

Storing Fireworks

An illustration featuring three stylized firework containers: a purple one with yellow stars on the left, a large multi-colored (pink, yellow, purple) one in the center, and a green one on the right. A blue scroll with a wooden handle is positioned at the bottom, partially overlapping the text.

A brief guide to the new
Manufacture and Storage of Explosives
Regulations 2005
for retail sellers of fireworks

Prepared by the Explosives Industry Group of the CBI in association with LACoRS

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What are the new Regulations?

The Manufacture and Storage of Explosive Regulations ("MSER" for short) came into force on 26th April 2005. MSER, while adopting many of HSE's new approaches (eg Goal setting, Risk Assessment) maintain much of the fundamental structure of the venerable 1875 Explosives Act which it largely replaces. This short summary highlights where things stay the same and where things have changed. The Regulations are, however, complex - and the Approved Code of Practice (ACoP) more complex still, and the reader is urged to consult these two documents and obtain legal and other advice as necessary before changing their working practices to meet the new Regulations.

What stays the same?

If you store fireworks you still require registration or licence from the local authority, in addition to the requirement to have a licence to sell the fireworks which is required under the Firework Regulations 2004. As under the old Regulations there are still general duties to

Prevent fire and explosion

Prevent unauthorised access to the fireworks

Not to manufacture fireworks without a licence from HSE

What changes have there been?

At sites administered by Local Authorities, the terms "Registration" and "Licence" are retained - although they mean subtly different things from the old Explosives Act. In particular the old "Mode A", "Mode B" and "Div A" designations, for example, have disappeared - and have been replaced by a much more flexible approach which is more akin to the Quantity/Distance relationships used by HSE. In fact, below 2000Kg NEQ (see below) the tables used by Local Authorities and those used by default by HSE are identical. This means that registration and licensing by a Local Authority is more flexible than before, and will benefit retailers of the lower hazard fireworks considerably.

The major changes are as follows:

- The licence or registration is now granted to a person (or company) and not to the site
- The quantities in the Regulations now refer to Net Explosive Quantity (NEQ) - the quantity of explosive contained within the fireworks - and not to gross weight. If the NEQ weights are not available then they are taken as being 25% of the gross weight of the fireworks
- The amount you can store in a particular situation also depends on the hazard type of the fireworks (see below)
- If you are storing large quantities of fireworks (for instance >250Kg NEQ of Hazard Type 4 fireworks) you need to licence the store with the Local Authority or with HSE and you will need to have a prescribed safety distance to inhabited buildings and roads around the store
- If you are storing smaller quantities you may not need to maintain a safety distance, but you will still need to register the store with the local authority
- The storage of even larger quantities of fireworks (>2000Kg NEQ) on any site is now licensed by HSE
- Local authorities now have the ability to refuse or revoke a registration or licence
- Licences and registrations will, in general, be for a longer period than previously - but there will also be a rise in the fees payable for licensing or registration
- The rules concerning the amount of fireworks allowed to be present in shops have also been changed - the quantity that may be kept in the sales areas themselves is now related to the floor area of the sales area.

What does “Hazard Type” mean in practice?

One of the most fundamental changes is that the amount that can be stored in a building is related not only to the distance from, say, inhabited buildings and roads, but to the Hazard Type of the explosives being stored. In the most general terms the 4 categories of Hazard Type equate to the most hazardous classification of the explosives being stored in the order 1.1>1.2>1.3>1.4 - so a store holding both 1.3G and 1.4G fireworks would effectively be treated as a Hazard Type 3 (HT3) store.

Most fireworks in retail premises are classified as 1.4G and may be stored as HT4 - however, if you also store some larger fireworks they may be classified as 1.3G and therefore require the whole store to be treated as HT3.

What quantity of fireworks can I store under the new Regulations?

