

## **GUIDANCE NOTE**

**The Fireworks (Safety) Regulations 1997 (as amended):**

**SI 1997 No 2264 & SI 2004 No 1372**

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## 1. Introduction

1.1 The Regulations impose a number of restrictions on the supply of fireworks. Fireworks that do not comply with these requirements, or fall outside the parameters specified, may not be supplied to the general public.

1.2 The measures include raising to 18 the age of persons who may be supplied with fireworks; specifying additional warnings; restricting the sizes of certain category 2 and 3<sup>1</sup> fireworks that may be supplied to the general public;<sup>2</sup> and prohibiting completely the supply to the general public of others (e.g. aerial shells, bangers, mini-rockets, all category 4 fireworks, etc.).

1.3 As a result of the amendments made to the 1997 Regulations by the Fireworks (Safety) (Amendment) Regulations 2004 (“the 2004 Regulations”), there is a prohibition on the supply of air bombs<sup>3</sup> and a new definition of a mini-rocket. The offence of supplying certain fireworks to persons under the age of 18 has been amended by the removal of the word “apparently”.

1.4 The Regulations do not apply in Northern Ireland where fireworks are subject to separate legislation.

### Note

**This guidance note is intended only as a broad indication of the provisions of the Regulations and does not cover all the detailed requirements. It should not therefore be taken as a definitive statement of the full legal requirements and anyone wishing to know the precise legal position should either consult the Regulations themselves or seek independent legal advice.**

**Anyone in the business of supplying fireworks should ensure that they are familiar with the legal requirements specified in the Regulations. Copies of the Regulations may be purchased from the Stationery Office and its agents.**

**It should be noted that all types and categories of fireworks must be authorised and classified by the Health and Safety Executive before they can be manufactured or imported.**

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<sup>1</sup> “Category” refers to the classifications set out in BS7114: 1998 Part 1.

<sup>2</sup> “General public” is used as shorthand for anyone who does not fall within one of the exemptions in section 4 of this note.

<sup>3</sup> Air bombs are also redefined in these Regulations.

## 2. Prohibitions on the Supply of Fireworks

2.1 The Regulations impose the following prohibitions and restrictions on the supply of fireworks:

(a) **prohibit the supply** - except to persons listed in section 4 below - of any firework or assembly which does not conform to the relevant definition in the Regulations (regulation 2);

(b) **general safety requirement** - all fireworks intended for use by the general public must comply with the **British Standard** (BS 7114);

(c) **aerial shells, aerial maroons, shells-in-mortar and maroons-in-mortar** – the supply of these devices is prohibited except to persons listed in section 4 below;

(d) **bangers** - the supply of all bangers is prohibited, including batteries containing bangers and Chinese Crackers (excluding wheels and report units in Roman candles etc) except to persons listed in section 4 below;

(e) **minimum age** - the supply of fireworks to anyone under the age of 18 is prohibited.<sup>4</sup> The amendment made by the 2004 Regulations removed the word “apparently” from the 1997 Regulations – which means that it is no longer a defence to claim that a person appeared to be 18 or over. Therefore, other steps should be taken to determine a person’s age.

(f) **retail boxes of fireworks** (i.e. boxes pre-packed by the original supplier and intended to be sold complete) - retailers are prohibited from splitting up the contents of such boxes;

(g) **sparklers** - packets of sparklers must carry a warning - "Warning: Not to be given to children under 5 years of age". In addition, the permitted length of hand-held sparklers is increased from 450mm to 470mm. (Note: these requirements amend the specifications set out in BS 7114);

(h) **fireworks with erratic flight** - supply prohibited except to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;

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<sup>4</sup> It should be noted that the supply of caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns are exempted from this prohibition, but remain subject to the prohibition on sale to persons under the age of 16 - section 31 of the Explosives Act 1875 (as amended).

(i) **mini-rockets**<sup>5</sup> - supply prohibited except to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;

(j) **air bombs** – supply prohibited except to any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;<sup>6</sup>

(k) **category 4 fireworks** - supply of these devices is prohibited except to persons listed in section 4 below;<sup>7</sup>

(l) **category 2 and category 3 fireworks** - limits are specified on the sizes of certain fireworks that may lawfully be supplied to the general public (these requirements cover fireworks such as Roman candles, mines, batteries, wheels and combinations) as set out in Annex B;<sup>8</sup>

(m) **warnings** - all fireworks not suitable (as determined by the Regulations) for use by the general public must bear the warning - "This device must not be sold to, or used by, a member of the general public". (This also applies to fireworks of erratic flight and mini-rockets (see (h) and (i) above) where the warning may, exceptionally, appear on the firework or packaging).

### 3. Definitions

#### 3.1 In the Regulations:

**"Firework"** means a device intended for use as a form of entertainment which contains, or otherwise incorporates, explosive composition or pyrotechnic composition (or both), and which, upon functioning, burns or explodes (or both) to produce a visual or aural effect (or both).

