

# Consultation

## Fireworks and other Pyrotechnic Articles

### Minister's Foreword



I am pleased to open this consultation on proposed Regulations relating to fireworks and other Pyrotechnic Articles.

Since my appointment as the Minister for Home Affairs, I have received several requests to enhance the controls around the supply, use and possession of fireworks. These have primarily sought greater regulation around the operation of firework displays. Equally, representations have been made to me asking that any future regulation is kept to a minimum and as close to the present arrangements as possible. We therefore need to seek a position that accommodates, as much as possible, the range of views presented. We are seeking a workable, practical compromise.

Earlier this year, an amendment to the Explosives (Jersey) Law 2014 was approved which ensured the required statutory basis was in place for Regulations to be made covering all types of pyrotechnic articles, including (but not limited to) fireworks.

These draft Regulations cover a number of important areas relating to the supply, possession and use of different categories of firework and pyrotechnic articles by different people. The proposed permissions in these respects depend both on a person's age and their knowledge/experience of using fireworks and/or pyrotechnic articles.

The draft Regulations propose enhanced controls around the possession, supply, storage and transport of fireworks. These accord with provisions in other British and European jurisdictions and are designed to increase public safety. Options are also presented regarding the licensing of retailers selling fireworks.

Of particular interest to the public, based on the correspondence and discussions I have had, will be the proposals around (i) limiting the use of fireworks at night time; (ii) permitted fireworks nights; and (iii) the requirements for certain firework displays to be licenced. I encourage everyone responding to the consultation to consider these matters and provide their views.

I am conscious that there are several businesses to whom this consultation will be relevant, whether they are involved in the supply of fireworks or in the organising of displays. I hope they will have the time to engage and provide their input into these proposals.

The Parishes will also have a key role in several respects under the proposed Regulations, and I very much hope that Parish representatives will provide their views.

My objective is to establish a statutory framework which ensures that fireworks in Jersey continue to be transported, stored, supplied and used safely and by the appropriately trained and qualified people. I am sure that much of what is proposed will be codifying existing practice. I also want to establish a practical and workable framework for the licensing of firework displays where this is appropriate.

The existing draft Regulations provide one route for achieving these objectives, although I am conscious that there are likely to be other options and arrangements that could be pursued. There are also likely to be areas that we have overlooked, or where our understanding is not as developed as it could be.

Thank you for taking the time to consider these proposals and provide your response. Your feedback will be key in determining how we proceed.

**Connétable Len Norman**  
**Minister for Home Affairs**

## **Summary**

### **Background**

The Home Affairs Minister wishes to seek Islanders' views on proposed Regulations relating to the importation, manufacture, storage, possession, supply, retail, use, transport and export of fireworks and other pyrotechnic articles.

The Regulations would be made under the Explosives (Jersey) Law 2014. This Law was amended in 2019 to allow the States Assembly to make Regulations for all types of pyrotechnic articles (including fireworks).

Regulations are legislation and any provisions made will therefore become part of Jersey Law. The 2014 Explosives Law is not yet in force and, it is intended, will be brought into effect at the same time as these proposed Regulations (anticipated to be during 2020).

At present, the statutory controls around fireworks and other pyrotechnic articles are provided for in the Explosives (Jersey) Law 1970 and other legislation including, for example, the Customs and Excise (Import and Export Control) (Jersey) Order 2006. Existing legal controls relate mainly to the import, export, retail and retail storage of fireworks.

These proposed Regulations would enhance and broaden controls, primarily regarding the supply, possession and use of fireworks and other pyrotechnic articles, and bring the statutory framework around fireworks and other pyrotechnic articles into one piece of legislation.

It is important to acknowledge that this is a complex and technical subject, and one which engenders strong and varying views. It is for this reason that the Minister wishes to consult on the proposals before they are developed further and, in due course, presented for consideration by the States Assembly.

### **Development of the Proposals**

The various proposals included in this consultation are at differing stages of development. Some areas are relatively well developed, and the consultation is therefore able to set them out in detail, requesting feedback on specific matters (in addition to general comments on the merits of what is being suggested). It must be emphasised that, because a proposal is more developed, this does not mean that it can't be changed in view of responses received during the consultation.

Other proposals are either still in the early stages of development, or there is uncertainty as to the most appropriate manner in which to proceed. In these instances, the consultation seeks input to assist policy makers, who are very much aware that significant expertise in these matters exists externally to Government.

## Overview of the Proposals

It is proposed that the Regulations extend (with some modifications) the provisions of the 2014 Explosives Law regarding the importation, manufacture, wholesale storage, use, transport and export of explosives so that these also apply to fireworks and other pyrotechnic articles.

Proposals are also put forward in respect of the retail of fireworks. An option is presented for the Parish Connétables to continue to issue retail licences, which would also cover local storage on retail premises. An alternative option is for retail licensing to be undertaken by the Minister for Home Affairs as an extension of the wholesale storage licensing process (which will be overseen by the Minister).

