the Health and Safety Executive. Both bodies may inspect storage facilities, if they so wish.

Box 4: The Explosives Regulations 2014

Besides making minor drafting changes, these Regulations make several other changes in the consolidation, including:

- since registration in respect of the storage of small amounts of certain explosives is no longer possible, such storage will now come within the licensing regime for the storage of explosives;
- the storage of ammonium nitrate blasting intermediate is now required to be licensed;
- the provision of a greater number of separation distances in respect of the storage of explosives;
- licenses for the storage of explosives granted by local authorities to be extended to up to 5 years instead of two; and
- the record keeping requirements to be aligned more to those applying in relation to civil explosives under EU law

The Regulations are supported by a new, [central guidance document](#) supplemented by supporting documents targeted at either specific sub-sectors or processes.¹⁵

¹¹ S.I. 1991/1531

¹² The Regulations consolidate: [Control of Explosives Regulations 1991](#); the [Placing on the Market and Supervision of Transfers of Explosives Regulations 1993](#); the [Marking of Plastic Explosives for Detection Regulations 1996](#); the [Manufacture and Storage of Explosives Regulations 2005](#); and the [Identification and Traceability of Explosives Regulations 2013](#) – all of which are now revoked.

¹³ OJ No. L121, 15.5.93, p.20

¹⁴ OJ No. L94, 5.4.2008, p.8

¹⁵ Health and Safety Executive (HSE), '[Explosives Regulations 2014 – Guidance on Regulations – Safety Provisions](#)', 2014, [online] (accessed 6 November 2018)

4. Sale, possession and use

The [Fireworks Act 2003](#) is an enabling Act – conferring power on the Secretary of State in England and Wales and the Scottish Ministers, to make provision for the control of fireworks and explosives by regulation in order to secure that there is either no risk, or a minimal risk compatible with use, that fireworks will cause death, injury or distress to persons or animals, or damage to property.

The Act was originally a government-supported Private Members Bill.¹⁶ The aim of this Act is to reduce the noise, nuisance and injuries caused by the misuse of fireworks – which forms part of the broader public concern with the problem of anti-social behaviour.¹⁷

The current [Fireworks Regulations 2004](#)¹⁸ (as amended¹⁹) were made under the Fireworks Act 2003 and came into force on 7 August 2004 (apart from Regulations 9 and 11 which came into force on 1 January 2005). The Regulations introduced a package of measures to regulate the sale, possession and use of fireworks (see below). The Regulations apply to England, Wales and Scotland with the exception of Regulation 7 relating to curfews, this aspect is covered by the [Fireworks \(Scotland\) Regulations 2004](#) (SSI 2004/393) (see below).

The Fireworks Regulations 2004 are enforced by local authority Trading Standards officers.

The Fireworks Regulations 2004 – a package of measures to tackle the anti-social and criminal use of fireworks

4.1 Sale of fireworks

Box 5: New licensing system under Regulation 9 of the *Fireworks Regulations 2004*:

Regulation 9 creates a new licensing system, enforced by the relevant licensing authority. Those intending to supply fireworks to the public outside the traditional selling periods (i.e. all year round) are required to hold a licence to supply fireworks, either from the Local Authority, Fire Service or HSE. All three bodies have the discretion to refuse such an application on the grounds of either a potential increase in anti-social behaviour or injuries.²⁰

The traditional periods where selling without a licence is permitted are:

- November 5 - (from 15th October to 10 November)
- New Year - (from December 26th to 31st)
- Chinese New Year - (on the first day of the Chinese New Year and the 3 days immediately preceding it)
- Diwali - (on the day of Diwali and the 3 days immediately preceding it)

¹⁶ Chapter 22 2003, the Act extends to England, Wales and Scotland but not Northern Ireland

¹⁷ The Act started life as a Private Members' Bill introduced by Bill Tynan MP, but it had Government support. It also had the support of a range of organisations including The Guide Dogs for the Blind Association, Blue Cross. The RSPCA, the Scottish Society for the Prevention of Cruelty to animals and the convention of Scottish Local Authorities Task Group

¹⁸ SI 1836:2004

¹⁹ As amended by the [Fireworks \(Amendment\) Regulations 2004](#) (SI 3262:2004)

²⁰ Under regulation 9(8) a person may appeal to the court against a decision of a local licensing authority to refuse to grant him a licence or to revoke a licence. Any such appeal must be made within 28 days of the decision in question being notified to that person.

Under **Regulation 9** of the [Fireworks Regulations 2004](#) (as amended)²¹, which came into force on 7 August 2004, the sale of fireworks is limited to seasonal periods unless a retailer is licensed (see **Box 5** above).

