A Guide to the Retail Sale of Fireworks in Hillingdon, including Licensing, Categories of Fireworks and Age Restriction

The Explosives Regulations 2014

The Explosives Regulations 2014 came into effect on 1 October 2014. They bring together the requirements of health and safety related explosives laws into a framework based around common topics such as authorisation, safety, security and placing on the market. They impose storage requirements for explosives, including fireworks.

Failure to meet the requirements of the law relating to the sale and storage of explosives (including fireworks) may render traders liable to prosecution, with severe penalties upon conviction.

These pages summarise the requirements of a license for the storage of fireworks sold in retail premises to members of the public. It is important you also read and understand your responsibilities in relation to the safe storage of explosives.

Please note: The recommendations and requirements in this document have been updated to reflect those made under the new overarching Health and Safety Executive (HSE) explosive guidance document L150 which can be found here: Guidance on Regulations – Safety provisions. To assist local business, where the HSE has issued no further specific sub-sector guidance for firework storage under the new Explosive Regulations 2014, we have referred to that provided under the previous Regulations and Approved Code of Practice to ensure consistency of regulatory advice and action.

Licensing

The quantities in the Regulations refer to Net Explosive Mass (NEM) (sometimes also referred to as Net Explosive Content (NEC) or Quantity (NEQ)) which is the actual mass of explosive contained within the fireworks. This is not the same as gross weight, which includes all the fireworks' immediate packaging, casings, sticks etc. If you do not

know the net explosive mass of a firework, it is taken to be ¼ of its gross weight e.g. if fireworks weigh 1000kg gross weight, they will have a net explosive mass of 250kg.

In general, any person who stores explosives (including fireworks) must hold a licence to do so. There are some exemptions, for example, the storage of very small quantities of specific explosives such as sparklers, and where certain explosives are stored only for very short periods.

In most cases, if your business wishes to store and sell fireworks you will need to apply for a storage licence from Hillingdon Council. Where the storage exceeds 2000kgs (NEM) of fireworks on one site, or where you cannot comply with the 'fixed rule' separation distances in the Regulations you will need to apply to the Health & Safety Executive (HSE).

How do I apply for a licence for the storage of fireworks?

In Hillingdon, the Applications Processing Team administers firework storage licensing on behalf of the Trading Standards Service. An online application form must be completed and returned with the correct fee (which the HSE set). The application can be refused, amended or revoked once issued, should the place of storage be unsuitable or the applicant be deemed an unfit person to store fireworks.

How much can I store under a Licence?

For the purposes of storage, legislation determines the amount of fireworks that can be stored together and under what conditions. The legislation defines fireworks as a Hazard Type depending on the hazard they pose in manufacture and storage conditions. The quantities will depend upon the Hazard Type, HT1, HT2, HT3, or HT4. Consumer fireworks typically fall under **Hazard Type 4** (HT4) or **Hazard Type 3** (HT3).

Hazard Type 4 means:

- those explosives which present only a relatively low explosives hazard in the event of ignition or initiation, where no significant blast or projection of fragments of appreciable size or range is expected.

You can store up to 250kg NEM of Hazard Type 4 fireworks (commonly known as "garden fireworks" having a minimum spectator distance of either 5 metres or 8 metres) without any storage separation distances applying. If you intend to store more

than this amount then you must ensure you can comply with the separation distance requirements set out in Schedule 5 of the Explosive Regulations and summarised at the end of this document.

For the purposes of transport and packaging, the legislation has given all fireworks a UN classification number, depending on their potential hazard. For consumer fireworks, this will be **1.3G** or **1.4G** and that will be shown on the side of the firework's original box as an orange diamond with the UN number inside. Most fireworks sold in retail premises are labelled 1.4G and classified as Hazard Type 4 (HT4).

We remind you that this is the maximum quantity that you may store. In some circumstances, you will not be able to keep this amount for safety reasons and you must keep a reduced amount.

If you store fireworks that are more powerful, labelled as 1.3G on their transit boxes, these are classified as Hazard Type 3 (HT3). These larger fireworks, commonly known as "display" fireworks for open areas such as large gardens or fields, normally require a safety distance from spectators of at least 25 metres.

Hazard Type 3 means:

- those explosives which give rise to considerable radiant heat or which burn to produce a minor blast or projection hazard.

We do not recommend the sale of these to the public as few people have private gardens that are big enough to allow safe use of the explosives.

If you store **any** HT3 fireworks, there may be a reduction in the overall quantity that you can store. The rules for storage will also be different, so you will need to contact us for further advice. (See further guidance on Hazard Type 3 later in this guidance).

If you store a mixture of HT3 and HT4 fireworks, then the explosive amount is calculated as if it were **all** HT3 e.g. if you have 50kgs NEM of HT3 fireworks and 200kg NEM of HT4 fireworks, they will be treated as if they were all HT3. That would make it a total of 250kg NEM HT3 and the appropriate separation distances will apply.

You cannot sell Hazard Type 2 fireworks to members of the public. Professionals use

these fireworks under tightly controlled conditions for large organised display events.