Furthermore, it is proposed that retail premises are only able to sell fireworks during certain specified periods of the year, including the lead up to Bonfire Night and New Year's Eve. Any premises selling fireworks during these specified periods would need to do so in accordance with a retail licence. At other times of the year, fireworks could only be purchased by the public from a person with specialist knowledge, who again would also need to hold a retail licence.

The Regulations would build on the provisions in the 2014 Law by controlling the supply, transfer and possession of certain categories of fireworks to/by different people. This control would be based on a person's age and whether or not they have "specialist knowledge" which enables them to safely handle certain types of firework. The proposed criteria that must be met for a person to be considered as possessing "specialist knowledge" is set out. By way of example, a category 4 firework (and certain types of category F3 fireworks) could not, at any time, be supplied, possessed or used by a person unless they are considered under the Regulations to have "specialist knowledge." This is due to the hazard risk posed by these fireworks and their noise level. Furthermore, these fireworks could only be used during a firework display where a licence has been issued by a Parish Connétable (for more details on licenced displays, please see below).

The Regulations propose prohibiting the use of fireworks anywhere in Jersey during "night hours." It is currently proposed that night hours be defined as 11pm to 7am. Exceptions would be made in the Regulations for certain occasions, including Bonfire Night, New Year's Eve and on national public celebrations or commemorative events. The Minister for Home Affairs would also be able to make an Order adding additional times, having liaised first with the Comité des Connétables. Any such times would be known to the public.

New requirements would be placed on any person intending to operate certain types of firework display, irrespective of whether or not the display is to take place on public or private land. The Parish Constables would be given a role in respect of licensing any such firework display. The proposed Regulations would include some requirements that a person would need to meet before a licence is granted to them and outline some conditions which a Connétable may include as part of a licence. A person granted a licence to operate a fireworks display would need to bring this to the attention of the public of Jersey.

There would still be circumstances where a person is not required to obtain a licence for a display. Small displays in private gardens which only use low hazard and certain medium hazard fireworks wouldn't be impacted.

### Consultation

The Minister wishes to obtain views from across the community on these proposals.

In preparing this consultation, policy officers have concurrently developed a set of draft Regulations, to assist them in assessing how the proposals might look in legislation. These draft Regulations are relatively technical and (it is important to emphasise) are evolving and incomplete. This consultation is a key part of their development. Each significant aspect of the existing draft regulations features in this consultation.

It is important to be clear that this consultation is about proposals to enhance regulation and control around, for example, the supply, possession and use of fireworks/pyrotechnic articles. The objective of the Minister is to arrive at sensible and compromise arrangements which provide suitable safeguards for the public and are balanced with practical and workable arrangements. These are not proposals to (i) prevent the use by, or supply to, members of the public of all types of fireworks, (ii) to end fireworks displays or (iii) to require that all types of fireworks are either only used in licenced displays or supplied for licenced displays. Respondents are, however, welcome to express any view they wish during the consultation.

## **Consultation process**

This consultation report is divided into sections, each covering a different aspect of the proposals. Section 1 sets out background information which is important for understanding the varying impact of the proposals. The remaining sections will also set out the context where required. Each section (except for Section 1 which provides background information only) includes a number of questions which you may wish to answer. You can also provide any additional comments that you want or submit any further information.

Public consultation	October 2019 to December 2020
Publication of feedback report summarising the responses to consultation	By March 2020
Analysis of consultation feedback	March to May 2020

The next steps, post consultation feedback, will vary depending on the feedback received.

## **WAYS TO COMMENT OR ASK QUESTIONS**

1. You can comment by completing the [Online Survey](#) (in conjunction with this consultation document), via email or by post using the details below.

Email: [OneJHA@gov.je](mailto:OneJHA@gov.je)

Post: Fireworks and Pyrotechnic Articles Consultation  
Strategic Policy, Performance and Population  
Government of Jersey  
19-21 Broad Street  
St Helier  
JE2 3RR

Closing date for comments: 16<sup>th</sup> December 2019

2. Two public meetings will take place during the consultation period. One meeting will take place from 12:00-14:00 on Wednesday 27<sup>th</sup> November and the second will take place from 18:00-19:30 on Tuesday 3<sup>rd</sup> December. The venues will be confirmed and published in due course.

**Data Protection**

Your personal information will not be shared outside of the team developing policy for Pyrotechnic Articles Regulations (which includes officers from the Department for Strategic Policy, Performance and Population and the Jersey Fire and Rescue Service) or published online as part of the consultation, but we may use it to notify you of progress and/or further consultations relating to development of the Regulations. Under Jersey’s Data Protection Law you have the right to ask us not to contact you again (withdraw your consent to the further processing of your information). This will, however, mean that we will be unable to keep you informed throughout the various stages of the project. Should you wish to exercise this right please contact us on tel. 01534 440684 or email [OneJHA@gov.je](mailto:OneJHA@gov.je).

