

The Safe Storage and Supply of Fireworks

A Guide for Retailers



This guide has been prepared to assist retailers to meet the requirements of the legislation controlling the storage and supply of fireworks. It is not an exhaustive document, but it does try to cover most aspects of the law. In particular, advice is given on:-

- Registration and Licensing for storage
- Permitted quantities
- Risk Assessment
- Safe Storage
- Underage Sales
- Licence to Supply
- Statutory Notices



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

Storing Fireworks

The Manufacture and Storage of Explosives Regulations (MSER) came into force in April 2005, and replace much of the Explosives Act of 1875. The Regulations impose duties on the retailer and wholesaler to :-

- Register or licence the storage of fireworks
- Prevent fire and explosion on premises where fireworks are stored
- Prevent unauthorised access to fireworks

What Type of Fireworks am I Storing?

MSER classifies fireworks into **Hazard Types** according to the hazard they pose. There are four hazard types (HT), with HT1 being the most dangerous and HT4 the least potentially dangerous.

The vast majority of fireworks that you will come across at the retail level are classified HT4, and some will be HT3. You can work out the hazard type of the fireworks you intend to store by finding the transport code on the outer packaging they arrive in.

Transport Code	Equivalent Hazard Type
1.3G	HT3
1.4G	HT4

Registration and Licensing for the Storage of Fireworks

In order to store fireworks, you will require a registration certificate or licence from your local authority to do so. Which one you need depends upon the type and quantity of fireworks that you intend to store, as shown in the table below. The vast majority of fireworks retailers and wholesalers will need to be registered rather than licensed.

Type of Fireworks	Total Quantity Stored (net)*	Registration or Licensing
Both HT3 and HT4	Between 5kg and 100kg	Local Authority Registration
Both HT3 and HT4	More than 100kg	Local Authority Licence
HT4 <i>only</i>	Between 5kg and 250kg	Local Authority Registration
HT4 <i>only</i>	More than 250kg	Local Authority Licence

***Note :** All quantities now relate to the **net explosive content** of the fireworks, and NOT their gross weight. As a guide, the net explosive content of fireworks is one quarter of the gross weight, so 100kg gross weight of fireworks will have a net explosive content of 25kg.

How Do I Register or Obtain a Licence to Store Fireworks?

If you have a current registration or licence issued under the Explosives Act 1875, and your circumstances have not changed, then you need only apply to the local authority for a renewal. If you have not applied previously for a registration or licence or you do not have a current registration or licence, then you must mark your application as a new application.

Fill in the application form provided, following the guidance notes given with it. You must answer all the questions fully and truthfully, as the information provided will assist the authority in determining whether the applicant is a **fit person** to store fireworks, and whether the premises are **suitable for storage**. In considering whether a person is fit to store fireworks, the local authority must be confident that the person can be relied upon to store fireworks without any risk to public safety. In considering whether the premises are suitable for storage, the local authority will use the criteria contained in the MSER and guidance issued by the Health and Safety Executive.

It is an offence to give false information in support of any application.

You will be notified in due course whether your application has been successful. If you have been successful, your registration certificate or licence (as appropriate) will be issued and you can begin to store fireworks.

Under the MSER, the local authority can refuse to register or licence premises for the storage of fireworks, and it can also revoke a registration or licence currently in force. If you are unhappy with a decision made by the local authority, you should make your representations within 28 days to the council at the address given at the end of this leaflet.

If you are still unhappy with the final outcome, you may appeal to :-

*The Secretary of State for Work and Pensions
Richmond House
79, Whitehall
London
SW1A 2NS*

How Much Does it Cost to Obtain a Registration or Licence?

The current fees chargeable under the Manufacture and Storage of Explosives Regulations are given on the separate sheet included with this pack. Please note that the fees are set by statute law and cannot be varied by the local authority. You will note that the fees for a licence and registration differ. Please ensure that you complete all the documentation correctly, and submit the appropriate fee to avoid any delay in processing your application.

What Do I Need to Do to Store Fireworks Safely?

You are responsible for the safety of your staff, customers and anyone else visiting your premises. You will need to **carry out a risk assessment**. You can do this by completing the *risk assessment checklist* included in this pack. The risk assessment involves thinking about what could go wrong, and then deciding what action you can take to try to ensure that it doesn't go wrong.

Ask yourself the following questions.

- *How could a fire start?*
- *How could it spread?*
- *What do I need to do to protect people if there is a fire?*

Then decide what you need to do to :-

- *Prevent a fire starting*
- *Stop it spreading*
- *Protect people in the event of a fire*

Then, **carry out the actions** identified by the assessment, and use the 'Storing Fireworks Safely' table overleaf to assist you in ensuring that your fireworks are stored safely. Your risk assessment should be reviewed regularly, or when there is a change in circumstances to ensure that it remains current, relevant and effective. **Note that if you have five or more employees, you are required to keep a written copy of the risk assessment.**

What Quantity of Fireworks Can Be Kept in the Sales Area?

As well as controlling the maximum quantity of fireworks permitted on the premises as a whole, the local authority registration limits the quantity of fireworks permitted in the *sales area* of the store. The larger the sales area, the greater the quantity of fireworks you will be able to store there, as specified in the table below. The remainder of fireworks must be stored safely elsewhere on the premises.