A licence costs £500 and is issued by a local authority, subject to strict criteria. The penalty for operating without a licence is an unlimited fine and/or up to six months in prison.

Online sales of fireworks are regulated by Trading Standards in the same way as conventional sales.

Regulation 8 prohibits the sale of excessively loud fireworks to members of the public (see Box 6 below).

Box 6: Prohibition of the sale of excessively loud fireworks under Regulation 8:

Regulation 8 prohibits the supply to the public of **category F3** fireworks whose noise levels exceed 120 decibels db. (A), (which is in line with the new harmonized European Standard - BS EN 14035).²²

Category F3 fireworks are the loudest and most powerful fireworks available for public use.

In addition, under section 31 of the [Pyrotechnic Articles \(Safety\) Regulations 2015](#), an economic operator (i.e. retailer) must **not** sell:

- a Christmas cracker to anyone under the age of 12 years;
- F1 category fireworks to anyone under the age of 16;
- F2 and F3 category fireworks to anyone under the age of 18;
- F4 category fireworks to members of the public (they can only be supplied to a person with specialist knowledge²³).

Age restrictions on sale of fireworks

It is not a legal requirement to have any kind of licence or training to buy “consumer fireworks” (category F1, F2 and F3 fireworks). There is no such thing (contrary to popular belief) as either a licence or training that entitles a member of the public to buy category 4 (professional display) fireworks. These are only available to professional fireworks companies with all year insurance and licenced storage.

Under the 2015 Regulations, retailers are also required to display a notice at the point of sale stating:

“It is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of eighteen” and

“It is illegal for anyone under the age of eighteen to possess any category F2 fireworks or category F3 fireworks in a public place.”

The notice is required to be A3 size, with text a minimum of 16mm high.

²¹ SI 2004/1836

²² Category F3 fireworks are consumer display fireworks (i.e. fireworks sold and used by the public)

²³ The meaning of “person with specialist knowledge” is set out in Schedule 4

Finally, it is important to note that certain items are banned in the UK. These include bangers, air bombs and jumping jacks, regardless of whether these are CE marked and approved for sale in other EU countries.

Banned fireworks

4.2 Possession of fireworks

Under the [Fireworks Regulations 2004](#) (as amended), it is an offence for:

- Anyone under the age of 18 to possess an adult firework (meaning category F2, F3 and F4 fireworks) in a public place. "Public place" includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise. (**Regulation 4**).
- Anyone (other than a firework professional) to possess category F4 fireworks (i.e. display fireworks). (**Regulation 5**).

Subject to the limited exceptions set out at **Regulation 6**. For example, a test purchase volunteer purchasing fireworks on behalf of a local authority would be exempt from the possession offence.

The Police can serve a fixed penalty notice of £80 on anyone under the age of 18 possessing a firework in a public place.

It should also be noted that under section 134 of the [Policing and Crime Act 2017](#), which came into force on 3 April 2017, makes it an offence to possess a pyrotechnic article (for example, a firework, flare or smoke bomb) at a qualifying musical event.

Offence to possess a firework at a qualifying musical event

The [Policing and Crime Act 2017 \(Possession of Pyrotechnic Articles at Musical Events\) Regulations 2017](#)²⁴ defines a qualifying musical event as an event that is provided to any extent for members of the public, or a section of the public, and takes place on premises in respect of which a premises licence under the Licensing Act 2003 has been granted and the licence authorises the premises to be used for the provision of regulated entertainment (as defined by the Licensing Act 2003) in the form of a performance of live music. The maximum penalty for the offence is 3 months' imprisonment, a level 3 fine (currently £1,000) or both.

4.3 Use of fireworks

Regulation 7 of the [Fireworks Regulations 2004](#) imposes a curfew on when fireworks can be let off in England and Wales.

Specifically, regulation 7 sets an 11 pm curfew on the use of fireworks, with later exceptions for seasonal celebrations (see **Box 7** below). The curfew is enforced by the police, with any **breach** subject to an unlimited fine and/or six months in prison. The police can also issue on-

²⁴ SI 2017/306

the-spot fines of £90 to persons aged 18 or over committing that offence.

Box 7: Curfew on the use of fireworks - Regulation 7

Regulation 7 creates a curfew on the use of fireworks between 11 pm and 7 am (in line with the *Noise Act 1996* as amended). The start of the curfew will be later for some occasions during the year when fireworks are normally used for traditional or cultural events. These are:

- November 5th when the curfew will begin at midnight
- New Year's Eve when the curfew will not start until 1a.m on the following day
- Chinese New Year when the curfew will not start until 1a.m on the following day
- Diwali when the curfew will not start until 1a.m the following day.

