

Fireworks

Licensing and storage

Trading Standards Information

1. Introduction

Fireworks contain explosives and must be stored safely and securely. Anyone wishing to store explosives must obtain a licence from the council which details the storage site. Application fees apply.

2. Do I need a Licence?

A Licence is required if storing:

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

This includes both the amount held on a shop floor sales area as well as in stock rooms or storage areas. If you would like to store larger quantities of explosives, over 250kg of Hazard Type 4 (or over 100kg of Hazard Type 3) you need a licence.

If you store less than 5kg of explosives, then there is no need to be licensed. In the case of fireworks, most for retail sale are Hazard Type 4, but some may be Hazard Type 3 (usually marked 1.3G). If you are storing any Hazard Type 3 explosives your entire stock should be treated as such and therefore no more than a maximum 100kg can be stored. However if you are then storing more than 25kg, you are also subject to separation distances from other buildings, accommodation or public areas.

The quantities are often marked on the outer packaging but if you are in any doubt as to the Hazard Type or NEQ you should seek advice from your supplier, as responsibility to store in a safe manner and within permitted quantities rests with the licence holder.

3. Storage regulations and acquisition limits

You must not store fireworks until you have been granted a licence and comply with the conditions. Licences must be refused if the site is unsuitable or the applicant is not a fit person to store explosives.

The Explosives Regulations 2014 are new regulations in force from 1st October 2014. Registrations issued before that date under the old Manufacture and Storage of Explosives Regulations 2005 (MSER) will remain valid under the new regulations until they expire.

No person may acquire more than 50kg of fireworks unless they hold a valid licence to store them. No person must sell or transfer more than 50kg of fireworks to any person unless they have been shown a valid licence to store them by that person.

4. What are the safety requirements in the regulations?

You must take appropriate measures to:

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

- Prevent unauthorised persons having access to explosives or the place where they are stored

The appropriate measures will depend on the size and nature of your premises and the type of fireworks you are storing but in all cases the person storing is responsible for carrying out a risk assessment.

Further information on the safety requirements for storage is contained in sections 8 to 12. You can use this guidance as a checklist as part of your risk assessment.

5. Restrictions on when you can sell / supply adult fireworks

You are only permitted to supply or expose for supply adult fireworks at the following times of year:

- From 15th October to 10th November and from 26th December to 31st December;
- Diwali day and the three days immediately preceding it;
- The first day of Chinese New Year and the three days immediately preceding it.

You can **store** fireworks throughout the year provided they are stored in accordance with the regulations.

If you wish to **sell or supply** fireworks at any other times, a separate £500 licence is required in addition to any storage licence.

6. Explosives classification and Net Explosive Quantity (N.E.Q.)

All types of explosives are classified under a United Nations designation system. Most retailers will stock fireworks that are classified as Hazard Type 4 (HT4). Some larger fireworks may be more dangerous and will be classified Hazard Type 3 (HT3). We recommend you do not stock these.

It is important to know which type you wish to store because you won't be permitted to store as much stock if you have any HT3 explosives. As a guide you can usually tell the class from the orange transport warning markings on the outer boxes. In most cases 1.3G will relate to HT3 and 1.4G will relate to HT4. Always ask your supplier to be sure. Be careful not to confuse explosive hazard type classifications with firework category classifications – they are different and unrelated.



The maximum quantities mentioned in relation to explosives in the regulations refer to net explosive quantity. This is the quantity of explosive contained within the fireworks and not the gross weight. The explosive quantities should be indicated on the packaging and labelling of fireworks and your suppliers should also provide the information. If the explosive mass is unavailable it is presumed to be one quarter (25%) of the gross weight of the fireworks.

7. What quantities can I store under a licence?

Your licence conditions will specify the total amount permitted (NEQ) to be stored at the premises. Remember the bigger the amount stored the greater the risk and so as quantities go up conditions will be stricter. In addition you may have to meet requirements relating to **separation distances**. These are the distances between the firework store and things like roads, railways, paths and occupied buildings.

As a general rule provided you store less than 250kg NEQ of HT4 explosive you will not have to consider separation distances. However if your stock included any HT3 then all your stock will be treated as HT3 and, if the NEQ is greater than 250kg, the separation distances will apply. For further details on separation distances contact us or refer to the guidance published by the Health & Safety Executive. This is available free online at www.hse.gov.uk/pubns/books/l150.htm

8. Where can I store fireworks?

If possible use empty 'dummy' packs to display in sales areas and keep the live stock in secure designated storage elsewhere. If this is not possible then some live stock may be held securely in the sales area. The amount that may be stored in the sales area is subject to risk assessment but will generally depend on how big that area is. For example, a small shop with a sales area up to 20 square metres is likely to have a condition stating only up to 12.5kg NEQ may be stored in the shop sales area.

