

## Selling & Storing Fireworks

The Manufacture and Storage of Explosives Regulations (MSER) came into force on 26<sup>th</sup> April 2005 and largely replaces the 1875 Explosives Act. If you store fireworks, you still require registration or licence from the local authority i.e. Trading Standards.

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

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

### Who needs to be registered?

Registration is required if storing

- 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 premise.

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 storing large quantities of fireworks (e.g. 250kg - <2000kg NEQ of Hazard type 4 fireworks), you need to licence the store with Trading Standards.

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

## Quantities in sales area

The table below sets out the maximum quantities that may be kept in the sales area of premises:

<i>Floor area of sales area (sq. metres)</i>	<i>Quantity of explosives (kg)</i>
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 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 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 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:

- a) in an ISO transport container (or similar fully enclosed metal structure)
- b) using storage cupboards or cabinets
- c) building a structural partition
- d) using a wire mesh screen or cage or
- e) 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) a fire detection system must be installed in the shop;
- B) the domestic parts of the building must have access/exit routes that are fire-separated from those used for the pyrotechnic store;
- C) there must be suitable fire separation between the pyrotechnic store and the domestic accommodation; and
- D) 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 sell fireworks to persons under 18 years of age; and
- to hawk, sell or expose for sale any fireworks upon any highway, street, or public place.

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.

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 (e.g. ground spinners, jumping jacks, squibs)
- 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 (or the DTI produced poster), stating the following:

It is illegal to

1. Sell adult fireworks or sparklers to anyone under the age of 18 and
2. it is illegal for anyone under the age of 18 to possess fireworks in a public place

The DTI poster can be found at <http://www.dti.gov.uk/fireworks/download/041418p.pdf>

#### **Important notes**

It is your responsibility to ensure you are aware of, and complying with the regulations manufacture and storage of explosives.

The licensing authority will not normally visit your premises before granting a registration. 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<sup>th</sup> October to 10<sup>th</sup> November
- 26<sup>th</sup> December to 31<sup>st</sup> December
- On the 1<sup>st</sup> 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 may also need a £500 licence under the Fireworks Regulations 2004.

#### **Please Note**

West Lothian 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:

**West Lothian Council**

Trading Standards Service  
5 Inchmuir Road  
Whitehill Industrial Estate  
Bathgate  
West Lothian  
EH48 2EP

Tel 01506 776410  
Fax 01506 776414

E-mail: [tradingstandards@westlothian.gov.uk](mailto:tradingstandards@westlothian.gov.uk)