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SELLING FIREWORKS

Any local shop that chooses to sell fireworks must be aware of safety risks and the strict legal requirements related to these products. This guide provides an overview of what is required of you as a business owner in terms of storing fireworks safely and selling them legally.

1. INTRODUCTION

Main principles

Your obligations with regard to the safe storage and sale of fireworks are contained in the Pyrotechnic Articles (Safety) Regulations 2015, The Fireworks Regulations 2004 and the Explosives Regulations of 2014. The most important things you need to know about storing and selling fireworks are:

- You need permission from your local Council or Fire Authority to store them.
- Permission will only be given if your premises is suitable for the storage of fireworks.
- You can only sell certain types of fireworks and store in certain quantities.
- You cannot sell them to under 18 year olds, with exceptions, see section four of this guide for details.
- You can only sell them at certain times of the year (unless special permission is granted).

This guide will take you through all of the steps that you will need to take to be in compliance with the law.

Getting started

The first step to selling fireworks is to have a thorough look at your store and identify what the realistic, potential storage areas for fireworks in the sales area and in other areas are. You will need a dedicated lockable cabinet in the sales area and a designated lockable storage room or other enclosed area elsewhere on site. Some of the common risks you should consider are set out on pages 4 and 5.

You must use a risk assessment to help you think through what types of things you should be considering when storing fireworks. There is a risk assessment available for you to download and use at:

<http://www.hse.gov.uk/pubns/indg407ch.pdf>

If you feel that you do not have enough space in your premises to safely store fireworks, or that your premises does not meet the requirements of the risk assessment, then you should not proceed with your application as it will be rejected.

Getting outside help

In almost all cases you should be able to speak to your Trading Standards Service at your local Council, or your Fire Authority (if your store is in a metropolitan county such as Merseyside, Greater Manchester) and ask for a visit to your premises to assess its suitability to store fireworks. You should make these approaches some months prior to firework season to ensure that enough time is allocated to your enquiry. You should identify a reputable fireworks supplier – they will also be able to offer you advice on storage and supply you with display cabinets and other materials.

Applying for permission to store and sell fireworks

You must apply for permission to store fireworks from your local trading standards service or fire authority. Please note that some authorities operate a minimum of eight week turnaround time for new applications, so submit your application by the end of August if you want to sell during the firework season.

If permission to **store** fireworks is granted, then you will be able to **sell** them within the following dates:

- First day of Chinese New Year and three days prior.
- Diwali and three days prior.
- Between 15 October and 10 November.
- Between 26 and 31 December.

If you wish to sell fireworks outside of these periods, you must contact your local trading standards service (not fire authority), who will send you an application form for an 'all year round sales licence'. There is a fee of up to £500 payable for this licence to sell fireworks outside of the above dates.

2. SALE AND STORAGE OF FIREWORKS

If you choose to sell fireworks in your store – all year round or during the main seasonal periods – you must think carefully about how you ensure that these products are stored safely and that you and your staff understand the legal obligations. This illustration highlights many of the key things to think about.

CONTAINER STORAGE

If fireworks are stored in a container outside the building ensure it is located well away from parked vehicles, pallets etc.

SECURITY

Ensure the goods yard, where fireworks are stored, is secure.

RECORD KEEPING

You must keep a record of who you have bought fireworks from for the last 10 years. You must also keep a record of any other businesses you have sold fireworks to over the last 10 years.

FIREWORKS IN DISPLAY CABINETS

You should not place fireworks in a display cabinet that is connected to the electric supply, for example with a backlit window on the front. If you want to use an electrically lit display cabinet, then use dummy fireworks in the display only.

FIREWORKS STOCK CONTROL

Control the amount of fireworks in the **shop area** – this will be set by Trading Standards/Fire Authority.

NO SMOKING

Use signs to warn people not to smoke near the firework store and ensure all staff are trained to not do this.

FIREWORKS STORAGE

Keep in a dedicated stock room if possible, otherwise in a fire-resistant store cupboard, cabinet or container.

REMOVE ELECTRICAL EQUIPMENT

Remove electrical equipment (other than light fittings and fire detection equipment) and blank off plugs in area of store room where fireworks are stored.