Exemptions

There is no need for a licence for the storage of up to:

- 5kg (NEM) – equivalent to 20kg gross of fireworks; or
- 100kg (NEM) – equivalent to 400kg gross fireworks of Hazard Type 3 - provided that they are stored for no longer than 3 days in their place of intended use; or
- 50kg (NEM) – equivalent to 200kg gross fireworks of Hazard Type 4 - provided that they are stored for no longer than 21 days and are not for sale or for use at work.

How must I store the fireworks?

Any person who stores fireworks must act appropriately to;

- prevent fire or explosions;
- 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; and
- protect people from the effects of fire or explosion (including blast and smoke effects).

Safety measures include:

- controlling sources of energy that could initiate a fire or an explosion ('sources of initiation') and the circumstances that could bring an initiation about;
- taking steps to prevent fires spreading or explosions communicating, and limiting the amount of explosives involved;
- considering the number of people who might be affected by an explosives event;
- having emergency procedures and equipment in place;
- taking steps to ensure people can quickly escape in the event of a fire; and
- making provision to protect them from the effects of a blast or other explosion effect.

Safety measures will often be straightforward to identify and to implement. For example, in a store holding a smaller quantity of HT4 fireworks:

- to prevent a fire or an explosion:
    - exclude sources of ignition such as naked flames and heaters;

- to limit the extent of the fire or explosion:
    - keep the articles away from stocks of combustible or flammable substances;
- to protect people from the effects of fire or explosion:
    - ensure that the building can be effectively evacuated and that information on the building's contents could be provided to the emergency services.

Safety measures must continue to be effective whenever explosives are present. As part of those measures, this means that anyone storing explosives will need to understand how their appropriate measures can fail and have suitable arrangements in place to ensure their preventative and protective measures remain effective.

You must identify the safety measures and implement them before you begin any new or changed explosives operation (i.e. storage).

Employers must consult all their employees (either directly or via safety representatives), in good time, on health and safety matters. You must consult employees on:

- risks arising from their work;
- proposals to manage and/or control these risks;
- the best ways of providing information and training.

Employers can ask employees and their representatives what they think the hazards are, as they may notice things that are not obvious and may have some good, practical ideas on how to control the risks.

No person who stores explosives shall permit a person under 18 years to work in that storage area except under appropriate supervision.

Common Safety Principles

You should apply the following 'common principles' to ensure the safe storage of fireworks:

- protect the fireworks from sources of ignition;
- prevent any outbreak of fire from spreading;
- avoid unsuitable storage conditions;

- ensure accurate control and record keeping requirements; and
- ensure a good standard of housekeeping.

Where must fireworks be stored?

You can keep fireworks in the building (shop) from which you sell them and where suitable conditions are available. They may also be stored outside in suitable buildings/containers. The location of any storage facility should ideally be on the ground floor with consideration given to reducing the distance that you take the stock to the point of sale.

Fireworks should **not** be in any place that would put emergency services at unacceptable risk or hinder escape from the premises; for instance, they must not be stored in a cellar, or basement, or in or under a staircase or escape route.

In licensed premises, you increase the risk of a fire involving or spreading to fireworks due to the other activities that take place in the working environment, including the presence of members of the public.

It is, therefore, imperative that you put control measures in place to prevent the accidental ignition of the fireworks and to restrict the spread of fire, should one break out. You can achieve these objectives by segregating the fireworks from sources of ignition/heat, other combustible/highly flammable goods and public access.

For any storage of fireworks, you must ensure that:

1. you keep all fireworks and their storage locations well away from combustible and flammable substances. These are materials that can easily catch fire and burn (for example, bulk quantities of paper and cardboard, dry powders (including some foodstuffs), nylon stockings etc.), and hazardous substances (for example, lighter fuel, aerosols, white spirit, drain cleaner, fertilisers, paint or matches, etc);
2. the fireworks are kept in closed transport packaging i.e. the brown cardboard transport boxes that they are delivered in;
3. smoking is not allowed in or near the stored fireworks;
4. lighters and matches are not permitted in the storage area;
5. sources of heat, such as portable heaters, are kept well away from fireworks;
6. any electrics or lighting do not pose a risk of ignition. You must remove

electrical equipment (other than light fittings and fire detection equipment) and blank off plugs. N.B. Light fittings that are used should not contain incandescent light bulbs.

7. electrics and lighting in storage cabinets and containers in which fireworks are stored must be disconnected;
8. fireworks are not emptied into metal dustbins;
9. the fireworks are protected from damp and chemical contamination;
10. entry to the room or store used for storage of the fireworks is restricted to those members of staff who need to be there;
11. the storage area must be kept clean of loose powder and unwanted empty packaging;
12. the quantities of fireworks being stored and handled in areas where people work or gather is kept to a minimum and controlled;
13. there are adequate, accessible and unobstructed fire escapes allowing people to escape quickly;
14. external stores are equipped with suitable lightning protection (unless the storage of the fireworks is temporary, for example, for no more than a few weeks on a seasonal basis);
15. a suitable fire warning system and fire detection system is installed. This should be suitable for the site and appropriate to the level of risk presented. For example, a battery operated smoke alarm may be appropriate in a small shop storing a small quantity of fireworks where no one lives above or adjoining to the premises, but this would be inadequate for larger firework stores or premises including residential accommodation;

