

**Department of Justice  
Government of Ireland**

**General response on fireworks legislation in Ireland  
March 2022**

**Overall Situation:**

In Ireland the sale of fireworks is legal under the Explosives Act 1875. The provisions of the 1875 Act are mostly focused on improving safety and preventing public nuisance by introducing controls on the manufacture, keeping, sale, conveyance and importation of fireworks and also creating an offence of throwing, casting, or firing fireworks in or into any highway, street, thoroughfare, or public place.

In 2005 the Department issued a consultation document to get feedback from other relevant authorities, and the public, on whether there should be a change of law or policy. The Department also commissioned Millward Brown to conduct a public survey to get a clear idea on the public's attitude toward the availability of fireworks.

Following from this the Department amended the Explosives Act and introduced explicit offences with realistic penalties for possession of an unlicensed firework or throwing a firework at another person or property. These restrictions were strengthened by the Criminal Justice Act 2006 (copy attached), which amended the 1875 Act to introduce new offences, penalties and policing powers relating to misuse and possession of fireworks and increased the penalties.

The restrictions applied to fireworks have remained in place due to concerns regarding health and safety, quality assurance, public nuisance and potential misuse by criminal and subversive groups. As Ireland does not have any fireworks manufacturers, the policy of the Irish Government has long been to restrict access to fireworks by not issuing any importation licenses for fireworks to members of the general public.

The EU Pyrotechnic Directive 2007/23/EC (copy attached) was published in 2007 and one of its aims was to facilitate the free movement of pyrotechnics, including fireworks, throughout the EU. However it did allow for Member States "to prohibit or restrict the possession, use and/or the sale to the general public of Category F2 and F3 fireworks (see below for definition).....which was justified on the grounds of public order, security, health and safety, or environmental protection".

Category F1: fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings; eg sparklers, party poppers, throw downs, Christmas crackers etc

Category F2: fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas; These are consumer fireworks and the Directive does not require specialist knowledge to use them

Category F3: fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health; These are consumer fireworks and the Directive does not require specialist knowledge to use them

When Ireland transposed this Directive we used this provision to restrict the sale or supply of Category F2 and F3 fireworks to persons with specialist knowledge (professional pyrotechnic operators who would conduct public displays). We did permit the sale and supply of Category F1 fireworks to the general public over the age of 12. This Directive has been repealed and replaced by Directive 2013/29/EU but the same provisions still apply. This S.I is transposed by S.I 174 of 2015 (copy attached).

A clear policy position in respect of the fireworks ban has been in place for a number of years now and that there has not been any political opposition or efforts made by civil society bodies or other representative groups to change that position.

In fact, the vast majority of feedback to the Minister and the Department in response to the use of illegal fireworks, for example during the Halloween period, suggests that many members of the general public support current legal position and are in fact seeking greater enforcement by An Garda Síochána (the Irish Police Force).

Anecdotal evidence suggests that should the use of fireworks be more widespread we would naturally expect more serious injuries etc. when they are being used unsupervised by children, or other members of the public. The latest available figures from the Department of Health indicates a decrease in hospitalisations due to firework injuries between 2009 and 2018.

#### **Overview Offences:**

It is also illegal to possess any fireworks that may have been legally purchased outside of the jurisdiction and then brought into the State. Gardaí confiscate any fireworks found in the possession of persons. Such persons are also liable to prosecution.

An Garda Síochána have provided the following figures in relation to explosives seized in Fireworks Offences, and that the recording of these figures is an indication of seized explosives for the purposes of sale/supply, rather than use.

Reporting Year	Fireworks Incidents. with Seizures	Count of Items Seized	Value of Seized Items
2007	121	188	€48,150
2008	170	185	€20,079
2009	168	241	€20,185
2010	191	219	€32,227
2011	149	184	€40,638
2012	119	130	€21,670
2013	74	83	€31,071
2014	61	89	€22,051
2015	38	47	€6,460
2016	79	111	€18,366
2017	54	93	€6,360
2018	72	131	€19,199
2019	68	102	€20,506
2020	125	283	€42,939
2021	66	127	€15,637

Furthermore the Irish Courts Service report the following prosecutions relating to fireworks offence between 2015 and the first half of 2020.

