

## Fireworks

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### This guidance is for England and Wales

If you intend to supply adult (categories F2 and F3) fireworks to consumers you must first obtain an explosives storage licence from your local authority. If you intend to supply adult fireworks all-year round you must also obtain an all-year supply licence from your local authority.

It is your responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a supply has taken place to a person under the minimum legal age.

In the Pyrotechnic Articles (Safety) Regulations 2015, to 'supply' means to "make available on the market". In practice this includes all sales, whether from one business to another or from a business to a consumer; fireworks are also 'supplied' even if they are given free of charge.

## What types of fireworks can be supplied to consumers?

Only categories F1, F2 and F3 can be supplied to the public. Category F4 can only be supplied to persons with specialist fireworks knowledge.

Category F1 fireworks present a very low hazard and negligible noise level and are intended for use in confined areas, including fireworks that are intended for use inside domestic buildings.

Category F2 fireworks present a low hazard and low noise level and are intended for outdoor use in confined areas.

Category F3 fireworks present a medium hazard, are intended for outdoor use in large open areas and have a noise level that is not harmful to human health.

Category F4 fireworks present a high hazard, are intended for use only by persons with specialist knowledge and have a noise level that is not harmful to human health.

There are also four hazard types (HT1 - HT4), which are used for storage licensing purposes; see '**How do you obtain a licence to store fireworks?**' below.

## When can you supply fireworks?

If you have applied to your local authority (and been granted) a storage licence, then you can supply adult fireworks (categories F2 and F3) but only during the following time periods:

- from 15 October to 10 November
- from 26 to 31 December
- on the first day of the Chinese New Year and the three days immediately preceding this
- on the first day of Diwali and the three days immediately preceding this

If you wish to supply adult fireworks outside of these periods, then you will need to apply for an all-year supply licence and pay a fee of £500.

## How do you obtain a licence to store fireworks?

If you want to store more than 5 kg and less than 2,000 kg net explosive content (NEC) of adult fireworks, you need to apply to your local authority for a licence. Your local authority can provide you with an application form, which you should complete and return with the fee, a site plan and, where relevant, a floor plan.

The application form requires that you state the 'hazard type' and amount of explosive content that you intend to store. Fireworks are divided into four hazard types (HT1, HT2, HT3 and HT4) for storage licensing purposes, HT1 being the most dangerous.

HT1 and HT2 are not suitable for retail storage. Most fireworks that can be supplied to consumers contain HT4 explosives but some are designated as HT3 because they are more dangerous.

The amount of HT3 and HT4 that can be stored is restricted as follows:

- you can store up to 250 kg of HT4 fireworks in a suitable building with no separation required from other buildings or places with public access

- you are restricted to 25 kg of HT3 fireworks or a combination of HT3 and HT4 fireworks in a suitable building with no separation required from other buildings or places with public access
- where sleeping accommodation is adjacent to a fireworks store, only 75 kg of HT4 fireworks can be stored
- storage of more than 250 kg of HT4 fireworks or storage of more than 25 kg of HT3 fireworks up to a maximum of 2,000 kg requires a suitable building separated from other buildings or places with public access

You should seek advice from your supplier as to the suitability of the fireworks you intend to store and supply. The storage of HT3 fireworks severely restricts the amount of fireworks you can store in typical retail premises.

The supply of fireworks is governed by different legislation, which uses a different numbering system that is covered above (F1 - F4).

HT4 fireworks are suitable for retail supply and are categorised for supply using a system that is explained below. HT3 fireworks are normally only available from specialist fireworks suppliers with premises that only supply fireworks.

## **Are any fireworks exempt from licensing?**

A special exemption from licensing is made where the only fireworks offered for supply are category F1 fireworks and the total amount of explosive content of the fireworks does not exceed 5 kg.

Category F1 fireworks present a very low hazard and negligible noise level, and are intended for use in confined areas, including inside domestic buildings.

The fireworks must be stored safely as explained in the next section but may be supplied all-year round to persons aged 16 and over. It is recommended that the fireworks be kept behind the counter, out of the reach of children and a notice should be displayed warning of the age restriction.

## **How do you store and supply fireworks safely?**

This area is covered by the Explosives Regulations 2014.