We may quote or publish responses to this consultation including information being sent to the Scrutiny Office, quoted in a published report, reported in the media, published on [www.gov.je](http://www.gov.je), listed on a consultation summary, but will not publish the names and contact details of individuals without consent. Confidential responses will still be included in any summary of statistical information received and views expressed. Under the Freedom of Information (Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it but no personal data may be released.

For further information on how we handle personal data please visit [www.gov.je/howweuseyourinfo](http://www.gov.je/howweuseyourinfo).

The privacy notice can be found at the end of this document.

**Question 1**

Do you give permission for your comments to be quoted?

- Yes, anonymously
- Yes, attributed

If yes, name to attribute comments to:

Email address:

Organisation to attribute comments to, where applicable:

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## **1. Background Information – Key Definitions**

For the benefit of the Regulations, it is proposed that the following definitions are made with respect to categories of fireworks and pyrotechnic articles. These categories and definitions will inform other aspects of the proposals.

### **Category F1**

A “Category F1 firework” means a firework which represents a very low hazard and negligible noise level and which is intended for use in a confined area, including a firework that is intended for use inside a domestic building;

#### **Examples**

F1 fireworks include Christmas crackers, party poppers, cracking granules, some types of sparklers and an ice fountain (which can be used on birthday cakes).

It should be noted that, apart from controls on supply, possession and use to/by persons aged under 16 (excluding Christmas crackers), the provisions set out in these draft Regulations don't apply to F1 fireworks.

### **Category F2**

A “Category F2 firework” means a firework which represents a low hazard and low noise level which is intended for outdoor use in a confined area;

#### **Examples**

These are garden display fireworks. They differ from F3 fireworks in the explosive power of the product and the safety distance required. F2 fireworks will be found in common traditional selection boxes and include small rockets.

### **Category F3**

A “Category F3 firework” is a firework which represents a medium hazard, which is intended for outdoor use in a large open area and whose noise level is not harmful to human health;

#### **Examples**

These are again display fireworks although require a greater safety distance. They include multiple tube devices which activate with delays between them.

### **Category F4**

A “Category F4 firework” means a firework which represents a high hazard, which is intended for use only by a person with specialist knowledge and whose noise level is not harmful to human health;

### **Examples**

These are fireworks that are only for use in professional displays by persons with specialist knowledge (and, it is proposed, licenced organisers). They are not available for purchase by members of the general public.

### **Other definitions**

- A “Category P1 other pyrotechnic article” means an article that is a pyrotechnic article which is not a firework or a theatrical pyrotechnic article and which presents a low hazard;
  
- A “Category P2 other pyrotechnic article” means a pyrotechnic article that is not a firework or a theatrical pyrotechnic article, but which is intended for handling or use only by persons with specialist knowledge;
  
- A “Category T1 theatrical pyrotechnic article” means a theatrical pyrotechnic article which presents a low hazard;
  
- A “Category T2 theatrical pyrotechnic article” means a theatrical pyrotechnic article which is intended for use only by persons with specialist knowledge;

## **2. Persons with specialist knowledge**

As indicated in the above definitions, it is proposed that category F4 fireworks, P2 pyrotechnic articles and T2 theatrical pyrotechnic articles are intended for use only by persons with specialist knowledge. This is because these fireworks and articles present a greater hazard and are louder than other categories in terms of the noise they create.

The Regulations will need to set out what is meant by a person with specialist knowledge in these respects. Current proposals are that a person with specialist knowledge will be considered to be any individual who can demonstrate having:

- undertaken recognised training, in relation to the type of Category F4 firework/T2 theatrical pyrotechnic article/P2 other pyrotechnic article which is to be made available to that individual; and
- used Category F4 fireworks/T2 theatrical pyrotechnic articles/P2 other pyrotechnic articles; and
- valid liability insurance covering use of Category F4 fireworks/T2 theatrical pyrotechnic articles/P2 other pyrotechnic articles (this may be in the name of an individual or employer).

The definition would also include:

- any person whose trade or business (or a significant part of whose trade or business) is the supply of Category F4 fireworks/T2 theatrical pyrotechnic articles/P2 other pyrotechnic articles, for the purposes of supplying them and;
- any person who is –
  - (i) in business as a supplier of goods designed and intended for use in conjunction with a Category F4 firework/T2 theatrical pyrotechnic article/P2 other pyrotechnic article; and
  - (ii) intends to use the Category F4 firework/T2 theatrical pyrotechnic article/P2 other pyrotechnic article solely for the purposes of testing it to ensure that, when used in conjunction with fireworks/articles of the same type, it will perform its intended function or comply with any provisions made by or under any enactment and relating to the safety of such goods.

An inspector, undertaking functions in accordance with the Explosives (Jersey) Law 2014, will also be considered to be a person with specialist knowledge when that person is the enforcing authority under the Law.

It is important to emphasise that, whilst only persons with “specialist knowledge” will be permitted to use these categories of firework or other pyrotechnic article, other persons will be permitted to possess these items at certain times for certain purposes, e.g. when they are being transported.