If you are supplying fireworks, and not storing them for your own use and for limited periods you will need to register or licence the store

	< 7Kg NEQ	<100 Kg NEQ	<250Kg NEQ	>250Kg NEQ	>2000Kg NEQ
Hazard Type 4	Registration	Registration	Registration	Licence	HSE*
Hazard Type 3/4	Registration	Registration	Licence	Licence	HSE*
Hazard Type 2/3/4	Registration	Licence	Licence	Licence	HSE*
Hazard Type 1/2/3/4	Registration	Licence	Licence	Licence	HSE*

* - for more than 2000Kq NEQ, or where the distances required for a local authority licence cannot be met you will need to apply to HSE to transfer the licence to their control. However this does not need to be done until 2008 - seek advice from your licensing authority or from HSE

Who do I apply to for a new Licence or Registration or to renew my existing Licence or Registration?

If you are renewing a licence or registration you need to apply, in most cases, to the licensing authority that currently administers your store. In many cases the licensing authority will be the local Trading Standards department - but in certain areas the Fire Brigade fulfil this role. If in doubt, you can contact your local Trading Standards department (details of the local department is available online at the Trading Standards Institute website - just put in your postcode, or check your phone directory) and they will guide you to the enforcing authority for your area.

There are arrangements under MSER which allow for the continuation of the licence or registration conditions you have now for a limited period (until 2008) in situations where the new Regulations would otherwise make a store unviable. However by 2008 all licences will be granted under the conditions of MSER.

If you are applying for a registration or licence for the first time then you should also approach the local licensing authority and the requirements of MSER will apply immediately.

What should I be doing to comply with the general requirements of the Regulations?

The Regulations also require you to take measures to prevent fire or explosion of the fireworks you are holding, and to ensure that if an ignition did occur that the effects are minimised and that people can safely be evacuated.

HSE have produced simple “Dos and Don’ts” guidance which will help you comply with the general requirements of the law. Most of these are common sense provisions to prevent the fireworks catching fire in the first place (e.g. - no naked lights or smoking in the vicinity of the fireworks), to ensure that the spread of fire is minimised (e.g. by ensuring all boxes are closed, and that the fireworks are not stored adjacent to other flammable or combustible materials) and that people can evacuate if needed (e.g. by ensuring all escape routes are kept clear). The guidance is available online via the HSE explosives website (see below) and also from your licensing authority.

What do I need to do to carry out a Risk Assessment?

The Regulations also require that you carry out an assessment of the risks posed by storing the fireworks at your location (to help you highlight the areas above) - and that in certain circumstances the findings of this risk assessment are documented. HSE have produced a Risk Assessment Checklist to help you in this task - again it is available online and from your licensing authority. It is important to note that you are required to assess these risks and not merely duplicate information provided by others - this is because the particular arrangement of your store and the adjacent area will differ from others' and the risks may have changed.

Where can I get further information?

Your supplier of fireworks will be able to provide information to assist you in complying with the new Regulations - indeed if they are supplying more than 50Kg of fireworks to you they will also require from you evidence that you have complied with the Regulations.

Your licensing authority will also provide information and provide copies of the guidance and risk assessment checklist.

The explosives Inspectorate of the HSE can also provide more information - particularly for larger stores (>2000Kg NEQ) and for those stores unable to meet the separation distances for their existing stores.

LACoRS - <http://www.lacors.gov.uk>

Trading Standards Institute - <http://www.tradingstandards.gov.uk>

DTI details of Fireworks Regulations - see <http://www.opsi.gov.uk/si/si2004/20041836.htm> and the DTI website <http://www.dti.gov.uk>

MSER text is available from HMSO - <http://www.opsi.gov.uk/si/si2005/20051082.htm>

The Approved Code of Practice (ACoP) to MSER is available from HSE Books -

<http://www.hsebooks.com>

Further details of HSE licensing and general information about the storage, transport and use of explosives is available from the HSE website - <http://www.hse.gov.uk/explosives>

Further information about the Explosives Industry Group of the CBI - <http://www.eig.org.uk>