

A summary of the laws and licensing issues on the use of fireworks.

1. Categories of fireworks

All fireworks now supplied within the UK must comply with the Pyrotechnic Articles Regulations 2010 should be clearly marked as such and classified as follows:

- **Category 1** fireworks that are considered very low risk, such as indoor fireworks.
- **Category 2** garden fireworks, which require spectator distances to be a minimum of 5 metres.
- **Category 3** display fireworks, requiring spectator distances to be a minimum of 25 metres.
- **Category 4** fireworks for specialist use only.

Certain fireworks are prohibited from supply to the public. These include Category 3 fireworks exceeding 120 decibels¹, aerial shells, air bombs and numerous other types and all those in Category 4

2. Possession of fireworks

It is an offence² – ‘**except where authorised**’ – for:

- A person under the age of 18 years to possess an ‘**adult firework**’ in a ‘**public place**’.
- Any person to possess a Category 4 firework.

‘**Authorised**’ (subject to relevant regulations and controls) can include:

- Professional organisers or operators of fireworks displays;
- Manufacturers and suppliers;
- Government and Armed Forces establishments;
- Persons using fireworks in the course of their trade, business or employment.

¹ Regulation 8 of Fireworks Regulations 2004.

² S11 of Fireworks Act 2003 and Regulations 4, 5 and 6 of Fireworks Regulations 2004.

Fireworks Legislation

The Fireworks Regulations include a definition of '**adult fireworks**' but it is perhaps explained more clearly by BIS (Department for Business, Innovation and Skills) who define adult fireworks as 'any fireworks except for caps, cracker snaps, indoor fireworks, novelty matches, party poppers, sparklers, serpents and throw-downs' which may not be sold to anyone under 16³.

'**Public place**' includes any place to which, at the relevant time, the public have or are permitted access, whether on payment or otherwise.


3. Use of fireworks

There are various other offences in relation to the use of fireworks. They include:

- Throwing fireworks in or onto any highway, street, thoroughfare or public place or in any street; throwing or setting fire to any firework in any street to the annoyance or danger of members of the public⁴;
- Discharging, without lawful authority or excuse, any firework within 50ft of the centre of a highway or a carriageway⁵;
- Using an 'adult firework' (see above) between 11:00pm and 7:00am, although there are some exceptions to this rule. The exceptions include⁶:
 - New Year's Eve, Diwali, the first day of Chinese New Year: on these dates the time is changed to 1:00am;
 - On 5 November, the exception applies until midnight;
 - Local authority employees at an authorised display or national celebration.

4. Licensing issues

You should always buy your fireworks from a reputable supplier. Points to be aware of include:

- Boxes of fireworks should always have BS 7114 or a CE mark printed on the box to show that they comply with EU standards. 
- Those who sell fireworks will need to have a licence to do so except on certain dates when no licence is required but suppliers will still need to be registered. These dates are⁷:
 - Between 15 October and 10 November – around bonfire night;
 - Between 26 December and 31 December – for New Year's Eve;
 - Three days before Diwali and Chinese New Year.

³ BIS Fireworks Safety Campaign 'It is illegal... Retailers' fireworks warning poster'

⁴ S80 of Explosives Act 1875; s28 of Town Police Clauses Act 1847.

⁵ S161 of Highways Act 1980.

⁶ Regulation 7 of Fireworks Regulations 2004.

⁷ Regulation 9 of Fireworks Regulations 2004.

Fireworks Legislation

- Anyone, or any organisation, that acquires over 50kg of fireworks will need to be registered or licensed⁸.

5. Penalties

For committing one of the offences in Section 3 (above) you could receive:

- A fine of up to £5000, imprisonment for up to 6 months or both⁹;
- A Penalty Notice for Disorder (PND) which gives a fine of up to £80.

6. Other matters to be considered

In certain circumstances, noise from fireworks may be considered to be a nuisance in contravention of the Environmental Protection Act 1990

In addition to the statutory regulations, insurers of events involving fireworks may have additional restrictions and requirements.

⁸ Regulation 25 of the Manufacture and Storage of Explosives Regulations 2005.

⁹ S11 of Fireworks Act 2003.

6. Further information

Community Matters

12 – 20 Baron Street

London N1 9LL

Tel: 020 7837 7887

Fax: 020 7278 9253

Advice Line: 0845 847 4253

E-mail: info@communitymatters.org.uk

Website: www.communitymatters.org.uk/onlineguidance

Health and Safety Executive

Caerphilly Business Park

Caerphilly CF83 3GG

Tel: 0845 345 0055

Fax: 0845 408 9566

E-mail: hse.infoline@santia.co.uk

Website: www.hse.gov.uk/explosives/fireworks/using.htm

HSE Books

Tel: 01787 881165

Fax: 01787 313995

E-mail: hsebooks@prolog.uk.com

Website: www.hsebooks.com

HSE Guide: *Working Together on Firework Displays* (Document HS(G) 123)

BIS (Department for Business, Innovation and Skills)

Ministerial Correspondence Unit

Department for Business, Innovation and Skills

1 Victoria Street

London SW1H 0ET

Tel: 020 7215 5000

Website: www.bis.gov.uk

For specific firework safety information:

www.bis.gov.uk/policies/consumer-issues/product-safety/firework-regulations

Community Matters 12-20 Baron Street London N1 9LL

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020 7837 7887 ▪ info@communitymatters.org.uk ▪ www.communitymatters.org.uk ▪ Advice Line: 0845 847 4253

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