The curfew does not apply to the use of category F1 type fireworks or category F2 sparklers.

Local authorities are also permitted to put on displays outside these times for local purposes and for national and commemorative events.

People who break the curfew could receive a fine of up to £5,000 and/or six months imprisonment. Alternatively, the police could serve a fixed penalty notice of £80.

In respect of Scotland, the [Fireworks \(Scotland\) Regulations 2004](#)²⁵ deal primarily with the timings of curfew. Adult fireworks are prohibited from use in Scotland during night hours (between 23.00 and 07.00).

Exceptions to this are as follows:

- Until 01.00 on the nights of Chinese New Year, Diwali and New Year's Eve
- Until 24.00 on 5th November
- Local authority employees running local authority firework displays, national public celebrations or national commemorative events
- Other dispensations granted by the local authority

Enforcement of curfews is a matter for the Chief Constable of each police force.

In addition, under section 80 of the [Explosives Act 1875](#) (as amended) it is an offence to throw or discharge a firework in a street or public place. This is enforced by the police, and a fixed penalty notice of £80 applies.

Fireworks should only be let off on private land (such as a garden) or on land where the landowner has given permission.

²⁵ The [Fireworks \(Scotland\) Regulations 2004](#) were made by Scottish Ministers under the [Fireworks Act 2003](#) through powers conferred by an order under section 63(1)(b) of the [Scotland Act](#)

5. Enforcement

Using fireworks illegally can result in prosecution and a fine of up to £5,000 and/or a prison sentence of up to 6 months. An on-the-spot fine of £90 may also be levied.

The penalty for committing an offence of supplying a category F2 or F3 firework to any person under 18 years or supplying a category F1 firework to any person under 16 years, is a fine of up to £5,000 and up to 6 months' imprisonment.

The [Explosives Regulations 2014](#) provide for the regulation of the manufacture, storage and acquisition of explosives by means of a series of defined duties, the granting of approvals and a system of licensing. For example, the Regulations require a licence to store fireworks except where the quantity is less than 5 kg. It is a breach of the Regulations to store more than that quantity of fireworks without a licence.

In all areas, local authority Trading Standards officers are responsible for enforcing regulations on consumer safety and age of purchase.²⁶ Enforcement of the Regulations in respect of other pyrotechnics will fall primarily to the Health & Safety Executive.

²⁶ These areas are covered by the [Pyrotechnic Articles \(Safety\) Regulations 2010](#) and the [Fireworks Regulations 2004](#)

6. Public awareness

There is government-sponsored guidance on the safe and considerate use of fireworks on the [gov.uk website](#), including the fireworks code.

In addition, the “[Celebrating with bonfires and fireworks: A community guide](#)” is produced by the Department for Communities and Local Government. It encourages consideration for neighbours, including advising them in advance of any fireworks party planned.

Many local authorities provide advice on how to use fireworks safely on their websites, as well as links to other sites. In addition, UK fireworks manufacturers support the [Fireworks Code](#), which is supplied with all their products and contains advice on safety and on considerate use.

Various animal charities (for example, [Blue Cross](#)) have published guidance on how to protect animals during fireworks season. In recent years, the [RSPCA](#) and other animal welfare charities have also campaigned for tighter regulation of fireworks.

7. Other legislation

7.1 Excessive noise - statutory nuisance

As already mentioned, there is a noise limit of 120db on all consumer fireworks. In addition to the *Fireworks Regulations 2004 (as amended)*, there is other legislation that may also be used in certain circumstances to tackle excessive noise from fireworks.

Under section 80 of the [Environmental Protection Act 1990](#) (EPA 1990), a local authority's Environmental Health officer must take "all reasonable steps" to investigate a complaint about excessive noise. If they believe a statutory nuisance is occurring or is likely to occur or recur they must act.

Box 8: For the purposes of the EPA 1990, a statutory nuisance is:

"[...] a noise emitted from premises so as to be prejudicial to health or a nuisance".

If the noise continues, the officer can issue a noise abatement notice. If a person fails to comply with this notice, they can be prosecuted.

Local authorities in England and Wales also have powers under the [Anti-social Behaviour Act 2003](#) to tackle noise coming from homes or gardens between the hours of 11.00 pm and 7.00 am. If an environmental health officer is satisfied that this noise exceeds permitted levels, a warning notice may be served on the person responsible. If the warning is ignored, the offender may be prosecuted (the offence carries a fine of up to £1000). However, the officer may instead issue a fixed penalty notice.

Ultimately it is for local authority Environmental Health officers to judge whether a private fireworks party is a nuisance. It is also worth noting that since firework noise is short-lived, in practice it can prove difficult to locate the source.

