

## Retailers Guide

### If you sell fireworks you have certain obligations to the public and your staff.

- You must obtain a 'licence' to store fireworks (exceptions apply)
- You must obtain a 'licence to sell fireworks' if you intend to supply (sell) outside the usual fireworks period. See frequently asked Questions and Answers below
- You must store fireworks safely
- You must not sell to under 18s (there are exceptions - category F1)
- Know your fire drill

### Storage

- Keep all fireworks in a dry place.
- Label all internal storage 'Fireworks-Highly Flammable.
- ISO storage should be labelled unless suitably risk assessed (site specific)
- Restrict access to the storage area "authorised personnel only".
- Don't allow any smoking anywhere near the fireworks being displayed or sold. A **No Smoking Notice** should be prominently displayed
- Unplug any electrical fitting that is inside a display case containing fireworks.
- Avoid, where possible, customers handling any fireworks while they are choosing.
- No more than 12.5 kg NEC (Net Explosive Content) in any one display cabinet
- Storage arrangements will be agreed (approved arrangements) with West Yorkshire Fire & Rescue Service prior to the issuing of a storage licence.
- Cellars are not a suitable place to store fireworks. a basement may be used for the storage of fireworks however certain fire safety measures will need to be in place these can be discussed with your local Fire & Rescue Service Inspector.

### Frequently asked Questions and Answers

This guide offers helpful advice, for more information contact your local Trading Standards Department

#### Q: Do I need a licence to store fireworks?

A: In almost all cases, yes. There are certain amounts where a licence may not be required. You will need to apply to North Yorkshire County Council Trading Standards (NYCC TSD) for the licence.

#### Q: Do I need a licence to sell fireworks?

A: Yes for category F2 & F3 (specific sales period \*) and for storing over 5kg of category F1 for retail sales.

#### Q: Once I have my licence can I sell fireworks from anywhere?

A: No, the premises that holds the licence is the only place from which you may sell and where the fireworks must be stored; - **the approved storage arrangements** are agreed prior to the issuing of a licence and must be strictly adhered to, any change to the approved arrangements would be a variation of licence which would incur a charge of £35.

#### Q: When can I sell fireworks \*?

A: The periods where selling fireworks without a sales licence are: Guy Fawkes (Bonfire Night), from 15th October and ending on 10th November; New Year, from 26th December and ending on the 31st December; Chinese New Year, the first day and the three days immediately preceding it; and on the day of Diwali and the three days immediately preceding it. An additional licence is required if you wish to sell outside of these periods (all year round), an application form can be obtained from NYCC TSD

#### Q: Are there different categories of fireworks?

A: Yes. There are four categories of fireworks.

The Pyrotechnic Articles (Safety) Regulations 2015 specify those which may be supplied to the general public. Only category F1, F2 and F3 may be sold to the public There are exceptions that cannot be sold to the general public, see the section on 'fireworks that cannot be supplied to the general public'); Category F4 are for professional use only and can only be sold to persons with specialist knowledge\*.

\* person's that can demonstrate that they have full insurance, proper licensed storage and competence.

**Q: How should I sell fireworks?**

A: Fireworks should be sold in manufacturers' packed sets. The contents of these must not be taken out of their packs and sold separately. Some larger individual devices may be sold unpacked. Fireworks should be the last purchase before the customer leaves your premises, under no circumstances should you allow a customer to carry fireworks around the premises.

**Q: How should fireworks be stored and displayed?**

A: A leaflet giving information about storing and selling fireworks safely may be viewed and downloaded free of charge at [www.hse.gov.uk/pubns/indg407.pdf](http://www.hse.gov.uk/pubns/indg407.pdf)

**Here are some of the key points**

- exclude sources of ignition, electrical items including heaters and lights (unless intrinsically safe)
- stop people smoking anywhere near fireworks
- avoid handling of fireworks unnecessarily
- keep fireworks in closed transport packaging
- **don't** decant fireworks into metal dustbins
- **don't** store fireworks near articles that could easily catch fire leading to the fire spreading to the fireworks
- **don't** store fireworks near other articles that could spread the fire
- **don't** store with flammable items such as white spirit or nylon tights and stockings
- **don't** store near bulk storage of pallets, cardboard boxes, paper or combustible waste.
- ensure that all fireworks in the shop sales area are kept in a suitable display or storage cabinet & make sure they are not easily accessible to customers
- ensure all escape routes and fire exits are clear and fire exit doors unlocked
- **don't** store or display anywhere near an escape route or fire exit
- **don't** store an excessive amount either in the shop or in the stockroom, guidance will be given from West Yorkshire Fire & Rescue Service
- **don't** store more than you are allowed to store under the terms and conditions on your licence

Please note you must take special precautions if you share a building with flats or maisonettes. Please contact your local Fire Service for more information.

You must carry out a Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) fire risk assessment, e.g. [www.hse.gov.uk/pubns/indg407ch.pdf](http://www.hse.gov.uk/pubns/indg407ch.pdf), this should be made available to any Inspecting Officer on request

Ideally your licence should be on display at all times or to hand in the sales area along with your approved arrangements for storage and a current DSEAR risk assessment.

Your firework supplier is also a useful source of information and advice.

The **approved storage arrangements** for fireworks will have been agreed by the explosives officer this must **NOT** be changed without informing NYCC TSD

**Q: Is there anything else I need to know about the acquisition and supply of fireworks?**

A: Before you can supply or transfer more than 50kg NEC of fireworks to someone, that person must show you a valid licence or give a legitimate reason for not requiring a licence. The retailer **MUST** record any transaction of more than 50kg: Proof of ID, full contact details etc. will be required.