## **Question 2**

Do you think these requirements are suitable for someone to be considered as having “specialist knowledge” and thereby be able to use category F4 fireworks, category T2 theatrical pyrotechnic articles and category P2 other pyrotechnic articles?

1. Yes
2. No. If no, what should the requirements be?
3. Don't know / no comment

**Do you have any other comments on this part of the proposals?**

*Note: All the questions in this consultation are set out again in Section 7 of this document. If you are responding by post, you may prefer to write your answers there.*

## 2.1 Training

It is proposed that the “recognised training” which needs to be undertaken by a person with “specialist knowledge” must include training in:

- the nature and correct use of the articles which are to be made available;
- the risks associated with the transport, storage and use of such articles,
- and must be training that is recognized in the relevant business or industry in Jersey.

### **Question 3**

Do you think these training requirements are sufficient?

1. Yes
2. No. If no, what should the training requirements be?
3. Do not know/no comment

**Do you have any other comments on this part of the proposals?**

### **3. Application of parts of the Explosives (Jersey) Law 2014 to Fireworks and other pyrotechnic articles**

The Explosives (Jersey) Law 2014 makes a number of requirements in respect of the importation, manufacture, storage, use, transport and export of explosives.

It is proposed that these requirements apply also to fireworks and other pyrotechnic articles. There will be some alterations where it is seen appropriate.

The proposed arrangements are set out below.

#### **3.1 Importation of fireworks and other pyrotechnic articles.**

Part 2 of the 2014 Explosives Law relates to the importation of explosives (Articles 11-18 inclusive).

It requires that anybody importing an explosive into Jersey must do so in accordance with an import licence granted by the Minister for Home Affairs. It also requires that all explosives are imported by sea. It makes requirements as to the details that are to be specified in both an import licence and a register kept by a licensee.

It is proposed that part 2 of the of the 2014 Law applies equally to the importation of fireworks and other pyrotechnic articles. The exceptions would be that:

- an import licence is not required for the importation of fireworks and other pyrotechnic articles for personal use if the total aggregated net mass of those fireworks and other pyrotechnic articles is not more than 1.5 kilograms;
- an import licence is not required for the importation of pyrotechnic articles used to send distress flare signals so long as the gross weight being imported does not exceed 2.5kg;

The Minister would also be able to include other conditions on an import licence.

*Note: Current requirements with respect to the importation of explosives/fireworks are provided for in the 1970 Explosives Law and the Customs and Excise (Import and Export Control) (Jersey) Order 2006. Once the 2014 Explosives Law, and these Regulations, come into force, the 1970 Law will be revoked, and it is intended that controls regarding the import/export of explosives and fireworks will be dealt with solely through the 2014 Law and these Regulations.*

### 3.2 The manufacture of fireworks and other pyrotechnic articles.

Part 3 of the 2014 Law (Articles 19-22 inclusive) requires, for example, that no person shall manufacture an explosive except in accordance with a manufacturing licence granted to the person by the Minister for Home Affairs. It makes requirements as to the details that are to be specified both in a licence and a register kept by a licensee.

It is proposed that part 3 of the 2014 Law applies equally to the manufacture of fireworks and other pyrotechnic articles, except that a licence could be subject to such conditions as the Minister considers appropriate.

It is not thought that fireworks and other pyrotechnic articles are routinely manufactured in Jersey, and the exercise of this provision is therefore expected to be limited.

### 3.3 The storage of fireworks and other pyrotechnic articles.

The main provisions of part 4 of the 2014 Law (Articles 23-26 inclusive) are that no person shall store an explosive except in a licensed magazine and in accordance with the terms of a storage licence granted by the Minister in respect of storage in that magazine. Part 4 states the information that is to be included in a magazine licence and a register kept by a magazine licensee.

It is proposed that part 4 of the 2014 Law applies equally to the wholesale storage of fireworks and other pyrotechnic articles. The Minister could include conditions on a (wholesale) storage licence.

It is proposed that the Minister would be required to consult the Connétable of a parish in which it is proposed that a licence is issued for fireworks to be stored on a wholesale basis.

Note: It is also possible that a Parish Connétable could continue to make provision in a retail and local storage licence for the appropriate storage of fireworks on retail premises (not wholesale). Alternatively, the licensing for retail premises, including storage on retail premises, could become part of the Minister's remit as well.

At present, a licence from the Home Affairs Minister for the wholesale storage of fireworks is not required although storage arrangements are covered in a retail licence issued by the Connétable. More detail on options regarding the licensing of retail premises is included below.

### 3.4 The use of fireworks and other pyrotechnic articles.

Part 5 of the 2014 Law (Articles 27-29 inclusive) requires (with some narrow exceptions) that no person shall use an explosive for any purpose except in accordance with a user's licence granted to the person by the Minister.

It is proposed that a user's licence is required only for Category F4 fireworks, Category T2 theatrical pyrotechnical articles and Category P2 other pyrotechnical articles. The effect would be that no person could use these types of fireworks or

articles unless they possess a licence from the Minister. The Minister may grant a user's licence subject to such conditions as the Minister considers appropriate.