7.2 Health and Safety at work etc. Act 1974

The [Health and Safety at Work etc. Act 1974](#) provides for the making of health and safety regulations for the general purposes of securing the safety of persons at work. In the context of fireworks, this would generally apply to firework display operators and those events where pyrotechnic or firework displays take place in the course of a business.

7.3 Animal Welfare Act 2006

Under the [Animal Welfare Act 2006](#), powers exist for secondary legislation and codes of practice to be made to promote the welfare of animals.

Under section 4 of the Act, it is an offence to cause any unnecessary suffering to any captive or domestic animal. The offence carries a fine of up to £20,000 and/or a prison term of up to six months.

The Act is enforced by local councils, animal health officers and the police. Further information is available from the [Gov.uk website](#)

8. Petitions Committee's recommendations

On 5 November 2019, the [Petitions Committee](#) published its [report](#) on fireworks.²⁷ In this report, the Committee called on the Government to take action on irresponsible fireworks use but did not call for an outright ban. The Committee's inquiry came after three Westminster Hall debates on the misuse of fireworks. The debates resulted from public petitions calling for tighter restrictions on the sale and use of fireworks (in total more than 750,000 signatures).

The Petitions Committee's inquiry in 2019 involved consultations with various groups, including people with a wide range of health conditions and disabilities and organisations that support them, military veterans and animal rights charities. The investigation also compiled evidence from the RSPCA, the British Fireworks Association, the National Police Chiefs Council, and the National Fire Chiefs Council, culminating in a report submitted to the Government in November 2019

In its report, the Committee made the following key recommendations:

- the Government (and agencies) should collate and publish data on problems associated with fireworks in a consistent way, to facilitate local responses;
- legislation should be introduced to empower local authorities to tackle this issue head on, so permits can be introduced in communities where the irresponsible use of fireworks is a problem for residents;
- new packaging regulations should be introduced to prevent fireworks being packaged in a way that would appeal to children;
- there should be a review of the decibel level limit of consumer fireworks, with the aim of setting a reduced limit in order to diminish the risks to animals;
- the Government should act quickly to close a loophole around the storage by retailers of up to 5kg of fireworks without a licence;
- the Government should conduct a review of online sales of fireworks, particularly over social media, establishing a strategy to tackle illegal online sales; and
- the Government should fund and coordinate major, national awareness campaigns (from October 2020 and annually thereafter) on the responsible use of fireworks and the dangers of fireworks for those with health conditions (such as PTSD or Autism Spectrum Disorder).

²⁷ Petitions Committee, First Report of Session 2019, on "[Fireworks](#)" (HC103)

Commenting on its recommendations, the then Chair of the Petitions Committee, Helen Jones MP, said:

"Our inquiry has shone a light on the troubling human impact of failing to regulate the fireworks industry effectively. From affecting the mental health of veterans, to harming animal welfare, and even threatening the health of young children, the consequences are widespread. It is not good enough for the Government to repeatedly claim that the law protects these people and animals from harm. It does not. Now is the time for action, not apathy.

While we do not support a ban on public sales and use of fireworks, further failure to act from the Government and agencies could mean that a ban becomes the only option". (Press notice.²⁸

On 13 March 2020, the Government published its [Response](#), including a table summarising its response to the Committee's key recommendations (see below).²⁹ While the Government agreed to the Committee's recommendation to coordinate a major public awareness campaign to improve understanding of the dangers of fireworks misuse, it rejected many of the recommendations for action. Importantly, it said that the [Office for Product Safety and Standards](#) (OPPS) was in the process of gathering evidence on the issues raised by the public petitions, this evidence should help the Government to determine what action (if any) should be taken. This evidence would be published in due course. An extract from the Government's response is published below:

Having listened to the concerns voiced through a number of recent e-petitions, parliamentary debates and directly with the Department, OPSS has been developing a fact-based evidence base on the key issues that have been raised. This includes identifying and commissioning data around noise and disturbance, anti-social behaviour, non-compliance, environmental impact, and the impact on humans and animals. We will publish the evidence base in due course.