Segregation

Methods of segregation can include the storage of fireworks in:

a) an ISO transport container (or similar fully enclosed metal structure preferably located in an external position);
b) a dedicated storeroom;
c) a fully enclosed substantial (small gauge) wire mesh compound *(see further guidance below on roller (mesh) cages)*;.
d) a demarcated area (for limited quantities not exceeding 75KG NEM) in sealed/resealed transport boxes; and
e) a substantial cupboard, cabinet, container or display case (we recommend a wooden cabinet or similar material which will not transfer any external heat from

a fire through to the fireworks stored inside as quickly as a metal cabinet may).

NOTE: If you do use a strong & robustly constructed metal container for the storage of Hazard Type 4 fireworks, it may have a 'severe confinement' effect that will increase the hazard to Hazard Type 3. HT3 fireworks will reduce your permitted maximum NEM amounts and impose a separation requirement. Contact us for further advice.

Ensure that you completely enclose any container or enclosure on all sides and it is substantially constructed. It must be suitably located and be well away from flammable or hazardous substances. You must ensure that the place of storage is suitable for the quantity of fireworks that you are storing. Members of the public must not be able to gain ready access to the stored fireworks or to the areas where you keep fireworks.

There must be at least half an hour fire resistance between the fireworks' store and the public sales area of the shop. The segregation methods listed above may not adequately restrict the spread of fire, so it may be necessary for the storage place to be constructed from materials achieving a half hour standard of fire-resistance (for example, a breeze block, stud partition or other suitably constructed wall).

Fire Resisting Separation

Alternatively, fire-resisting separation may be essential if the building comprises more than one storey, and you use it to store other combustible or highly flammable goods, or there is no separation of the general storage section from the retail area by a fire-resisting wall. The steel fabrication of ISO containers means these are NOT suitable for the storage of fireworks where a fire resisting enclosure is necessary. Contact us, or your local Fire Brigade, for further advice.

Fire Fighting Equipment

The provision of firefighting equipment as part of the overall fire risk assessment for explosive storage may safeguard personal escape, or maintain protection whilst others escape. One 9-litre water extinguisher or a 3kg dry powder extinguisher may be suitable for firefighting of this type as they are simple to use, do not pose major incompatibility issues with the types of explosive used in retail fireworks and have limited duration. Do not supplement these by additional extinguishers as this may encourage those fighting the fire to stay longer than it is safe to do so.

Maintenance

All extinguishers must be properly serviced and maintained. You should visually inspect extinguishers for damage monthly and you must service them once a year. Discharge and refill water, foam and powder extinguishers every five years.

BS5306:3 2009 is a British Standard Code of Practice that gives detailed recommendations on current best practice for the commissioning, installation, service and maintenance of fire extinguishers. Most professional Service and Maintenance companies operate to this Code of Practice and issue Certificates of Compliance to BS 5306:3 2009 for the work done.

Irrespective of whether you choose to operate to BS5306:3 2009, employ external Contractors for Service, or conduct Servicing at the recommended intervals, if you are a Business, you must be able to demonstrate to a Fire Safety Inspector that you have a “suitable system of maintenance”. In addition, that you have taken appropriate actions “so far as is reasonably practicable” to safeguard your premises, employees and visitors from fire.

In general, the manufacturer’s instructions will tell you what you need to do to keep your extinguisher in good working order. After you have used an extinguisher, even if only partially, you should recharge it according to the manufacturer’s instructions.

For the yearly maintenance you should use a company registered by the British Approvals for Fire Equipment (BAFE). BAFE is a Government recognised national organisation. You can get details of approved products and advice from:

British Approvals for Fire Equipment,
48a Eden Street,
Kingston upon Thames,
Surrey, KT1 1EE
(Tel: 0181 541 1950).

Note. They can also supply a list of companies approved by them to service portable fire extinguishers.

Fire Risk Assessment

Fire Risk Assessments (FRA) are a legal requirement of the Regulatory Reform (Fire Safety) Order 2005 (RRO). The legislation requires the responsible person to look at (risk assess) the fire precautions within their premises.

The Health & Safety Executive has produced a 'Fireworks in shops retailers risk assessment checklist' that can be used as part of this risk assessment. A copy is available on the HSE website http://www.hse.gov.uk/pubns/indg407ch.pdf

In the event of fire involving fireworks or other explosives, the hazards may include smoke and hot toxic gases as well as flames and burning projectiles. The speed at which these may spread through a building will also exacerbate the danger.

The general areas to look at are:

- Means of detection & giving warning in case of fire
- Means of escape
- Means of fighting fire
- Staff training
- Maintenance and recording.

5 steps to risk assessment

Step 1 - Identify any fire hazards

Step 2 - Identify who could be harmed

Step 3 - Evaluate the risks

Step 4 - Record the significant findings

Step 5 - Review and revise assessment

Step 1 – Identifying fire hazards

3 areas should be looked at:

- Ignition sources – electrical, cooking, smoking, hot surfaces, arson, naked flames, etc.
- Fuel sources – flammable solids, liquids & gases
- Oxygen sources – Present in the air, but also from oxidising agents/chemical products, etc.

