



Briefing Paper 4 | November 2023

Fireworks – history of legislation and current position

Overview

This briefing paper examines the history and current state of legislation regulating the importation, manufacture, storage, use, conveyance, sale, purchase, transfer, acquisition and possession of explosives, including fireworks, in Jersey.



Introduction

This briefing paper examines the history and current state of legislation regulating the importation, manufacture, storage, use, conveyance, sale, purchase, transfer, acquisition and possession of explosives, including fireworks, in Jersey. While this is currently regulated by the Explosives (Jersey) Law 1970, the Explosives (Jersey) Law 2014 will replace this Law once the Regulations required by the new Law have been finalised and adopted by the States Assembly.

Current law

The sale and use of fireworks is currently regulated by the [Explosives \(Jersey\) Law 1970](#) which came into force on 1st April 1971. Article 8 of the Law covers granting licences to sell fireworks which is carried out by the Connétable of the relevant Parish in consultation with the Chief Fire Officer of the States of Jersey Fire and Rescue Service. Article 17 refers to the [Code of Requirements](#) which provides guidance to persons using or handling explosives (including fireworks).

It is the responsibility of the Justice and Home Affairs Minister to define and specify the conditions set out in the Code of Requirements which was last updated in May 2012. The importation, storage and sale of fireworks is jointly administered by the Justice and Home Affairs department and the Connétables of the Parishes in consultation with the Chief Officer of the States of Jersey Fire and Rescue Service. The Code of Requirements does not regulate the private use of fireworks.

Two amendments have been made to this Law –

[Explosives \(Amendment\) \(Jersey\) Law, 1978](#) (came into force on 8th May 1978)

- Made no changes to articles relating to fireworks other than the addition of the word “use” after the word “storage,” in Article 1.

[Explosives \(Amendment No. 2\) \(Jersey\) Law 1997](#) (came into force on 1st December 1997)



- Of the changes this Amendment made to the Law only Article 17 – Offences (Article 18 in the current Law), directly references fireworks and sets out the fine for an offence in relation to the sale of fireworks.

Replacement Law – 2014

On 20th May 2014 the Minister of Home Affairs lodged the [Draft Explosives \(Jersey\) Law 201- \(P.96/2014\)](#). Although the majority of provisions in the new Law were contained in the Explosives (Jersey) Law 1970 the Proposition’s Report described the current Law as “dated” following changes in drafting standards and style. The key changes proposed by the draft Law relating to fireworks were:

- a change to the definition of fireworks, subsequently defining them by reference to the current British Standard Specification (BS7114) or any Specification that subsequently replaces it.
- The inclusion of new Articles 44-53 for the States to create Regulations “for the better protection of persons and animals (including the avoidance of anxiety and distress), and of property.” These Regulation-making powers were based on those in the UK Fireworks Act 2003.

The report also stated that it was hoped the Regulations would cover the deficit regarding the “wider supply and use [of fireworks], especially in relation to firework displays”.

An Amendment to the Draft Law: [Draft Explosives \(Jersey\) Law 201- \(P.96/2014\): amendment](#) was lodged 17th June 2014 by the Education and Home Affairs Scrutiny Panel which focused on Article 24 and magazine licences. However, the Panel also made specific reference to the fact that: “much of the Law provides a framework for Regulations to be hung upon. That is where the detailed considerations will be examined. For example, specific details relating to fireworks”. (p. 4)

The [Explosives \(Jersey\) Law 2014](#) was registered by the Royal Court 17th October 2014 but has not yet come into force. This delay is due to the ongoing work to finalise the Regulations required by Articles 44-53 of the Law.

2019 Amendment

On 18th February 2019 [Draft Explosives \(Amendment\) \(Jersey\) Law 201- \[P.21/2019\]](#) was lodged by the Minister for Home Affairs. This Amendment addressed the following areas:

- Updating the definition and identification of explosives to reflect international best practice – including referring to fireworks as “pyrotechnic articles”
- Allowing the Minister for Justice Home Affairs, having consulted with the Comité des Connétables, to stipulate, by Order, other times during which fireworks or pyrotechnic articles may be supplied or used, or other times during which public fireworks displays may be operated.

The Amendment’s Report also referred to the work drafting the new Regulations for fireworks which “has been ongoing since 2017” and committed to full consultation with “relevant public bodies, businesses and individual” when developing the (now named) Pyrotechnic Articles Regulations.



The Education and Home Affairs Scrutiny Panel presented the [Draft Explosives \(Amendment\) \(Jersey\) Law 201- \(P.21/2019\): comments \[P.21/2019 Com.\]](#) on 29th April 2019 supporting the proposed Law. The Panel mentioned here the intention that “a Code of Conduct governing the use of explosives and pyrotechnic articles will be developed in line with the new Regulations.”

The [Explosives \(Amendment\) \(Jersey\) Law 2019](#) was registered by the Royal Court on 19th July 2019 and will come into force after the commencement of the [Explosives \(Jersey\) Law 2014](#).

