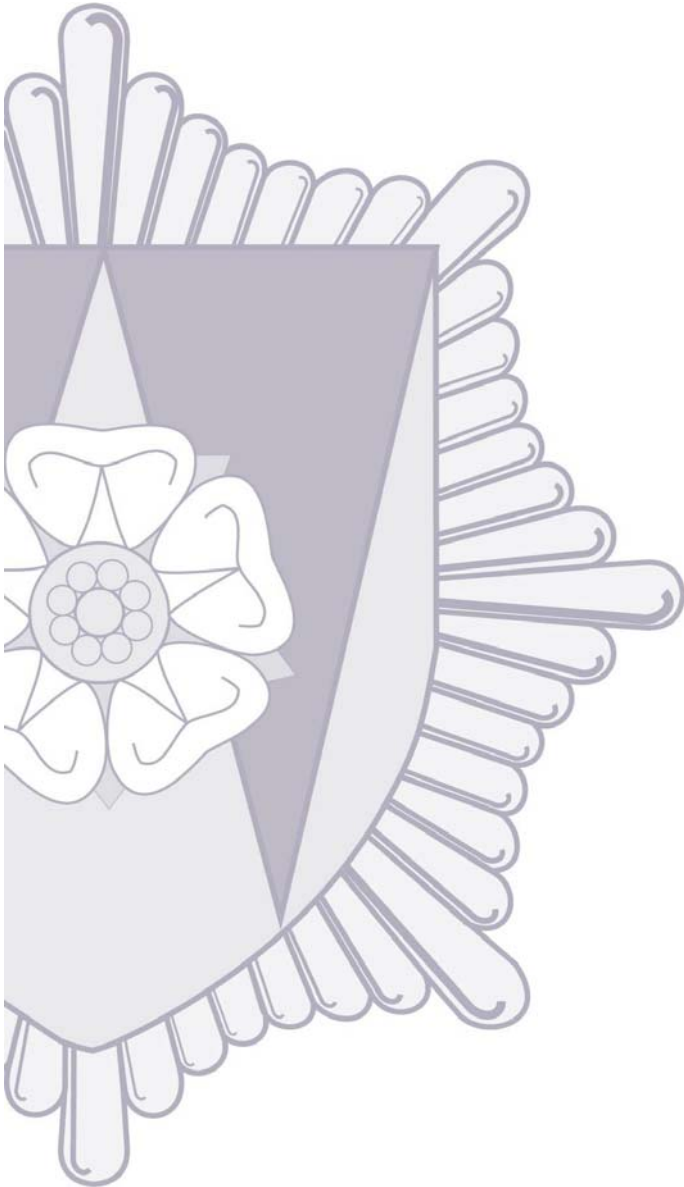


West Yorkshire Fire & Rescue Service

Fire Safety - Information Note FS-INF042

Résumé of the Manufacture & Storage of Explosives Regulations 2005 & the Fireworks Regulations 2004



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PREVENTING PROTECTING RESPONDING

West Yorkshire Fire & Rescue Service – Information Note FS-INF042

Scope:

1 The purpose of this Information Note is to outline the scope of the Manufacture & Storage of Explosives Regulations 2005 and the Fireworks Regulations 2004 as they apply to the retail storage and supply of fireworks.

Manufacture & Storage of Explosives Regulations 2005

Introduction:

2 The Manufacture & Storage of Explosives Regulations (MSER) came into force on 26 April 2005. The new Regulations have replaced most of (but not all of) the Explosives Act 1875¹.

Enforcing Authority:

3 The West Yorkshire Fire & Rescue Authority (WYFRA) is the designated enforcing authority for MSER (in the West Yorkshire area) for the storage of fireworks and other pyrotechnical articles like airbag inflators, ammunition and nail gun cartridges etc.

Registration and Licensing:

4 The administration of the licensing and registration regime is carried out by the petroleum clerk at the WYFRA headquarters². Applications for licences and registrations (including the renewals) must be made on the standard application and renewal forms which are available from the petroleum clerk².

5 Renewal forms will be automatically sent out to licensees and registrants before the expiry date of the licence or registration.

Note: Retailers will need to provide (to their suppliers) proof of a current registration or licence before fireworks, in excess of 50kg net explosive content (nec), can be supplied to them.

Fees:

6 The fees for licences and registrations are controlled by the Health & Safety (Fees) Regulations. The Regulations are reviewed on an annual basis in April with the fees usually being increased on an incremental scale linked to inflation.

