



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) [F¹the 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—

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Fireworks Act 2003, Cross Heading: Fireworks regulations. (See end of Document for details)

- (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.**

3 Prohibition of supply etc. to young persons

- (1) Fireworks regulations may include provision prohibiting persons from—
- (a) supplying, or
 - (b) offering or agreeing to supply,
- fireworks, or fireworks of a description specified in the regulations, to persons who are below an age so specified.
- (2) Fireworks regulations may include provision prohibiting the purchase or possession of fireworks, or fireworks of a description specified in the regulations, by persons who are below an age so specified.
- (3) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
- (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.

Commencement Information

- I2** S. 3 in force at 28.11.2003 by [S.I. 2003/3084](#), art. 2, **Sch.**

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4 Prohibition of supply etc. in certain circumstances

- (1) Fireworks regulations may include provision prohibiting persons from supplying, purchasing, possessing or using fireworks, or fireworks of a description specified in the regulations, during hours of the day so specified.
- (2) Fireworks regulations may include provision prohibiting persons from supplying, exposing for supply, purchasing, possessing or using fireworks, or fireworks of a description specified in the regulations—
 - (a) in places or places of a description, or
 - (b) in circumstances,specified in the regulations.
- (3) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
 - (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.

Modifications etc. (not altering text)

- C3** S. 4: 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

- I3** S. 4 in force at 15.7.2004 by [S.I. 2004/1831](#), art. 2, [Sch.](#)

5 Prohibition of supply etc. of certain fireworks

- (1) Fireworks regulations may include provision—
 - (a) prohibiting persons from supplying, or offering or agreeing to supply, fireworks of a description specified in the regulations, or
 - (b) prohibiting persons from supplying, or offering or agreeing to supply, fireworks of a description specified in the regulations to persons of a description so specified.
- (2) Fireworks regulations may include provision—
 - (a) prohibiting the purchase or possession of fireworks of a description specified in the regulations, or
 - (b) prohibiting the purchase or possession of fireworks of a description specified in the regulations by persons of a description so specified.
- (3) Subsections (1) and (2) shall not apply to class I and class II fireworks.
- (4) The descriptions of persons which may be specified in fireworks regulations by virtue of subsection (1) or (2) include in particular persons who do not satisfy any conditions which are specified in the regulations and relate to any of the matters mentioned in subsection (5).
- (5) Those matters are—
 - (a) the satisfactory completion of a course, or courses, of training relating to fireworks and the means of proving the satisfactory completion of such a course or courses,

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- (b) proficiency or experience in the use of fireworks and the means of proving such proficiency or experience, and
 - (c) the possession of insurance cover against liability arising from the use of fireworks and the means of proving possession of such cover.
- (6) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
- (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.

Commencement Information

I4 S. 5 in force at 28.11.2003 by [S.I. 2003/3084](#), art. 2, [Sch.](#)

6 Public fireworks displays

- (1) Fireworks regulations may include provision prohibiting persons from operating a public fireworks display unless—
- (a) notice of the display has been given in accordance with the regulations to any local or other authority to which the regulations require it to be given,
 - (b) any other information relating to the display which is required by the regulations to be given to any local or other authority has been so given,
 - (c) any fee imposed by any local or other authority in accordance with the regulations has been paid, and
 - (d) such other conditions relating to the holding of public fireworks displays as are specified in the regulations have been complied with.
- (2) Fireworks regulations may include provision prohibiting persons from operating public fireworks displays unless they satisfy—
- (a) any conditions which are specified in the regulations and relate to the satisfactory completion of a course, or courses, of training relating to fireworks and to the means of proving the satisfactory completion of such a course or courses, or
 - (b) any other conditions which are so specified.
- (3) Fireworks regulations may include provision prohibiting persons from operating, or assisting in the operation of, public fireworks displays if they are below an age specified in the regulations.
- (4) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
- (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.
- (5) In this section “public fireworks display” means a fireworks display at which the public, or any section of the public, are present (whether or not they have paid to be).

Modifications etc. (not altering text)

C4 S. 6: 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)

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Commencement Information

I5 S. 6 in force at 15.7.2004 by [S.I. 2004/1831](#), [art. 2](#), [Sch.](#)

7 Licensing of suppliers

- (1) Fireworks regulations may include provision prohibiting persons, or persons of a description specified in the regulations, from supplying, exposing for supply or possessing for supply fireworks, or fireworks of a description so specified, unless—
 - (a) they are licensed in accordance with the regulations, and
 - (b) the fireworks are supplied, exposed for supply or kept at premises which are so licensed.
- (2) If fireworks regulations impose any prohibition by virtue of subsection (1), they may contain provision—
 - (a) specifying the local or other authority by which a licence relating to any person or premises may be granted, varied and revoked,
 - (b) relating to the grant, variation and revocation of licences,
 - (c) about conditions which may be attached to licences (including, in particular, conditions as to the time of year for which persons or premises are licensed),
 - (d) for the charging of fees for the grant or variation of licences, and
 - (e) about appeals against refusals to grant or vary, or variations of, licences.
- (3) The provision that may be contained in fireworks regulations by virtue of subsection (1) includes, in particular, provision that a person may not be licensed unless any conditions which are specified in the regulations are satisfied by the person or his employees (or both).
- (4) Those conditions may include conditions relating to the satisfactory completion of a course, or courses, of training about fireworks and the means of proving the satisfactory completion of such course or courses.
- (5) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
 - (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.

