

# P-06-1172 Ban fireworks from public sale

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Petitions Committee | 13 September 2021

Reference: SR21-0497-2

**Petition Number:** P-06-1172

**Petition title:** Ban fireworks from public sale

**Text of petition:**

Fireworks are an explosive and should only be used in a controlled environment. They cause anxiety to vulnerable people and pets. They can also be used as weapons. Items such as this should only be available to licenced events.

## 1. The law on selling, owning and using fireworks

There are restrictions on the sale, possession and use of fireworks. The Fireworks Act 2003 grants the UK Government powers to control the use of fireworks in England and Wales, to limit the risk of fireworks causing death, injury or distress to persons or animals, or damage to property.



The [Fireworks Regulations 2004](#) prohibit the sale of fireworks to the public by unlicensed traders, except for days around ‘permitted fireworks nights’ (Chinese New Year, Diwali, Bonfire Night and New Year). They also ban the sale of fireworks with noise levels over 120 decibels. [The Pyrotechnic Articles \(Safety\) Regulations 2015](#) impose age restrictions on the sale of fireworks and ban the sale of professional display fireworks to the public.

The Fireworks Regulations make it illegal for anyone under 18 to possess an ‘adult’ (outdoor) firework in a public place. They also make it illegal to use fireworks between 11pm and 7am without permission in England and Wales (except for permitted fireworks nights). Under the [Explosives Act 1875](#) (as amended), it is illegal to set a firework off in a street or public place.

Local authorities have powers under the [Anti-social Behaviour Act 2003](#) to address noise from homes or gardens between 11pm and 7am. If the noise breaches permitted levels, an environmental health officer may serve a warning notice on the person responsible. If the warning is ignored, the person may be prosecuted.

## 2. Action

### 2.1. UK Parliament and Government

The House of Commons Petitions Committee has considered several petitions about misuse of fireworks. It [reported on fireworks](#) in November 2019.

The Committee did not support a ban on the sale and use of fireworks, noting that a ban could have unintended consequences, such as restricting community events and encouraging a black market to emerge. However, the Committee made several recommendations, saying that the UK Government should:

- introduce legislation to enable local authorities to introduce mandatory permit schemes for fireworks in places where misuse is a problem;
- review the decibel limit of consumer fireworks, with a view to reducing the limit to protect animals better;
- set a strategy on tackling illegal sales of fireworks via social media; and
- fund and coordinate an awareness campaign on using fireworks responsibly.

In response, the [UK Government agreed](#) to coordinate an awareness campaign, but rejected most of the other recommendations. It said the Office for Product Safety and Standards (OPSS) would gather evidence on fireworks ‘in order for the Government to identify whether people’s perceptions and concerns are reflected in evidence, and if so, what action—if any—is appropriate

for the Government to take'. The OPSS published information on developing an evidence base on fireworks in October 2020 and an analysis of consumer behaviours and attitudes to fireworks in the UK in April 2021.

## 2.2. Senedd and Welsh Government

The Deputy Minister for Climate Change responded to this petition on 24 August, saying that the Welsh Government is 'very concerned about the effect of loud firework noise on animals and vulnerable people' and outlining recent action.

On 14 January 2020, the then Minister for Environment, Energy and Rural Affairs wrote to the UK Government to call for 'a detailed and positive response' to the recommendations of the House of Commons Petitions Committee. She supported the Committee's recommendations for reviews of decibel limits and online sales and said there should be a 'dialogue' on local authority powers, including whether a mandatory permit scheme should be introduced.

Members of the Senedd asked oral questions about fireworks in Plenary on 10 and 18 November 2020. The First Minister said that the Welsh Government had worked with the UK Government on a campaign on responsible use of fireworks in the run-up to Bonfire Night. He also said the Welsh Government was 'very keen to work with others on this issue' and was 'in discussions with BEIS [in the UK Government] [...] and indeed with the Scottish Government over their proposals'.

The Minister met with counterparts in the UK and Scottish Governments on 28 January 2021. Following the meeting, the Minister wrote to the UK Government to raise concerns that current legislation in Wales is not 'adequate to protect vulnerable people and animals from the effects of firework noise' and to express interest in changes made in Scotland.

She noted that the UK Government currently holds powers on fireworks in England and Wales and said she would welcome 'coordinated action' across Great Britain to make it harder for people to avoid geographical limits on sales. However, she also said:

In the absence of a clear commitment by the UK Government to tighten regulations in England and Wales, towards the end of our meeting I raised the possibility of transferring these powers to Welsh Ministers, enabling the next Welsh Government to make the regulations it considers appropriate. [...] You agreed to give the matter further consideration and made a commitment to discuss this with the Secretary of State for Wales. I would welcome an update on this.

In response, the UK Minister for Small Business, Consumers and Labour Market Paul Scully said:

I remain committed to considering if it would be appropriate for the Welsh Government to be given additional powers in respect of fireworks. Before advancing on

this matter, I would want to wait until the outcomes of commitments the Government has made and the impact of the changes the Scottish Government have implemented have been evaluated.

## 2.3. Scottish Government

The Scottish Government's view is that the use of fireworks is devolved in Scotland, but 'implementing a ban on [the sale of] fireworks is reserved to the UK Government'. The Scottish Ministers have powers to control fireworks under the Fireworks Act 2003.

In 2020, the Scottish Government commissioned a Fireworks Review Group to make recommendations on tightening fireworks legislation. The Group recommended changes to the law on how fireworks can be accessed and used. It did not recommend banning the sale of fireworks.

In response to the recommendations, the Scottish Government made secondary legislation using powers in the Fireworks Act 2003 to restrict the times of day that fireworks can be sold and set off and to limit the quantity of fireworks that can be supplied to the public to 5kg. The Scottish Government also consulted on proposed changes to primary legislation, to:

- require adults to apply for a licence before they can buy fireworks, including completing an online safety training course and paying a fee;
- restrict the days that fireworks can be sold and used to permitted periods;
- give local authorities the power to create 'no firework areas', where the general public may not set off fireworks; and
- criminalise the sale of fireworks to under-18s.

The First Minister indicated support for the recommendations of the Fireworks Review Group in Plenary in November 2020, saying that 'if [the measures] were introduced on a whole-UK basis, Wales would certainly benefit.'

## 3. The UK Internal Market Act 2020

The UK Internal Market Act 2020 set new rules for the regulation of goods across the UK. The Act established the principles of mutual recognition and non-discrimination and enshrined them in UK law as Market Access Principles.

Under the mutual recognition principle, if a good complies with rules relating to its sale in the part of the UK in which it was produced or into which it was imported, then it can be sold in any other

part of the UK without having to meet the standards in those other parts, even if they are different.

Under the non-discrimination principle, any rules regulating how goods must be sold in one part of the UK that discriminate directly or indirectly against providers from other parts of the UK do not generally apply.

A ban on the sale of fireworks in Wales might come within the scope of the Market Access Principles. This could have an impact on the effect and enforceability of that ban.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.