

Guidance for Businesses Selling Fireworks to the Public

REGISTRATION and LICENSING:

Fireworks are explosives and depending on the quantity of explosive material you wish to store and the duration of storage, you are likely to need to apply your local County Council for the relevant registration/licence. When ordering fireworks from your supplier/wholesaler, you need to have regard to the amount you can legally store on the premises in total, what storage facilities you have on your premises and how much can be kept in the retail sales area at any time:

Less than 5kg – no application required (although the rules of safe storage, fire safety at workplaces and general health and safety at work provisions still apply);

5kg to 250kg – your store may require registration with the County Council;

250kg to 2000kg – your store may need to be licensed by the County Council; and

Over 2000kg – your store may need to be licensed by the Health and Safety Executive.

Note that any reference to a weight limit refers to the Net Explosive Quantity (NEQ), i.e. the amount of explosive material INSIDE the firework/cartridge/fog signal/flare/throwdown etc. For guidance only the NEQ of fireworks roughly equates to one quarter of the gross weight, but a specific weight may be stamped on the outer carton.

Limits to storage in the retail sales area:

The quantities are specifically limited in the RETAIL SALES AREA depending on the floor size - the limits are:

FLOOR AREA OF SALES AREA IN SQUARE METRES	MAXIMUM NET EXPLOSIVE QUANTITY
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

Firework Storage Safety Requirements Checklist:

- In a backroom STORAGE AREA fireworks may be kept in substantial containers such as wooden/metal cupboards, OR in closed transport packaging in an enclosed area such as a separate room or cupboard kept exclusively for that purpose (note that metal dustbins are no longer acceptable); transport packaging must be resealed by taping or interweaving the box flaps after fireworks have been removed, and must itself be kept in an appropriate storage place;
- The firework storage place should be kept exclusively for this purpose, designed to prevent “fragment-throw” in the event of a fire. This may be by way of storage inside ISO shipping containers, separate rooms, cupboards or cabinets, or by the use of structural partitions, wire mesh screens or cages. Ideally the retail packs should always be inside their transport boxes – however in smaller outlets where cupboards, cabinets, trunks etc. are used as storage containers, the fireworks will have been removed from their transport boxes. Assuming the cupboard in question is sufficiently large and robust, this is acceptable;
- There must be a fire-resisting separation (e.g. a block or stud partition or other suitably constructed wall) with at least 30 minutes’ fire resistance between the store (or warehouse containing the store) and the retail sales area;
- ISO containers or similar must be kept away from public access. They should be marked with a Fire Division 4 symbol (red diamond accompanied by the number 4) while fireworks are inside. Smoking should not be permitted in the vicinity of the container;
- ISO containers in car parks must be cordoned off to prevent malicious/arson attacks and to ensure vehicles are kept at least 3 metres away. If the container is in a secure yard it should be positioned to avoid collision by delivery vehicles;
- Fireworks must be kept away from flammable/combustible goods such as drain cleaners, paint strippers, adhesives, acids, wood treatments, fertilisers, peroxides, white spirit, nylon tights/stockings, cardboard boxes, paper, toilet rolls, LPG and other gas cylinders, any hot surface and parked vehicles;
- Unwanted empty packaging waste should be removed from the storage area straight away (although some transport packaging should be retained in the event that articles need to be returned to the supplier);
- The storage area must be situated where it does not endanger emergency escape routes;

- Fire detection systems should be installed – at the very least there should be a smoke detector in good working order;
- Sources of ignition must be excluded, such as matches, lighters, space heaters and other portable heaters;
- In a walk-in store interior lighting is acceptable but preferably should be of the “bulkhead” type to retain shattered bulbs. Bulbs therein should use cool glass such as low energy types, and should not be directly above stored fireworks. Light switches should be on the outside of the store.
- Direct sunlight should not fall onto explosives. This is especially relevant where it may be magnified, for example through stored glass bottles which could act as lenses;
- Smoking must not be permitted anywhere near fireworks;
- Fireworks must not become wet or damp, for example through leaking roofs or placing transport packages directly onto the ground;
- Ensure that the oldest stock is used first;
- Return any damaged articles or packages to the supplier;
- Ensure stacks of packages are stable. Additionally, overstacking can cause pressure deformation of the lowest packaging and fireworks leading to spillage of their pyrotechnic contents;
- Leave a sufficient gap between stacks and walls to allow air to circulate freely;
- Fireworks should be stored as low as possible to reduce the impact if dropped. Goods should not be stored above fireworks for the same reason;
- The store-room should be restricted to trained staff who are aware of the dangers. It should be in an area where personnel do not need to pass through or remain within for prolonged periods;
- Fire exits and escape routes must be kept clear and unlocked;
- Staff must be made aware of the existence of the explosives storage area (this includes cleaning personnel), and trained in the procedures for selling to consumers and restocking displays (including weight limits);
- Staff should also be trained in fire prevention and how to deal with abnormal and emergency situations. Emergency procedures should be in writing and clearly displayed, and fire drills carried out;
- Visitors to the store, especially contractors working around the explosive storage area, must also be made aware of the existence of the hazard, fire prevention procedures and action to be taken in the event of an emergency. Contractors’ portable electrical appliances should not be used around the explosives storage area;
- Bare metal components in explosive storage containers should be covered or coated by a non-metallic material such as paint or thick tape to reduce the risk of spark initiation;
- Persons between 16 and 18 years of age should not be left in charge of a store unless supervised by an adult. General advice should be that storage and supply of explosives is only to be carried out by an appropriately trained adult.

