



Retailer's guide: Selling fireworks

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

- You must be 'registered' or obtain a 'licence' to store fireworks
- 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
- Store fireworks safely
- Don't sell to under 18s
- Know your fire drill
- The Fireworks Regulations 2004 require that;
You must display a sign where fireworks are supplied or exposed for supply, stating that:

It is illegal

1. To sell adult* fireworks or sparklers to anyone under 18;
2. For anyone under 18 to possess adult* fireworks or sparklers in a public place

*Any fireworks except for caps, cracker snaps, indoor fireworks, novelty matches, party poppers, serpents and throwdowns

Frequently asked Questions and Answers

This guide offers helpful advice but for more information contact your local Trading Standards Department or Fire Service.

Q: Do I need a licence or registration to store fireworks?

A: In almost all cases, yes. Depending on your location you will need to apply to either the Trading Standards Department or to the Fire Service.

Q: Are there different categories of fireworks?

A: Yes. There are four categories of fireworks.

The Fireworks (Safety) Regulations 1997 (as amended) specify those which may be supplied to the general public.

All other fireworks may only be supplied to a restricted range of persons and organisations which are specified in the 1997 Regulations.

The following information only applies to the retail sale of fireworks.

Q: When can I sell fireworks?

A: The periods where selling fireworks without a sales licence is permitted are: Guy Fawkes, 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.

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. Only some sparklers and some larger individual devices may be sold unpacked.

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

Here are some of the key points

- exclude sources of ignition
- stop people smoking anywhere near fireworks
- keep fireworks away from space heaters
- avoid handling of fireworks unnecessarily
- keep fireworks in closed transport packaging

www.berr.gov.uk/fireworks

- **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 pallets, cardboard boxes and paper
- **don't** store near parked vehicles
- ensure that all fireworks in the shop sales area are kept in a suitable display or storage cabinet
- 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
- **don't** store more than you are allowed to store under your licence or registration

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

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

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 50 kg net of fireworks to someone, that person must show you a valid registration or licence.

- Licensing authorities may request to see information about firework transactions exceeding 50kg net explosive content in particular – the date that the fireworks were supplied, the date that the supplier supplied to another person, or proposed to supply and the total weight.

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. Buckets of water or sand are useful as a standby.
- Make sure you (and any staff) know how to call the Fire Service quickly. Have a display notice that tells everyone what to do if there is a fire.
- If someone suspects a fire, get everyone out of your shop and call the Fire Service immediately. As soon as the Fire Officer arrives, tell him or her that fireworks are involved and explain where and how the fireworks are stored.

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

A: As a responsible retailer, you should provide display safety leaflets featuring the Firework Code – available from BERR, 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 adult fireworks in public places and an offence for anyone (other than a fireworks professional) to possess Category 4 (professional display) fireworks;
- A requirement that all suppliers of fireworks will be required to obtain a licence to supply fireworks, either from the Local Authority, Fire Service or HSE (the requirement came into force on 1st January 2005). This has the effect of restricting sales to within certain defined periods. The periods where selling without a licence is permitted 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
- A requirement that suppliers of fireworks to the public display in a prominent position a notice (or the BERR produced poster), stating the following information:

It is illegal

1. To sell adult fireworks or sparklers to anyone under 18
2. For anyone under 18 to possess adult fireworks or sparklers in a public place

- A requirement that importers supply information at the point of entry (the ports) to help ensure that their 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 decibel limit on category 3 fireworks, 120 decibels db (A), (in line with the new harmonized European Standard – BS EN 14035).
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The Fireworks (Safety) Regulations 1997

Age of purchase

- Adult fireworks (which includes sparklers) must not be supplied to persons under 18.
- Caps, cracker snaps, indoor fireworks, 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:

- Aerial shells, aerial maroons, shells-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).
- Some Category 2 and 3 fireworks (as classified by BS 7114) which exceed size limits specified in the Regulations.
- All Category 4 fireworks.

Other measures

- Packets of sparklers to carry 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 British Standard BS 7114 Part 2: 1988.
- All fireworks not suitable (as determined by the Regulations) for use by the general public 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 a fine of up to £5000 or a prison sentence of up to six months, or both.
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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.**
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The Manufacture and Storage of Explosives Regulations 2005

Storage of fireworks

- It is an offence to keep more than 5 kg net of fireworks for sale or use at work without a registration or licence.
 - It is an offence for anyone to acquire more than 50 kg net of fireworks unless they (or someone else) holds a valid registration or licence for storage. It is also an offence for anyone to sell or transfer more than 50 kg net of fireworks to someone unless that person shows a valid registration or licence.
 - 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.
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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 a fine of up to £5000.

And finally...

- Keep all fireworks in a dry place.
- Label all containers 'Fireworks-Highly Flammable' (and always keep these containers closed).
- Don't allow any smoking anywhere near the fireworks being displayed or sold. Put up 'No Smoking' notices.
- Unplug any electrical fitting that is inside a display case containing fireworks.
- Never let customers handle any fireworks while they are choosing.