Walk around your premises and identify all areas which have the potential to contribute to a fire.

Step 2 - identifying people at risk

If a fire was to start, look at the people who would be at risk. Do they have any special needs? Consider:

- Workers, Customers, Visitors, Contractors

Pay attention to people at risk such as:

- Disabled
- Elderly
- Lone workers
- Working out of normal hours
- People in isolated areas.

Step 3 - evaluate, remove, and protect from risks

Consider the measures needed to prevent fire by:

- Evaluating the likelihood of a fire occurring
- Evaluating the risk to people from a fire starting somewhere in the building
- Removing or reducing the hazards that may cause a fire
- Removing or reducing the risk to people from a fire

Look at the measures within your premises to protect people from fire. Are they suitable and sufficient? These measures include:

- Fire detection and warning systems
- Means of escape (escape routes, fire resistance, fire doors, etc)
- Fire fighting equipment
- Signs and notices
- Lighting (normal and emergency)
- Staff training
- Maintenance

Step 4 - record, plan, instruct, inform & train

If 5 or more people are employed, or your premises are licensed, the significant findings of your risk assessment and control measures must be recorded.

A plan of “Action to be taken in an emergency” should be produced. The plan should be:

- Based on the outcomes of your fire risk assessment
- Appropriate to your premises

- A plan of exactly what you want your staff to do in an emergency
- Available to all relevant persons

Give all staff information and instruction on what to do in an emergency. Give this:

- As soon as possible after appointment; and at
- Regular intervals thereafter.

The information and instruction must include:

- Significant findings of your risk assessment
- Measures in place to reduce risk
- Action to take in the event of a fire
- Identity of people nominated with fire safety responsibilities
- Any special arrangements for serious imminent danger

Staff Training should include:

- Action on discovering a fire
- How to raise the alarm
- Action on hearing fire alarm
- Procedure for alerting members of the public/visitors
- Evacuation procedure to reach the assembly point
- Location and, when appropriate, use of fire fighting equipment
- Importance of closing fire doors
- Isolation of machinery
- Reason for not using lifts (unless specifically designed for evacuation)
- Information on specific hazards in your premises

Co-operation & Co-ordination

In multi-occupied premises, it is important that you liaise with the other occupiers and inform them of any significant risk you have identified. You should co-ordinate your resources to ensure your actions and working practices do not place others at risk in the event of a fire, and that the co-ordinated emergency plan operates effectively.

Escape Routes/Travel distances

You must confirm that the number and location of existing emergency exits are adequate. This is normally determined by the distance people have to travel to reach them. In new buildings that have been designed and constructed in accordance with modern building standards, the travel distances will already have been calculated. Once you have completed your fire risk assessment you need to confirm that those

distances are still relevant. When assessing travel distances you need to consider the distances people travel when escaping, allowing for walking around furniture or display material etc. The distance should be measured from all parts of the premises (e.g. from the most remote part of an office or shop on any floor) to the nearest place of reasonable safety that is:

- A protected stairway enclosure (a storey exit);
- A separate fire compartment from which there is a final exit to a place of total safety;
- The nearest available final exit

Suggested travel distances

Where more than one escape route is provided:

- 25m in higher fire-risk area.
- 45M in normal fire-risk area.

Where only a single escape route is provided:

- 12m in higher fire-risk area.
- 18m in normal fire-risk area.

The travel distances given above are based on those recommended in Approved Document B of the Building Regulations 2000 and are intended to complement the other fire safety recommendations in Approved Document B

Most retail premises will fall within “normal” or “low” risk fire categories with the escape routes and travel distances suitable for the relevant risk category. However, the introduction of fireworks may well increase the risk to “high”. For example, in premises with a single exit route distance of 25 metres for a normal risk situation, this is reduced to a distance of 12 metres for the “high” risk situation created by the presence of explosives.

Contact your local Fire Brigade for further advice on fire risk categories and fire risk assessment.

Exit doors

Exit doors (other than those in domestic premises) should open outwards, be easily pushed open and be accessible without the use of a key, card or code whilst the building is occupied.

Exit doors should never be blocked or obstructed. There should be a flat area of at least 1 m immediately around the outside of the exit door. All escape routes and exits must be clearly marked and identifiable.

Roller (Mesh) Cages (50mm or 25mm)

You can use these in certain circumstances. It is advisable to position the cages exclusively in either a room, or enclosure, separated from the rest of the premises by a fire resisting partition, **or** where there is the provision of an effective automatic fire detection and suppression system. The use of 50mm or 25mm gauge mesh cages would be acceptable where you can meet either of these conditions.

Where there is no fire detection system or only one escape route from the premises, then the use of mesh cages is not acceptable.

If you use a cage, fireworks must only be stored adjacent to articles or materials that are incombustible or that would not readily catch fire. Alternatively, leave sufficient empty space between the fireworks and other combustible items.