KEEP FIREWORKS IN BOXES

Keep the fireworks in their transport boxes and reseal opened boxes with tape.

FIREWORKS STOCK CONTROL

Control the amount of fireworks in the **stock room area** – this will be set by Trading Standards/Fire Authority.

LIGHTING

Leave a clear space between the light fitting(s) and the fireworks.

FLAMMABLE ITEMS

Remove all flammable or combustible articles from the stock room.

DRY STORAGE

Remove space heaters and keep the fireworks in a dry place.

STATUTORY NOTICE

Display the A3 size statutory notice.

UNDERAGE SALES

Make sure you and your staff are applying strict underage sales policy, see 'ACS Guide to Preventing Underage Sales'.
<http://www.acs.org.uk/advice/age-restrictions/>

AEROSOLS

Locate fireworks well away from flammable substances.

RESTRICT ACCESS

Restrict access to the store area where fireworks are kept.

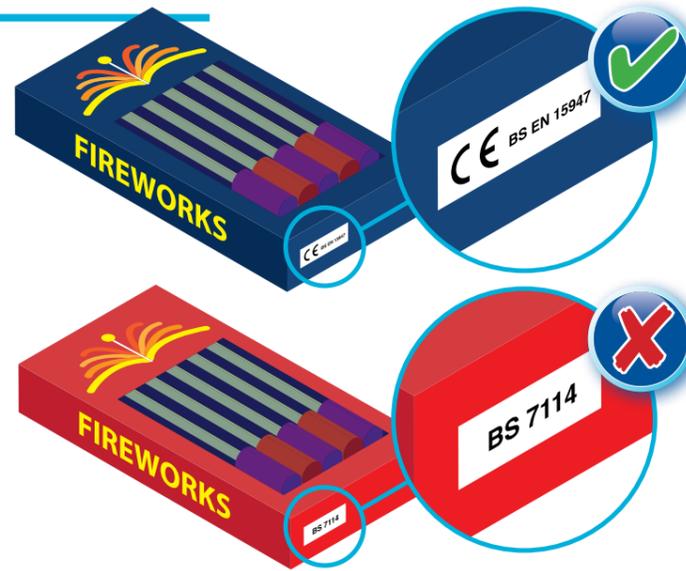
This illustration sets out the main areas that a convenience store must address when storing and selling fireworks and is meant to be used for training purposes. It is not intended to be a definitive list.

3. CHOOSING THE RIGHT FIREWORKS TO SELL

If you choose a reputable supplier, then the fireworks you get into stock should all be perfectly legal. You should note though that fireworks pre-packed in selection boxes or packs must not be split up or sold individually.

Only fireworks that comply with European safety standards carry the CE mark and are correctly labelled with details of the manufacturer and importer can legally be supplied to consumers. Fireworks that comply with British Standard BS 7114 must not be sold, but can still be stored without the CE mark until 4 July 2017.

All packets of sparklers must be labelled:
Warning: not to be given to children under 5 years of age.



4. AGE RESTRICTED SALES

You should not sell adult fireworks or sparklers to anyone under the age of eighteen. Adult fireworks includes all fireworks, except party poppers, throwdowns, caps and novelty matches. The age limit for F1 fireworks is 16, for caps, cracker snaps, novelty matches, party poppers, serpents, throwdowns and some sparklers. Make sure these are labelled category F1.

You must display an age warning notice to deter any underage people asking for fireworks. This A3 poster looks like the example on the right.

It is illegal for anyone under the age of eighteen to possess adult fireworks in a public place and offences should be reported to the police.

New and existing staff must be properly trained and regularly updated on how to sell fireworks. Further guidance on how to put in place effective policy on preventing underage sales is available as part of the ACS Assured Advice on Preventing Underage Sales. www.acs.org.uk/advice

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.

5. LABELLING

You must check that all fireworks you sell are labelled with:

- The name, registered trade name or registered trademark of the manufacturer.
- A single postal address at which the manufacturer can be contacted.
- The name, type and category of the firework.
- The registration number of the firework.
- The product, batch or serial number of the firework.
- Instructions for use and safety information, including age restrictions and net explosive content of the firework.