Petitions

A range of petitions have been submitted to the States Assembly in relation to fireworks in Jersey, primarily focused on controlling public access to fireworks.

[Fireworks: Restrictions on Sale – Petition \(P.25/2001\)](#) requested “that all necessary steps be taken to restrict the sale of fireworks to suitably qualified and accredited persons organising public fireworks displays”. The response, [Fireworks: Restrictions on Sale - Petition \(P.25/2001\): report](#) (presented on 24th April 2001) stated that the “introduction of further legislation is felt to be inappropriate” as controls to public access already existed in the form of conditions on the licences issued to retailers selling fireworks. Additional controls, managed by the Connétables were also put forward but none of these were to be enacted and reliance upon public compliance continued.

Nine related e-petitions were lodged between 2018 and 2022. The three e-petitions that received a Minister’s response all referred to the role of the Regulations required by the [Explosives \(Jersey\) Law 2014](#) in controlling fireworks in the Island.

Of the three petitions lodged in late 2018, two focused on banning the sale of fireworks to the public. The petition: [Ban the sale of fireworks to the public](#) was rejected as the petition requesting that [Only allow fireworks to be sold or supplied in Jersey for licensed displays](#) had already been published, which received 1,521 signatures when it closed on 6th May 2019. The Minister’s response did not support the petition and pointed to the intention to bring forward the Pyrotechnic Articles Regulations to “provide for some statutory controls over, for example, the supply, possession, and use of fireworks (including for different types of firework).” Importantly, the response also stated that the “Regulations would not cover private displays”. The third petition submitted in 2018 called for the States Assembly to [Allow people to freely buy fireworks during November](#) which received 160 signatures.

Four petitions were lodged in November 2020. Three of these –

- [Allow only the sale and use of silent fireworks in the Island](#)
- [Control the sale and use of fireworks to public displays only or use silent ones](#)
- [To ban the sale of fireworks to the general public](#)

were rejected as there was already a petition about the issue.

The petition that did go forward, [Ban any fireworks for sale in Jersey unless they are low noise fireworks, had](#) received 1,742 signatures when it closed on 10th May 2021. The Minister’s response contained a range of information on the provisions proposed by the Pyrotechnic Articles Regulations and stated it “is unfortunate that work to bring these Regulations into force



has been unavoidably delayed by the Covid-19 pandemic.” The Response also stated that “the proposed regulations also contain several other provisions which introduce more robust controls around the use of fireworks, which it is hoped may also serve to limit the disruption caused by fireworks.”

A petition submitted in 2021 and closed on 11th May 2022 calling for the States Assembly to [Ban the sale of fireworks to the general public entirely](#) received 508 signatures which didn't trigger a Ministerial response. However, the petition [Make fireworks with a 'bang' illegal in Jersey to prevent the stress of animals](#) garnered 2,639 signatures when it closed on 8th May 2023. The Minister didn't support this petition as “there is no clear mechanism to allow ‘loud’ fireworks to be banned” but did state that she “would like to see greater controls on the availability of fireworks, especially the larger and (most likely) louder types and will bring proposals to that effect in the form of revised Regulations during her term of office.”

Regulations - development and current status

The Regulations required by Articles 44-53 of the [Explosives \(Jersey\) Law 2014](#) underwent a [Consultation](#) in 2019. The proposals put forward in the [Firework and other Pyrotechnic Articles](#) consultation document included –

- Changes to the issuing of retail licences for fireworks;
- Controlling the dates each year that fireworks could be sold;
- Limiting the supply, possession and use of certain types of fireworks to persons possessing “specialist knowledge”;
- Prohibiting the use of fireworks anywhere during “night hours” – defined as 11 pm to 7 am with certain exceptions including Bonfire Night, New Year's Eve and other national public celebrations or commemorative events; and
- Placing new requirements on any person intending to operate certain types of firework display which would require a licence.

The consultation document also stated that “[s]mall displays in private gardens which only use low hazard and certain medium hazard fireworks” wouldn't be impacted by requirements to obtain a licence. No summary of responses or report has been produced on this consultation.

The 2021 [Business plan: Justice and Home Affairs](#) lists the Pyrotechnic Articles Regulations and Approved Code of Practice for Explosives initiative lead by the Fire and Rescue Service which aimed to have the Regulations approved by the Minister and lodged for debate and an Approved Code of Practice finalised by the fourth quarter of 2021 (p. 20). However, the [States of Jersey 2021 Annual Report and Accounts](#) mentions the limited progress made on a range of 2021 initiatives including the Pyrotechnic Articles Regulations (p. 120). Finally, the Minister for Home Affairs in the [Ministerial plans: Government Programme 2023-26](#) (October 2022) lists priorities including: “reforming fire safety, including development of new fire precautions legislation, fireworks, and responding to Grenfell Tower Inquiry recommendations and UK Building Safety Programme.”