A user's licence would only be granted to a person with "specialist knowledge".

### 3.5 The transfer/supply of fireworks and other pyrotechnic articles

Part 6 of the 2014 Law (Articles 30-32 inclusive) requires that a person will only supply an explosive to another person if the recipient holds a transfer licence granted by the Minister. Equally, a recipient is required to only receive or obtain possession of an explosive in accordance with the transfer licence. There are exceptions, e.g. for inspectors, and importers with an appropriate licence.

It should be emphasised that there are no proposals at present to extend these requirements to the transfer/supply of fireworks. A person buying fireworks would not require a transfer licence.

It is considered that appropriate controls are already proposed on, for example, the supply, possession and use of certain types of fireworks; the periods of the year during which fireworks may be supplied by retail; and the requirements within a retail licence so that a transfer licence isn't also required.

### 3.6 The transport of fireworks and other pyrotechnic articles

Part 7 of the 2014 Law (Articles 33-35 inclusive) states that no person shall transport an explosive, in or through any place to which the public has access, except in accordance with a conveyance licence granted by the Minister. Again, there are limited and specified exceptions (e.g. an authorized public officer acting in the course of their duty).

It is intended that Part 7 of the Law applies equally to the transport of fireworks and other pyrotechnic articles with a net mass of more than 110 kilograms. A conveyance licence could be subject to such conditions as the Minister thinks appropriate. No such licence is required at present.

### 3.7 Export of fireworks and other pyrotechnic articles

Part 8 of the 2014 Law (Articles 36-43 inclusive) requires that a person will only export an explosive from Jersey in accordance with an export licence granted by the Minister. Explosives are only to be exported from Jersey by sea.

Normally, the Minister will only grant an export licence if explosives are to be exported to their place of origin. There is, however, provision for explosives to be exported to a destination other than their place of origin if the reasons are set out by the Minister.

The Minister is already authorised by the 2014 Law to grant an export licence for the export of fireworks to any other Channel Island.



It is proposed that the requirements in place for the export of explosives apply equally to the export of fireworks and other pyrotechnic articles. Again, an export licence could be subject to such conditions as the Minister thinks appropriate.

**Question 4**

Do you have any comments on these licensing proposals?

#### **4. Retail – Licensing and Storage**

The current Explosives (Jersey) Law 1970 states that “No person shall sell fireworks by retail except in accordance with a licence granted to the person by the Connétable of the parish in which the place from the fireworks are sold is situated.”

It is proposed that the requirement for a retail licence be maintained.

##### Future options

As mentioned in section 3.3 above, one option is for the Parish Connétables to still be responsible for issuing licences to enable the retail of fireworks in their parish. This would include licensing storage arrangements on those retail premises (local storage), as is the case at present.

A storage licence (essentially for wholesale storage outside of retail premises) would then also be issued by the Minister where required.

A second option is for the Minister to issue both wholesale storage and retail (including retail/local storage) licences.

Comments are welcomed as to the most appropriate manner in which to proceed.

##### 4.1 Times of the year that fireworks may be sold

The Regulations also propose that general retail premises are only able to sell fireworks at specified times of the year, in accordance with the provisions of a retail licence. These times would be:

- on Liberation Day and the 3 days immediately preceding it;
- on the first day of the Chinese New Year and the 3 days immediately preceding it;
- on the day of Diwali and the 3 days immediately preceding it;
- during the period beginning on the 21st October and ending on the 10th November; or
- during the period beginning on the 26th December and ending on the 31st December;

At other times of the year, fireworks could only be bought by members of the public from a person with specialist knowledge, provided that the person with “specialist knowledge” also possesses a retail licence to sell fireworks outside of the above periods.

### **Question 5**

Who should issue a retail licence for the sale of fireworks from retail premises and their storage on retail premises?

1. A Parish Constable
2. The Minister for Home Affairs
3. Don't know / no comment

### **Question 6**

Do you agree that fireworks should only be available from general retail premises during the times of the year specified in this consultation?

1. Yes
2. No. If no, when should they be available?
3. Don't know / no comment

**Do you have any other comments or views on the options for the future licensing arrangements for the wholesale storage, retail and retail storage of fireworks?**

## **5. Additional provisions relating to the supply, possession and use of fireworks and pyrotechnic articles**

In addition to the requirements set out above, the Regulations would make further provisions regarding the supply, possession and use of fireworks and other pyrotechnic articles. These relate primarily to people of different ages, categories or type of firework and pyrotechnic article and times of the day that fireworks are used.

### Supply of fireworks and other pyrotechnic articles to young people

- It would be against the Regulations for a person to supply a Category F1 firework to a child under the age of 16 years (excluding Christmas crackers);
- It would also be against the Regulations for a person to supply a Category F2 or F3 firework to a person under the age of 18 years or for a person under 18 years to possess (including in a public place) an F2 or F3 firework. A person under the age of 18 would not be able to acquire or have in a public place a T1, T2, P1 or P2 Article.