Shops having a larger sales area can store more subject to risk assessment but conditions may stipulate that individual display cabinets must hold no more than 12.5kg NEQ.

9. How should I store fireworks in the shop sales area?

- Use display cabinets or storage cupboards which will protect against sparks or sources of ignition;
- Disconnect lighting or electrical fittings in display cabinets/cupboards and keep heat sources away;
- Do not store any other goods with the fireworks;
- Keep display cabinets/cases locked or where no unauthorised person could access them;
- Do not use shop window displays unless the packets are empty 'dummy' packets.

10. How should I store fireworks kept elsewhere?

Fireworks kept away from the shop floor area are best kept on their own in a secure store room away from any other stock. Some large retailers use approved ISO shipping containers located outside, or dedicated storage areas with fire resistant structural partitions.

If this is not possible fire resistant wooden or metal cabinets should be used for the fireworks in the store.

Alternatively metal mesh roller cages can be used in certain circumstances. However, if the mesh gap is 50mm or larger a fire detection system may be required.

11. General principles of safe storage

- Emergency procedures and general fire precautions are established

- There is fire resisting (minimum 30 minutes) separation between the firework store and sales area;
- Potential sources of ignition and heat are excluded and smoking is prohibited
- No other flammable materials and articles that could quickly catch fire are stored in the same area;
- Escape routes will not be compromised by fireworks in the event of a fire;
- Exit doors push open outwards, are not obstructed and can be accessed without keys;
- Escape routes and exits are clearly marked, identifiable and appropriately lit;
- There is no risk of damp in any store (dampness affects the structural integrity of fireworks leading to unpredictable and potentially dangerous behaviour when lit);
- The store, container or cupboard is secure from unauthorised access and bears appropriate signage;
- Fireworks are kept in their closed transport boxes. These are only opened when needed and any remaining contents resealed afterwards until empty. Empty boxes should be disposed of.

12. Additional precautions for stores in the same building as domestic or sleeping accommodation or adjoining it

If more than 75kg (NEQ) / 300kg gross of Hazard Type 4 are kept in a store within or adjoining, a building that is, or may be, used for domestic/sleeping accommodation, suitable steps must be taken to protect potential residents of those premises in the event of a fire such as;

- A mains powered fire detection system must be installed in the shop with an external alarm or similar that will alert the residents in an emergency;
- The domestic parts of the building must have access/exit routes that are fire-separated from those used for the firework store;
- There must be suitable fire separation between the firework store and the domestic accommodation;
- The store must be closed off and secured from the domestic part of the property.

13. Fire fighting principles

It may be appropriate to exclude fire fighting from an emergency plan where fireworks are stored but;

- Any fire fighting equipment must be suitable and maintained properly;
- Fire fighting equipment should only be used by those who have been appropriately trained;
- For small retailers storing HT4 explosives a 9 litre water extinguisher or 3kg dry powder extinguisher may be suitable to safeguard personal escape or to maintain protection while others escape.

14. Are there any exemptions to requiring a licence?

No licence is required for the storage of;

- Up to 5kg (NEQ) of HT3 or HT4 explosives or;
- Up to 50kg (NEQ) HT4 explosives consisting of fireworks provided that they are stored for no longer than 21 days and are not for sale or for use at work or;
- Up to 250kg (NEQ) HT4 explosives provided that they are stored for no longer than 5 days in their place of intended use or;
- Any HT3 or HT4 explosives for less than 24 hours.

Note that you must still comply with the **safety requirements** concerning fire prevention and control and the separation distances.

15. What happens if I don't comply with these Health & Safety requirements?

Failure to comply could result in stock being seized and prosecution. On conviction in the Magistrates Court a fine of up to £20,000 and or imprisonment up to 12 months may be imposed. In the Crown Court an unlimited fine and or up to two years imprisonment may be imposed.

16. Further information

If you require further assistance on these requirements, or would like additional guidance, please contact us at the address given. To obtain a licence application and fees please contact us at: Environmental and Consumer Protection Services, Units 1 & 2, New Fields Business Park, Stinsford Road, Poole, Dorset. BH17 0NF. 01202 261700.

Please note: Only the Courts can interpret statutory legislation with authority - guidance may be revised without notice.