

## **FIREWORKS ACT 2004**

### **Chapter 9**

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*Fireworks Act 2004*



Signed in Tynwald: 19 October 2004  
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## AN ACT

to restrict the sale and use of fireworks; and for  
connected purposes

**W**E, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

### *Introductory*

#### **1. Meaning of "firework"**

(1) Subject to subsection (2), in this Act "firework" means a device intended for use as a form of entertainment which —

- (a) contains, or otherwise incorporates, explosive composition or pyrotechnic composition (or both), and
- (b) on functioning, burns or explodes (or both) to produce a visual or aural effect (or both).

(2) A device specified in the Schedule is not a firework for the purposes of this Act.

### *Restrictions on supply*

#### **2. Supply of fireworks by or to minors**

(1) No person shall, in the course of business, supply a firework to a person under the age of 18.

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(2) No person, other than a person having parental responsibility for him, shall buy a firework for use by a person under the age of 18.

(3) No person under the age of 18 shall, in the course of a business, supply a firework to any person.

(4) No person shall, in the course of a business, cause or permit a person under 18 to supply a firework to any person.

(5) Any person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.

(6) In proceedings for an offence under subsection (1) it shall be a defence for the accused to show that he had reasonable cause to believe that the person in question was of the age of 18 or over.

### **3. Supply of fireworks at certain times**

(1) No person shall supply a firework in the course of a business except during the following periods—

(a) the period beginning on the 25th October and ending on the 5th November;

(b) the period beginning on the 26th December and ending on the 31st December.

(2) Subsection (1) does not apply to a supply to—

(a) a person who is in business as a professional organiser or professional operator of firework displays;

(b) a person whose trade or business is or includes the supply of fireworks;

(c) a public authority for the purposes of a firework display put on by that authority or for use by that authority at a public celebration or commemorative event;

(d) a person who has given a notice under section 4(1)(b), for the purposes of the letting off of the firework in question;

(e) a person for use, in the course of a trade or business of his, for special effects purposes in the theatre, on film or on television;

(f) a person authorised for the purpose by the Isle of Man Office of Fair Trading who, before he buys the firework, informs the supplier that the supply is for the purpose of ascertaining whether any statutory provision relating to the safety of the firework has been contravened in relation to it;

(g) any establishment of the naval, military or air forces of the Crown for the purposes of a firework display or for use at a public celebration or a commemorative event.

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(3) Subsection (1) does not apply to a supply of a maroon to, or to a person authorised by, a public authority or the Royal National Lifeboat Institution for signalling purposes.

(4) Subsection (1) does not apply to a sale of fireworks (without any other goods, except a box or other container) at a price exceeding £25.

(5) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(6) In proceedings for an offence under subsection (5) it shall be a defence for the accused to show that he had reasonable cause to believe that the supply in question fell within subsection (2) or (3).

(7) In this section "maroon" means a device —

- (a) which is designed to be projected from a mortar;
- (b) which contains a propellant charge and a bursting charge; and
- (c) whose functioning involves ascent and report.

### *Restrictions on use of fireworks*

#### **4. Restrictions on firework displays**

(1) No person shall let off a firework in any place unless he has in accordance with subsection (2) —

- (a) given a notice to the Department of Home Affairs ("the Department") specifying the time and place where the firework will be let off; and
- (b) caused a like notice to be given in a newspaper published and circulating in the Island.

(2) A notice under subsection (1) shall be —

- (a) in a prescribed form;
- (b) in the case of a notice under subsection (1)(a), delivered, or sent by the recorded delivery service, to the principal office of the Department not later than 10 days before the firework is to be let off;
- (c) in the case of a notice under subsection (1)(b), given in a newspaper published and circulating in the Island not later than 10 days before the firework is to be let off.

(3) As soon as practicable after receiving a notice under subsection (1)(a) the Department shall send by post to the person by whom it was given a receipt in the prescribed form.

(4) Nothing in subsection (1) applies to a firework display put on during the following periods —

- (a) the period beginning on the 25th October and ending on the 7th November;

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- (b) the period beginning on the 26th December and ending on the 1st January.
- (5) Nothing in subsection (1) applies to the letting off of a firework by —
  - (a) a public authority, or
  - (b) any of the naval, military or air forces of the Crown.
- (6) If subsection (1) is contravened, each of the following —
  - (a) the person by whom the firework is let off, and
  - (b) subject to subsection (7), the occupier of the place where it is let off,

is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

- (7) In proceedings for an offence under subsection (6) against a person as occupier of a place, it shall be a defence for the accused to show —
  - (a) that the contravention took place without his consent or connivance; or
  - (b) that he had reasonable cause to believe that the person by whom the firework was let off had complied with subsection (1).