### Supply and possession of certain categories/types of firework and pyrotechnic article

- It would be against the Regulations for a person without specialist knowledge to acquire or possess a Category F4 firework, a Category F3 firework with a noise level exceeding 120 decibels, a Category T2 theatrical pyrotechnic article or a Category P2 other pyrotechnical article;
- Equally, it would be against the Regulations for a person to supply a Category F4 firework, T2 theatrical pyrotechnical article or P2 other pyrotechnical article to any person except a person with specialist knowledge.

Exceptions are made in the draft Regulations for those who do not have specialist knowledge but need to possess such fireworks or articles for the purposes of their employment in a relevant trade or business.

### Supply of certain Category F2 and F3 fireworks

The supply of the following fireworks would be prohibited in Jersey except to persons with specialist knowledge. These fireworks are widely considered to be “nuisance fireworks” and are not lawfully available to members of the public elsewhere in the British Isles –

- an aerial wheel
- a banger, flash banger or double banger
- a mini rocket
- a jumping cracker
- a jumping ground spinner
- a spinner
- a shot tube –
  - (i) which produces a report as its principal effect, or
  - (ii) the inside diameter of which is greater than 30 mm;
- a battery containing bangers, flash bangers or double bangers;
- a combination (other than a wheel) which includes one or more bangers, flash bangers or double bangers.

Retailers would also be prohibited from supplying a category F2 or F3 firework which has been removed from a selection or primary pack.

### Labelling

The Regulations would make requirements as to the labelling of pyrotechnic articles, e.g. that it is in English, clearly visible and contains information including:

- the name, registered trade name or registered trade mark of the manufacturer
- the name, type and category of the pyrotechnic article;
- the registration number of the pyrotechnic article;
- instructions for use and safety information.

### Question 7

Do you have any comments on these proposed controls on the supply, possession and use of certain types and categories of firework and pyrotechnical articles to young people and people with and without specialist knowledge?

## 5.1 Use of fireworks at night

The draft Regulations prohibit the use of Category F2, F3 and F4 fireworks during “night hours.” It is proposed that “night hours” commence at 11pm and end at 7am.

This restriction would not apply during a “permitted fireworks night”, which would be during the following periods:

- 11pm to midnight on 5<sup>th</sup> November
- 11pm on December 31<sup>st</sup> to 1am on 1<sup>st</sup> January
- 11pm on the first day of Chinese New Year to 1am on the following day
- 11pm on the day of Diwali to 1am on the following day

The restriction would also not apply for national public celebrations or national commemorative events (e.g. Royal Jubilees), provided that the use of fireworks on these occasions is for an event organised by the Government or a Parish.

This reflects the existing arrangements elsewhere in the British Isles, although different arrangements might be appropriate for Jersey.

The Minister for Home Affairs would be able to prescribe by Order other times that may be considered as a “permitted fireworks night.” Before doing so, the Minister would be required to consult the Comité des Connétables.

### **Question 8**

Should there be any change to the proposed definition of “night hours”?

1. Yes. If yes, what should “night hours” be?
2. No
3. Don’t know / no comment

### **Question 9**

Should there be any other times that are designated in Jersey as a “permitted fireworks night”?

1. Yes. If yes, what should these times be?
2. No
3. No comment/Don’t know

### **Question 10**

Only answer this question if you are responding to this consultation as an industry representative.

On average, how often do firework displays take place in Jersey after 11pm on nights other than an intended permitted fireworks night?

1. 1-5 times per year
2. 6-10 times per year
3. 11 times a year or more

**Do you have any further comments on this part of the proposals?**

## **6. Firework displays**

The draft Regulations make arrangements with respect to the operation and licensing of fireworks displays. It is proposed that the licensing will be undertaken at Parish level by the Connétables.

### When will a licence be required?

The proposed circumstances where a licence will be required from the Connétable to authorise the operation of a firework display, irrespective of whether this is to take place on public or private land, are:

- Where Category F4 fireworks, or Category F3 fireworks with a noise of 120 decibels or more, are to be used;
- Where the person operating the display holds an import, manufacturing, magazine, conveyance, or user licence;
- Where the person operating the display has specialist knowledge.

Note: The Regulations will not require a display licence to be obtained from the Constable where a person holding one of the above licences or with specialist knowledge wishes to operate a small display on land that they own, and only intend to use F2 fireworks and/or F3 fireworks with a noise of less than 120 decibels

### Notice of intention to operate a display

It is proposed that a person who wishes to operate a firework display and requires a licence would need to apply to the relevant Connétable no later than 21 clear days before the date of the proposed display and pay a prescribed fee (if a fee is prescribed).

### Information supplied to the Connétable

It is proposed that the following information be supplied to the Connétable with each application to operate a licenced display:

- the applicants name, address and contact information
- the name, address and contact details of the person for whom the display is intended to be operated
- the date of the proposed display
- the start time and finish time of the proposed display
- the proposed site at which the display will take place
- the Categories of fireworks and other pyrotechnic articles that are intended to be fired at the proposed display
- a written risk assessment and environmental impact statement for the display.



