

The Firework Regulations 2004 were introduced in July 2004 with the majority of provisions coming into force on 7th August 2004. This brief guide, in the absence of anticipated official guidance from DTI, has been prepared by a collaboration between members of the Local Authorities Co-ordinators of Regulatory Services (LACoRS), the Merseyside Fire & Rescue Service, Merseyside Police, Trading Standards and the Explosive Industry Group of the CBI (EIG/CBI) in an attempt to provide consistent advice to both operators and enforcers of these Regulations and the Firework (Safety) Regulations 1997. The guide has been prepared in good faith and using the best information available - however there may be areas where DTI or the Courts would interpret the Regulations differently. You are therefore advised to always refer to the text of the Regulations and to seek independent counsel, should matters of doubt make it necessary. Further guidance will be produced by this Group for the implementation of other sections of the Act as and when these are clarified.

What fireworks are covered by the Regulations?

Fireworks are those explosives classified by HSE or other body as having a UN number of 0333, 0334, 0335, 0336 or 0337. Other pyrotechnic articles (eg theatrical effects and bird scarers) are NOT affected by these Regulations. We further believe that it is helpful to consider that the only fireworks permitted to be sold to a member of the general public are those that comply with the requirements of Category 1, 2 or 3 of the British Standard (BS 7114) AND which conform to the requirements of the Firework (Safety) Regulations 1997. Fireworks which do not so conform should be regarded as Category 4 - and can only legitimately be sold to and used by professional firework companies.

Who can possess fireworks?

A member of the general public under 18 years of age may only possess certain fireworks specified in the regulations in a public place - however the accepted definition of a "public place" is very wide. A private garden is not a public place.

Category 4 fireworks should only be in the possession of professional display companies - who can demonstrate professional use through evidence of legal storage, public liability insurance and evidence of training and competence - and certain other specified groups. Professional display companies will usually be members of the British Pyrotechnists Association (BPA) and/or EIG - details of their respective members can be found via their websites (see further information below)

Modification of Category 1, 2 or 3 fireworks - except by the manufacturer, importer or other professional firework company - may compromise their safety or invalidate their compliance testing in accordance with BS 7114. Fireworks modified in any way, should therefore be regarded as Category 4.

When may fireworks be fired?

In general no fireworks may be fired before 07:00 and after 23:00 except on 4 days in the year. There are 4 basic exceptions - Fireworks may be fired until 01:00 on the day following the first day of Chinese New Year, the day following Diwali and New Year's day, and until 24:00 on November 5th. Use of fireworks outside these periods is in general not permitted, although we do believe that the regulation governing this prohibition will be reviewed.

What about the sale and use of noisy fireworks?

The Regulations prohibit the sale of fireworks that would exceed 120dB (A) - members of the EIG, the British Fireworks Association (BFA) and BPA are not importing any consumer fireworks that exceed this level - fireworks supplied to the general public should be manufactured or imported by members of these bodies.

Professional displays may utilise fireworks that exceed this noise level.

What information about fireworks must be displayed at the point of sale?

The Regulations lack clarity and the following text - to be printed prominently on A3 sheets - has been agreed between Enforcers and Industry. It should be displayed prominently at the point of sale - we recommend that, if appropriate, it is displayed alongside other Regulatory notices - for instance those concerning the sale of tobacco. Where sales are made by mail order or by the internet similar information should be prominently displayed.

IT IS ILLEGAL TO SELL
FIREWORKS TO ANYONE
UNDER THE AGE OF 18
AND IT IS ILLEGAL FOR
ANYONE UNDER THE
AGE OF 18 TO POSSESS
FIREWORKS IN A
PUBLIC PLACE

Further information

Full text of 2004 Regulations - <http://www.legislation.hmso.gov.uk/si/si2004/20041836.htm>

Full text of 1997 Regulations - <http://www.legislation.hmso.gov.uk/si/si1997/97229401.htm>

Explosives Industry Group - www.eig.org.uk

British Pyrotechnists Association - www.pyro.org.uk

British Fireworks Association - www.b-f-a.org

Firework Safety Website - www.fireworksafety.co.uk

List of Classified Explosives and Fireworks - www.locef.co.uk

Department of Trade & Industry - www.dti.gov.uk

Health & Safety Executive - www.hse.gov.uk

LACoRS - www.lacors.gov.uk

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