The aim of developing the evidence base is to build a full picture of the data relating to fireworks in order for the Government to identify whether people's perceptions and concerns are reflected in evidence, and if so, what action—if any—is appropriate for the Government to take. This work will also help to identify trends across fireworks seasons and determine whether there has, for example, been any increase in fireworks being set off or fireworks-related injuries, which has been the public's perception.³⁰

The Chair of the Petitions Committee, Catherine McKinnell MP, described the Government's response as "disappointing". She said that when normal business resumes (i.e. after the COVID-19 emergency), the Committee would "be pursuing this issue further".³¹

²⁸ "[MPs demand action against irresponsible fireworks use](#)", Petitions Committee press notice, 5 November 2019 [online] (accessed 16 January 2020)

²⁹ "[Government's Response to Petition's Committee Report on Fireworks](#)", 13 March 2020 [online] (accessed 1 April 2020)

³⁰ Ibid

³¹ PCPE press release, "[Petitions Committee disappointed by Government's response on misuse of fireworks](#)", 23 March 2020, [online] (accessed 1 April 2020)

Summary of the Government's Response to the Committee's recommendations

Committee's Recommendation	Responsible department and the Government's position
<p>While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored.</p>	<p>BEIS – we accept the Committee's conclusion not to ban the sale and use of fireworks.</p>
<p>We recommend the Government lead a review, working with animal welfare experts and the fireworks industry, of the effects of fireworks noise on animal welfare, with a view to setting a workable reduced maximum decibel limit which would diminish the risks to animal health.</p>	<p>BEIS – OPSS has commissioned research into the average decibel level of fireworks alongside collating data for the fireworks evidence base. This will help inform what further work might be appropriate, including with animal welfare groups and the fireworks industry. By autumn 2020.</p>
<p>We recommend the Government work with Local Authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Government should work with a Local Authority to pilot the approach before the end of 2020, with a view to legislating to empower all Local Authorities to establish mandatory permit schemes where they deem it necessary.</p>	<p>BEIS – OPSS will work with Local Authorities to better understand what issues they face with fireworks to inform a decision as to whether a permit system is appropriate and beneficial. By autumn 2020.</p>
<p>We recommend the Government work with emergency services across the country to ensure that such incidents involving fireworks are specifically and consistently recorded across all local emergency services, and the data made publicly available.</p>	<p>Department for Health and Social Care and Home Office—the NHS and the Home Office collect data on fireworks accidents and attacks on emergency services workers. OPSS will discuss with these departments whether data collection of incidents might be improved and if it would be beneficial to do so. By autumn 2020.</p>
<p>We recommend the Government work with Local Authorities and police and fire services to review the systems in place for people to report concerns about misuse of fireworks, including breaches of the night-time curfew, use of fireworks in inappropriately small domestic gardens and other anti-social behaviour, with a view to establishing a consistent approach to data collection and publication. Local Authorities must have systems in place</p>	<p>BEIS – OPSS will work with the Home Office, Local Authorities, the police and fire services to better understand what issues they face with fireworks to inform a decision as to whether non-compliance or criminal activity incidents require a change in the way they are reported. OPSS will promote responsible use of fireworks as part of an awareness campaign. By autumn 2020.</p>

<p>to record incidents of concern to their residents. It is vital that local areas collect this information to inform local responses. We expect the Government to issue guidance to this effect before October 2020.</p>	
<p>We recommend the Government conduct a review of online sales of fireworks, with a particular focus on sales via social media, with a view to establishing a national, cross-agency strategy to tackle the problem. The strategy should include measures to exert pressure on social media companies to identify and remove posts advertising unlicensed or illegal fireworks for sale on their platforms. We recommended this review be conducted, and a strategy published, before October 2020.</p>	<p>BEIS – OPSS is working with LATS to lead a pilot project aimed at reducing the flow of unsafe products through fulfilment houses within the UK. The project includes capturing more data on fulfilment activity within the UK and disrupting the activity of any fulfilment houses supplying unsafe products. While the project does not focus on fireworks, the lessons learned can be applied more widely to other sectors as necessary. OPSS is also engaging with online platforms to ensure they are aware of their responsibilities and are taking action to remove any listings of unsafe products. We will review the lessons learned in relation to fireworks in autumn 2020.</p>
<p>We recommend the Government take action as soon as possible, and at the latest by April 2020, to clarify the 5kg storage rule by amending the relevant Regulations to explicitly state it applies to low hazard category F1 fireworks only.</p>	<p>HSE – HSE will continue to work with BEIS, Local Licensing Authorities and business representative groups to support and raise awareness of approaches to safe storage.</p>
<p>We recommend the Government take steps to ensure that these age-restricted products are not packaged in a way which is designed to appeal to children and that it introduce appropriate Regulations as soon as possible, and at the latest by November 2020.</p>	<p>BEIS – OPSS will engage directly with the fireworks industry to consider what action can be taken on a voluntary basis. By autumn 2020.</p>
<p>We recommend the Government fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get this message across to the public. The campaign should run across national mainstream and social media, and in all schools, from October 2020 and annually thereafter and should include explicit information on the impact which fireworks can have on veterans and those with PTSD.</p>	<p>BEIS – OPSS will develop a public awareness fireworks campaign. By autumn 2020.</p>

9. Parliamentary PQs and debates

Numerous petitions about fireworks have been submitted through the Petitions Committee website. Debates on fireworks have also been initiated by hon. Members and many parliamentary questions have been asked about the regulation of fireworks. By way of example, an outline of some recent PQs and debates follows.

