

Ban fireworks from shops

Y Pwyllgor Deisebau | 13 Mai 2024
Petitions Committee | 13 May 2024

Reference: SR24/8458

Petition Number: P-06-1417

Petition title: Ban fireworks from shops

Text of petition: Stop selling fireworks in shops as they can frighten and kill animals and hurt people.

1. The law on selling, owning and using fireworks

There are restrictions on the sale, possession and use of fireworks. Under the Explosives Act 1875 (as amended), it is illegal to set a firework off in a street or public place and the Anti-social Behaviour Act 2003 addresses 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.



The [Fireworks Act 2003](#) granted the UK Government powers to make regulations on the supply, possession and use of fireworks.

Brought forward under the 2003 Act, the [Fireworks Regulations 2004](#) seeks to tackle the anti-social use of fireworks. They 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 prohibit the sale of fireworks with noise levels over 120 decibels and made it an offence to use fireworks after 11pm and before 7am without permission. Times are extended on permitted fireworks nights.

The [Pyrotechnic Articles \(Safety\) Regulations 2015](#) relates to the safety of fireworks as a consumer product, setting out which articles may be made available to the public, specific age restrictions, and which ones may only be supplied to those with specialist knowledge.

Although the Welsh Ministers do not have executive competence under the Fireworks Act 2003 to make regulations, in terms of legislative competence the position is not as definitive, and it is not something that the Senedd has no power to do.

2. Action

2.1. Wales

The Committee has previously considered [a petition which called for the ban of fireworks from public sale](#).

In [its response](#) to the petition, the Welsh Government explained that,

“powers to regulate the sale and use of fireworks in England and Wales exist under the Fireworks Act 2003. These powers currently sit with UK Government Ministers, specifically the Department for Business, Energy and Industrial Strategy (BEIS)”.

In [correspondence with BEIS](#) in 2021, former Environment, Energy and Rural Affairs Minister Lesley Griffiths also said regulation-making powers sitting with the Secretary of State made it difficult “to mirror in Wales the regulations recently made by the Scottish Government, tightening conditions on the sale and use of fireworks”. She also raised the possibility of transferring powers to Welsh Ministers, allowing the Welsh Government to make such regulations.

In a response, the then UK Minister for Small Business, Consumers and Labour Markets 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.

MSs have also raised the possibility of stricter regulations with the Welsh Government during Plenary question sessions, with the Counsel General saying,

One of the issues, of course, around fireworks is that it is a mostly reserved subject area. If tighter restrictions on firework sales and use are to be implemented, of course, they are within that reserved domain. There are some areas where we can work in[...]We've always been clear that we support tighter regulations to underpin the responsible use of fireworks and its implications for devolved matters.

The Welsh Government further outlined its support for stricter regulation in the its Noise and Soundscape plan for Wales. The plan states the Welsh Government “does not believe the current legislation in England and Wales is adequate to protect vulnerable people and animals from the effects of firework noise”.

A BBC report, from November 2023 notes that 14 councils in Wales have signed up to RSPCA-backed policies to keep animals safe.

2.2. Scotland

As referenced in the above correspondence between Welsh and UK Government, the Scottish Government has brought forward its own regulations around firework use.

The Fireworks (Scotland) Regulations 2004, as amended by the new Fireworks (Scotland) Miscellaneous Amendments Regulations 2021, controls the way the general public can use and access consumer fireworks, such as the times when they can be used and the quantity of fireworks that can be sold by retailers to individuals who do not have an explosives licence.

The Fireworks and Pyrotechnics Articles (Scotland) Act 2022 introduced a licensing system, powers for local authorities to designate firework control zones,

restrictions on the supply and use of fireworks, and a new offence to criminalise the supply of fireworks and pyrotechnics to under-18s.

3. UK Petitions

The House of Commons Petitions Committee has considered several petitions about misuse of fireworks and [reported in November 2019](#). The report could not recommend a ban on public sales, explaining;

There are also genuine concerns about the likely ineffectiveness of a ban, including some evidence from overseas that a ban could have unintended and counter-productive consequences for public safety [...]While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored.

In November 2023, the UK Government responded to a [petition](#) considered by the Committee. It stated that “we believe that the legislative framework controlling fireworks strikes the right balance and we have no plans to replace it at this time”.

There are also a number of [open UK petitions](#) which relate to a ban on the public sale of fireworks.

4. 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.

The [annual report on the operation of the internal market 2023-24 appendices](#) noted the introduction of The Fireworks and Pyrotechnic Articles (Scotland) Act 2022.