



# Fireworks Act 2003

## 2003 CHAPTER 22

### *Fireworks regulations*

#### **2 Power to make regulations about fireworks**

- (1) The Secretary of State may by regulations (“fireworks regulations”) make any provision which the Secretary of State considers appropriate—
  - (a) for securing that there is no risk that use of fireworks will have the consequences specified in subsection (2), or
  - (b) for securing that the risk that the use of fireworks will have those consequences is the minimum that is compatible with their being used.
- (2) The consequences are—
  - (a) death of persons or injury, alarm, distress or anxiety to persons,
  - (b) death of animals or injury or distress to animals, and
  - (c) destruction of, or damage to, property.
- (3) Before making fireworks regulations the Secretary of State must consult—
  - (a) [F<sup>1</sup>the Health and Safety Executive],
  - (b) organisations which appear to the Secretary of State to be representative of interests substantially affected by the proposal, and
  - (c) other persons whom the Secretary of State considers it appropriate to consult.
- (4) Before making fireworks regulations the Secretary of State must issue a full regulatory impact assessment setting out details of the costs and benefits and the wider economic, social and environmental impact of the proposed regulations.
- (5) But subsection (3) does not apply if the regulations are to—
  - (a) cease to have effect at the end of the period of not more than twelve months beginning with the day on which they come into force, and
  - (b) contain a statement that it appears to the Secretary of State that the need to protect the public requires that the regulations should be made without delay.
- (6) The power to make fireworks regulations includes power—

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*Changes to legislation: There are currently no known outstanding effects for the Fireworks Act 2003, Section 2. (See end of Document for details)*

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- (a) to make different provision for different cases, and
  - (b) to make any incidental, supplementary, consequential and transitional provision which the Secretary of State considers appropriate.
- (7) Section 18 of the Consumer Protection Act 1987 (c. 43) (power to require information for deciding whether to make, vary or revoke regulations under section 11 of that Act) applies in relation to fireworks regulations as in relation to regulations under section 11 of that Act.
- (8) Nothing in this Act shall be construed as in any way limiting the provision that may be made in regulations under section 11 of the Consumer Protection Act 1987.

#### **Textual Amendments**

- F1** Words in s. 2(3)(a) substituted (1.4.2008) by [Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21, Sch. 2)

#### **Modifications etc. (not altering text)**

- C1** S. 2(1): functions made exercisable concurrently (29.7.2004) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2004 \(S.I. 2004/2030\)](#), art. 1(1), **Sch.** (with art. 7)
- C2** S. 2(3)(4)(5)(6)(7): functions made exercisable concurrently (29.7.2004) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2004 \(S.I. 2004/2030\)](#), art. 1(1), **Sch.** (with art. 7)

#### **Commencement Information**

- I1** S. 2 in force at 28.11.2003 by [S.I. 2003/3084](#), art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Fireworks Act 2003, Section 2.