- In the RETAIL AREA fireworks must be kept in suitable containers or display cabinets – glass and Perspex are both acceptable, plus wood, metal or another substantial material which does not readily catch fire;
- They must be positioned well away from fire exits and emergency escape routes;
- There should be no other flammable items stored with the explosives, except instruction leaflets or safety literature to be supplied with the fireworks;
- Fireworks outside of both the storage area and the display cabinets (e.g. during transfer in roller cages) must never be left unattended;
- Storage cabinets should be positioned so that fireworks are the final item a consumer will purchase – fireworks should not be pushed around a supermarket in a trolley with the rest of the shopping;
- Cabinets must be dry before use;
- Any electrical fitting in the cabinet (e.g. lamps, refrigeration motors) must be disconnected from the supply and measures taken to prevent inadvertent reconnection;
- Smoking must not be permitted – notices should be displayed to that effect;
- “Dummy” fireworks may be displayed outside of cabinets, but ensure they are not mixed with live articles;
- When live articles are taken from a display case, they must be kept under the supervision of a member of staff until sold;
- Escape routes and fire exits must be kept clear;
- No individual container/cabinet may contain more than 12.5kg net, and each one must be secured against public access for example by the use of a suitable lock or by retaining in a “staff only” area ;
- Retail packs of fireworks must not be split into individual fireworks;
- Sparklers must carry the warning “Not to be given to children under 5 years of age”;
- Any fireworks deemed unacceptable for public use by the regulations (normally British Standard Category 4) must carry the warning “this device must not be sold to or used by a member of the general public.”
- Only fireworks which conform to British Standard 7114 Categories 1, 2 and 3 AND to the Firework/Pyrotechnics (Safety) Regulations may be sold to the public.

Explosives Stores at premises adjoining or containing domestic/sleeping accommodation:

A store (i.e. a shop) which adjoins or contains DOMESTIC/SLEEPING ACCOMMODATION may not contain more than 75kg net of fireworks

UNLESS there is a functional fire detection system in the shop, the domestic parts of the building have fire-separated access/exit routes, the separation doors/floors/ceilings between the store and domestic accommodation offer at least 30 minutes' fire resistance, and the store is closed off and secured from the domestic part to prevent unauthorised access. This exception will be most relevant to smaller shops which may have, for example, a flat above or a terraced house next door.

Articles such as Christmas crackers, party poppers, toy caps and throwdowns are likely to present minimal risk in the quantities usually found in shops – they may therefore be kept on open display in their retail packaging.

Other relevant requirements:

Unless a special exemption licence has been obtained from us, fireworks may only be sold during the following periods:

15th October to 10th November;

26th December to 31st December;

Festivals Chinese New Year and Diwali, plus the three days preceding each.

Note actual dates for these may vary year on year.

There are also curfews on the use of fireworks between 11pm and 7am except during the festivals mentioned above . Illegal possession in the street and use out of hours is enforced by the Police.

An A3 notice must also be displayed for customers in retail premises stating “It is illegal to supply adult fireworks to anyone under the age of 18” and “It is illegal for anyone under the age of 18 to possess fireworks in a public place”.

Various fireworks are banned in the UK; in brief, a retailer may not sell bangers, airbombs, mini-rockets, aerial shells and maroons, shells and maroons in mortar tubes, erratic fireworks, British Standard 7114 Category 3 fireworks over 120 decibels, and Category 4 (professional display) fireworks.

Direct sale to the public must be from a retail premises and not a public place, so it is illegal to supply any explosives from a market stall or from the back of a van.

Under-age Sales

Age limits are:

Fireworks including sparklers – minimum age 18;

Other items such as caps, party poppers, Christmas crackers and throwdowns – minimum age 16.

Throwdowns are often found on sale at fairs and carnivals from temporary stalls. Note that one of the remaining sections of the Explosives Act prohibits selling explosives in a public place, so this practice remains illegal.

Penalties for offences.

These range from loss of licence to substantial fines and imprisonment.