

STATES OF JERSEY



DRAFT EXPLOSIVES (AMENDMENT) (JERSEY) LAW 201- (P.21/2019): COMMENTS

**Presented to the States on 29th April 2019
by the Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

1. On 3rd July 2014, the States Assembly adopted the [Draft Explosives \(Jersey\) Law 201- \(P.38/2018\)](#) (published as [L.29/2014](#) after adoption by the States, and hereafter “the principal Law”), which sought to update legislation governing the use of explosives and pyrotechnics (i.e. fireworks) as set out in the [Explosives \(Jersey\) Law 1970](#).
2. On 26th February 2018, the Draft Explosives (Amendment) (Jersey) Law 201- ([P.38/2018](#)) was lodged, and was scheduled for debate by the States Assembly on 26th June 2018. However, the Education and Home Affairs Scrutiny Panel (hereafter “the Panel”) wrote to the Minister for Home Affairs requesting that it be deferred until such time as the Panel could receive a briefing. The Minister informed the Panel that it was his intention to defer P.38/2018. The Panel received a briefing on Monday 2nd July 2018 from the Acting Chief Fire Officer, Group Commander for Fire Safety, and a Policy Officer from the Department for Justice and Home Affairs. It was noted that, due to the requirement under [Standing Order 34](#) for a proposition to be debated within 6 months of it being lodged, P.38/2018 would therefore fall away and require re-lodging.
3. The Panel was informed that the intention is to amend the following areas within the principal Law –
 - updating the principal Law to reflect international best practice in the definition and identification of explosives (i.e. referring to fireworks as pyrotechnic articles)
 - allowing the Minister for Home Affairs to stipulate, by Order, when the rules relating to the timing of public fireworks displays could be relaxed (i.e. New Year’s Eve, Liberation Day, etc.).
4. Prior to completion of the final stage of the principal Law coming into force, Regulations dealing with pyrotechnic articles were to be drafted to the point at which they could be lodged *au Greffe*. However, the Panel understands that these Regulations are currently in an early stage of drafting, and the Department for Justice and Home Affairs is liaising with the Legislative Drafting Office to bring them forward in due course. Once these Regulations have been adopted by the States, the principal Law can be implemented in full. It is also intended that a Code of Conduct governing the use of explosives and pyrotechnic articles will be developed in line with the new Regulations.
5. The Panel recommended during the briefing that the Comité des Connétables is fully consulted on the draft Regulations as they are being developed.
6. The Draft Explosives (Amendment) (Jersey) Law 201- (“the draft amending Law”) was subsequently re-lodged on 18th February 2019 as [P.21/2019](#). It is intended for the debate on P.21/2019 to take place at the States Sitting of 30th April 2019. Due to the length of time between the Panel receiving its briefing and the draft amending Law being re-lodged, the Panel undertook to find out whether there had been any significant alterations made. The only alteration that has been made is in relation to the need for the Minister for Home

Affairs to consult with the Comité des Connétables before they can make an Order specifying times during which fireworks or other pyrotechnic articles may be supplied and used, or when public fireworks displays may be operated. The Panel is pleased that this change has been accommodated since it was originally briefed.

7. Over recent months, there has been significant public attention in relation to the use of fireworks. An online petition calling for fireworks only to be sold or supplied for licensed displays was submitted, and at the time of writing has gathered 1,519 signatures.¹ The Minister for Home Affairs responded on 6th December 2018 and confirmed that Pyrotechnic Articles Regulations would be brought forward which would provide for statutory controls over the supply, possession and use of fireworks.¹ The Panel is satisfied that this is in keeping with the information it was given at the initial briefing, and intends to review the draft Regulations once they are lodged *au Greffe*.
8. As the Draft Explosives (Amendment) (Jersey) Law 201- is required to update important aspects of the principal Law, the Panel is satisfied that the rationale and objectives for P.21/2019 as summarised above are in order, and will therefore be supporting it.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A due to the Panel being required to prioritise other areas of its work programme over the preceding weeks.

¹ [Petition – Only allow fireworks to be sold or supplied in Jersey for licensed displays](#)