Where cages are used in an area where you store other goods, the fireworks need to be kept under regular supervision and limited in quantity.

Where cages are used, take the following measures:

- the cage must fully enclose the contents (i.e. including an integral top of the same gauge);
- the cage must be in good condition with no breaches in the integrity of the mesh;
- any plastic hinges and securing mechanisms should be properly reinforced with wire to prevent the premature failure of the gate;
- the fireworks must be kept in their closed transport cartons;
- the cage gate must be kept securely closed except when the fireworks are being handled;
- the top of the cage must not be used to store other commodities or used packaging materials etc.

Storage near sleeping accommodation

If fireworks are kept in a store within or adjoining a building containing domestic or

sleeping accommodation, suitable steps must be taken to protect the residents of those premises in the event of fire. In particular, if you keep more than 75kg NEM of Hazard Type 4 fireworks in such circumstances, then you should take the following precautions:

1. A mains powered fire detection system must be installed in the shop and alarmed in the domestic area (so that occupants can be alerted to any activation of the alarm);
2. The domestic parts of the building must have access / exit routes that are fire-separated from the firework store;
3. There must be suitable fire separation between the firework store and the domestic accommodation (for example, doors and floors/ceilings offering 30 minutes fire resistance); and
4. Be able to close off the store and secure it from the domestic part of the property. This will prevent unauthorised access (including access by children connected with the domestic accommodation) and prevent the accidental introduction of sources of ignition.

External Storage - Metal ISO Shipping Containers

If you use an ISO shipping container (or a similar fully enclosed metal storage unit) or a substantial building (not wood) for firework storage in an area outside of the shop, then:

1. It must be kept in an area away from public access;
2. Measures must be taken to prevent smoking in the immediate area of the container;
3. Where it is necessary to use an area of a car park, it is essential to take measures to prevent arson or other malicious attack. Keep the container under constant supervision, or take other physical measures to prevent unauthorised access to the area around the container;
4. Cars and vehicles must not be permitted to park within 3 meters of the container;
5. Where a container is kept in a location where moving vehicles are present, such as a car park or in a goods delivery yard, it is important to put it in a suitable place in order to reduce the risk of it being hit by vehicles;
6. Place Fire Division 4 (Orange Diamond) signs on the container in order that firefighters can safely identify that the container contains fireworks.

Storage and Display of Fireworks in a Retail Environment (Sales Area)

It is permissible to keep small quantities of fireworks in the sales area where the public have access. Fireworks on the shop floor must be kept in a designated area as per your submitted floor plan, well away from sources of ignition, and in a display case or storage or cabinet which staff can supervise at all times whilst the shop is open to the public. **Please keep display cabinets at least 1m away from any live electrical appliance such as, for example, tills, photocopiers, fridges or freezers etc.**

DO NOT ASSUME ANY DISPLAY CABINETS YOU MAY HAVE USED BEFORE, OR LOCATIONS YOU MAY HAVE USED BEFORE, ARE AUTOMATICALLY ACCEPTABLE.

If you store fireworks on the shop floor:

- keep them in suitable closed display cases, storage cupboards or cabinets;
- keep them in a designated area well away from sources of ignition (for example, naked flames and portable heaters).
- do not allow smoking anywhere where you store or sell fireworks; and
- display 'no smoking' notices.

Display cases and cabinets must:

1. Be made of metal or a material that does not readily catch fire, such as wood;
2. Be completely enclosed on all sides. This includes not having any gaps in the sides of the cabinets and having backs on counters;
3. Be designed to protect against sparks and other sources of ignition;
4. Not permit unauthorised access to the fireworks by members of the public (normally, this would mean using lockable cases that are locked when unattended);
5. Not be used to store any goods other than fireworks except any instructions or safety literature;
6. Not contain lights or other electrical fittings (such fittings must be disconnected and measures taken to prevent the apparatus being inadvertently reconnected);
7. Be kept clean and dry; and
8. Be located in a position such that there is no obstruction of fire escape routes.

Small quantities of party poppers, toy caps and Christmas crackers may be kept on

open display in their retail packaging as they contain only small amounts of explosive.

Hazard Type 3 Fireworks (HT3) fireworks pose a greater risk than Hazard Type 4, so the storage conditions are stricter. The UN Hazard Type 3 warning symbol (an orange diamond), located on the manufacturers' transit boxes, identifies such fireworks.

IF YOU SEE THE NUMBER 3 TAKE PARTICULAR CARE

Some manufacturers provide appropriate purpose-built metal cabinets and/or "pyromesh" wire mesh packages for Hazard Type 3 fireworks. When these HT3 fireworks are stored in their sealed transit boxes in their designated metal cabinets/cages, they revert to Hazard Type 4 fireworks for storage purposes. In such conditions, your total allowable storage (HT3 plus HT4) would remain at 250 kgs without the need to consider separation distances.

As soon as the designated cabinets/wire mesh packages are opened, however, and the HT3 fireworks removed, your total allowable storage (HT3 and HT4) is classed as an HT3 storage and **separation distance restrictions will apply**.

