

2003 No. 3085

FIREWORKS

The Fireworks Regulations 2003

Made - - - - - *27th November 2003*

Laid before Parliament *1st December 2003*

Coming into force - - - *22nd December 2003*

Whereas the Secretary of State considers that there is a risk that the use of fireworks will have the consequences of death of persons or injury, alarm, distress or anxiety to persons; death of animals or injury or distress to animals; or destruction of, or damage to, property;

And whereas the Secretary of State, in accordance with section 2(1)(b) and (2) of the Fireworks Act 2003(a), considers it appropriate to make provision by regulations for securing that the risk that the use of fireworks will have the aforesaid consequences is the minimum compatible with their being used;

And whereas the Secretary of State has issued a full regulatory impact assessment in accordance with section 2(4) of that Act;

And whereas it appears to the Secretary of State, in accordance with section 2(5)(b) of that Act that the need to protect the public requires that the regulations be made without delay;

And whereas every chief officer of police in England and Wales and every chief constable in Scotland has, in accordance with section 27(2)(a) of the Consumer Protection Act 1987(b), agreed to the transfer of such enforcement duties as are specified in these Regulations;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by sections 2, 3 and 5 of the Fireworks Act 2003 and by sections 11(3) and 27(2) of the Consumer Protection Act 1987 (as applied respectively by sections 11(6) and 12(1) of the Fireworks Act 2003), hereby makes the following Regulations:—

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Fireworks Regulations 2003.
- (2) These Regulations shall come into force on 22nd December 2003 and shall cease to have effect at the end of a period of twelve months beginning with that date.
- (3) These Regulations shall not extend to Northern Ireland.

(a) 2003 c. 22.
(b) 1987 c. 43.

Interpretation

2. In these Regulations—

“amorce” means a firework which is a percussion cap designed for use in toys, which comprises a paper envelope containing a dot of impact-sensitive pyrotechnic composition and which forms part of a roll;

“assembly” means an assembly which includes any firework;

“BS 7114” means the British Standard Specification comprising the following parts—

- (a) BS 7114: Part 1: 1988, the British Standard Specification for classification of fireworks published on 30th November 1988(a);
- (b) BS 7114: Part 2: 1988, the British Standard Specification for fireworks published on 30th November 1988(b); and
- (c) BS 7114: Part 3: 1988, the British Standard Specification for methods of test for fireworks published on 30th November 1988(c);

and references to parts 1, 2 and 3 of BS 7114 shall be construed accordingly;

“cap” means a firework (including, for the avoidance of doubt, an amorce) designed for use in toys which comprises a non-metallic envelope or cup containing a dot of impact-sensitive pyrotechnic composition, and which produces a report when it is hit;

“category 3 firework” means a firework classified as category 3 under Part 1 of BS 7114;

“category 4 firework” means a firework classified as category 4 under Part 1 of BS 7114;

“cracker snap” means a firework—

- (a) which comprises two overlapping strips of card or paper with a friction-sensitive explosive composition in sliding contact with an abrasive surface; and
- (b) which produces a report when pulled apart;

“novelty match” means a firework comprising a match with a dot of pyrotechnic composition which is designed to be held in the hand while functioning and whose functioning involves report or the production of visual effects, or both;

“party popper” means a firework comprising a device—

- (a) which is designed to be held in the hand while functioning;
- (b) which is operated by a pull-string with an abrasive surface in sliding contact with a friction-sensitive pyrotechnic composition; and
- (c) whose functioning involves a report with the ejection of streamers or confetti, or both;

“pyrotechnic composition” means a substance or a mixture of a substance designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions;

“serpent” means a firework, comprising a pre-formed shape of pyrotechnic composition, with or without support, whose functioning involves the generation of expanded residue;

“sparkler” means a firework, other than a category 3 or category 4 firework, comprising a rigid wire partially coated with slow-burning pyrotechnic composition, whose functioning involves the emission of sparks without report; and

“throwdown” means a firework comprising impact-sensitive explosive composition and grains of inert material wrapped in paper or foil and which functions to produce a report when thrown onto the ground.

(a) ISBN 0 580 17026 8.
(b) ISBN 0 580 17027 6.
(c) ISBN 0580 17028 4.

Prohibition of possession of fireworks by persons below the age of eighteen

3.—(1) Subject to regulation 5 below, no person under the age of eighteen years shall possess an adult firework in a public place.

(2) In paragraph (1) above—

- (a) “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise; and
- (b) “adult firework” means—
 - (i) any firework which does not comply with the relevant requirements of Part 2 of BS 7114 when tested in accordance with the appropriate test method (if any) in Part 3 of BS 7114; or
 - (ii) any firework (except for a cap, cracker snap, novelty match, party popper, serpent, sparkler or throwdown) which does comply with those requirements.