**"Banger"** means a firework (other than an air bomb):

(a) which comprises a tube which contains black powder and has a fuse; and

(b) whose functioning principally involves report.

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<sup>5</sup> As amended by the Fireworks (Safety) (Amendment) Regulations 2004

<sup>6</sup> It should be noted that there is a derogation period on the sale of air bombs in selection boxes – the prohibition comes into force for air bombs supplied in such a way on 3 January 2005.

<sup>7</sup> It is also an offence, under the Fireworks Regulations 2003, for any person other than a fireworks professional to be in possession of a category 4 firework.

<sup>8</sup> All category 2 and 3 fireworks must comply with any relevant test requirements and any other relevant requirements in BS7114, whether or not the Regulations specify size or weight limits for such fireworks.

**"Mini-rocket"** means a firework which is designed so that, on functioning, it propels itself into the air and which comprises a body or motor –

- (a) which contains pyrotechnic composition or pyrotechnic units; and
- (b) the outside diameter of which, at the point where the diameter is greatest, is less than 12 millimetres; or
- (c) if equipped with a stick or sticks for the purposes of stabilising its flight –
  - (i) where the firework is intended to be supplied singly, whose overall length (including the length of any such stick or sticks) is less than 900 millimetres or (not including the length of any such stick or sticks) is less than 195 millimetres; or
  - (ii) where the firework is intended to be supplied in a primary pack, whose overall length (including the length of any such stick or sticks) is less than 400 millimetres or (not including the length of any such stick or sticks) is less than 125 millimetres; or
  - (iii) (iii) where the firework is intended to be supplied in a selection pack, whose overall length (including the length of any such stick or sticks) is less than 300 millimetres; or
- (d) if not equipped with a stick or sticks for the purposes of stabilising its flight –
  - (i) whose overall length is less than 300 millimetres; and
  - (ii) is intended to be supplied singly or in a primary pack.

**"Aerial shell"** means a firework:

- (a) which is designed to be projected from a mortar;
- (b) which contains a propellant charge and a bursting charge;
- (c) which contains pyrotechnic units or loose pyrotechnic composition or both pyrotechnic units and loose pyrotechnic composition; and
- (d) whose functioning involves ascent and subsequent bursting of the firework case and ejection of any pyrotechnic units; but, for the avoidance of doubt, shall not include a rocket.

**"Aerial maroon"** means a firework:

- (a) which is designed to be projected from a mortar;
- (b) which contains a propellant charge and a bursting charge; and

- (c) whose functioning involves ascent and report; but, for the avoidance of doubt, shall not include a rocket.

**"Shell-in-mortar"** means:

- (a) an assembly comprising an aerial shell inside a mortar, from which the aerial shell is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial shell, where the shell is designed to be projected from the mortar.

**"Maroon-in-mortar"** means:

- (a) an assembly comprising an aerial maroon inside a mortar, from which the aerial maroon is designed to be projected; or
- (b) an assembly comprising two or more mortars one of which contains an aerial maroon, where the maroon is designed to be projected from the mortar.

**3.2** A full list of some 43 definitions is set out in regulation 2 of the 1997 Regulations and the schedule of the 2004 Regulations (in relation to air bombs and mini-rockets).

#### **4. Exemptions from the Prohibitions on Supply** (Regulation 5 of the Regulations)

4.1 With the exception of fireworks of erratic flight and mini-rockets which may only be supplied to the categories of persons specified in paragraphs (h) and (i) in section 2 above, the restrictions in section 2 on supply of fireworks outside the size limits specified, category 4 fireworks and aerial shells, etc, may be supplied to the following:

- (a) any person who is in business as a professional organiser or professional operator of firework displays;
- (b) any person, being a person 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 these Regulations;
- (c) any local authority<sup>9</sup> for the purposes of a firework display put on by that authority or for use by that authority at a national public celebration or a national commemorative event;

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<sup>9</sup> In this context, 'local authority' means the elected members and officers of a local authority acting in their official capacities - it does not include scout groups, youth clubs, PTAs and other organisations operating under the aegis of a local authority.

(d) any person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;

(e) any local authority, enforcement authority or other body, where that authority or body:

(i) has enforcement powers, conferred by or under any enactment, applying to the firework or assembly in question; and

(ii) before it purchases the goods, informs the supplier that the purchase is to be made for the purposes of ascertaining whether any provision made by or under any enactment and relating to the safety of the goods has been contravened in relation to those goods;

(f) any department of the Government of the United Kingdom for the purposes of a firework display put on by that department, for use by that department at a national public celebration or a national commemorative event or for use by that department for research or investigations purposes;

(g) any person who:

(i) is in business as a supplier of goods designed and intended for use in conjunction with fireworks or assemblies; and

(ii) intends to use the firework or assembly 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

(h) any establishment of the naval, military or air forces of the Crown for the purposes of a firework display or for use at a national public celebration or a national commemorative event.

## **5. Contacts**

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