Therefore, you must ensure that all HT3 fireworks are stored as detailed above and only brought out during the moment of sale.

Transit boxes, metal containers/mesh packages for HT3 fireworks must be re-sealed after each opening/sale.

You may not store more than 25kg (NEM) of Hazard Type 3 fireworks unless you are able to separate them from any dwelling or public area (including footpaths, roads & rail lines).

If the storage exceeds 25kg NEM of HT3, then the entire stock of fireworks whatever hazard category must meet the separation distances.

How much may I keep in the sales area?

You must ensure that you only keep safe levels of fireworks in the sales area. As guidance, we recommend the amount on the shop floor does not exceed the levels set out in the following table:

Total floor area of the sales area (square metres)	Quantity (NEM kg)
Up to 20	12.5
Up to 40	15
Up to 60	20
Up to 80	25
Up to 100	30
Up to 150	35
Up to 200	40
Up to 250	45
Up to 300	50
Up to 350	55
Up to 400	60
Up to 450	65
Up to 500	70
Over 500	75

We do caution that these are recommended maximum quantities that may be kept. In certain circumstances, for example, where significant quantities of flammable materials are present, you will need to reduce the amount that you store in accordance with any fire risk assessment.

Each storage cabinet or display case must hold no more than 12.5kg NEM. Where your total floor space allows more than 12.5 KG NEM to be stored on the shop floor then your fireworks should be divided between multiple cabinets/cases, each holding no more than 12.5kg NEM.

Sparklers & Toy Caps

- Sparklers and Toy Caps are classed as ‘Explosives’, however, if the total explosives storage is less than 5kg NEM, then they are exempt from licensing.
- Sparklers must be stored as an explosive.
- Toy Caps may be stored openly on shelves.

Labelling of fireworks

All fireworks must carry certain labelling information including the name and address of the manufacturer/importer, the name, type and category of firework, instructions for

use and any required warnings.

Check that the fireworks you stock and offer for sale state that they comply with BS 7114 or BS EN 14035 or have a CE marking to show that they are safe and conform to European safety standards.

Sparklers must carry the additional warning:

Warning: not to be given to children under five years of age

Firework Classifications - Category F1, F2, F3 and F4

A firework usually gets its category as a result of its gunpowder content, weight, size and how far it ejects debris. All fireworks on sale to the public have to be extensively tested and classified as either Category 2 or 3. These classifications also impose a noise limit and ensure the firework has a safety fuse and clear instructions on the label.

Category F1 refers to fireworks which pose a minimal hazard and negligible noise level and which are intended for use inside domestic buildings.

Category F2 (garden fireworks) and **Category F3** (display fireworks) are those which can be sold to the general public. A consumer firework will fall into one of those two categories depending on how much of a safety distance it requires. Category 2 items, require the smallest distance, which is 5 or 8 metres. Category 3 items require the greatest safety distance which is 15 or 25 metres.

Category F4 fireworks are for professional use only. These can include aerial shells and other items banned for sale to the public. Many category 4 fireworks are supplied without a fuse and are extremely dangerous to the untrained.

Display Notices

The Fireworks Regulations 2004 require the display of a notice at all premises that supply or expose for supply any Category F2 or Category F3 fireworks. The size of the notice shall be not less than 400mm x 300mm (size A3), with letters at least 36 mm high. You shall display the notice in a prominent position, stating the following:

IT IS ILLEGAL TO SELL CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS TO ANYONE UNDER THE AGE OF 18

IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO POSSESS CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS IN A PUBLIC PLACE

We have produced a poster that you can find at:

http://www.hillingdon.gov.uk/media/15611/sign---It-is-illegal---sellpossess---under18/pdf/sign_-_sell_possess_-_under18.pdf

Housekeeping & stock control

You should remove empty cartons from the storage area and stack them in an area that will not add to the risk of fire spread should a fire occur. Some should be retained undamaged elsewhere so that any unsold stock can be returned to the supplier in the original transit packaging.

You should keep the firework storage area clean and dry, and stack or lay out the transit boxes in such a way that will make the selection of individual items or selection boxes easy without causing damage to the boxes. Reseal the boxes once you have removed any stock.

Record keeping - Large Sales

A member of the public can purchase up to 50kg NEM of fireworks. However, **no person can purchase more than 50kg NEM of fireworks without a valid licence to store them.**

If you sell or supply more than 50 kg NEM of any type of firework in a single transaction you **must** see the licence held by your customer and you must take a copy or record the issuing authority and unique licence reference number, along with the following information for your records:

- name and address of your customer;
- date you supplied the fireworks;
- actual quantity and type of firework supplied;

You should keep this information for a period of 3 years.

The following fireworks must not be supplied to the general public:

- All Category 4F fireworks (fireworks for professional use) or any other firework

that does not meet Safety Standard BS 7114 or the EU equivalent.

- Aerial wheels
- Bangers, flash bangers or double bangers
- Jumping Crackers
- Jumping ground spinners
- Spinners
- Mini rockets
- Shot tubes - e.g. air bombs, that produces a loud noise as its main effect and/or has an inside diameter greater than 30mm
- A battery containing bangers, flash bangers or double bangers
- A combination (other than a wheel) which contains one or more bangers, flash bangers or double bangers

What are the age restrictions applicable to the sale of fireworks?