**Q: What special fire precautions are needed?**

A: Your premises should already meet various fire regulations so what follows is extra advice for the period while you are selling fireworks and is not a complete statement of your obligations.

- **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. Seek further advice from your local fire service.
- Make sure you (and any staff) know how to call the Fire Service quickly. Have a display fire action notice that tells everyone what to do if there is a fire.
- If someone suspects a fire, get everyone out of your premises and call the Fire Service immediately. As soon as the Fire Officer arrives, tell them that fireworks are involved and explain where and how the fireworks are stored and in what quantity.

**Q: How can I encourage the safe use of fireworks?**

A: As a responsible retailer, you should display safety leaflets featuring the Firework Code (available from, Trading Standards Departments and manufacturers free of charge) alongside the fireworks, ensuring your customers get essential safety advice.

Watch the age limit for buying fireworks. Don't sell to anyone under 18 – anti-social behaviour with fireworks can be a problem.

## **Summary of the law on fireworks**

### **The Fireworks Regulations 2004**

These Regulations, made under the Fireworks Act 2003, form a comprehensive package of measures designed principally to tackle the anti-social and criminal use of fireworks via the regulation of supply and use. The Regulations include:

- Making permanent the Fireworks Regulations 2003, which made it an offence for the under 18s to possess category F2 & F3 fireworks in public places and an offence for anyone (other than a fireworks professional) to possess Category F4 (professional display) fireworks;
- A requirement that all suppliers of fireworks will be required to obtain a licence to supply fireworks, from your Local Authority; this has the effect of restricting sales to within certain defined periods.

The periods where selling without an all year sales licence are:

- (a) November 5th (15th October to 10th November)
- (b) New Year (26th December to 31st December)
- (c) Chinese New Year (on the first day of the Chinese New Year and the three days immediately preceding it)
- (d) Diwali (on the day of Diwali and the three days immediately preceding it)

The creation of a curfew on firework use between 11pm and 7am (in line with the Noise Act), with the exception of the following nights where the curfew will vary;

- a) November 5th until midnight

- b) New Year's Eve 1am on the following day
- c) Chinese New Year 1am on the following day
- d) Diwali 1am on the following day

There is a requirement that importer's supply information at the point of entry (the ports), to help ensure that the fireworks are destined for legitimate storage and distribution. This information will be passed on to the relevant authority responsible for storage licences to enable checks on deliveries to be carried out.

The imposition of a maximum noise limit on category F2 and F3 fireworks, 120 decibels (db) (A), (in line with the harmonized European Standard – EN 15947).

### **The Pyrotechnic Articles (Safety) Regulations 2015**

#### Age of purchase

- Adult fireworks (category F2 & F3) must not be supplied to persons under 18.
- Caps, cracker snaps, indoor fireworks, novelty matches, party poppers, serpents and throwdowns and some sparklers must not be supplied to persons under 16.
- All fireworks for public use will have the relevant age limits shown on them.

#### **The following fireworks must not be supplied to the general public, except for persons with specialist knowledge:**

- A category F4 firework
- A category T2 theatrical pyrotechnical article; or
- A category P2 other pyrotechnical article

#### **The following category F2 and F3 fireworks must not be supplied to members of the public:**

- An aerial wheel;
- A banger, flash banger or double banger;
- A jumping cracker;
- A jumping ground spinner
- A spinner
- A mini rocket
- A shot tube-
  - (i) which produces a report as its principal effect; or
  - (ii) the inside diameter of which is greater than 30mm
- A battery containing bangers, flash bangers or double bangers
- A combination (other than a wheel) which includes one or more bangers, flash bangers or double bangers.

#### **Other measures**

- Packets of sparklers must carry the additional warning – **“Warning: not to be given to children under five years of age”**.
- Retail boxes of fireworks must not be split.
- All fireworks intended for use by the general public must comply with EN 15947 or BS 7114 Part 2: 1988.(becoming obsolete)
- All fireworks not suitable (as determined by the Regulations) for use by the general public are to bear the warning - “This device must not be sold to, or used by, a member of the general public.”

## **Penalties**

- Failure to comply with these requirements can result in prosecution and an unlimited fine or a prison sentence of up to three months, or both.

## **The Fireworks (Safety) (Amendment) Regulations 2004**

These Regulations, made under the Consumer Protection Act 1987, amend the Fireworks (Safety) Regulations 1997 to include:

- A ban on the supply of air bombs.
- A replacement of the definition of mini-rockets – to restrict mini-rocket sales to help keep them away from young people.
- **A change in the legal defence of suppliers if they are caught selling to under 18s. This is an incentive for suppliers to be more diligent in determining the age of purchasers i.e. ask for proof of age. (adopt a challenge 21/25 policy)**

## **Explosives Regulations 2014 (ER2014) Storage of fireworks**

- No person may store more than 5kg of any hazard type 3 or 4 explosives unless that person holds a licence for their storage and complies with the conditions of that licence.
- It is an offence for anyone to acquire more than 50 kg nec of fireworks unless they (or someone else) hold a valid licence for storage (see exceptions ER2014)
- Anyone who stores fireworks must take appropriate measures to prevent fire or explosion; limit the extent of fire or explosion and protect people from fire and explosion

## **The Explosives Act 1875 (as amended) – Section 30 Throwing fireworks**

It is an offence to throw or discharge a firework in a street or public place.

## **Penalties**

Failure to comply with these requirements can result in prosecution and an unlimited fine.