
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make certain provisions in relation to fireworks in order to minimise the risk that fireworks will be used with harmful consequences for people, animals or property. The Regulations do not extend to Northern Ireland and regulation 7 of the Regulations does not extend to Scotland. The Regulations replace provisions in the Fireworks Regulations 2003, which are revoked.

Regulation 4 prohibits persons under eighteen from possessing an adult firework (which is defined in regulation 3) in a public place. Regulation 5 prohibits persons of any age from possessing (in a public place or elsewhere) a category 4 firework. A category 4 firework is defined in regulation 3 by reference to the categorisation of fireworks in British Standard 7114. Both the regulation 4 and regulation 5 prohibitions are subject to the exceptions listed in regulation 6(1). The regulation 5 prohibition is additionally subject to the exception in regulation 6(2).

Regulation 7 prohibits persons from using adult fireworks during night hours (namely between 11 pm and 7 am) but exceptions allow such use until 1 am on the nights of the Chinese New Year, Diwali and New Year's Eve and until midnight on 5th November. There is also an exception in the case of local authority employees for the purposes of local authority fireworks displays, national public celebrations or national commemorative events.

Regulation 8 prohibits the supply, purchase or possession of category 3 fireworks whose noise levels exceed 120 decibels and includes provision for measuring these noise levels.

Regulation 9 requires suppliers of adult fireworks to hold a licence, except at certain times of year. Licences are granted by the appropriate local authority, which must refuse a licence unless the applicant complies with relevant statutory requirements concerning the keeping of fireworks and may refuse a licence (or revoke a licence previously granted) if the applicant has committed any of the fireworks related offences listed in paragraph (5) of that regulation.

Regulation 10 requires suppliers of adult fireworks to inform the persons to whom such fireworks are supplied or exposed for supply that it is a criminal offence to supply adult fireworks to those under eighteen and for those under eighteen to possess such fireworks. (Supply of adult fireworks to those under eighteen is an offence under regulation 6 of the Fireworks (Safety) Regulations 1997 and possession of an adult firework by a person under eighteen is an offence under regulation 4 of these Regulations.) Regulation 10 also requires fireworks suppliers to provide, on request, a local licensing authority with information about fireworks in circumstances where the total net explosive content of fireworks supplied in a single transaction exceeds 50 kilograms.

Regulation 11 requires importers of fireworks to give information about themselves, the storage and onward supply of such fireworks to the Customs and Excise Commissioners.

By virtue of section 11 of the Fireworks Act 2003, a contravention of regulations 4, 5 or 7 to 11 is a criminal offence. Although section 12 of the Fireworks Act 2003 and section 27(1) of the Consumer Protection Act 1987 provide that it is the duty of local weights and measures authorities to enforce these Regulations, this duty is transferred in relation to some aspects of these Regulations to other enforcers under regulation 12. The enforcement of regulations 4 and 5 (and, in England and Wales only, of regulation 7) is transferred to the relevant police forces. The enforcement of regulation 11 is transferred to the Customs and Excise Commissioners. The enforcement of regulations 8, 9 and 10 remains the responsibility of the local weights and measures authorities.

Copies of the British Standards 7114, 61672 and the British Standards referred to therein are available from any of the sales outlets operated by the British Standards Institution, by post from

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BSI at 389, Chiswick High Road, London W4 4AL or from any of the bookshops operated by the Stationery Office Limited.

A Regulatory Impact Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, Room 427, 1, Victoria Street, London SW1H 0ET.