



FIREWORKS AND UK LAW

Objectives

- Identify relevant Firework Act legislation.
- Identify supporting legislation.
- Refresh current knowledge.

Letting off Fireworks

- ⦿ It is a common misconception that you can only let fireworks off on or around Guy Fawkes. You can in fact let fireworks off **any** time of year and **any** day of the week including Sundays, but you must let them between **7am** and **before 11pm**.
- ⦿ Exceptions to the 11pm rule are:
- ⦿ November 5th (Bonfire Night / Guy Fawkes): You can let fireworks off until **midnight**.
December 31st (New Year's Eve): You can let fireworks off until **1am**.
Diwali : You can let fireworks off until **1am**.
Chinese New Year : You can let fireworks off until **1am**.

Fireworks available to the public

- ⦿ People under the age of 18 are not allowed to buy fireworks, nor possess them in a public place. This was increased from 16 in 1997
- ⦿ Otherwise, all fireworks, since 1997, must comply with BS7114, and be marked accordingly and fall into one of the following three categories:
- ⦿ **Category 1 ("indoor") fireworks** are for use in extremely restricted areas.
- ⦿ **Category 2 ("garden") fireworks** must be safely viewable from 5 metres away, and must scatter no debris beyond a 3 metre range.
- ⦿ **Category 3 ("display") fireworks** must be safely viewable from 25 metres away, and must scatter no debris beyond a 20 metre range.
- ⦿ **Category 4** Specialist use not for public, organised display large events only. (London Eye etc)

Fireworks Offences

- ⦿ Throwing fireworks or setting off fireworks in
- ⦿ public places:
- ⦿ **Section 80 of the Explosives Act 1875**
- ⦿ prohibits the throwing or setting off of fireworks on
- ⦿ any highway, street, thoroughfare or public place.
- ⦿ Public place is anywhere to which the public are
- ⦿ entitled or permitted access on payment or otherwise.
- ⦿ Points to prove: Throw/Cast/Fire a Firework in/into a highway/Street/Thoroughfare/Public Place

Possession of Adult Firework

- ⦿ Possession of 'adult fireworks' by anyone under the age of 18 in a public place:
- ⦿ 'Adult fireworks' are defined as any firework except for caps, cracker snaps, novelty matches, party poppers, serpents and throw downs.
- ⦿
- ⦿ This means Cat 2, 3 and 4 (outdoor sparklers are adult)
- ⦿ This offence was first introduced in 2003 and made permanent by regulation 4 of the Fireworks Regulations 2004

- ⦿ A breach of any prohibition of the Firework Regulations Act 2004 is a Criminal Offence under the Fireworks Act 2003 Section 11(1) PNDs to be considered.
- ⦿ Example: Breach of Firework Reg 2004 Reg 5 offence to possess a Cat 4 Firework (Specialist Standard) is a Criminal Offence under Section 11(1)
- ⦿ Supply of Firework offences are dealt with by Consumer Protection Act 1987 Section 12(1)
- ⦿ Supply of Cat 2/3 Fireworks to under 18's or Cat 1 to under 16's is an offence under Pyrotechnic Articles (Safety) Regs 2010 Reg 15 These are not PND offences.

- ⦿ Throwing fireworks in a thoroughfare or public place
- ⦿ s80 Explosives Act 1875

- ⦿ Breach of the fireworks curfew (11pm–7am)
- ⦿ Fireworks Regulations 2004, Reg 7(1)
- ⦿ Criminal Offence under Fireworks Act 2003 s11

- ⦿ Possession of adult fireworks in a public place by an
- ⦿ under-18 Fireworks Regulations 2004 Reg 4(1)
- ⦿ Criminal Offence under Fireworks Act 2003 s11

- ⦿ Possession of Category 4 fireworks
- ⦿ Fireworks Regulations 2004, Reg 5
- ⦿ Criminal Offence under Fireworks Act 2003 s11

Search

- The police have the power to stop and search for fireworks under Section 1 PACE if they suspect that an individual is in possession of any firework possessed in breach of prohibitions imposed by firework regulations 2004 or that a vehicle contains prohibited fireworks.
- This power was introduced by section 115 of the Serious Organised Crime and Police Act 2005.

- ⦿ Consider other legislation.....
- ⦿ Breach of the Peace
- ⦿ Public Order Act 1986
- ⦿ Section 161 Highways Act 1980 (various offences relating to causing danger on the highway)
- ⦿ Town and Police Clauses Act 1847 Section 28 (Not in the MPD)

The Impact of Halloween

- In the run-up to 5 November, Halloween is increasingly
- becoming a celebration which makes use of the wide
- availability of fireworks, but a small minority believe that
- these celebrations give them a licence to behave badly
- and engage in anti-social behaviour. This can create
- anxiety within neighbourhoods, particularly for elderly
- or vulnerable members of the community. It is therefore
- important that efforts are made to ensure that those who
- may be vulnerable or who do not wish to engage in these
- activities do not feel threatened in their homes and
- communities.

Questions?