Parliamentary Questions (PQs)

On 24 January 2013, Jim Fitzpatrick MP asked if the Government would review its guidelines on fireworks and their display to assess levels of compliance with the existing arrangements and to identify if any streamlining of enforcement procedures is necessary. Jo Swinson, then Minister for Consumer Affairs, provided the following written answer:

Jo Swinson: I have been asked to reply on behalf of the Department for Business, Innovation and Skills. Guidance on the safe use of fireworks and fireworks displays is available on this Department's website and also that of the Health and Safety Executive (HSE). BIS currently has no plans to review its guidance.

There are no regulations which make provision for fireworks displays per se and there is no licensing requirement purely for public firework displays. There may be requirements by local authorities for firework displays to be regulated under licensing regulations for public entertainment, for example where alcohol or music is also present. The Department for Culture, Media and Sport have policy responsibility for public entertainment licensing requirements.

Most public firework displays will involve a work activity and therefore be subject to the requirements of the Health and Safety at Work Act which is enforced by HSE or the relevant local authority.³²

On 30 October 2015, Anna Soubry, then Minister of State (BIS) answered a PQ asked by Sharon Hodgson on what plans the Government had to limit the sale of fireworks (a) geographically and (b) seasonally. Her written answer is reproduced below:

Anna Soubry: There are already seasonal limitations on the sale of fireworks. [The Fireworks Regulations 2004](#) restrict their sale to the traditional fireworks periods of 5th November, Diwali, New Year's Eve and the [Chinese New Year](#). It is possible to buy fireworks at other times of the year, but strict conditions are imposed on retailers wishing to sell them outside the traditional periods.

There are no geographical restrictions on the sale of fireworks, and currently no plans to introduce them, although further restrictions on their sale exist in [Northern Ireland](#) where a licence is required for home displays.

The Fireworks Regulations 2004 contain provisions to minimise the risk of fireworks harming people, property and animals, and government-sponsored advice and guidance on the safe and

³² HC Deb 24 January 2013 c.380-381W

considerate use of fireworks is freely available on the Safer Fireworks website.³³

On 9 September 2016, Margot James, then Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy (BEIS), provided written answers to two separate PQs on the regulation of fireworks asked by Martyn Day MP. The first written answer is reproduced below:

Martyn Day: To ask the Secretary of State for Business, Energy and Industrial Strategy, if he will assess the potential effect on (a) public safety and (b) animal welfare of restricting fireworks displays to regulated organised displays only.

Margot James: Limiting firework displays to regulated organised displays only is not supported, on public safety grounds, by the current available evidence. Official statistics, from NHS Digital, demonstrate that there is a downwards trend in hospital admissions in England, arising from the discharge of fireworks, with 114 such admissions in 2014/15. The Government will continue to focus on reducing accidents and nuisance by encouraging industry, retailers and others to promote responsible use through guidance and public education.

The Government accepts that fireworks can have a detrimental effect on some animals. However, we consider that if users follow guidance on the correct and sensible use of fireworks, and owners of animals take appropriate precautions, these can help to avoid or reduce any detrimental effects.³⁴

The Minister's second written answer is reproduced below:

Martyn day: To ask the Secretary of State for Business, Energy and Industrial Strategy, if he will make it his policy to require individuals and organisations to be licensed to purchase fireworks.

Margot James: I have no plans to require individuals and organisations to be licensed to purchase fireworks. There is already legislation dealing with the sale and purchase of fireworks, including age restrictions and a ban on the general public from purchasing fireworks with higher levels of risk and noise.³⁵

On 14 December 2017, Chris Williamson, then Shadow Minister (Home Office), asked if the Government would assess the merits of lowering the net explosive content a person could obtain when purchasing fireworks without a licence. Margot James provided the following written response:

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.³⁶

On 9 February 2018, Andrew Griffiths, then Parliamentary Under-Secretary (BEIS), provided the following written answer to a PQ asked by

³³ [WPO 13318](#)

³⁴ [WPO 44367](#)

³⁵ [WPO 44618](#)

³⁶ [WPO 117254](#)

Scott Mann on whether the Government had plans to amend the regulations on the use of fireworks.

On 29 January, the Government set out its approach to firework safety in a Westminster Hall Debate triggered by an e-petition calling for changes to the laws governing the use of fireworks. There is no current plan to change the legislation.

