

Fireworks: Responsible Use



Watching fireworks is popular and fun. But fireworks are explosives and potentially dangerous, so they need careful handling and storage. In addition, over recent years, anti-social behaviour has clearly become linked to the dangerous use of fireworks - behaviour which causes significant harassment, alarm and distress to residents and communities.

Legislation has been introduced to help make fireworks safer to use and to tackle their deliberate misuse. It affects how fireworks are imported, sold and used, and places restrictions on possession.

It means that communities will be safer and less noisy as fireworks should only be let off at certain times and in certain places. It also means that those misusing them to either damage property or injure will be able to be dealt with by the relevant authorities.

Summary of the legislation

- X** it is an offence for fireworks to be thrown or set off in any street or public place
- X** under 18s are not allowed to buy fireworks
- X** under 18s are not allowed to possess fireworks in a public place
- X** it is an offence for fireworks to be set off during night hours (11pm – 7am) with certain exceptions (overleaf)
- X** it is an offence to cause any unnecessary suffering to any domestic or captive animals.

Firework safety

Every year, hundreds of adults and children suffer injuries as a result of fireworks and bonfires - a list of useful tips on firework and bonfire safety can be found online at: 'www.fireservice.co.uk/safety/fireworks.php'.

Advice includes:

- never try to re-ignite fireworks that haven't already gone off
- never carry fireworks in your pocket
- store your fireworks safely, in a closed box somewhere cool and dry
- never use petrol or paraffin to start your bonfire.

Penalties

It is an offence under section 80 of the Explosives Act 1875 to throw or set off fireworks in any highway, street, thoroughfare or public place. The power to enforce this section of the Act rests with the police. Anyone found guilty is liable to pay a fine of up to £5,000 and can be imprisoned for up to six months. On-the-spot fines can also be issued for this offence, attracting the upper tier fine of £80.

In Regulations made under the Fireworks Act 2003, it is also an offence for under 18s to buy fireworks and possess them (except party poppers and sparklers) in a public place. In addition, category 4 fireworks (professional display fireworks) can be possessed from anyone other than a fireworks professional.

In line with the Noise Act 1996, fireworks should not be set off during night hours (11pm to 7am) with the exception of the following nights where the curfew will begin at different times:

- **November 5th – 12 midnight**
- **New Years Eve – 1 am**
- **Chinese New Year (dates vary) – 1 am**
- **Diwali night (dates vary) – 1 am.**

Police also have the power to issue penalty notices for these offences. Again, the offence attracts the upper tier fine of £80.

Under section 4 of the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to any domestic or captive animals. The penalty on conviction is either imprisonment of up to 51 weeks or a fine of up to £20,000 or both. Enforcement of this section of the Act rests with Trading Standards, the Police or the RSPCA as appropriate.

Other legislation also applies to retailers and suppliers of fireworks, where a number of related offences can lead to a fine of up to £5000 and six months imprisonment.

Fireworks will only be widely available during the weeks leading up to Bonfire Night and a few days before New Year's Eve, Diwali and Chinese New Year. For the rest of the year, you will only be able to buy fireworks from shops that are licensed to supply them.

Contacts

PHA and Devon and Cornwall Housing work together with partner agencies including the police to combat anti-social behaviour in our neighbourhoods. If you need to report any irresponsible use of fireworks, please contact the police general enquires line in the first instance so that it can be dealt with immediately: 08452 777444.

If our offices are closed, and you would like to report the anti-social behaviour of one of our tenants or their families, you can call our out of hours 'Respect Line' on 01392 814535, or text ASB to 80800 and you will be called back by a team member.

This information is also available in large print, audio and other languages. Should you require the information in any of these formats, please contact us on 0300 3038030.