(8) The Department shall by regulations prescribe the forms of notice and receipt under subsections (1) and (3); and in this section "prescribed" means prescribed by such regulations.

### **5. Harassment etc. by letting off fireworks**

(1) No person shall let off a firework in a public place within the hearing or sight of a person or domestic animal likely to be caused harassment, annoyance, alarm or distress thereby.

(2) Nothing in subsection (1) applies to the letting off of a firework as part of a firework display —

- (a) put on by —
  - (i) a public authority, or
  - (ii) any of the naval, military or air forces of the Crown,
- (b) of which notice has been given under section 4(1)(b), or
- (c) put on during a period specified in section 4(4).

(3) Subject to subsection (4), any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(4) In proceedings for a contravention of subsection (1) it shall be a defence for the accused to show that he had no reason to believe that there was

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any person or domestic animal within hearing or sight who was likely to be caused harassment, annoyance, alarm or distress.

### *Miscellaneous and supplemental*

#### **6. Power to stop and search for explosive substances**

In section 1(7) (police powers to stop and search etc.: prohibited articles) of the Police Powers and Procedures Act 1998 [c.9], after paragraph (a) insert —

"(aa) an explosive substance;"

#### **7. Letting off fireworks in streets etc.**

In section 63(2) (street offences) of the Petty Sessions and Summary Jurisdiction Act 1927 [XII p.291], for "cast or throw any fireworks" substitute "let off, cast or throw any firework".

#### **8. Power to amend Act**

(1) The Department may by order so amend this Act as to vary —

- (a) any period specified in section 3(1) or 4(4);
- (b) the amount specified in section 3(4);
- (c) the list of devices specified in the Schedule.

(2) Before making an order under subsection (1) the Department shall consult the Isle of Man Office of Fair Trading.

(3) An order under subsection (1) shall not have effect unless it is approved by Tynwald.

#### **9. Short title etc.**

(1) This Act may be cited as the Fireworks Act 2004.

(2) This Act shall come into operation on the expiration of 2 months beginning with the day on which it is passed.

(3) In this Act —

"the Department" means the Department of Home Affairs;

"public authority" means the Council of Ministers, a Department or a local authority.

(4) The Sale of Fireworks (Regulations) (Amendment) Order 1970 [GC 85/70] is revoked.

(5) Nothing in this Act affects any power to make —

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- (a) safety regulations under section 9 of the Consumer Protection Act 1991 [c.11], or
- (b) health and safety regulations under section 15 of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island.

Section 1(2).

### **SCHEDULE**

#### **DEVICES WHICH ARE NOT FIREWORKS FOR THE PURPOSES OF THIS ACT**

1. An amorce, that is, a percussion cap designed for use in toys, which comprises a paper envelope containing a dot of impact-sensitive pyrotechnic composition and which forms part of a roll.
2. A cap, that is, a device (including, for the avoidance of doubt, an amorce) designed for use in toys which comprises a non-metallic envelope or cup containing a dot of impact-sensitive pyrotechnic composition, and which produces a report when it is hit.
3. A cracker snap, that is, a device which —
  - (a) comprises 2 overlapping strips of card or paper with a friction-sensitive explosive composition in sliding contact with an abrasive surface; and
  - (b) produces a report when pulled apart.
4. A novelty match, that is, a match with a dot of pyrotechnic composition which is designed to be held in the hand while functioning and whose functioning involves report or the production of visual effects, or both.
5. A party popper, that is, a device —
  - (a) which is designed to be held in the hand while functioning,
  - (b) which is operated by a pull-string with an abrasive surface in sliding contact with a friction-sensitive pyrotechnic composition; and
  - (c) whose functioning involves a report with the ejection of streamers or confetti, or both.
6. A serpent, that is, a pre-formed shape of pyrotechnic composition, with or without support, whose functioning involves the generation of expanded residue.
7. A sparkler, that is, a rigid wire partially coated with slow-burning pyrotechnic composition, whose functioning involves the emission of sparks without report.
8. A throwdown, that is, a device comprising impact-sensitive explosive composition and grains of inert material wrapped in paper or foil, which functions to produce a report when thrown onto the ground.