

**Trading Standards Guidance**

**Information for Traders**

**Selling and Storing Fireworks**

The Explosives Regulations 2014 replaces the Manufacture and Storage of Explosives Regulations 2005 and largely replaces the 1875 Explosives Act. If you store fireworks, you are required to be licensed by the local authority i.e. Trading Standards.

The licence is granted to a person (or company) and not to the site.

The quantities in the Regulations refer to Net Mass (NM), the quantity of explosive contained within the fireworks, and not to the gross weight of the firework. If the NM weights are not available, then they are taken as being 25% of the gross weight of the fireworks.

NB. The Net Mass may also be referred to as Net Explosive Content (NEC) or Net Explosive Quantity (NEQ).

**Who needs to be licensed?**

If you are storing between 5kg and 2,000kg NM then you will need to be licensed by Essex Trading Standards (quantities above 2,000kg are licensed by the HSE).

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

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

The quantities are often marked on the explosives outer packaging. If you intend on storing larger quantities of fireworks (eg between 250kg and 2000kg of NM of Hazard type 4 fireworks), you will need to contact Essex Trading Standards as separation distances will need to be taken into account and a licence will not be granted until an inspection of the premise is carried out.

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

**Floor plans for shops storing pyrotechnic articles, including fireworks**

The regulations state the maximum quantity of pyrotechnic articles which may be kept under a licence in the sales area of a shop or other retail premises. The maximum permitted quantity relates to the size of the sales area. If you are planning to store more than 12.5kg net mass (50kg gross) please include a plan of the sales area showing the total floor area (in square metres) and the position and the number of entrances and exists to and from it.

**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 (kg NM)* |
| 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 NM per cabinet.

**General storage requirements:** If 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, no person who stores explosives shall permit a person under 18 years to work in that storage except under supervision of a person over 18.

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 be kept in closed transport packaging within the storage container and only opened when needed.**

It is not good practice to decant loose fireworks into metal dustbins. There is a danger that the articles 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:

1. in an ISO transport container (or similar fully enclosed metal structure)
2. using storage cupboards or cabinets
3. building a structural partition
4. using a wire mesh screen or cage or
5. metal dustbins (provided fireworks are kept in their transport packaging)

**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, and in a display case or 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 (NM).

1. **Storage adjoining or in the same building as domestic/sleeping accommodation**

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

1. a fire detection system must be installed in the shop;
2. the domestic parts of the building must have access/exit routes that are fire-separated from those used for the pyrotechnic store;
3. there must be suitable fire separation between the pyrotechnic store and the domestic accommodation; and
4. 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 by the local authority for that purpose
* to sell fireworks to persons under 18 years of age
* to hawk, sell or expose for sale any fireworks upon any highway, street, public thoroughfare or public place (i.e. market stalls or car boot sales)

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.

Packets of sparklers must carry a warning notice “Warning: not to be given to children under five years of age”.

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 (including “batteries” containing bangers, such as Chinese Crackers)
* Mini rockets
* Fireworks with erratic flight (eg ground spinners and jumping jacks)
* All category 4 fireworks or any other firework which does not meet BS 7114 or EU equivalent

**Fireworks Regulations 2004**

These regulations require that suppliers of fireworks to the public display in a prominent position an A3 notice, 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

Further advice on Age Restricted Goods can be found on the enclosed Trading Standards Guidance Notes.

**Important notes**

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

The licensing authority will not normally visit your premises before granting a licence for the storage of up to 250kg of fireworks. The 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:**

* **15 October to 10 November**
* **26 December to 31 December**
* **On the 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 selling licence under the Fireworks Regulations 2004 in addition to a storage registration or licence.**

**Summary of the main legal requirements**

The main regulations that are particularly relevant to the storage of fireworks are as follows:

* The Management of Health and Safety at Work Regulations 1999 require you to carry out a risk assessment and to record it if you have five or more employees. See the checklist on the HSE website to: [www.hse.gov.uk/pubns/indg407ch.pdf](http://www.hse.gov.uk/pubns/indg407ch.pdf)
* The Explosives Regulations 2014 require that you take appropriate measures to prevent fire or explosion; to limit the extent of fire or explosion; and to protect people from the effects of fire or explosion.
* The Explosives Regulations 2014 also require anyone storing between 5 kg net and 2,000 kg net of explosives to obtain a licence from their local authority.
* In addition, there are also general duties under both health and safety at work law and fire safety law.

**If you are selling fireworks you have duties under**:

* The Fireworks Safety Regulations 1997. This includes requirements on the types of fireworks that can be sold to members of the public as well as on the age of purchase;
* **The Fireworks Regulations 2004. If you are selling outside certain times of the year you will need a selling licence – this is in addition to any licence or registration allowing you to store fireworks.**

**Penalties**

* It is an offence under the Health and Safety at Work etc Act 1974 to sell fireworks by retail without a licence or to store unsafely. The penalty is a fine of up to £20,000 and/or 12 months' imprisonment.

**Please Note**

Essex County Council, Trading Standards Service has prepared this leaflet 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 at our office:

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CM1 1QH

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Fax 01245 341986

e-mail trading.standards@essex.gov.uk

(Please detach)

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I have read the information provided by Trading Standards and have conveyed this to all relevant staff.

Name (Print):

Position:

Business Address:

Date:

Number of staff employed at premises to be licensed:

Please complete and return with application.