

Firework Laws Summarised

The Fireworks Regulations 2004

These Regulations, made under the Fireworks Act 2003, form a comprehensive package of measures designed principally to tackle the anti-social and criminal use of fireworks via the regulation of supply and use. The Regulations include:

- Making permanent the Fireworks Regulations 2003, which made it an offence for the under 18s to possess adult fireworks in public places and an offence for anyone (other than a fireworks professional) to possess Category 4 (professional display) fireworks
- A requirement that suppliers of fireworks who want to sell outside the traditional periods will be required to obtain a licence to supply fireworks, either from the Local Authority, Fire Service or HSE. The periods where selling without a licence is permitted are:
 - November 5th (15th October to 10th November)
 - New Year (26th December to 31st December)
 - Chinese New Year (on the first day of the Chinese New Year and the three days immediately preceding it)
 - Diwali (on the day of Diwali and the three days immediately preceding it)
- The creation of a curfew on firework use between 11pm and 7am (in line with the Noise Act), with the exception of the following nights where the curfew will vary:
 - November 5th midnight
 - New Year's Eve 1am on the following day
 - Chinese New Year 1am on the following day
 - Diwali 1am on the following day
- A requirement that suppliers of fireworks to the public display in a prominent position a notice (or the BIS produced poster), stating the following information:
 - It is illegal
 - To sell adult fireworks or sparklers to anyone under 18
 - For anyone under 18 to possess adult fireworks in a public place
- A requirement that importers 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
- The imposition of maximum decibel limits, on category 3 fireworks, to 120 decibels db (A), (in line with the new harmonized European Standard - BS EN 14035)

The Pyrotechnic Articles (Safety) Regulations 2010

Age of purchase

- Fireworks (which includes sparklers) must not be supplied to persons under 18
- Caps, cracker snaps, indoor fireworks, novelty matches, party poppers, serpents and throwdowns must not be supplied to persons under 16

The following fireworks must not be supplied to the general public:

- Aerial wheels
- Bangers, flash bangers or double bangers
- Jumping Crackers
- Jumping ground spinners
- Spinners
- Mini rockets
- shot tubes – previously known as air bombs
- shot tubes – previously known as shell - in – mortar
- A battery containing bangers, flash bangers or double bangers
- A combination (other than a wheel) which contains one or more bangers, flash bangers or double bangers
- All category 4 fireworks

Other measures

- Packets of sparklers to carry additional warning – “Warning: not to be given to children under 5 years of age”
- Retail boxes of fireworks must not be split
- All fireworks intended for use by the general public must comply with British Standard BS 7114 Part 2: 1988
- All fireworks not suitable (as determined by the Regulations) for use by the general public to bear the warning – “For use only by persons with specialist knowledge”

Penalties

- Failure to comply with these requirements can result in prosecution and a fine of up to £5000 or a prison sentence of up to three months, or both

The Manufacture and Storage of Explosives Regulations 2005

Storage of fireworks

- It is an offence to keep more than 5 kg net of fireworks for sale or use at work without a registration or licence
- It is an offence for anyone to acquire more than 50 kg net of fireworks unless they (or someone else) hold a valid registration or licence for storage. It is also an offence for anyone to sell or transfer more than 50 kg net of fireworks to someone unless that person shows a valid registration or licence
- Anyone who stores fireworks must take appropriate measures to prevent fire or explosion; limit the extent of fire or explosion and protect people from fire and explosion

The Explosives Act 1875 (as amended) - Section 80

Throwing fireworks

- It is an offence to throw or discharge a firework in a street or public place

Penalties

- Failure to comply with these requirements can result in prosecution and a fine of up to £5000

Finally...

- Keep all fireworks in a dry place
- Label all containers 'Fireworks-Highly Flammable' (and always keep these containers closed)
- Don't allow any smoking anywhere near the fireworks being displayed or sold. Put up 'No Smoking' notices
- Unplug any electrical fitting that is inside a display case containing fireworks
- Never let customers handle any fireworks while they are choosing