### Granting a licence

Before granting a licence, the Connétable would have to be satisfied that the applicant is a person with specialist knowledge and would need to have regard to the safety of people, animals, property and the environment. The Connétable would be authorised to impose conditions on a licence.

A Connétable would need to provide a written notice if they refuse to grant a licence, setting out the reasons. A refused applicant would have a right of appeal. The exact route of appeal is under consideration.

### Publication of firework display

The draft Regulations include a requirement for an applicant to whom a licence has been granted to publish a notice on two occasions (in a manner to be specified by the Connétable) to bring to the attention of the general public that the display will be taking place.

### When a licence for a display won't be required

If a person doesn't meet any of the criteria outlined at the beginning of this section, they will not require a licence from the Connétable to operate a display. By way of example, if you are not a person with specialist knowledge, and you don't possess any of the licences mentioned, and you are only intending on using F2 or F3 fireworks with a decibel level of less than 120, you will not require a licence.

### **Question 11**

Do you agree that the licensing of firework displays should be undertaken at Parish level by the Connétable?

1. Yes
2. No. If no, who should the licensing authority be?
3. Don't know / no comment

### **Question 12**

Would you make any changes to the circumstances where a licence will be required to operate a firework display?

1. Yes. If yes, what changes would you make?
2. No
3. Don't know / no comment

### **Question 13**

Only answer this question if you are a person who is likely to be required to obtain a licence to operate a firework display.

Is it reasonable and practicable for a person who wishes to operate a licenced firework display to apply for a licence at least 21 clear days before the date of the proposed display?

1. Yes
2. No. If no, what is a reasonable and practicable period?
3. Don't know / no comment

### **Question 14**

Only answer this question if you are a person who is likely to be involved in processing an application to operate a firework display.

Is 21 clear days a reasonable and practicable notice period to process an application to operate a firework display?

1. Yes
2. No. If no, what is a reasonable and practicable period?
3. Don't know / no comment

### **Question 15**

Should a fee be charged for a licence to operate a firework display and, if so, how much should this be?

1. No charge
2. £10 or lower
3. Between £10-£20
4. Between £20-£30
5. More than £30
6. Another amount

### **Question 16**

Is the information provided to the Connétable sufficient to take a decision to grant a licence or refuse to grant a licence for a firework display?

1. Yes
2. No. If no, what information is required?
3. Don't know / no comment

**Do you have any other comments on this part of the proposals?**

## **7. Summary of Questions**

### **Section 2: Persons with specialist knowledge**

#### **Question 2**

Do you think these requirements are suitable for someone to be considered as having “specialist knowledge” and thereby be able to use category F4 fireworks, category T2 theatrical pyrotechnic articles and category P2 other pyrotechnic articles?

1. Yes
2. No. If no, what should the requirements be? Please comment below.
3. Don't know / no comment

**Do you have any other comments on this part of the proposals?**

## 2.1 Training

### **Question 3**

Do you think these training requirements are sufficient?

1. Yes
2. No. If no, what should the training requirements be? Please comment below.
3. Do not know/no comment

**Do you have any other comments on this part of the proposals?**

**Section 3: Application of parts of the Explosives (Jersey) Law 2014 to  
Fireworks and other pyrotechnic articles**

**Question 4**

Do you have any comments on these licensing proposals?

## **Section 4: Retail – Licensing and Storage**

### **Question 5**

Who should issue a retail licence for the sale of fireworks from retail premises and their storage on retail premises?

1. A Parish Constable
2. The Minister for Home Affairs
3. Don't know / no comment

### **Question 6**

Do you agree that fireworks should only be available from general retail premises during the times of the year specified in this consultation?

1. Yes
2. No. If no, when should they be available? Please comment below.
3. Don't know / no comment

**Do you have any other comments or views on the options for the future licensing arrangements for the wholesale storage, retail and retail storage of fireworks? Please comment below.**

**Section 5: Additional provisions relating to the supply, possession and use of fireworks and pyrotechnic articles**

**Question 7**

Do you have any comments on these proposed controls on the supply, possession and use of certain types and categories of firework and pyrotechnical articles to young people and people with and without specialist knowledge?

## 5.1 Use of fireworks at night

### **Question 8**

Should there be any change to the proposed definition of “night hours”?

1. Yes. If yes, what should “night hours” be? Please comment below.
2. No
3. Don't know / no comment

### **Question 9**

Should there be any other times that are designated in Jersey as a “permitted fireworks night”?

1. Yes. If yes, what should these times be? Please comment below.
2. No
3. No comment/Don't know



### **Question 10**

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On average, how often do firework displays take place in Jersey after 11pm on nights other than an intended permitted fireworks night?

1. 1-5 times per year
2. 6-10 times per year
3. 11 times a year or more

**Do you have any further comments on this part of the proposals?**

## **Section 6: Firework displays**

### **Question 11**

Do you agree that the licensing of firework displays should be undertaken at Parish level by the Connétable?