Prohibition of possession of category 4 fireworks

4. Subject to regulation 5 below, no person shall possess a category 4 firework.

Exceptions to regulations 3 and 4

5. Regulations 3 and 4 above shall not prohibit the possession of any firework by—

- (a) any person who is employed by, or in business as, a professional organiser or operator of firework displays and who possesses the firework in question for the purposes of his employment or business;
- (b) any person who is employed in, or whose trade or business (or part of whose trade or business) is, the manufacture of fireworks or assemblies and who possesses the firework in question for the purposes of his trade, employment or business;
- (c) any person who is employed in, or whose trade or business (or part of whose trade or business) is, the supply of fireworks or assemblies, for the purpose of supplying them in accordance with the provisions of the Fireworks (Safety) Regulations 1997(a);
- (d) any person who is employed by a local authority and who, in the course of his employment, possesses the firework in question for any of the following purposes—
 - (i) the putting on of a firework display by that local authority; or
 - (ii) the use by that local authority of the firework in question at a national public celebration or a national commemorative event;
- (e) any person for use, in the course of a trade or business of his or in the course of his employment, for special effects purposes in the theatre, on film or on television;
- (f) any person employed by or otherwise acting on behalf of a local authority, enforcement authority or other body, where—
 - (i) the authority or body has enforcement powers, conferred by or under any enactment, applying to the firework in question; and
 - (ii) the person so employed possesses the firework in question for the purposes of the authority or body exercising those enforcement powers;
- (g) any person who is employed by a department of the Government of the United Kingdom and who, in the course of his employment, possesses the firework in question for any of the following purposes—
 - (i) the putting on of a firework display by that department;
 - (ii) the use by that department of the firework in question at a national public celebration or a national commemorative event; or

(a) S.I. 1997/2294.

- (iii) the use by that department of the firework in question for research or investigations;
- (h) any person who—
 - (i) is in business as or employed by a supplier of goods designed and intended for use in conjunction with fireworks or assemblies; and
 - (ii) possesses the firework in question solely for the purposes of testing those goods to ensure that, when used in conjunction with fireworks or assemblies of the same type, they will perform their intended function or comply with any provision made by or under any enactment and relating to the safety of those goods; or
- (i) any person who is employed by an establishment of the naval, military or air forces of the Crown and who, in the course of his employment, possesses the firework in question for any of the following purposes—
 - (i) the putting on of a fireworks display by that establishment; or
 - (ii) the use by that establishment of the firework in question at a national public celebration or a national commemorative event.

Transfer of enforcement duties

6.—(1) In this regulation the “enforcement duty” means the duty imposed by 27(1) of the Consumer Protection Act 1987(a), insofar as that duty is, by virtue of section 12(1) of the Fireworks Act 2003(b), exercisable in relation to the enforcement of these Regulations.

(2) The enforcement duty in England and Wales is hereby transferred to the chief officer of police of each police force and shall be the duty of every chief officer of police in relation to the police area for which the force in question is maintained(c).

(3) The enforcement duty in Scotland is hereby transferred to the chief constable of each police force and shall be the duty of every chief constable in relation to the police area for which the force in question is maintained(d).

(4) Every weights and measures authority of Great Britain is hereby relieved of the enforcement duty.

Proceedings

7. In England and Wales a magistrates’ court may try an information in respect of an offence under section 11 of the Fireworks Act 2003 arising from a contravention of a prohibition imposed by these Regulations if the information is laid within twelve months from the time when the offence was committed, and in Scotland summary proceedings for such an offence may be brought at any time within twelve months from the time when the offence was committed.

Gerry Sutcliffe,
Parliamentary Under Secretary of State for Employment
Relations, Competition and Consumers,
Department of Trade and Industry

27th November 2003

(a) 1987 c. 43.
 (b) 2003 c. 24.
 (c) The expressions “chief officer of police”, “police force” and “police area” are defined, in relation to England and Wales, in Schedule 1 of the Interpretation Act 1978 (c. 30) and section 101 of the Police Act 1996 (c.16).
 (d) The expressions “chief constable”, “police force” and “police area” are defined, in relation to Scotland, in Schedule 1 of the Interpretation Act 1978 (c. 30) and section 50 of the Police (Scotland) Act 1967 (c. 77).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which do not extend to Northern Ireland) 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 prohibit persons under eighteen from possessing all fireworks (with the exception of the firework types listed in regulation 3(2)(b)) in a public place (regulation 3). The Regulations also prohibit persons of any age from possessing (in a public place or elsewhere) a category 4 firework (regulation 4). A category 4 firework is defined in regulation 2(1) by reference to the categorisation of fireworks under British Standard 7114. Both these prohibitions are subject to the exceptions in regulation 5.

The exceptions in regulation 5 allow a person under eighteen to be in possession of a firework in a public place, or a person of any age to be in possession of a category 4 firework in the following cases—

- (a) professional organisers or operators of firework displays, or their employees;
- (b) manufacturers (or their employees) of fireworks or assemblies containing fireworks;
- (c) suppliers (or their employees) of fireworks or assemblies containing fireworks for the purposes of supplying the fireworks in accordance with the Fireworks (Safety) Regulations 1997;
- (d) employees of local authorities, Government departments and naval, military and air force establishments, for the purposes of firework displays or for use at national public celebrations or commemorative events (or in the case of Government departments, for research or investigations purposes);
- (e) persons using fireworks, in the course of their trade, business or employment, for special effects purposes in the theatre, on film or on television;
- (f) for the purposes of test purchases by bodies with enforcement powers; and
- (g) suppliers (or their employees) of goods for use with fireworks or assemblies containing fireworks, who are using the fireworks to test those goods to ensure they perform correctly or comply with safety legislation.

By virtue of section 11 of the Fireworks Act 2003, a contravention of either regulation 3 or regulation 4 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 to the relevant police forces (regulation 6).

These Regulations will expire within twelve months of their coming into force.

Copies of British Standard 7114 and the British Standards referred to in it, are available from any of the sales outlets operated by the British Standards Institution, by post from 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 also available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, Room 427, 1, Victoria Street, London, SW1H 0ET.

STATUTORY INSTRUMENTS

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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1638 12/2003 131638 19585

ISBN 0-11-048232-8



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