Size of Sales Area (floor area in square metres)	Quantity of Fireworks Permitted (kg net)	Size of Sales Area (floor area in square metres)	Quantity of Fireworks Permitted (kg net)
Up to 20m ²	12.5kg	Up to 250m ²	45kg
Up to 40m ²	15kg	Up to 300m ²	50kg
Up to 60m ²	20kg	Up to 250m ²	55kg
Up to 80m ²	25kg	Up to 400m ²	60kg
Up to 100m ²	30kg	Up to 450m ²	65kg
Up to 150m ²	35kg	Up to 499m ²	70kg
Up to 200m ²	40kg	500m ² and over	75kg

Storing Fireworks Safely

1. Preventing a Fire			
Do's		Do Not's	
✓	Do exclude sources of ignition	✗	Do not let anyone smoke anywhere near the fireworks
✓	Do display 'No Smoking' signs	✗	Do not let the fireworks become wet or damp
✓	Do restrict entry to the store where fireworks are kept	✗	Do not store fireworks with caustic items such as drain cleaners, paint strippers or wood preservatives
✓	Do keep fireworks away from space -heaters	✗	Do not keep fireworks near fertilisers or products containing peroxides.
✓	Do follow your suppliers advice on returning unsold stock	✗	Do not leave light fittings or other electrical connections in any display or storage cabinet
2. Stopping a Fire Spreading			
Do's		Do Not's	
✓	Do keep fireworks in their closed transport packaging	✗	Do not empty loose fireworks into metal dustbins
✓	Do use suitable storage and display cabinets, locked or inaccessible to members of the public	✗	Do not store fireworks near articles that could catch fire easily leading to the fire spreading to the fireworks.
✓	Do leave fireworks in closed transport boxes until you are ready to move them to display cabinets or storage cabinets.	✗	Do not store with flammable substances eg.white spirit, nylon tights and stockings
✓	Do avoid handling fireworks unnecessarily.	✗	Do not store near pallets, cardboard boxes and paper
		✗	store near parked vehicles
3. Protecting People in the Event of a Fire			
Do's		Do Not's	
✓	Do ensure that all fireworks in the sales area are in a suitable display or storage cabinet	✗	Do not store or display fireworks anywhere near an escape route or fire exit
✓	Do ensure all escape routes and exits are clear and fire exit doors are unlocked	✗	Do not store too much in the shop sales area (see previous table).
✓	Do ensure that any fire detection and alarm system is tested and working properly	✗	Do not store more on the premises than your registration certificate or licence permits you to.
✓	Do position transport containers well away from any neighbouring houses.		

Additional Safety Measures

Where more than 75kg net of HT4 fireworks are stored in the same building as domestic / sleeping accommodation or are stored in a building adjoining such accommodation, the following additional precautions must be taken to protect residents.

1. A fire detection system must be installed in the shop
2. Domestic parts of the building must have access / exit routes separate to those for the fireworks storage area.
3. There must be suitable fire separation between the fireworks store and the domestic accommodation (e.g. doors, floors and ceilings offering 30 minutes fire resistance).

The store must be closed off and secured from the domestic part of the property to prevent unauthorised access and potential sources of ignition.

Selling Fireworks

Licence to Supply

Once you are registered or licensed to store fireworks, you can sell fireworks at the following times:

- The first day of the Chinese New Year and the three days immediately preceding it;
- On the day of Diwali and the three days immediately preceding it;
- During the period beginning on the 15th October and ending on the 10th November;
- During the period beginning on the 26th December and ending on the 31st December.

If you intend to supply (or display for supply) fireworks at any other time of the year, you will need to obtain a **Supply Licence** from your local authority. (This is in addition to the requirement to be properly registered / licensed to *store* fireworks).

Underage Sales

It is illegal to:-

- Sell any firework (including sparklers) to anyone under the age of 18.
- In the case of caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns, sell to anyone apparently under the age of 16.

You should set up a system to ensure that you have done all that is reasonable to prevent young people being served with fireworks and similar goods on your premises.

If you are unsure how old a person is, ask them to prove their age with a proof of age card, photo driving licence or passport. Never accept a birth certificate or national insurance card as these do not carry a photograph and could belong to anyone.

If any doubt remains, always refuse the sale.

Your local Trading Standards Service will be able to give you detailed advice on avoiding underage sales, for example staff training and using a refusals book. Contact details are given at the end of this leaflet.

Fireworks not to be Supplied to Members of the Public

The following fireworks **must not** be supplied to members of the general public, **regardless of their age:-**

- Fireworks intended for professional use
- Bangers (including batteries containing bangers, for example Chinese crackers)
- Aerial shells and maroons, shells in mortar and maroons in mortar
- Mini rockets
- Fireworks with erratic flight (eg jumping jacks, ground spinners)
- Air bombs

Labelling and Packaging

- Fireworks must not be sold separately if they are intended to be sold together as a pack.
- Sparklers must be labelled '*Warning – not to be given to children under 5 years of age*'
- Fireworks intended for sale to the public must comply with the safety standard for fireworks, currently BS 7114, and be labelled accordingly.

The Supply of Large Quantities of Fireworks

You must not supply more than 50kg net of fireworks to any person unless that person can demonstrate that they are properly registered or licensed for the storage of fireworks.

In the case of the sale or transfer of more than 50kg of fireworks in a single transaction, you must keep a record of:-

- The name and address of the person who ***supplied you*** with the fireworks
- The date they were supplied to you
- The name and address of the person who you ***supplied the fireworks to***
- The date you supplied them.

Statutory Notices

Suppliers must display a notice where fireworks are sold, giving the following messages:-

IT IS ILLEGAL TO SELL ADULT
FIREWORKS AND SPARKLERS TO
ANYONE UNDER THE AGE OF 18,

and

IT IS ILLEGAL FOR ANYONE
UNDER THE AGE OF 18 TO
POSSESS ADULT FIREWORKS IN
A PUBLIC PLACE.

Where Can I Get More Information?

This guidance is worded in a general way and cannot cover every circumstance. If you require further advice on the subject of this information please contact your local Trading Standards Service.

*TORFAEN
COUNTY
BOROUGH*



*BWRDEISTREF
SIROL
TORFAEN*

Trading Standards

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