The newly established Office for Product Safety and Standards will be responsible for collating information and data about the safety of consumer products, including fireworks. This will provide an evidence base and enable the Government to keep the issue under review.³⁷

More recently, on 14 February 2018, Andrew Griffiths provided the following written answer to a PQ asked by Grahame Morris on how many prosecutions there have been under the Fireworks Regulations 2004 in the last five years:

The Ministry of Justice has provided the following information:

The number of defendants proceeded against at magistrates' courts for offences under the Fireworks Regulations 2004, from 2006 to 2016 (latest available data), can be viewed in the attached table. Court proceedings data for 2017 are planned for publication in May 2018. [Prosecutions under Fireworks Regulations 2006-16](#) (Excel spreadsheet).³⁸

On 22 October 2019, Grahame Morris MP asked Fireworks the Secretary of State, if she will undertake to (a) review fireworks regulations and (b) reduce the maximum permitted noise level of fireworks. Kelly Tolhurst's written answer is reproduced below:

The Government is aware of concern over the impact of fireworks noise on people and animals. This is why there is already a maximum legal noise level set for fireworks.

The Office for Product Safety and Standards (OPSS) has been working to develop a fact-based evidence base on the key issues that have been raised around fireworks which includes noise levels.

We are receiving representations from a range of stakeholders including members of the public, organisations and charities, representing a range of views. This work will inform current and future policy in this area.³⁹

Parliamentary debates

As outlined below, there has been a spate of Westminster Hall debates.

On 6 June 2016, there was a Westminster Hall debate to consider e-petition (109702) relating to restricting the use of fireworks.⁴⁰ The debate was introduced by David Mackintosh. Several Members contributed to this debate. Responding on behalf of the Government, Joseph Johnson, Minister for Universities and Science, made the following points:

³⁷ [WPO 126092](#)

³⁸ [WPO 126916](#)

³⁹ [WPO 1658](#)

⁴⁰ [HC Deb 6 June 2016 c.1-30WH](#)

The majority of people who enjoy fireworks do so responsibly with consideration for others and in accordance with the law. None the less, I completely understand the distress caused to animals and their owners by the unexpected noise that fireworks produce. Of course, not only animals are affected by noisy fireworks. I also sympathise with those who suffer from mental health issues, autism and post-traumatic stress disorder, for whom the noise from fireworks can be very upsetting.

[...]

While this debate is not specifically about changing the law, I want to take the opportunity to reflect on the e-petition that sparked the discussion and the calls for further restrictions on fireworks use to four traditional periods: dates around Guy Fawkes, New Year's Eve, Diwali and Chinese New Year. In my view, changing the legal restrictions on use of fireworks is unlikely to be effective. It is likely that those who already use fireworks in an antisocial or inconsiderate way will not be deterred by further regulation. Indeed, further restrictions on when fireworks can be used could lead to more incidents of illegal use at unexpected times. That might also be associated with trade in fireworks illegally imported from overseas, which might not conform to stringent UK and EU standards. Moreover, restrictions in use could lead to a drop in legitimate sales, leading to job losses not only in the fireworks industry but in dependent and associated businesses.

My hon. Friend the Member for Kettering (Mr Hollobone) called for a ban on fireworks outside tightly licensed displays. I remind him that this is a £180 million industry that provides employment to at least 250 people directly and supports thousands of others in the supply chain and I am not sure that they would share his optimism that the proposal he advocates would lead to an overall boost in revenues for the sector and an increase in the security of their livelihoods. We need to bear their position in mind in the debate, too.

In conclusion, there are already restrictions and penalties in place that I believe reasonably provide for animal welfare. Fireworks use, by both the general public and professional display operators, is heavily regulated. There are restrictions on when they can be bought—including on internet sales—and used, how they can be stored and noise levels.

[...]

In the meantime, the Government will continue to monitor the situation closely."⁴¹

On 18 November 2016, there was a Westminster Hall debate on "Fireworks: Licensing of Premises" introduced by Jeremy Lefroy.⁴² He called on the Government to look at ways to improve regulation in respect of the storage and sale of fireworks. Specifically, Mr Lefroy made three suggestions:

"[...] first, [to introduce] a licence system that is more appropriate to the level of risk involved; secondly, a requirement that proper insurance held by the applicant be a requirement of obtaining a licence; and thirdly, a straightforward system of support for

⁴¹ [HC Deb 6 June 2016 c.1-30WH](#)

⁴² [HC Deb 18 November 2016 c. 576-582](#)

businesses affected by fires, floods or other major disruptions. All this could, I believe, be put in place with little or no cost.⁴³

Responding to the issues raised by various Members during this debate, Caroline Nokes, the Parliamentary Under-Secretary of State for Welfare Delivery, said:

“[...] the Health and Safety Executive is undertaking a review of explosives licensing as part its ongoing commitment to continual business improvement, and to ensure that the framework is fit for purpose. The review will look at how the HSE’s licensing approach can be improved and whether any possible burdens on business can be reduced while maintaining standards of safety. It will involve input from industry, other Departments and other regulators, including local authorities, which will provide my hon. Friend and other hon. Members with an opportunity to feed into the process.