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under the age of 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc) fireworks to any person under the age of 16. An exception is made for Christmas crackers, which must not be supplied to any person under the age of 12. Caps for toy guns are exempt from fireworks legislation.

Age-restricted sales - keeping within the law

The law has defences available, namely that the person accused took all reasonable precautions and exercised all due diligence to avoid committing an offence. It is your responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a sale has taken place to a person under the minimum legal age.

Offences are of strict liability, which means that they can occur even when the business owner is not on the premises. To avoid committing an offence, we advise that you bring the legislation to the attention of all staff via regular training. It is important that you can prove that your staff understands what is required of them under the legislation. You can do this by keeping a record of the training and asking the members of staff to sign to say that they have understood it. The manager or the owner should then check and sign the records on a regular basis.

Advise members of staff that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the Association of Chief Police Officers support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. Photo driving licences and passports are also acceptable as proof of age.

If there is doubt, the sale should not be allowed to take place.

Offences

It is a criminal offence:

- To store fireworks on premises which do not have the correct licence from the Council. The Council can only license 'fixed' premises, so you cannot sell fireworks at market stalls, car boot sales or other temporary sales points;
- To sell or expose for sale any fireworks upon the highway, street or public place;
- To sell fireworks to persons under the age of 18 years (caps, novelty matches, 'party poppers' and 'throwdowns' remain at 16 years);
- To display for sale or sell fireworks outside of the following periods:
    - Between 15th October and 10th November;
    - Between 26th and 31st December;
    - First day of Chinese New Year and the 3 days prior;
    - Diwali and the 3 days prior

  unless you have an additional licence permitting sales all year round.
- To split retail boxes of fireworks and sell the fireworks individually – since the statutory and warning labelling (for safe usage) may be on the box only and not on the individual fireworks.

Penalties

- It is an offence under the Health and Safety at Work etc Act 1974 to sell fireworks by retail without a licence or to store unsafely. The penalty is a fine of up to £20,000 and/or 12 months' imprisonment.
- The penalty for committing an offence of supplying a category 2 or 3 firework to

any person under 18 years, supplying a category 1 firework to any person under 16 years, or supplying a Christmas cracker to any person under 12 years, is a fine of up to £5,000 and up to six months' imprisonment.

SEPARATION DISTANCES FOR HAZARD TYPE 3 EXPLOSIVE

The distance between a store and any building, place of public resort or major road shall be the distance specified in the 'Class' columns corresponding to the quantity of explosives shown in column 1

Table 10 Hazard Type 3 explosive

Column 1	Distance in metres to protected works and/or buildings of							
Quantity of explosives (kg)	**Class A** Footpath, lightly used road	**Class B** Minor road, railway	**Class C** Major road, place of public resort	**Class D** Buildings	**Class E** Vulnerable building	**Class F** On-site buildings	**Class G** On-site stores	**Class H** On-site manufacture & processing
0.1–25	0	0	0	0	0	0	9	12
25–30	7	10	20	20	20	10	9	12
30–40	7	11	22	22	22	11	9	12
40–50	8	12	23	23	23	12	9	12
50–60	8	12	25	25	25	12	9	15
60–70	9	13	26	26	26	13	9	15
70–80	9	14	27	27	27	14	9	15
80–90	9	14	28	28	28	14	9	15
90–100	10	15	29	29	29	15	9	15
100–150	11	17	34	34	34	17	9	18
150–200	12	19	37	37	37	19	9	18
200–250	13	20	40	40	40	20	10	21
250–300	14	21	43	43	43	21	10	21
300–350	15	22	45	45	45	22	11	23
350–400	16	23	47	47	47	23	11	23
400–450	16	24	49	49	49	24	12	25
450–500	17	25	50	50	50	25	12	25
500–550	17	26	52	52	52	26	14	32
550–600	18	27	54	54	54	27	14	32
600–650	18	28	55	55	55	28	14	32
650–700	19	28	56	56	56	28	14	32
700–750	19	29	58	58	58	29	14	32
750–800	20	29	59	59	59	29	14	32
800–850	20	30	60	60	60	30	14	32
850–900	20	31	61	61	61	31	14	32
900–950	21	31	62	62	62	31	14	32
950–1000	21	32	64	64	64	32	14	32
1000–1100	22	33	66	66	66	33	17	40
1100–1200	22	34	67	67	67	34	17	40
1200–1300	23	35	69	69	69	35	17	40
1300–1400	24	36	71	71	71	36	17	40
1400–1500	24	36	73	73	73	36	17	40

Table 10 Hazard Type 3 explosive (continued)

