

We have been viewing with interest the other meetings of the committee on this subject. The reason for this email is to provide some clarification regarding a discussion on the evidence session on 23 March, in particular regarding a section about 39 minutes into the meeting, regarding proxy sales and supply to under 18s.

It was suggested that “proxy” supply (in terms of giveaways of fireworks) is already an offence but that this is somehow misunderstood by enforcement agencies. However, we would respectfully suggest that this is not the case as the existing provisions only apply to businesses supplying directly to under 18s.

The provisions in terms of supply of ‘legal’ fireworks are covered within the Pyrotechnic Articles (Safety) Regulation 2015. These relate to supply by Economic Operators (i.e. people in business). Economic Operators are defined within Pyrotechnic articles Regulations 2015, but ultimately are someone in course of commercial activity:

“make available on the market” means any supply for distribution, consumption or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly. These provisions are actively enforced by Trading Standards, using accepted techniques related to age restricted sales.

See these references for details:

<https://www.legislation.gov.uk/ukxi/2015/1553/regulation/2>  
<https://www.legislation.gov.uk/ukxi/2015/1553/regulation/31>

So the existing provisions do not apply to a private citizen giving fireworks to a person under 18. Clause 21 of the new Fireworks Bill (“Prohibition on providing fireworks or pyrotechnic articles to children”) does apply to that situation and so creates new provisions.

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