

## Fireworks – A Guide for Retailers

The Explosives Regulations 2014 came into force on 1<sup>st</sup> October 2014 and replace The Manufacture and Storage of Explosives Regulations 2005 (MSER). If you store fireworks, you may require a licence to do so from this Authority i.e. Trading Standards. The licence is granted to a person, or a company, and not to the site.

The quantities in the Explosive Regulations 2014 now refer to Net Mass – this is the quantity of explosive contained within the fireworks - and not to gross weight. The Net Mass should be marked on the fireworks transport boxes. If the Net Mass weights are not available, then they are taken as being 25% of the gross weight of the fireworks. Again, the fireworks gross weight can also be found marked on the fireworks transport boxes.

### Who needs a Licence to store Explosives?

A Licence is required if storing:

- Up to 250kg Net Mass of Hazard Type 4
- Up to 100kg Net Mass of a combination of Hazard Type 3 and 4
- Up to 100kg Net Mass of Hazard Type 3 explosives

This includes both the amount held on the shop floor *and* at the rear of the premise.

Most fireworks in retail premises are Hazard Type 4, but if in doubt, please contact your supplier.

If storing large quantities of fireworks (e.g. more than 250kg - <2000kg Net Mass of Hazard type 4 fireworks), you must licence the store with Trading Standards. Separation Distances will also then apply, from where the fireworks are stored to public roads, footpaths etc.

If you store less than 5kg Net Mass of explosives, then there is no need to register or be licensed.

### Quantities in sales area

The table below sets out the maximum quantities that may be kept in the sales area of premises:

Floor area of sales area (sq metres)	Quantity of explosives Net Mass (kg)
Not exceeding 20	12.5
Not exceeding 40	15
Not exceeding 60	20
Not exceeding 80	25
Not exceeding 100	30
Not exceeding 150	35
Not exceeding 200	40
Not exceeding 250	45
Not exceeding 300	50
Not exceeding 350	55
Not exceeding 400	60
Not exceeding 450	65
Not exceeding 499	70
Equal to or exceeding 500	75

The above quantities are subject to a maximum of 12.5kg Net Mass per cabinet.

## General storage requirements

When storing explosives, you must take appropriate measures to:

- Prevent fire or explosion;
- Limit the extent of fire or explosion, including measures to prevent the spreading of fires and the communication of explosives from one location to another, and
- To protect persons from the effects of fire or explosion

Also, a person who stores explosives should not permit a person under 18 years to work in the storage area, except under appropriate supervision.

All explosives must be stored in a suitable place depending on the quantity and type of explosives being kept. The key principles are to ensure that the store, container or cupboard is, where appropriate:

- Suitably waterproof;
- Designed to ensure that explosives do not come into contact with substances with which they are incompatible;
- Kept clean with steps taken to prevent grit entering unpackaged explosives;
- Used only to keep explosives and tools/implements connected with the keeping of explosives

Suitable precautions must be taken to exclude possible sources of ignition such as matches, smoking materials, grit, rust and other contaminants.

Fireworks should ideally be kept in their closed transport packaging, and only opened when needed.

It is not good practice to decant loose fireworks into metal dustbins - there is a danger that the loose fireworks will become mixed up or damaged, with loose compound collecting at the bottom of the dustbin.

Where fireworks are kept in a warehouse (or similar room or building) that holds significant quantities of other combustible materials, the storage should be either:

- a) In an ISO transport container (or similar fully enclosed metal structure)
- b) Using storage cupboards or cabinets
- c) Building a structural partition
- d) Using a wire mesh screen or cage or
- e) Metal dustbins (provided fireworks are kept in their transport packaging)

## Storage in ISO Containers

The ISO container wherever possible, must be kept in an area away from public access. Steps must be taken to prevent malicious attack.

Cars and other vehicles must not be permitted to park within 3 metres of the container.

