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Dear Huw,

Thank you for your letter of 29 March, enclosing correspondence from your constituent, [REDACTED], calling for restrictions on the dates when fireworks can be used.

I am aware of the petition to which [REDACTED] refers and to the work of the Fireworks ABatement Campaign. My officials met campaign representatives recently to understand and discuss their concerns.

[REDACTED] refers to Clause 7 of the Fireworks Act 2003, asking that it be amended to restrict the dates on which fireworks are allowed to be used. Clause 7 is, in fact, concerned with the licensing of fireworks suppliers. Suppliers who wish to sell fireworks outside the traditional periods must comply with stringent conditions before being granted a licence by their local licensing authority. These restrictions mean that the availability and use of fireworks outside the traditional periods has been greatly reduced over recent years. I am sorry to hear that [REDACTED] this has not happened in the area where she lives.

As [REDACTED] is aware, there are already significant legal and practical limitations on the use of fireworks by members of the public, and guidance is available to minimise the impact of such use.

- There is a maximum noise level limit of 120 decibels on fireworks that can be sold to members of the public.
- There is a curfew which prevents fireworks being used after 11pm, except on specific nights of the year when a limited extension to that curfew is made.

- There are prohibitions on setting off fireworks in a public place and also on discharging a firework within 50 feet of the centre of a highway, if that results in a user being injured, interrupted or endangered.
- The noise caused by fireworks may constitute a statutory nuisance which can be actioned by local authorities, or a nuisance in civil law which can be actioned by an individual.
- As a result of consumer demand, manufacturers of fireworks are increasingly working to produce lower noise fireworks.
- There is Government-sponsored guidance available on the safe and considerate use of fireworks on the Safer Fireworks website.
- Animal welfare charities, such as the Blue Cross, have produced freely available guidance on how to minimise the impact of fireworks use on animals.

I understand concerns about the distress noisy fireworks can cause to pets, livestock and wildlife. This is one of the reasons that there is a noise level limit of 120 decibels on fireworks for home use. We realise, however, that even at this level fireworks noise can be distressing to some animals and refer owners to advice on keeping animals safe during fireworks periods. Also, it is an offence under the Animal Welfare Act 2006 to cause any unnecessary suffering to any captive or domestic animal. Fireworks must not be set off near livestock or horses in fields, or close to buildings housing livestock. Anyone planning a firework display in a rural area should warn neighbouring farmers in advance.


I also understand concerns that such noise can cause to the vulnerable such as those with PTSD or autism. Local Authorities do have powers to deal with noise nuisance under the statutory nuisance provisions of the Environmental Protection Act 1990 (EPA). However, these provisions can only apply to noise that is, or is likely to be, 'emitted from premises so as to be prejudicial to health or a nuisance'. It is for the Local Authority to decide, based on the evidence, whether or not noise from a particular fireworks display is, or is likely to be, a statutory nuisance. The requirement that the noise be emitted from premises means that it may be difficult to apply the EPA to noise from some fireworks displays (e.g. fireworks that explode in the air).

If the fireworks are being released from a venue with a premises licence issued under the Licensing Act 2003, [REDACTED] can call for a review of that licence if she believes that the premises is not complying with one or more of the licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; public safety; or the protection of children from harm.

To call for a review of licensed premises, [REDACTED] should contact the Council's Licensing Enforcement Officer. More information on the Licensing Act 2003 can be obtained from the Home Office.

[REDACTED] also refers to the fact that under Clause 2 of the Fireworks Act 2003 the Secretary of State has powers to restrict the use of fireworks. Although there is some use of fireworks outside the traditional periods, we believe that the majority of people who use fireworks do so at the appropriate times of year and have a sensible and responsible attitude towards them.

Therefore, while I do not in any way underestimate [REDACTED] concerns, I believe that the current legislation offers the right balance between allowing the public to enjoy fireworks responsibly and minimising the distress caused by such use. My Department has no plans at the moment to place further limitations on the use of fireworks. I have, however, asked my officials to monitor the situation.

Anna Soubry


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