Your local authority will give you advice on the safe storage and supply of fireworks. The HSE also has guidance on storing and selling fireworks on its website. This guidance includes a risk assessment checklist.

If you do not have a storeroom to use exclusively for the storage of fireworks, category F2 and F3 fireworks should be stored away from the shop premises or be kept either:

- away from the sales area in their closed transport packaging in a fire-resistant cabinet, container or within a suitable cage  
... or
- in a suitable display case (the size of the retail sales area determines maximum quantities of fireworks that can be stored on the shop floor)

## Which types of fireworks are banned?

Only fireworks that comply with safety standards, carry the UKCA mark and are correctly labelled in English with details of the manufacturer and importer can legally be supplied to consumers. There is also a UKNI mark that needs to be used where Northern Ireland is involved.

Fireworks that comply with European safety standards, carry the CE mark and were legal to be supplied in the UK before 1 January 2021 can continue to be supplied to consumers for an extended period.

For more information on the UKCA mark - as well as the UKNI and CE marks, including transitional arrangements - see 'UKCA marking'.

Boxes of fireworks must not be split and supplied separately.

Any firework that exceeds 120 decibels must not be supplied to consumers.

Also banned are fireworks of the following description:

- 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 that produces a loud noise as its main effect and/or has an inside diameter greater than 30 mm
- a battery containing bangers, flash bangers or double bangers
- a combination (other than a wheel) that includes one or more bangers, flash bangers or double bangers

## What are the age restrictions for the supply of fireworks?

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F4 fireworks to the general public. The Regulations prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc) fireworks to any person under 16. An exception is made for Christmas crackers, which must not be supplied to any person under 12. Caps for toy guns are exempt from fireworks legislation.

**Note:** the labelling on packets of sparklers must carry the words: 'Warning: not to be given to children under five years of age'.

Where adult (categories F2 and F3) fireworks are supplied or exposed for supply in any premises, the Fireworks Regulations 2004 require a notice to be displayed in a prominent position in those premises, no less than 420 mm by 297 mm (A3), with letters no less than 16 mm high, giving the following information:

**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**

Although the wording of the sign includes the word 'sell', the legal meaning of 'supply' still applies.

## Defences

If you are charged with an offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. It is your responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a supply has taken place to a person under the minimum legal age.

Offences are of strict liability, which means that they can occur even when the business owner is not on the premises.

## Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent an underage supply. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

### Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted, but make sure that the card matches the person using it and the date of birth shows they are at least the minimum legal age. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the supply should be refused.

Please see the Home Office *False ID Guidance* for more information.

### Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are over the minimum legal age by showing valid proof of age.

## **Staff training**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under the minimum legal age is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

## **Maintain a refusals log**

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse to supply and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

## **Store and product layout**

Identify the age-restricted products (including category F1 fireworks, such as party poppers) in your store and consider moving them nearer to, or even behind, the counter.

Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

## **Till prompts**

If you possess an EPOS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

## **Signage**

In addition to the legally required fireworks notice, you may wish to display a poster showing the age limit for the supply of category F1 fireworks (16) and a statement regarding the refusal to supply. This may deter potential purchasers and act as a reminder to staff.

## **Closed circuit television (CCTV)**

A CCTV system may act as a deterrent and reduce the number of incidents of underage supplies. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate

the products behind, or closer to, the counter.

## **Online supply**

If you supply by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Fireworks are explosives and can only be transported for supply by specialist couriers. Ordinary couriers and Royal Mail will not carry explosives. If you wish to start supplying fireworks by courier please contact your local trading standards service.

## **Further information**

Detailed guidance on the Pyrotechnic Articles (Safety) Regulations 2015 has been produced by the Office for Product Safety And Standards (OPSS).

Please note that there are now additional requirements you have to comply with. You may be classed as an importer into the Great Britain market, rather than being a distributor within the European Union.

## **Trading standards**

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

## **In this update**

A new guide - 'UKCA marking' - has been created, which explains the purpose of the mark, and the transition period between the CE and UKCA marks.

Last reviewed / updated: August 2022

## **Key legislation**

Health and Safety at Work etc Act 1974

Consumer Protection Act 1987

Fireworks Regulations 2004

Fireworks (Amendment) Regulations 2004

Explosives Regulations 2014

Pyrotechnic Articles (Safety) Regulations 2015

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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