



ACS Submission: Fireworks Inquiry

1. ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the House of Commons Petitions Committee's inquiry into fireworks. ACS is a trade association representing 33,500 local shops across the country. Our members include Co-op, Spar, Costcutter Supermarkets, Nisa Retail and thousands of independent retailers. For more information about ACS, please see Annex A.
2. There are 46,262 convenience stores in mainland UK, 7% of which have a licence to store fireworks¹. This is equivalent to around 3,200 convenience stores. Retailers can store up to 5kg (net explosives mass) without a licence, however, we encourage retailers to follow best practice by obtaining permission from their local trading standards if they decide to store any fireworks on their premises. Under these rules, retailers can only sell fireworks within designated periods of the year². However, retailers can apply for an 'all year round sales licence' from their local trading standards or fire authority³. We do not have data on how many retailers have an 'all year round sales licence'.
3. However, all retailers (even those without a licence to store fireworks) are still required to comply with the Pyrotechnic Articles (Safety) Regulations 2015, the Fireworks Regulations 2004 and the Explosives Regulations of 2014. Under these regulations, retailers must⁴:
 - Have suitable storage for fireworks.
 - Only sell certain types of fireworks and store in certain quantities.
 - Not sell them to under 18 year olds, with exceptions (some fireworks have an age restriction of 16).
 - Only sell them at certain times of the year (first day of Chinese New Year and three days prior, Diwali and three days prior, between 15th October and 10th November, and between 26th and 31st December) unless they have an 'all year round sales licence'.
4. ACS provides retailers with bespoke and legally assured guidance on the sale of fireworks as part of our Primary Authority partnership with Surrey and Buckinghamshire Trading Standards⁵. The guide provides an overview of what is required of retailers as a business owner in terms of storing fireworks safely and

¹ ACS Local Shop Report 2018

² First day of the Chinese New Year and three days prior, Diwali and three days prior, between 15th October and 10th November and between 26th December and 31st December.

³ First day of the Chinese New Year and three days prior, Diwali and three days prior, between 15th October and 10th November and between 26th December and 31st December.

⁴ This is not an exhaustive list of the requirements of the regulations. For more information, please see ACS' Selling Fireworks guide

⁵ [ACS Advice: Selling Fireworks](#)

selling them legally. ACS' Selling Fireworks guidance is available for all retailers to use, free of charge, [here](#).

5. ACS has responded to the relevant consultation questions below.

Does the law provide an appropriate balance between allowing for the safe enjoyment of fireworks by the public and minimising the risk of fireworks harming people, property or animals? Examples of the sorts of things you might like to talk about in reply to this question are:

Are current restrictions on public sale and use appropriate?

6. Retailers can store up to 5kg (net explosives mass) without a licence, however, ACS' Selling Fireworks guidance encourages retailers to follow best practice by obtaining permission from their local trading standards if they decide to store any fireworks on their premises. Retailers can only sell fireworks within designated periods of the year⁶. However, they can apply for an 'all year round sales licence' from their local trading standards or fire authority⁷. We do not have data on how many retailers have an 'all year round sales licence' or how many retailers store fireworks with and without permission from their local trading standards.
7. Moreover, retailers are also already subject a number of regulations related to the sale of fireworks including the Pyrotechnic Articles (Safety) Regulations 2015, The Fireworks Regulations 2004 and the Explosives Regulations of 2014. Under these regulations, retailers must comply with regulations relating to the storage and display of fireworks, check the labelling of products, and undertake safety precautions in order to sell fireworks safely. For more information, ACS' Selling Fireworks guidance is available [here](#).

Are current age restrictions appropriate?

8. Fireworks have different age restrictions based on what category they are. It is illegal for retailers to sell category F1 (indoor use, low hazard and low noise) fireworks such as party poppers to anyone under 16. It is illegal to sell category F2 (for outdoor use in confined areas) and F3 (for outdoor use in large open areas) fireworks to anyone under 18. In both cases an underage sale can lead to an unlimited fine and up to three months in prison.
9. ACS' Selling Fireworks guidance states that retailers must also display an age warning notice to deter any underage people asking for fireworks. The A3 poster states wording to the effect of "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". This notice, often provided by local authorities, raises consumer awareness, while avoiding customer confusion and also retailer/consumer confrontations.

⁶ First day of the Chinese New Year and three days prior, Diwali and three days prior, between 15th October and 10th November and between 26th December and 31st December.

⁷ First day of the Chinese New Year and three days prior, Diwali and three days prior, between 15th October and 10th November and between 26th December and 31st December.

10. The convenience sector is extremely effective at enforcing age restrictions in-store on a wide range of products including alcohol, tobacco, e-cigarettes, and fireworks. Therefore, we believe that the current age restrictions are being effectively enforced. However, if it is decided that the age restrictions of fireworks should be amended, we will work with retailers to ensure that this is implemented effectively across the sector.

Are safety standards stringent enough? If not, how should they be strengthened?

11. We believe the safety standards for the sale of fireworks are stringent enough. If retailers sell fireworks, they are legally required to comply with fireworks safety precautions. Moreover, trading standards officers and fire safety officers will undertake specific enforcement activity for high risk products, like fireworks. From conversations with our Primary Authority partners, retailers which sell fireworks will be visited at least once year to ensure that retailers are still compliant and are selling fireworks safely.

How effectively are the existing laws enforced by local authorities, trading standards, the police and others?

How might this be done differently?

12. We believe that Primary Authority is a useful tool for enforcement of firework regulations across England. ACS launched its own Primary Authority scheme in 2014 in partnership with Surrey and Buckinghamshire County Council that is accessible to the smallest convenience retail businesses⁸. The ACS Assured Advice scheme provides tailored advice on regulatory compliance issues that specifically affect convenience store retailers, including selling fireworks⁹. Through ACS' Assured Advice, small retailers have access to the same expertise, previously only available to the biggest companies with expensive in-house compliance departments.

For more information, please contact Julie Byers, ACS Public Affairs Manager by emailing Julie.Byers@acs.org.uk or calling 01252 515001.

⁸ More information about ACS' Assured Advice scheme is available here: <https://www.acs.org.uk/advice>

⁹ [ACS Advice: Selling Fireworks](#)