Weight Calculations:

7 MSER refers to the net mass which is the net weight of the explosives content of the fireworks; often referred to as the net explosive content (nec). The main suppliers will be able to provide retailers with a weight breakdown which will help them calculate their permitted allowance to ensure compliance with the law. The majority of importers' outer cartons will have the nec clearly marked; this should not be confused with the net weight (nw) of fireworks.

Note: In instances where the retailer cannot provide the weight (nec) of the fireworks held in stock, the enforcing authority is empowered to determine if stock levels are exceeded by weighing the fireworks and dividing the figure (gross weight) by a factor of 4.

¹ See FS-INF046 - Explosives Act 1875 – Sections Remaining in Force.

² West Yorkshire Fire & Rescue Service, Fire Safety Group, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY. ☎
01274 655785 or 655827

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Weight Limitations:

8 The maximum quantities that can be stored are 2000 kg under a licence and 250 kg under a registration. For quantities in excess of 2000 kg, the Health & Safety Executive is the licensing authority.

9 In addition to the distinction between licensing and registration, there are four important cut-off points that retailers should be aware of. These are outlined in Table 1.

Quantity (nec)	Change
≤5kg	There is no requirement to register the storage, even if the fireworks are kept for the purpose of sale.
>62.5kg	This figure equates to the previous limit for Mode 'B' storage under the Explosives Act 1875. If a retailer intends to keep more than this amount, he will need to tick the relevant section of the standard application form and make suitable arrangements for keeping the additional stock.
>75kg	If a shop contains or adjoins domestic premises, additional precautions may need to be taken to protect the residents from the effects of any fires involving the fireworks. This question is asked in the standard application form.
12.5kg	This was the limit under the Explosives Act 1875 for the amount a retailer could keep in the sales area of the shop. Although this limit still applies for a shop with a sales area of ≤ 20 ² m, greater quantities can now be kept in the sales area.

Risk Assessment³:

10 The Approved Code of Practice and Guidance (ACoP)⁴ to MSER emphasises the need to carry out an assessment of the fire risks posed by storing fireworks and to record significant findings if there are 5 or more employees. Retailers, especially small shopkeepers, should not be daunted by the phrase '*risk assessment*'.

11 For the purpose of fireworks storage, risk assessment is simply a matter of carrying out a check to ensure that there are adequate control measures in place to prevent a fire and to minimise the spread of fire should an outbreak occur. The following are examples of some of the common sense measures retailers should be taking: -

- excluding sources of ignition and prohibiting smoking;
- not storing fireworks adjacent to other flammable or combustible materials;
- restricting access to the fireworks;
- keeping fireworks in transport cartons; and
- keeping exits and escape routes clear.

³ The Dangerous Substances & Explosive Atmospheres Regulations 2002 impose the duty (on employers and the self-employed) to carry out a risk assessment.

⁴ L139 Manufacture & Storage of Explosives : Approved Code of Practice and Guidance. Available from HSE Books. ISBN 0-7176-2816-7.

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12 When carrying out inspections Fire Safety Inspectors (FSIs) will, if requested, explain the process and the rationale of risk assessment. FSIs will not, however, carry out the risk assessment for retailers. To assist retailers in carrying out a risk assessment, the Health and Safety Executive⁵ has published two documents entitled 'Storing Fireworks Safely' and 'Risk Assessment Check-list'. A reproduction of the latter document will be attached to all the licences and registration certificates issued by the West Yorkshire Fire & Rescue Service.

Methods of Storage:

13 Typical methods of storing fireworks are outlined in the Table 2 below.

Table 2	
Method	Comment
ISO (shipping) container externally positioned.	In manufacturers (transport) cartons. Separation distancing applies for quantities in excess of 250 kg (nec).
Separate room (inside a building) constructed to ½ standard of fire resistance.	In manufacturers (transport) cartons (maximum quantity of 250 kg (nec))
Storeroom/area – shared storage with non-hazardous goods.	In a segregated area (or in fully enclosed wire roller cages) in manufacturers (transport) cartons (quantity determined by a risk assessment)
Storeroom/area – shared with hazardous goods.	In metal or timber cabinets or cupboards (quantity determined by risk assessment and capacity of cabinets or cupboards)
Metal Bins	
It is no longer acceptable to decant and store fireworks in metal bins (dustbins)	

Sales Area Storage:

14 Under MSER the maximum amount allowed in the retail part of the premises is dependant upon the dimensions (m²) of the shop floor area. Fireworks in the sales area must be contained in a display case or storage cupboard or cabinet with a maximum of 12.5kg (nec) per unit

15 The quantities allowed in the retail area are listed in Table 3.

⁵ These publications can viewed or downloaded from the HSE's website at: <http://www.hse.gov.uk/explosives/fireworks/index.htm>

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Table 3		
Total floor area of the sales area (m²)	Maximum Quantity Under a Registration (kg (nec))	Maximum Quantity Under a Licence (kg (nec))
up to 20	12.5	20
up to 40	15	25
up to 60	20	35
up to 80	25	50
up to 100	30	60
up to 150	35	70
up to 200	40	80
up to 250	45	90
up to 300	50	100
up to 350	55	110
up to 400	60	120
up to 450	65	130
up to 500	70	140
500 and over	75 (in excess of this figure requires a licence)	150

Hazard Types:

16 Under MSER the 'hazard type' system is used to determine the quantities of fireworks that can be stored and the separation distances to be maintained. 'Hazard types' (HT) range from HT1 to HT4 with HT1 posing a far greater hazard than HT4.

17 Retailers need not worry about the implications of 'hazard types' as all the fireworks supplied to them by members of the British Fireworks Association will be HT4 and provided they do not store more than 250kg (nec), there are no additional precautions they need to take.

Separation Distances:

18 In order to protect the public, processes and property from the effects of a fire at the place where explosives are stored, separation distances have to be maintained between the store and occupied buildings and public thoroughfares. For quantities of upto 250 kg (nec) of HT4 fireworks, separation distancing does not apply; which means that upto this amount can be stored in a retail building.

19 The incremental separation distances for quantities of HT4 fireworks in excess of 250 kg (nec) are listed in Table 4 in the appendix to this Information Note.

Fireworks Regulations 2004:

Introduction:

20 The Fireworks Regulations 2004 came into force on 1 January 2005. The Regulations were introduced by the Department for Trade and Industry for the purpose of controlling the misuse of fireworks.

Restriction on Supply Periods:

21 Unless retailers hold a special all-year-round licence to supply fireworks, they can only be offered and exposed for sale during the following time periods:

- 15 October -10 November and 26-31 December;
- The day of Diwali and three days prior; and
- The first day of the Chinese New Year and three days prior.

22 Retailers who wish to supply fireworks outside the above time periods must apply to the WYFRA⁶ for an all-year-round licence. There is a fixed fee of £500, set by regulation 9 of the Fireworks Regulations 2004, for the granting of an all-year-round licence.

Signage:

23 Retailers are required to display a sign informing customers that:

- it is illegal to supply adult fireworks and sparklers to anyone under the age of 18; and
- it is illegal for anyone under the age of 18 to possess adult fireworks in a public place.

Record Keeping:

24 Retailers are required to keep the following records of any customer purchases (in one transaction) of a quantity of fireworks in excess of 50 kg (nec): -

- the name and address;
- the weight of the fireworks purchased; and
- the date of purchase.

⁶ West Yorkshire Fire & Rescue Service, Fire Safety Group, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY. ☎
01274 655785 or 655827

Appendix 1 - EXTERNAL SEPARATION DISTANCES

Table 4			
Hazard Type 4 Fireworks			
Quantity of Explosives (kg) (nec)	Footpath, Lightly Used Road, Waterway (m)	Minor Road, Railway Line (m)	Major Road, Place of Public Resort, Buildings (m)
0.1-250	0	0	0
250-300	1	1	1
300-340	1	1	2
340-370	1	2	3
370-400	1	2	4
400-450	2	3	5
450-500	2	3	6
500-550	2	4	7
550-650	3	4	8
650-700	3	5	10
700-750	4	6	11
750-800	4	6	12
800-900	4	7	13
900-950	5	7	14
950-1000	5	8	15
1000-1100	5	8	16
1100-1150	6	9	17
1150-1200	6	9	18
1200-1300	6	10	19
1300-1350	7	10	20
1350-1400	7	11	21
1400-1450	7	11	22
1500-1550	8	12	23
1550-1600	8	12	24
1600-1650	8	13	25
1650-1700	9	13	26
1700-1800	9	14	27
1800-1850	9	14	28
1850-1900	10	15	29
1900-2000	10	15	30