Containers storing Hazard Type 4 fireworks should be marked with the Fire Division 4 Symbol (the orange 1.4G symbol on the transport boxes), or the local Fire Brigade *must* be notified of their storage if the orange 1.4G symbol is not displayed.

## Storage and display in shop sales area

Fireworks on the shop floor must be kept in a designated area well away from sources of ignition either in a display case, storage cupboard or cabinet.

Smoking must not be allowed anywhere where fireworks are stored or sold.

Display cases/storage cabinets must be designed to protect against sparks or other sources of ignition. No other goods should be kept in the cabinet/case except any instruction leaflets/safety literature. Lights or electrical fittings in cabinets/cases must be disconnected.

Each storage cabinet or display case must hold no more than 12.5kg Net Mass.

## Risk Assessments

A Risk Assessment should be carried out to identify the hazards associated with the storage and handling of fireworks. If five or more persons are employed, it must be in writing. An example to complete can be downloaded from - <http://www.hse.gov.uk/pubns/indg407ch.pdf>

### Storage adjoining or in the same building as domestic / sleeping accommodation

If more than 75kg Net Mass of Hazard Type 4 fireworks are kept in a store within or adjoining a building containing domestic/sleeping accommodation, then suitable measures *must* be taken to protect residents and / or those premises in the event of a fire. The following precautions *must* be taken:

- a) A fire detection system must be installed in the shop;
- b) The domestic parts of the building must have access/exit routes that are fire-separated from those parts used for the storage of fireworks;
- c) There must be suitable fire separation between the fireworks store and the domestic accommodation; and
- d) The store must be closed off and secured from the domestic part of the property, in order to prevent unauthorised access and to help prevent accidental introduction of sources of ignition.

## Premises and sales

It is an offence:

- To keep fireworks on premises which have not been licensed with the local authority for that purpose. Only persons with “fixed” premises can be registered, so fireworks cannot be sold at market stalls, car boot sales or other temporary sales points;
- To sell fireworks to persons under 18 years of age; and
- To hawk, sell or expose for sale any fireworks upon any highway, street, or public place.

The maximum penalty for selling fireworks to persons under the age of 18, is a £5,000 fine.

Note that caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns must not be supplied to persons under 16.

The following fireworks must not be supplied to the general public:

- Air bombs, aerial shells, aerial maroons, shell-in-mortar and maroons-in-mortar;
- All bangers;
- Mini rockets;
- Fireworks with erratic flight (e.g. ground spinners, jumping jacks, squibs);
- All Hazard Type 4 fireworks, or any other firework, which does not meet BS7114 or EU equivalent

## Buying or supplying more than 50kg Net Mass of fireworks

A person buying more than 50kg Net Mass of fireworks must produce a valid licence to the seller. The seller must maintain a record of the sale for three years. The record should contain the name and address of their supplier, the buyer, and the dates when the transactions took place.

## Consequential amendments to the Fireworks Regulations 2004

These regulations require that suppliers of fireworks to the public *must* display in a prominent position an A3 notice and / or poster, stating the following:

1. It is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of 18; and
2. It is illegal for anyone under the age of 18 to possess category F2 fireworks or category F3 fireworks in a public place

Please speak to your fireworks supplier for a copy of this notice / poster if necessary.

### IMPORTANT NOTES

It is your responsibility to ensure that you are aware of, and complying with, the Explosives Regulations 2014.

The Licensing Authority will not normally visit your premises before granting a Licence. The Licensing Authority may prohibit storage of explosives at the site if it believes the site is unsafe. It may also take enforcement action if you are not storing safely.

If you are planning to sell fireworks outside the following periods of the year:

- 15th October to 10th November
- 26th December to 31st December
- On the 1<sup>st</sup> 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

you will also need a £500 licence under the Fireworks Regulations 2004.

*Nottinghamshire County Council Trading Standards Service has prepared this guidance for the assistance of businesses. It is not an authoritative interpretation of the law and is intended only for guidance. For further advice on this please contact us.*

Contacting us:

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