



# Fireworks Act 2003

## 2003 CHAPTER 22

### *Supplementary*

#### **11 Offences**

- (1) Any person who contravenes a prohibition imposed by fireworks regulations is guilty of an offence.
- (2) Any person who fails to comply with a requirement imposed by or under fireworks regulations to give or not to give information is guilty of an offence.
- (3) Where a requirement to give information is imposed by or under fireworks regulations, a person is guilty of an offence if, in giving the information, he—
  - (a) makes a statement which he knows is false in a material particular, or
  - (b) recklessly makes a statement which is false in a material particular.
- (4) A person guilty of an offence under this section is liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months, or
  - (b) a fine not exceeding level 5 on the standard scale,or to both.
- (5) Fireworks regulations may not provide for any contravention of the regulations to be an offence.
- (6) Paragraphs (c), (e) and (f) of section 11(3) of the Consumer Protection Act 1987 (c. 43) (provision about offences which may be included in regulations) apply in relation to fireworks regulations as to regulations under section 11 of that Act, but as if references to an offence under section 12 of that Act were references to an offence under this section.
- (7) Section 39 of that Act (defence of due diligence) applies to offences under subsections (1) and (2) of this section; and section 40(1) of that Act (liability of persons other than the principal offender) has effect accordingly.
- (8) In proceedings against any person for an offence of contravening a prohibition imposed by fireworks regulations made by virtue of section 3(1) it is a defence for that

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person to show that he had no reason to suspect that the person to whom he supplied, offered to supply or agreed to supply the fireworks was below the age specified in the regulations.

- (9) Section 40(2) and (3) of the Consumer Protection Act 1987 (c. 43) (offences by bodies corporate) applies to an offence under this section as to an offence under that Act.

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

- C1** S. 11(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)

**Commencement Information**

- I1** S. 11 in force at 28.11.2003 for specified purposes by [S.I. 2003/3084](#), art. 2, **Sch.**  
**I2** S. 11 in force at 15.7.2004 for specified purposes by [S.I. 2004/1831](#), art. 2, **Sch.**

**[<sup>F1</sup>11A Prohibitions on possession of fireworks – power of search: Scotland**

- (1) A constable may search a person without warrant if the constable has reasonable grounds for suspecting that the person possesses a firework in contravention of a prohibition imposed by fireworks regulations.
- (2) A constable may detain a person for such time as is reasonably required to permit a search of the person under subsection (1) to be carried out.
- (3) A constable who detains a person under subsection (2) must inform the person of the reason for the detention.
- (4) If in the course of a search under this section, a constable discovers a firework which the constable has reasonable grounds for suspecting is being possessed by the person in contravention of a prohibition imposed by fireworks regulations, the constable may seize it.
- (5) A person who—
- (a) intentionally obstructs a constable in the exercise of the constable's power under subsection (1) or (2); or
  - (b) conceals from a constable acting in the exercise of the constable's power under subsection (1) any firework whose possession contravenes a prohibition imposed by fireworks regulations,
- commits an offence.

<sup>F2</sup>(6) .....

- (7) A person who commits an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

- F1** Ss. 11A, 11B inserted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), **ss. 76, 104(1)**; [S.S.I. 2006/432](#), art. 2(d)  
**F2** S. 11A(6) repealed (S.) (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), **sch. 2 para. 16(a)**; [S.S.I. 2017/345](#), art. 3, sch.

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### **F<sup>3</sup>11B Prohibitions on possession of fireworks – arrest without warrant: Scotland**

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#### **Textual Amendments**

**F3** S. 11B repealed (S.) (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 16\(b\)](#); S.S.I. 2017/345, art. 3, sch.

## **12 Enforcement**

(1) Section 27 of the Consumer Protection Act 1987 (enforcement authorities), apart from subsection (1)(b), applies in relation to fireworks regulations as to regulations under section 11 of that Act.

