 **Information for Traders**

 **Storing Explosives and Selling Fireworks**

**‘The Explosives Regulations 2014’**

**Storing Explosives**

In October 2014 the Explosives Regulations 2014 replaced the Manufacture & Storage of Explosives Regulations 2005, although many similarities remain around how fireworks and other explosives should be stored and existing restrictions on when fireworks can be sold have not changed*.*

If you store more than 5kg of explosives (including fireworks) you require a Licence to keep them. Applications will usually be to your local authority Trading Standards Service and Licenses are granted to a person (or company) for the premises at which the explosives are to be stored1.

With agreement from the Licensing Authority a Licence may last up to five years. The Licence will specify the types and quantities of explosives that can be kept and where they are to be stored. This information should be supplied to the Licensing Authority with the application and the Licensing Authority should be consulted before any changes to those arrangements are made.

The quantities referred to on the Licence are the ‘Net Mass’ and not the gross weight of the whole product/s. Net Mass is the quantity of the actual explosive contained *and is sometimes also referred to as Net Explosive Content, Net Explosive Quantity or Powder Weight*. It is the responsibility of the person storing explosives to know the New Mass, it can usually be found on outer packaging and/or documents from suppliers.

**Who needs to be Licensed**

A Licence is required if storing more than 5kg NEQ of fireworks or other explosives2. This includes both the amount held on a shop floor sales area as well as in stock rooms or storage areas. If you store less than 5kg of explosives you may not need to be licensed but you should still ensure you are storing safely.

In addition to the need to ensure safe storage of explosives, if you are keeping more than 250kg of Hazard Type 4 explosives (1.4G or 1.4S), or more than 25kg of any combination of Hazard Type 3 and 4 there are additional restrictions on where these can be stored. They must be kept in a separate building or container and the ‘Separation Distances’ specified in Schedule 5 of the Regulations must be followed.

In the case of fireworks, most for retail sale are Hazard Type 4 but some may be Hazard Type 3 (boxes of which are usually marked 1.3G). If you are storing any Hazard Type 3 explosives your entire stock should be treated as such and therefore if more than 25kg are in one place, you are also subject to separation distances from other buildings, accommodation or public areas.

You should also contact us for advice if you are unsure what you can store and where, or if you wish to keep any Hazard Type 1 or 2 explosives.

*1 In certain cases larger quantities may be stored and some explosives and larger quantities may be licensed by other agencies. However if you intend to store 5kg or more (Net Mass) it is likely you will need a Licence from us unless you are also a ‘Registered Firearms Dealer’ in which case your application should be made to Sussex Police. Please contact us if you require further advice.*

*More information on licensing explosives and who to apply to can be found on the HSE’s website* [*www.hse.gov.uk/explosives/licensing/how-to-apply.htm*](http://www.hse.gov.uk/explosives/licensing/how-to-apply.htm)

*2 Regulation 7 of the Explosives Regulations 2014 contains some exemptions to this limit.*

Quantities are often marked on the outer packaging but if you are in any doubt as to the Hazard Type or explosive content (New Mass) of your stock, you should seek advice from your supplier. Responsibility to store in a safe manner, within permitted quantities and in accordance with necessary separation distances rests with the Licence holder.

**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
* Protect persons from the effects of fire or explosion

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

All explosives must be stored in a suitably safe place depending on the quantity and type of being kept. The key safety 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 measures 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.

Explosives should always be kept in their original closed transport packaging and only opened when needed. You should not to decant loose explosives (including fireworks) from their transport boxes into metal dustbins or similar containers. There is a danger that the articles will become mixed up or damaged with loose compound collecting at the bottom of the dustbin or container\*.

Where explosives are kept in a store/stock room (or similar room or building) that holds significant quantities of other combustible materials, safety controls for the area should be seen as a whole and a site specific risk assessment should address this. Generally though the storage should be in either:

a) an ISO transport container (or similar fully enclosed metal structure)

b) storage cupboards or cabinets

c) a building with a structural partition

d) a suitable wire mesh screen or cage

e) metal dustbins\* *(provided products are kept in their transport packaging)*

The Health & Safety Executive (HSE) has produced two overarching guidance documents, L150 on the ‘Safety of Explosives’ and L151 on the ‘Security of Explosives’. Additional sub-sector guidance including ‘Fireworks in Retail Premises’ is also available from the page below, that expands on this leaflet and provides useful guidance for anyone who stores and sells fireworks from retail premises.

[www.hse.gov.uk/explosives/new-regs-subsector.htm](http://www.hse.gov.uk/explosives/new-regs-subsector.htm)

**Selling Fireworks**

*The following guidance is not exclusive to fireworks and much of it applies equally to other explosives; however it is written principally to give advice to those who have a Licence to store fireworks. Please contact us if you would like particular advice on the storage or sale of other explosives.*

Please note a Licence under the Explosives Regulations 2014 is to ‘store’ explosives, separate restrictions control the sale of fireworks. Please see below.