	2015		2016		2017		2018		2019		Jan- July	2020
Offence	Offen ces	Pers ons	Offen ces	Pers ons	Offen ces	Pers ons	Offen ces	Pers ons	Offen ces	Pers ons	Offen ces	Pers ons
Possession of a Firework for	10	9	7	6	5	5	3	3	5	5	1	1

the Purpose of Sale/Supply												
Igniting Firework	1	1							3	3		
Throw/Direct /Propel Ignited Firework							1	1			1	1
Total	11	10	7	6	5	5	4	4	8	8	2	2

### Preventative Measures:

In order to dissuade persons from illegal importing fireworks or creating their own homemade pyrotechnical articles, Ireland permits fireworks displays be organised by persons with specialist knowledge. Therefore, fireworks can still be used at organised public displays and at other events such as sporting occasions, weddings and concerts. The Department issues import licences for F2, F3 and F4 for organised displays, which are conducted by professional and competent operators. Before issuing any licence for the importation of fireworks the Department conducts checks to ensure that the fireworks are in full compliance with EU and Irish law. This ensures that only CE marked and safe fireworks are made available on the market in Ireland. Persons who import fireworks can also be subject to inspection by the Government Inspector of Explosives.

Between 2015 and 2020 the Department issued 2,096 licenses for the importation of Category F2, F3 and F4 fireworks for use in organised public displays and 23 licenses for the importation of Category F1 fireworks for sale to the general public.

	2015	2016	2017	2018	2019	2020	Total
Import Licences Issued							
Display Fireworks (Category F2, F3 and F4)	348	371	422	448	428	79	2096
Category F1 Fireworks	5	3	4	4	5	2	23

In the weeks preceding Halloween, the Department of Justice runs an annual awareness raising campaign to highlight the dangers and penalties associated with the use of illegal fireworks. As well as the awareness raising work undertaken by the Department of Justice in the run up to Halloween, additional efforts are made by An Garda Síochána at this time of year to combat the illegal importation, sale and use of fireworks. This initiative is known as “Operation Tombola” and seeks to disrupt and prevent firework related anti-social behaviour around peak periods such as Halloween. Policing plans under the auspices of “Operation Tombola”, include:

- Producing a resource pack that can be used by parents, guardians and schools to educate children and adolescents on the danger and illegality of fireworks.
- Engaging with relevant stakeholders including the local authorities, local Fire Brigades, Animal Welfare charities and groups representing vulnerable members of society to identify, coordinate and implement an appropriate multi-agency strategy for the Halloween period, as part of their policing plans.
- Ensuring open social media is monitored for any information in connection with anti-social behaviour and fireworks that may inform local Garda operations and initiatives.
- Requisitioning a Garda National Public Order Unit (GNPOU) capability on Halloween night that will be available, if necessary, to support local policing plan in the Dublin Metropolitan Region.

In advance of Halloween each year the Department of Justice writes to all known importers, distributors and sellers of Category F1 fireworks to remind them of their obligations with regard to the importation and storage of Category F1 fireworks. In addition, the Department writes to representative associations to ask them to inform all their members about the obligations involved should they wish to either import, store or sell Category F1 fireworks.

**Overall Effect:**

The Department considers that the restrictions in place do have a net-positive societal effect. The Department of Justice Fireworks Awareness Raising Campaign for 2021 was completed in collaboration with the Irish Society for Prevention of Cruelty to Animals, Dublin Fire Brigade and An Garda Síochána. Last year’s campaign requested people to consider the significant distress that fireworks cause to vulnerable members of the communities and to animals, as well as the very real risk they cause to public safety.

Apart from the risk of injury, fireworks can cause great distress across the wider community. They can set off intruder alarms, causing unnecessary extra demands on Garda resources.

Finally, there is always the possibility of outbreaks of fires in properties if fireworks continue to burn after landing, or land in unoccupied property.

While instances of illegal firework use do still occur in Ireland, in particular in the run up to Halloween, the Department believes the restrictions in place considerably mitigate the against their widespread misuse, and the associated distress and risk they can cause to public safety and property.

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