(2) The following provisions of that Act—

- F<sup>4</sup>**(a) .....
- (b) section [**F<sup>5</sup>**29(4) and (7)] and section 30(1) to (9) (powers of search etc.), apart from the references to forfeiture and suspension notices,
- (c) section 32 (obstruction of officer),
- (d) section 33 (appeals against detention), apart from subsections (2)(a)(ii) and (3)(a)(ii),
- (e) section 34 (compensation for seizure and detention),
- (f) section 35 (recovery of enforcement expenses), apart from subsections (1)(b) and (2)(b),
- (g) section 37 (disclosure of information by Customs and Excise),
- (h) section 41 (civil proceedings), and
- (i) section 44 (service of documents),

apply in relation to fireworks regulations as to regulations under section 11 of that Act.

[**F<sup>6</sup>**(2A) For the investigatory powers available to a person for the purposes of the duty to enforce imposed by virtue of subsection (1) (in addition to the powers in Part 4 of the Consumer Protection Act 1987), see Schedule 5 to the Consumer Rights Act 2015.]

(3) In Schedules 14 and 15 to the Enterprise Act 2002 (c. 40) (disclosure of information), insert at the appropriate place— “ Fireworks Act 2003. ”.

#### **Textual Amendments**

**F4** S. 12(2)(a) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 82\(2\)\(a\)](#); S.I. 2015/1630, art. 3(i) (with art. 8)

**F5** Words in s. 12(2)(b) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 82\(2\)\(b\)](#); S.I. 2015/1630, art. 3(i)

**F6** S. 12(2A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 82\(3\)](#); S.I. 2015/1630, art. 3(i)

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

**C2** S. 12(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)

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#### Commencement Information

- I3** S. 12 in force at 28.11.2003 for specified purposes by [S.I. 2003/3084, art. 2, Sch.](#)  
**I4** S. 12 in force at 15.7.2004 for specified purposes by [S.I. 2004/1831, art. 2, Sch.](#)

### 13 Savings for certain privileges

Section 47 of the Consumer Protection Act 1987 (savings for privileges) applies in relation to this Act.

#### Commencement Information

- I5** S. 13 in force at 28.11.2003 for specified purposes by [S.I. 2003/3084, art. 2, Sch.](#)  
**I6** S. 13 in force at 15.7.2004 for specified purposes by [S.I. 2004/1831, art. 2, Sch.](#)

PROSPECTIVE

### 14 Prohibition of supply etc. of other explosives

- (1) The power to make regulations under section 3 or 4(2) applies to explosives other than fireworks as to fireworks; and regulations made by virtue of this subsection are fireworks regulations for all the purposes of this Act.
- (2) In subsection (1) “explosives” has the same meaning as in [<sup>F7</sup>the Explosives Regulations 2014].
- (3) The Secretary of State may by regulations substitute a new definition of “explosives” for the definition in subsection (2).

#### Textual Amendments

- F7** Words in [s. 14\(2\)](#) substituted (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), [Sch. 13 para. 7](#)

PROSPECTIVE

### 15 Repeals and revocation

The Schedule (repeals and revocation) has effect.

### 16 Parliamentary procedure for regulations

- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
- (2) Regulations under section 1(2) or 14(3) must not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House.

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- (3) A statutory instrument containing fireworks regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

**Commencement Information**

- I7** S. 16 in force at 28.11.2003 for specified purposes by [S.I. 2003/3084, art. 2, Sch.](#)  
**I8** S. 16 in force at 15.7.2004 for specified purposes by [S.I. 2004/1831, art. 2, Sch.](#)

**17 Financial provisions**

- (1) There is to be paid out of money provided by Parliament—
- (a) any expenses incurred by the Secretary of State in consequence of any provision of this Act, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.
- (2) Any sums received by the Secretary of State by virtue of this Act are to be paid into the Consolidated Fund.

**18 Commencement**

- (1) Sections 1 to 16 (and the Schedule) do not come into force until a day appointed by order made by the Secretary of State by statutory instrument; and different days may be appointed for different purposes.
- (2) The Secretary of State may by order made by statutory instrument make such transitional provision in connection with the coming into force of any provision of this Act as the Secretary of State considers appropriate.

**19 Short title and extent**

- (1) This Act may be cited as the Fireworks Act 2003.
- (2) This Act does not extend to Northern Ireland.

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