[...]

We have heard my hon. Friend’s specific areas of concern, but there may well be others. The review is certainly a chance to scrutinise the current system. The concerns he has raised include those about the 2-tonne limit on local authority, as opposed to HSE, licensing and about the categories of fireworks, which is very important. However, there may also be other areas, such as the secondary manufacture or fusing of fireworks, which often takes place in companies seeking to put on professional displays.

My hon. Friend raised the concern that licensing should be required for any business in Great Britain manufacturing or storing hazardous quantities or types of fireworks. I hope he is reassured by my response that this is already the case.⁴⁴

A Westminster Hall debate to consider [e-petition 201947](#) relating to fireworks took place on 29 January 2018. The petition called for a change in the laws governing the use of fireworks to include a ban on public use.⁴⁵ It was argued that “fireworks cause alarm, distress and anxiety to many people and animals”.⁴⁶

On 26 November 2018, there followed a Westminster Hall debate to consider [e-petition 231147](#) relating to the sale of fireworks to the public. Specifically, the petition called for a ban on the sale of fireworks to the public and for a move to organised displays only.⁴⁷

More recently, on 2 November 2020, there was a Westminster Hall debate to consider [e-petition 276425](#). This petition called for a ban on the general sale of fireworks to the public because of the harm and distress caused to animals and wildlife, and damage to the environment. The full Westminster Hall debate can be viewed [online](#).⁴⁸ The Government’s full written response to the petition is reproduced below:

The Government recognises that many people have strong feelings about fireworks, and the potential negative impact they

⁴³ [HC Deb 18 November 2016 c.577-578](#)

⁴⁴ [HC Deb 18 November 2016 c.581-582](#)

⁴⁵ [HC Deb 29 January 2018 c.227-263](#)

⁴⁶ Ibid

⁴⁷ [HC Deb 26 November 2016 c.1-44](#)

⁴⁸ [HC Deb 2 November 2020 c.1- 21WH](#)

can have on a community, for example, by causing distress to individuals or animals.

However, we believe that the majority of people who use fireworks do so appropriately and have a sensible and responsible attitude towards them. We consider it a minority of people who use fireworks in a dangerous, inconsiderate or anti-social manner.

The current legislative framework for fireworks aims to reduce the risks to people and disturbance to animals. Legislation ensures products being placed on the UK market meet essential safety requirements. It also controls the storage, sale and use of fireworks including where and when fireworks can be sold, when they can be set off and by whom, and sets maximum noise levels. For example, legislation allows retailers to sell consumer fireworks during the traditional firework periods of 15th October to 10th November (inclusive); the 3 days prior to and including the first day of Chinese New Year and Diwali; and 26th December to New Year's Eve (inclusive). But retailers may only supply fireworks outside these periods if they obtain a licence from their local authority.

In addition, enforcement mechanisms are in place to tackle those situations when fireworks are sold illegally or misused. There are a range of penalties for breaching legal requirements, including, in certain circumstances, imprisonment. The police and local authorities have powers to tackle anti-social behaviour, where it arises, caused by the misuse of fireworks.

The Government recognises the strength of feeling around the use and misuse of fireworks and has listened to the concerns raised in parliamentary debate and wider discussion. We receive representations from a wide range of stakeholders, including members of the public, organisations and charities, with wide-ranging views on what the issues are and what action they would like to see.

Following the Westminster Hall debate on 26 November 2018 regarding fireworks, the Minister with responsibility for fireworks policy and legislation in the Department for Business, Energy and Industrial Strategy, Kelly Tolhurst MP, asked the Office for Product Safety and Standards (OPSS) to develop a fact-based evidence base on the key issues that had been raised. This includes looking for data around noise and disturbance, anti-social behaviour, non-compliance, environmental impact, and the impact on humans and animals. As part of this work we are considering the findings of the Scottish Government consultation on fireworks, which was published on 4th October. We will also consider the House of Commons Petitions Committee inquiry on fireworks once that has reported.

The aim of the evidence base is to build a full picture of the data around fireworks in order for government to identify whether there is a problem, and if so, what action - if any - is appropriate. This work will also help us identify trends across fireworks seasons and determine whether, there has (for example), been an increase in fireworks being set off or an increase in firework related injuries.

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