

Misuse of Fireworks Bill

[AS INTRODUCED]

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Make provision about offences relating to the misuse of fireworks and penalties for such offences; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Noisy fireworks

- (1) In this Act, a “noisy firework” is one which produces a maximum A-weighted impulse sound pressure level exceeding 90 decibels when measured in accordance with subsection (2).
- (2) For the purposes of subsection (1), the sound pressure level is to be measured—
 - (a) at a horizontal distance of fifteen metres from the testing point at a height of one metre above the ground; and
 - (b) using a sound measuring device which conforms to type 1 of BS EN 61672 with a free-field microphone.

2 Prohibition of use of noisy domestic fireworks and sale for prohibited use

- (1) The Fireworks Regulations 2004 (S.I. 2004/1836) are amended as follows.
- (2) After regulation 7 (prohibition of use of certain fireworks at night), insert—

“Prohibition of use of noisy domestic fireworks and sale for prohibited use

7A—(1) Subject to paragraph (2), no person shall use a noisy firework (within the meaning in section 1 of the Misuse of Fireworks Act 2022).

(2) Paragraph (1) shall not prohibit the use of a firework by any person who uses the firework in question for the purposes of putting on a firework display—

- (a) by a local authority;
- (b) licensed by a local authority; or
- (c) at a national public celebration or a national commemorative event.

(3) No person shall sell a noisy firework for a use other than one listed in paragraphs (2)(a) to (c).

(4) It is defence under the prohibition in paragraph (3) for the person selling the firework to have reasonably believed that the firework was for use for a purpose listed in paragraphs (2)(a) to (c).”

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3 Penalty for certain fireworks offences

The Sentencing Council must issue Magistrates’ Court Sentencing Guidelines that—

- (a) the standard penalty for the offence under section 11 of the Fireworks Act 2003 of contravening regulation 7 of the Fireworks Regulations 2004 (S.I. 2004/1836) (prohibition of use of certain fireworks after 11pm other than on a permitted fireworks night) should be £1000; and
- (b) the standard penalty for the offence under section 11 of the Fireworks Act 2003 of contravening regulation 7A of the Fireworks Regulations 2004 (S.I. 2004/1836) (prohibition of use of noisy domestic fireworks and sale for prohibited use) should be £1000 and an order not to use fireworks.

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4 Reviews of fireworks misuse legislation

(1) The Secretary of State must conduct annual reviews of the effects and efficacy of—

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- (a) the provisions of this Act; and
- (b) other enactments relating to fireworks misuse, including the licensing of sellers and events.

(2) The Secretary of State must—

- (a) lay before Parliament a report of the first such review before the end of the period of one year beginning with the day on which this Act comes into force;
- (b) lay before Parliament reports on subsequent such reviews before the end of the period of one year beginning with the day on which the previous report under this section was laid before Parliament.

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(3) In conducting reviews under this section, the Secretary of State must consult—

- (a) military veterans’ charities;
- (b) animal welfare charities; and
- (c) mental health charities.

5 Extent, commencement and short title

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(1) This Act extends to England and Wales only.

(2) This Act comes into force at the end of the period of 90 days beginning with the day on which this Act is passed.

(3) This Act may be cited as the Misuse of Fireworks Act 2022.

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*Presented by Sarah Owen
supported by Rachel Hopkins.*

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