Column 1	Distance in metres to protected works and/or buildings of							
Quantity of explosives (kg)	**Class A** Footpath, lightly used road	**Class B** Minor road, railway	**Class C** Major road, place of public resort	**Class D** Buildings	**Class E** Vulnerable building	**Class F** On-site buildings	**Class G** On-site stores	**Class H** On-site manufacture & processing
1500–1600	25	37	74	74	74	37	17	40
1600–1700	25	38	76	76	76	38	17	40
1700–1800	26	39	77	77	77	39	17	40
1800–1900	26	39	79	79	79	39	17	40
1900–2000	27	40	80	80	80	40	17	40
2000–3000	31	46	92	92	92	46	19	46
3000–4000	34	50	101	101	101	50	20	50
4000–5000	36	54	109	109	109	54	22	54
5000–10 000	46	68	137	137	137	68	28	68
10 000–15 000	52	78	157	157	157	78	33	78
15 000–20 000	57	86	172	172	172	86	37	86
20 000–25 000	62	93	186	186	186	93	41	93
25 000–30 000	66	99	197	197	197	99	44	98
30 000–40 000	72	109	217	217	217	109	47	110
40 000–50 000	78	117	234	234	234	117	50	120
50 000–60 000	83	124	249	249	249	124	54	130
60 000–70 000	87	131	262	262	262	131	58	140
70 000–80 000	91	137	274	274	274	137	63	140
80 000–90 000	95	142	285	285	285	142	67	150
90 000–100 000	98	147	295	295	295	147	70	150

Major road - a road used ordinarily by more than 10,000 vehicles every 24 hours.

Place of public resort - a place where more than one hundred persons are present, or likely to be present, at any one time on a weekly or more frequent basis.

SEPARATION DISTANCES FOR HAZARD TYPE4 EXPLOSIVE

The distance between a store and any building, place of public resort or major road shall be the distance specified in column 2 corresponding to the quantity of explosives shown in column 1.

Table 11 Hazard Type 4 explosive

Column 1	Distance in metres to protected works and/or buildings of							
Quantity of explosives (kg)	**Class A** Footpath, lightly used road	**Class B** Minor road, railway	**Class C** Major road, place of public resort	**Class D** Buildings	**Class E** Vulnerable building	**Class F** On-site buildings	**Class G** On-site stores	**Class H** On-site manufacture & processing
0.1–250	0	0	0	0	0	0	9	11
250–300	1	1	1	1	1	1	9	11
300–340	1	1	2	2	2	1	9	11
340–370	1	2	3	3	3	2	9	11
370–400	1	2	4	4	4	2	9	11
400–450	2	3	5	5	5	3	9	11
450–500	2	3	6	6	6	3	9	11
500–550	2	4	7	7	7	4	9	12
550–650	3	5	9	9	9	5	9	12
650–700	3	5	10	10	10	5	9	12
700–750	4	6	11	11	11	6	9	12
750–800	4	6	12	12	12	6	9	12
800–900	4	7	13	13	13	7	9	12
900–950	5	7	14	14	14	7	9	12
950–1000	5	8	15	15	15	8	9	12
1000–1100	5	8	16	16	16	8	12	19
1100–1150	6	9	17	17	17	9	12	19
1150–1200	6	9	18	18	18	9	12	19
1200–1300	6	10	19	19	19	10	12	19
1300–1350	7	10	20	20	20	10	12	19
1350–1400	7	11	21	21	21	11	12	19
1400–1450	7	11	22	22	22	11	12	19
1450–1550	8	12	23	23	23	12	12	19
1550–1600	8	12	24	24	24	12	12	19
1600–1650	8	13	25	25	25	13	12	19
1650–1700	9	13	26	26	26	13	12	19
1700–1800	9	14	27	27	27	14	12	19
1800–1850	9	14	28	28	28	14	12	19
1850–1900	10	15	29	29	29	15	12	19
1900–2000	10	15	30	30	30	15	12	19
2000–3000	13	20	40	40	40	20	14	23
3000–4000	13	20	40	40	40	20	16	24

Table 11 Hazard Type 4 explosive (continued)

Column 1	Distance in metres to protected works and/or buildings of							
Quantity of explosives (kg)	**Class A** Footpath, lightly used road	**Class B** Minor road, railway	**Class C** Major road, place of public resort	**Class D** Buildings	**Class E** Vulnerable building	**Class F** On-site buildings	**Class G** On-site stores	**Class H** On-site manufacture & processing
4000–5000	15	23	45	45	45	23	17	25
5000–10 000	17	26	51	51	51	26	22	27
10 000–15 000	18	27	54	54	54	27	24	27
15 000–20 000	18	28	56	56	56	28	25	27
20 000–25 000	19	29	57	57	57	29	26	27
25 000–30 000	20	30	59	59	59	30	27	27
30 000–40 000	20	30	60	60	60	30	27	27
40 000–50 000	20	31	61	61	61	31	27	27
50 000–60 000	20	31	61	61	61	31	27	27
60 000–70 000	21	31	62	62	62	31	27	27
70 000–80 000	21	32	63	63	63	32	27	27
80 000–90 000	21	32	63	63	63	32	27	27
90 000–100 000	21	32	64	64	64	32	27	27

Major road - a road used ordinarily by more than 10,000 vehicles every 24 hours.

Place of public resort - a place where more than one hundred persons are present, or likely to be present, at any one time on a weekly or more frequent basis.