Commencement Information

I6 S. 7 in force at 15.7.2004 by [S.I. 2004/1831](#), [art. 2](#), [Sch.](#)

8 Information about fireworks

- (1) Fireworks regulations may include provision for securing that—
 - (a) appropriate information is, and
 - (b) inappropriate information is not,given in relation to fireworks, or fireworks of a description specified in the regulations.
- (2) The provision that may be contained in fireworks regulations by virtue of subsection (1) includes, in particular, provision—

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- (a) requiring that a mark, warning or instruction relating to the fireworks be put on or accompany the fireworks, or
 - (b) requiring that information specified in the regulations be given to any person so specified.
- (3) If fireworks regulations impose any requirement by virtue of this section, they may contain—
- (a) exceptions from the requirement, or
 - (b) provision for the granting of dispensations from the requirement.
- (4) If fireworks regulations impose any requirement by virtue of this section, they may contain provision requiring the keeping of records by any person to whom information is given under the regulations.

Commencement Information

I7 S. 8 in force at 15.7.2004 by [S.I. 2004/1831, art. 2, Sch.](#)

9 Prohibition of importation etc. of fireworks

- (1) Fireworks regulations may include provision prohibiting persons from—
- (a) importing,
 - (b) completing the manufacture of, or
 - (c) placing on the market,
- fireworks, or fireworks of a description specified in the regulations, unless they have complied with any requirement imposed by the regulations for the giving of information.
- (2) If fireworks regulations impose any prohibition by virtue of subsection (1)(b) or (c), they shall specify the circumstances in which—
- (a) (if the prohibition is imposed by virtue of subsection (1)(b)) a person completes the manufacture of fireworks, or
 - (b) (if the prohibition is imposed by virtue of subsection (1)(c)) a person places fireworks on the market.
- (3) If fireworks regulations impose any prohibition by virtue of this section, they may contain—
- (a) exceptions from the prohibition, or
 - (b) provision for the granting of dispensations from the prohibition.
- (4) If fireworks regulations impose any prohibition by virtue of this section, they may contain provision requiring the keeping of records by any person to whom information is given under the regulations.

Commencement Information

I8 S. 9 in force at 15.7.2004 by [S.I. 2004/1831, art. 2, Sch.](#)

Status: This version of this cross heading contains provisions that are prospective.
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PROSPECTIVE

10 Training courses

- (1) If fireworks regulations specify conditions relating to the satisfactory completion of a course, or courses, of training about fireworks, they may make provision for courses to be provided by—
 - (a) the Secretary of State,
 - (b) a body or bodies established or recognised by the Secretary of State, or
 - (c) licensed persons.
- (2) If fireworks regulations make provision for courses to be provided by licensed persons, they may—
 - (a) make provision for the licensing of persons by the Secretary of State or by any body or bodies established or recognised by the Secretary of State,
 - (b) authorise the making by the Secretary of State of provision about the charging of fees for the grant or variation of licences, and
 - (c) authorise the making by the Secretary of State, or by any such body or bodies, of provision about any of the matters mentioned in subsection (3).
- (3) Those matters are—
 - (a) the grant, variation and revocation of licences,
 - (b) conditions which may be attached to licences, and
 - (c) appeals against refusals to grant or vary, or variations of, licences.
- (4) Fireworks regulations may authorise—
 - (a) the making by the Secretary of State of provision about the charging of fees for attendance at courses of training about fireworks, and
 - (b) the making by the Secretary of State, or by any body or bodies established or recognised by the Secretary of State under this section, of provision about any of the matters mentioned in subsection (5).
- (5) Those matters are—
 - (a) the descriptions of persons who are to be eligible to attend courses of training about fireworks,
 - (b) the subject matter to be covered by courses and the conduct of courses,
 - (c) the criteria to be applied in determining whether persons have satisfactorily completed courses,
 - (d) the form and content of certificates to be awarded to persons who have satisfactorily completed courses,
 - (e) appeals against refusals to award certificates to persons who have attended courses, and
 - (f) the keeping of records about persons who have attended courses.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Fireworks Act 2003, Cross Heading: Fireworks regulations.