

Fireworks: A Guide for Retailers

This leaflet is to advise retailers that fireworks are an age-restricted product, and on various other legal requirements. If you store and sell fireworks, you have certain obligations to the public and your staff. The requirements in this guide are taken from The Fireworks Regulations 2004 (as amended), The Fireworks (Safety) Regulations 1997 and the Manufacture and Storage of Explosives Regulations 2005.

Selling fireworks

Age of Purchase

It is illegal to supply adult fireworks and sparklers to people under the age of 18.

It is also illegal for someone under the age of 18 to be in possession of adult fireworks. (The only exceptions to this are caps, cracker snaps, novelty matches, party-poppers, serpents and throwdowns – these are not ‘adult fireworks’ and can only be supplied to people over the age of 16.)

You must display a notice that says "It is illegal to sell adult fireworks or sparklers to anyone under the age of eighteen AND it is illegal for anyone under the age of eighteen to possess adult fireworks in a public place." Trading Standards can supply you with a poster.

Types of fireworks you can sell

All fireworks intended for use by the general public must comply with the British Standard BS7114.

It is illegal to supply Category 4 fireworks to the public and it is illegal for a member of the public to possess Category 4 fireworks.

It is also illegal to sell the following types of firework:

- any firework of erratic flight, for example ground spinners, jumping jacks and squibs;
- any mini rocket;
- any air bomb;
- any aerial shell, shell-in-mortar, aerial maroon, maroon-in-mortar;
- any battery containing bangers;
- any combination (other than a wheel) which includes one or more bangers;
- any banger other than a banger which is a category 2 firework.

For all these reasons we recommend that you only buy your firework stock from reputable wholesalers or manufacturers to make sure you only buy ones that do not break the law.

It is illegal to split retail boxes of fireworks. You should therefore only sell fireworks (except sparklers and some larger individual devices) in manufacturers' packed sets. The contents of these must not be taken out of their pack and sold separately.

For help and advice on complying with consumer protection laws

Trading Standards, Loxley House, Station Street, Nottingham NG2 3NG Address for correspondence only
Tel: 0115 844 5018 Fax: 0115 844 5019 Email: trading.standards@nottinghamcity.gov.uk
Website: www.nottinghamcity.gov.uk/tradingstandards



Restrictions on when you can sell

If you are registered or licensed to store fireworks, you can only supply adult fireworks during the following periods:

- 15th October to 10th November
- 26th to 31st December
- 3 days up to and on Diwali and Chinese New Year.

If you want to supply adult fireworks during other periods, you must get an all-year-round licence from Trading Standards. This costs £500 per year.

All-year-round licences may be refused or revoked if the supplier commits offences under the laws on supply and storage.

Other measures on the sale of fireworks

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

All fireworks not suitable for use by the general public must carry the notice "This device must not be sold to, or used by, a member of the general public".

Penalties

Failure to comply with any of the above requirements can result in prosecution and a fine of up to £5,000 or a prison sentence of up to six months, or both.

Storing fireworks

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

Storage quantities

If you are registered to store fireworks, you can store:

- up to 250kg of Hazard Type 4
- up to 100kg of a combination of Hazard Type 3 and 4
- up to 100kg of Hazard Type 3 explosives.

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

The quantities are often marked on the explosives' outer packaging.

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

If you want to store larger quantities of fireworks, that is more than 250kg NEQ but less than 2000kg NEQ, you need to license the store with Trading Standards.

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

Quantities in sales area

The table sets out the maximum quantities that registered premises may keep in the sales area:

Size of sales area	Max quantity of explosives
0-20 sq m	12.5 kg
21-40 sq m	15 kg
41-60 sq m	20kg
61-80 sq m	25 kg
81-100 sq m	30 kg
101-150 sq m	35 kg
151-200 sq m	40 kg
201-250 sq m	45 kg
251-300 sq m	50 kg
301-350 sq m	55 kg
351-400 sq m	60 kg
401-450 sq m	65 kg
451-499 sq m	70 kg
500+ sq m	75 kg

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

General storage requirements

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
- 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 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 be kept in closed transport packaging and only opened when needed.

It is not good practice to transfer 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:

- in an ISO transport container (or similar fully enclosed metal structure)
- using storage cupboards or cabinets
- by building a structural partition
- using a wire mesh screen or cage, or
- in 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 (NEQ).

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:

- a fire detection system must be installed in the shop
- the domestic parts of the building must have access/exit routes that are fire-separated from those used for the pyrotechnic store
- there must be suitable fire separation between the pyrotechnic store and the domestic accommodation, and
- 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 registered 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 hawk, sell or expose for sale any fireworks upon any highway, street or public place.

Additional fire precautions

Your premises should already meet various fire regulations, but below is additional advice for the period you are selling fireworks:

- Don't store fireworks in passageways or under stairs and keep these clear at all times. Don't obstruct any doors.
- Keep water-type fire extinguishers handy and make sure they are properly maintained. Buckets of water or sand are useful standbys in addition to extinguishers.
- Have a display notice that tells everyone what to do if there is a fire.
- If someone suspects a fire, get everyone out and call the fire service. When the fire officer arrives, tell them that fireworks are involved and where and how they are stored.
- Ensure staff are adequately trained and familiar with the above precautions.

Rules on the use of fireworks for members of the public

Your customers may ask you about the laws on possession of fireworks or when they can be let off.

It is an offence for any person under the age of 18 to possess adult fireworks. It is also an offence for any member of the public to possess Category 4 fireworks.

There are restrictions on when fireworks can be let off. It is illegal to let off fireworks after 11.00 pm - except on November 5th when it is 12.00 pm (midnight), and on Diwali, New Year's Eve and Chinese New Year when it is 1.00 am.

These laws are enforced by the Police.

This leaflet is a brief summary of the law regarding the sale and storage of fireworks. It is not an authoritative document on the law and is only intended for guidance. If you have any queries about the law or your responsibilities as a firework retailer, please contact Trading Standards.