1. Yes
2. No. If no, who should the licensing authority be? Please comment below.
3. Don't know / no comment

### **Question 12**

Would you make any changes to the circumstances where a licence will be required to operate a firework display?

1. Yes. If yes, what changes would you make? Please comment below
2. No
3. Don't know / no comment

### **Question 13**

Only answer this question if you are a person who is likely to be required to obtain a licence to operate a firework display.

Is it reasonable and practicable for a person who wishes to operate a licenced firework display to apply for a licence at least 21 clear days before the date of the proposed display?

1. Yes
2. No. If no, what is a reasonable and practicable period? Please comment below.
3. Don't know / no comment

### **Question 14**

Only answer this question if you are a person who is likely to be involved in processing an application to operate a firework display.

Is 21 clear days a reasonable and practicable notice period to process an application to operate a firework display?

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### **Question 15**

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### **Question 16**

Is the information provided to the Connétable sufficient to take a decision to grant a licence or refuse to grant a licence for a firework display?

1. Yes
2. No. If no, what information is required? Please comment below.
3. Don't know / no comment

**Do you have any other comments on this part of the proposals?**

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We will continually review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law.

<b>WHAT</b>	<b>WHY</b>
<p><b>What information do we collect about you?</b></p> <p>We may collect the following types of information about you:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Email address</li> <li>• Postal address</li> <li>• Organisation you represent</li> </ul> <p>We will not hold or process the names and contact details of persons other than the person making contact (or persons authorised). Should we receive this information, it will be securely and confidentially deleted and/or disposed of.</p>	<p><b>Why do we collect information about you?</b></p> <p>We need to collect and hold information about you, in order to:</p> <ul style="list-style-type: none"> <li>• seek views of islanders and other stakeholders on the development and design of these draft Regulations</li> <li>• provide policy advice to Ministers</li> <li>• register your interest in this subject area, in order that we can respond after the consultation closes</li> <li>• respond to Freedom of Information Requests</li> </ul>

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We will use the information you provide in a manner that conforms to the Data Protection (Jersey) Law 2018.

We may not be able to provide you with a service unless we have enough information or your permission to use that information.

We will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In some instances the law sets the length of time information has to be kept. Please ask to see our retention schedules for more detail about how long we retain your information.

Where necessary, we may disclose your information to other Government of Jersey departments or organisations, either to fulfil your request for a service to comply with a legal obligation, or where permitted under other legislation. Examples of this include, but are not limited to: where the disclosure is necessary for the purposes of the prevention and/or detection of crime; for the purposes of meeting statutory obligations; or to prevent risk of harm to an individual, etc. These departments and organisations are obliged to keep your details securely, and only use your information for the purposes of processing your service request. We will only do this, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data and where necessary we will ensure that the recipient has signed a Data Sharing Agreement. A Data Sharing Agreement sets out the purpose of the sharing and the rules that must be followed when processing your data.

We may need to pass your information to other departments or organisations outside the Government of Jersey who either process information on our behalf, or because of a legal requirement. We will only do so, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data.

We will not disclose any information that you provide ‘in confidence’, to anyone else without your permission, except in the few situations where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk. You will be told about this unless there are exceptional reasons not to do so.

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At no time will your information be passed to organisations for marketing or sales purposes or for any commercial use without your prior express consent.

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<p><b>You can ask us to stop processing your information</b> You have the right to request that the Strategic Policy, Performance and Population Department (on behalf of the Council of Ministers) stop processing your personal data in relation to any of our services. However, this may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request but we may be required to hold or process information to comply with a legal requirement.</p> <p><b>You can withdraw your consent to the processing of your information</b></p>	<p><b>You request that the processing of your personal data is restricted</b> You have the right to request that we restrict the processing of your personal information. You can exercise this right in instances where you believe the information being processed is inaccurate, out of date, or there are no legitimate grounds for the processing. We will always seek to comply with your request but we may be required to continue to process your information in order to comply with a legal requirement.</p> <p><b>You can ask us for a copy of the information we hold about you</b></p>
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<p>In the few instances when you have given your consent to process your information, you have the right to withdraw your consent to the further processing of your personal data. However, this may cause delays or prevent us delivering a service to you. We will always seek to comply with your request but we may be required to hold or process your information in order to comply with a legal requirement.</p> <p><b>You can ask us to correct or amend your information</b>  You have the right to challenge the accuracy of the information we hold about you and request that it is corrected where necessary. We will seek to ensure that corrections are made not only to the data that we hold but also any data held by other organisations/parties that process data on our behalf.</p>	<p>You are legally entitled to request a list of, or a copy of any information that we hold about you.</p> <p>You can <u>submit a subject access request (SAR) using our online form</u>.</p> <p>However where our records are not held in a way that easily identifies you, for example a land registry, we may not be able to provide you with a copy of your information, although we will do everything we can to comply with your request.</p>
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