

Offence	Legislation
Throwing fireworks in a thoroughfare	s80 Explosives Act 1875
Breach of fireworks curfew (11pm-7am)	Fireworks Regulations 2004, Fireworks Act 2003 s11
Possession of adult firework in public place by under 18	Fireworks Regulations 2004, Fireworks Act 2003 s11
Possession of category 4 firework	Fireworks Regulations 2004, Fireworks Act 2003 s11

- **Category 1 Fireworks – Indoor Fireworks**
These are specifically made for indoor use
- **Category 2 Fireworks – Garden Fireworks**
Must be viewed at a minimum of 5 metres
- **Category 3 Fireworks – Display Fireworks**
Must be viewed at a minimum of 25 metres
- **Category 4 Fireworks – Professional Display**
It is an offence for the public to be in possession

Throwing fireworks or setting off fireworks in public places: section 80 of the Explosives Act 1875 prohibits throwing or setting off fireworks on any highway, street, thoroughfare or public place. A public place is anywhere to which the public are entitled or permitted access. PND available.

Possession of ‘adult fireworks’ by anyone under the age of 18 in a public place: ‘adult fireworks’ are defined as any fireworks except for a cap, cracker snap, novelty matches, party poppers, serpents and throwdowns. PND available.

Possession of category 4 fireworks (public display fireworks) by anyone other than a fireworks professional: Category 4 fireworks are clearly labelled as such. PND available.

Curfew on fireworks use: regulation 7 of the Fireworks Regulations 2004 makes it **an offence for any person to use ‘adult fireworks’ between the hours of 11pm and 7am** – except for ‘permitted’ fireworks nights. PND available.

The police have the power to stop and search for fireworks if they suspect an individual of being in possession or that a vehicle contains prohibited fireworks.

Public order offence: Misuse of fireworks may also amount to a breach of the peace, particularly where an individual lets off a firework in the street and is causing a nuisance or where fireworks are being let off at an unreasonable hour of the night. Under section 5 of the Criminal Justice and Public

Order Act 1986, a person is guilty of an offence if they use disorderly behaviour within the hearing or sight of another causing them harassment, alarm or distress. This is a more serious offence than breach of the peace and requires a higher test of proof, but can also be employed by the police to tackle anti-social use of fireworks in certain circumstances.

Don't forget to think about:

- **Acceptable behaviour contracts (ABCs)**
- **ASB injunctions (ASBIs)**, s222 of the Local Government Act 1972
- **Dispersal notices**, s30 of the Anti-Social Behaviour Act 2003
- **Anti-social behaviour orders (ASBOs)**, s1 ASB Act 2003