**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 closed display case, storage cupboard or cabinet. They should be stored in the area/s specified on the Licence.

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 associated instruction leaflets/safety literature. Lights or electrical fittings in cabinets/cases must be disconnected.

Each storage cabinet or display case should not hold more than 12.5kg (Net Mass) and should be locked or properly supervised to ensure unauthorised persons cannot access them.

**Quantities in Sales Area**

The table below sets out the maximum quantities that may be kept in the sales area of a shop where no separation distances apply (e.g. a premises licensed to keep no more than 250kg of Hazard Type 4 fireworks).

|  |  |
| --- | --- |
| *Floor area of sales area* (sq. metres) | *Quantity of explosives* (kg) |
| 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 |

Larger amounts may be kept at some stores where separation distances apply and different amounts may be allowed at some sites. Please contact us if you require further advice.

**Storage adjoining or in the same building as Domestic/Sleeping** **Accommodation**

If any Hazard Type 3, or more than 75 kg (Net Mass) of Hazard Type 4 fireworks 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 specific precautions must be taken:

* a fire detection system should be installed in the shop with either a linked alarm installed in the domestic accommodation or an effective sprinkler fitted in the fireworks store
* the domestic parts of the building must have access/exit routes that are fire separated from those used for the explosives store
* there must be suitable fire separation between the explosives store and the domestic accommodation (for example, doors, floors and ceilings offering a minimum 30 minutes fire resistance), and
* the store must be closed off and secured from the domestic part of the property in order to both prevent unauthorised access (including by children connected with the domestic accommodation) and prevent the accidental introduction of sources of ignition

**Risk Assessments**

Licence holders should carry out or update their risk assessments to identify and implement appropriate measures that need to be considered when fireworks (or other explosives) are being stored. The Health & Safety Executive (HSE) has published a ‘Retailers Risk Assessment Checklist’ for people who sell fireworks to help them carry out a Risk Assessment and plan what actions need to be taken to protect the safety of staff and customers. A copy of this and further guidance on Selling and Storing Fireworks can be found on the HSE’s website: [www.hse.gov.uk/explosives/fireworks/industry.htm](http://www.hse.gov.uk/explosives/fireworks/industry.htm)

**Premises and Sales**

It is an offence:

* to keep fireworks on premises which have not been licensed for that purpose
* to sell fireworks to persons under 18 years of age
* to hawk, sell or expose for sale any fireworks on any highway, street, or public place. (Fireworks cannot be sold at market stalls, car boot sales or other temporary sales points)

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

The Pyrotechnic Articles (Safety) Regulations 2010 carry a duty for distributors to act with due care. This includes ensuring that products they sell are accompanied by safety information that is intended to be provided with them.

**Fireworks Regulations 2004**

These Regulations require that suppliers of fireworks to the public display in a prominent position an A3 notice, stating the following:

 It is illegal …

 1. to sell adult fireworks or sparklers to anyone under the age of 18, and

 2. for anyone under the age of 18 to possess adult fireworks in a public place

Such notices will usually be provided by or be available from your firework supplier.

**Important Notes**

It is your responsibility to ensure you are aware of and comply with all the Regulations and requirements surrounding the storage and sale of explosives (including fireworks).

The Licensing Authority may visit your premises as part of the process of considering an application for a Licence and within its remit as such, Brighton and Hove Trading Standards may consult with Sussex Police and East Sussex Fire & Rescue Service.

The Licensing Authority may prohibit the storage of explosives at any site where there has been a change in circumstances that means the site is no longer suitable or the licensee is no longer a not a fit person to keep explosives.

It is an offence to sell or otherwise transfer more than 50kg of fireworks to someone that does not hold a Licence to store them. In such circumstances you should ask to see a copy of their storage Licence and you should keep details of the transaction.

If you are planning to sell fireworks outside the following periods of the year:

* 15th October to 10th November
* 26th December to 31st December
* On the 1st day of Chinese New Year and the 3 days immediately preceding it (Monday 8 February 2016)
* On the day of Diwali and the 3 days immediately preceding it (Wednesday 11 November 2015)

You may also need a year round sales Licence under the Fireworks Regulations 2004. (Licence cost £500). For further information or to make an application for a year round sales Licence, please contact us at the office below.

**Please Note**

Brighton and Hove 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 please contact us at:

Trading Standards, Brighton and Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JE

Telephone: 01273 292523 Option 2

E-mail: trading.standards@brighton-hove.gov.uk

Internet: [www.brighton-hove.gov.uk/content/business-and-trade/trading-standards](http://www.brighton-hove.gov.uk/content/business-and-trade/trading-standards)