

REQUIREMENTS FOR FIREWORKS RETAILERS

As a retailer of fireworks you should be aware of the Explosives (Fireworks) Regulations (Northern Ireland) 2002 which place responsibilities on you in relation to sales. Copies of the Regulations (SR 2002 No 147) can be purchased from The Stationery Office Limited, Arthur Street, Belfast.

It is important that you familiarise yourself with the Regulations but for your convenience the main requirements, as they affect sales, are summarised below. They should not be taken as a definitive statement of the law.

- Retailers must register their premises with the Northern Ireland Office (NIO) if they wish to sell fireworks.
- It is an offence to sell fireworks which do not comply with British Standard 7114:1988 or its European equivalent.
- The sale, possession, purchase, or use of any fireworks of erratic flight or any mini-rocket, banger or air bomb in Category 2 is prohibited.
- The purchase, possession and use of Category 1 fireworks and sparklers do not require a licence issued by the NIO.
- The purchase, possession and use of Category 2, 3 and 4 fireworks require a licence issued by the NIO. The licence application form is only available from the NIO and the appropriate fee must be paid before the licence is issued.
- Anyone wishing to purchase Category 2, 3 or 4 fireworks from a retailer must produce his / her licence to the retailer. In the absence of the licence the retailer is prohibited from selling such fireworks.
- Retailers must keep a permanent record of all sales of Category 2, 3 and 4 fireworks which must include the name and address of the person purchasing such fireworks, the date of each sale (including details of the quantity and type of fireworks sold) and the licence number. These records must be retained for at least 2 years and must be available on demand for inspection by a Government Inspector, Constable or representative from an enforcing authority on production of a warrant.

- Retailers are prohibited from selling any firework which they have removed, caused to be removed or know to have been removed from a primary pack or a selection pack.
- Retailers must not sell sparklers unless the packet in which they are contained is marked with the words - "WARNING: not to be given to children under 5 years of age".
- Category 4 fireworks must not be sold unless the packaging is marked with the words - "This device must not be sold to or used by a member of the general public".
- Retailers must not sell any firework which is not labelled in English.
- It is an offence under the Explosives Act 1875 to sell a firework to anyone under the age of 16 years.
- Retailers must display a warning notice stating "It is illegal to sell fireworks to anyone under the age of 16". The notice must be exhibited in a prominent position where it can be easily read by persons at the point of sale. It's dimensions must not be less than 297 mm by 420 mm with the letters not less than 36 mm high.
- Retailers must also display, prominently at the point of sale, their original Certificate of Registration of Premises under the Explosives Act 1875.
- Where an offence under the fireworks regulations has been committed a fine of up to £5,000, or a prison sentence, or both, may be imposed.
- The movement of Category 3 and 4 fireworks requires prior approval from the Police. This will also apply where Category 2 fireworks have a total weight exceeding 900 Kgs. Police approval is not required for the movement of Category 1 fireworks.

Copies of British Standard 7114: 1988 are available from the British Standards Institution (BSI), 389 Chiswick High Road, London W4 4AL, or from The Stationery Office Limited.

KEEPING FIREWORKS IN REGISTERED PREMISES

This guide to Keeping Fireworks in Registered Premises is issued by the Northern Ireland Office (NIO) and summarises the main provisions of the Explosives Act 1875. It should not be taken as a definitive statement of the law in this area.

To sell fireworks legally from your premises you must –

- a) have your premises registered by the NIO under the Explosives Act 1875;
- b) receive exemption from the prohibition on the night storage of explosives imposed by the Explosives Regulations (Northern Ireland) 1970, and
- c) apply annually to the NIO to renew your Certificate of Registration.

The main provisions that apply to fireworks are –

- Category 4 fireworks must be labelled "This device must not be sold to or used by a member of the general public". They may be used only by experienced pyrotechnicians.
- Premises may be registered as either Mode A or Mode B, depending on the maximum quantity of fireworks to be kept. The Police have additional security requirements for Category 3 and 4 fireworks.

Mode B Registered Premises

- Shops selling fireworks to the general public for small garden displays are normally registered as Mode B.
- The maximum amount of Category 1 or 2 fireworks which may be kept is 225 kgs. If the premises are registered to keep Category 3 or 4 fireworks also, the maximum amount in all is reduced to 22.5 kgs.
- When your premises are registered you may keep up to 45 kgs of Category 1 or 2 fireworks in the area of your shop where they are sold to the public or in the area to which the public have access, provided the fireworks are in a closed case, such as a glass show case, which should not be in the shop window. You should only open the case to remove a small quantity of fireworks to show to a customer and, if they are unsold, you should replace them immediately.
- If you have any Category 1 or 2 fireworks which are not kept as above, you must keep them in substantial and closed metal receptacles (each holding no more than 45 kgs) and secure them to prevent unauthorised access. Only open them to restock the shop. Keep unlocked receptacles in a locked area of your premises,

to which the public have no access. Secure your premises to prevent unauthorised access.

- The locked storage area and its surrounds must not contain any articles or substances of an inflammable nature which are liable to cause fire or explosion. Petrol filling stations are not permitted to keep or sell fireworks.
- If Category 3 or 4 fireworks are to be kept in Mode B registered premises, then additional security conditions must be met. The building must be of substantially constructed brick, stone or concrete with a steel door. Locks must be multi-lever mortise deadlocks, each either having a bolt of hardened steel or containing hardened steel cylinders. The bolt should extend at least beyond the foreend of the lock when it is in the thrown position. The building must be wholly detached from any dwelling house and situated at a safe distance from any highway, street, public thoroughfare or public place. It must be used exclusively for keeping fireworks and must have an alarm system fitted.

Mode A Registered Premises

- If your premises are registered as Mode A you may keep a maximum amount of 900 kgs of Category 1 or 2 fireworks but if you also keep any Category 3 or 4 fireworks, then the maximum amount is reduced to 90 kgs.
- The security requirements for keeping any fireworks in Mode A premises are the same as those for keeping Category 3 or 4 fireworks in Mode B premises. In addition the interior of the storage area and shelving must be constructed, covered or lined so as to prevent the exposure of any iron or steel. The building must be kept clean and, if the walls are of brick or stone, they should be lined with wood or other suitable material to prevent loose grit. Fireworks should remain in the manufacturer's outer packages at all times.
- If only Category 1 or 2 fireworks are kept on the premises, then there is no distance requirement from any highway, street, public thoroughfare or public place.

Some general rules which apply to both Mode A and Mode B premises -

- Premises adjoining one another and in the same occupation must not be registered separately.

- The occupier of the premises and every person employed in or about them must take all due precautions to prevent accidents by fire or explosion and unauthorised access to the fireworks.