You must check that the fireworks are accompanied by instructions and safety information in a language which can be easily understood by consumers. If the fireworks are not considered to conform with 'essential safety' regulations, you are obliged to inform the manufacturer or the importer and the market surveillance authority.

6. STORAGE AND DISPLAY

The following maximum amounts are permitted for storage on licensed premises.

- **Sales Area** – 12.5kg in a small shop, rising to 75kg in large superstores etc. You must not put glass showcases containing fireworks in your shop window.
- **Each cabinet in the sales area** must not contain more than 12.5kg and any container used for keeping fireworks must not contain other articles.
- **Non-public areas** – 250kg (less the amount in the sales area), however in premises which contain or adjoin domestic or sleeping accommodation this is reduced to 75kg.

All weights listed in the following paragraphs are net explosive content of explosives contained in the fireworks (NEC) – not the gross weight.

Most fireworks sold in retail premises are labelled 1.4G on their transit boxes and are classified as Hazard Type 4. If you store larger fireworks that are labelled on their transit boxes as 1.3G, these are classified as Hazard Type 3. If you store any Hazard Type 3 fireworks, the quantity that may be stored will be reduced and rules for storage are different. Seek advice immediately if you see any reference to 1.3G or HT3 on your fireworks, their packaging or supporting paperwork.



7. SAFETY PRECAUTIONS

- Keep all passages and stairways clear so that, if a fire should occur, escape is not hampered. See that doors are not obstructed.
- Do not store fireworks in passageways or under stairs.
- Label the containers: 'Fireworks Highly Flammable', and keep them closed.
- Make sure appropriate fire extinguishers are on site and that they have been serviced correctly.
- Never let customers handle any fireworks while they are choosing.
- Don't empty fireworks into metal dustbins.
- Seek advice from your supplier on the safe disposal of damaged or unsold fireworks.

8. DISPLAY CASES AND CABINETS

- Must be made of a robust material that does not readily catch fire such as certain types of wood or metal and specially designed plastic containers.
- Must be completely enclosed on all sides.
- Be designed to protect against sparks and other sources of ignition.
- Cannot permit unauthorised access to the fireworks by members of the public.
- Must not be used to store any goods other than fireworks.
- You should never place live fireworks in a display cabinet that is connected to the electric power supply (for example for backlighting of display). If you wish to use a backlit cabinet only place dummy fireworks in the display cabinet.



9. ENFORCEMENT

You are very likely to receive visits from Trading Standards officers and Fire Safety Officers to ensure that you are storing fireworks in accordance with the law. In addition, Trading Standards Officers may carry out exercises using underage volunteers to test purchase fireworks in the period leading up to and after 5 November and New Year, as well as Diwali and the Chinese New Year. They may try to purchase fireworks outside of the permitted periods as well if you do not have a licence to sell fireworks all year round.

If found guilty then the courts may impose an unlimited fine, a term of imprisonment or both for each offence. Convictions may also affect the licensing authority's opinion of whether you are a 'fit' person to store explosives. If they view you as an 'unfit' person then your licence will be refused or revoked.

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10. ABOUT THIS GUIDE

This guide is provided by the Association of Convenience Stores in consultation with Buckinghamshire and Surrey Trading Standards. It was last updated in February 2018. Please refer to the ACS website for the most current version of this guidance.

ACS Primary Authority Scheme

This advice was developed by ACS, Buckinghamshire and Surrey Trading Standards, Woking Borough Council and Surrey Fire and Rescue Service; as part of a dedicated primary authority scheme. This means that all the advice that has this mark against it is 'Assured Advice'.

Assured Advice means that if you adopt this policy in your business, then it must be respected by all other local authorities and they cannot ask you to adopt a different policy.



This guide covers a range of different issues of best practice and law. Those that qualify as assured advice are marked by this hallmark.

To benefit from assured advice you must sign up to the ACS scheme. All ACS members can sign up to the ACS Primary Authority Scheme for details of how to join up visit www.acs.org.uk/advice

CONTACT

For more details on this guidance, contact a member of the ACS team on 01252 515001.

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