



**Isle of Man**

*Ellan Vannin*

**AT 9 of 2004**

# **FIREWORKS ACT 2004**

The text of this Act is shown “as amended” by amendments found within the Justice Reform Act 2021, and any additional amendments set out within the Justice and Home Affairs (Reform and Miscellaneous Amendments) Bill 2025 once these take effect.





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## FIREWORKS ACT 2004

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**Isle of Man***Ellan Vannin*

## **FIREWORKS ACT 2004**

*Received Royal Assent:* 19 October 2004

*Passed:* 19 October 2004

*Commenced:* 19 December 2004

**AN ACT** to restrict the sale and use of fireworks; and for connected purposes.

### *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 a business, supply a firework to a person under the age of 18 years.
- (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 years.
- (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 level 5 on the standard scale, or to both.<sup>1</sup>

- (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 notice under section 4(1)(b) for 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.
- (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 level 4 on the standard scale.<sup>2</sup>

- (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.~~
  - (b) published the notice given under paragraph (a) in a manner that the Department determines is sufficient to bring it to the attention of persons likely to be affected by the proposed letting off of the firework.
- (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.~~
  - (a) given in such form and contain such information as the Department may require;
  - (b) given 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 the letting off of a firework during —

- (a) the period beginning on the last Friday which falls at least two clear days before 5 November and ending on the Monday following 5 November;
  - (b) the period beginning on 28 December and ending on the Monday following 1 January.<sup>3</sup>
- (5) Nothing in subsection (1) applies to the letting off of a firework by —
  - (a) a public authority, or
  - (aa) a person for use, in the course of that person's trade or business, for special effects purposes in the theatre, on film or on television, or<sup>4</sup>
  - (b) any of the naval, military or air forces of the Crown, or
  - (c) a person or class of persons prescribed in an order made by the Department who complies with such conditions as are imposed by that order.<sup>5</sup>
- (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 level 4 on the standard scale.<sup>6</sup>
- (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 regulations.~~
- ~~(9) An order under subsection (5)(c) shall not come into operation unless it is approved by Tynwald.~~
- (8) the Department shall publish on its website or in such other media as it may determine —
  - (a) the information that must be contained in a notice given under subsection (1);
  - (b) the manner in which the giving of a notice under that subsection may be satisfied.<sup>7</sup>

## 5 Harassment etc. by letting off of fireworks

- (1) No person shall let off a firework ~~in a public place within the hearing or sight of a person or domestic animal~~ within the hearing or sight of a



~~person, domestic animal or livestock~~ 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 level 4 on the standard scale.<sup>8</sup>
- (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 any ~~person or domestic animal within hearing or sight who~~ **person, domestic animal or livestock within hearing or sight that** was likely to be caused harassment, annoyance, alarm or distress.

#### *Miscellaneous and supplemental*

**6 [Amends section 1(7) of the *Police Powers and Procedures Act 1998* by inserting paragraph (aa).]**

**7 Amendment**

[Amends section 63(2) of the *Petty Sessions and Summary Jurisdiction Act 1927* by substituting the words “let off, cast or throw any firework” for the words “cast or throw any fireworks”.]

**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;

“**livestock**” has the meaning given in section 59 (other interpretation provisions) of the *Animal Health Act 1996*;

“**public authority**” means the Council of Ministers, a Department or a local authority.

- (4) The Sale of Fireworks (Regulations) (Amendment) Order 1970 is revoked.
- (5) Nothing in this Act affects any power to make —
  - (a) safety regulations under section 9 of the *Consumer Protection Act 1991*, 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.

## SCHEDULE

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

#### Section 1(2)

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.



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> Subs (5) amended by Fines and Penalties Act 2024 Sch 5.

<sup>2</sup> Subs (5) amended by Fines and Penalties Act 2024 Sch 4.

<sup>3</sup> Subs (4) substituted by SD714/09.

<sup>4</sup> Para (aa) inserted by Criminal Justice, Police and Courts Act 2007 s 50.

<sup>5</sup> Para (c) added by Criminal Justice, Police and Courts Act 2007 s 50.

<sup>6</sup> Subs (6) amended by Fines and Penalties Act 2024 Sch 4.

<sup>7</sup> Subs (9) added by Criminal Justice, Police and Courts Act 2007 s 50.

<sup>8</sup> Subs (3) amended by Fines and Penalties Act 2024 Sch 4.

Provisional consolidation for reference purpose only