1 Introduction

1.1 This purpose of this document is to outline the legislation and associated requirements for the storage of fireworks and to advise fire officers and fire safety inspectors on the procedures for detaining and seizing fireworks in instances where over-stocking, illegal storage and/or dangerous storage conditions are suspected or found.

1.2 The decision to detain or seize fireworks has to be a considered one and accordingly fire officers and fire safety inspectors need to:

- be fully conversant with their enforcement powers;
- be acquainted with the statutory duties of those storing fireworks so as to readily identify instances of serious breaches of the law; and
- identify conditions which present a danger to employees, the public and fire-fighters.

2 Applicable Legislation

2.1 The legislation, as enforced by the WYFRS, controlling the storage and supply of fireworks is the:

- Explosives Act 1875 (EA);
- Fireworks Regulations 2004 (FWR); and
- Manufacture & Storage of Explosives Regulations 2005 (MSER).

2.2 Whilst MSER deals with the safe storage of fireworks, section 30 EA and regulation 9 FWR respectively impose prohibitions on the sale of fireworks in a public place/highway and the supply of fireworks (to the general public) outside prescribed time periods. 1

2.3 Importers, wholesalers and retailers of fireworks who supply 'all-year-round' to the general public can only do so under a licence granted by the WYFRA. This £500 (annually renewable) licence is separate to the licence/registration to store the fireworks.

3 Powers of WYFRS Inspectors

3.1 The means to appoint fire officers and inspectors and the extent of their powers differs with the three applicable pieces of legislation.

MSER

3.2 As MSER is a ‘relevant statutory provision’ provision of the Health & Safety at Work etc Act 1974 (HSWA), certain fire officers and fire safety inspectors are appointed as inspectors under the powers given to the WYFRA by section 19 HSWA. In order to carry out inspections, investigations and to take enforcement action, HSWA powers are also delegated sections 20 (powers of inspectors), 21 (improvement notices), 22 (prohibition notices) and 25 (power to deal with cause of imminent danger).

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1 Fireworks can only be supplied without a licence (to the general public) on the first day of the Chinese New Year and Diwali and the 3 days immediately preceding the festivals, between 15th October and 10th November and 26th to 31st December.

2 Delegation of Duties and Powers.
3.3 Not all appointed officers and inspectors are given the full range of powers as there is a qualification and experience caveat written in to section 19 HSWA. However, all appointed officers and inspectors are given the full powers under section 20 HSWA. These extensive powers are defined in Appendix ‘A’.

FWR

3.4 The FWR are regulations made under the provisions of the Consumer Protection Act 1987 (CPA) and the Fireworks Act 2003. Under the provisions of CPA, certain (named) fire safety inspectors are appointed as ‘authorised enforcement officers’. This authorisation gives them the powers to: -
- enforce regulation 9 (FWR);
- make test purchases;
- enter and search premises; and
- seize and detain fireworks.
All of the above powers are for ascertaining if there has been a breach of regulation 9 FWR.

EA

3.5 The few remaining (extant) sections, not repealed when MSER came into force, cover a diverse range of requirements and prohibitions not all directly associated with the manufacture or storage of explosives and fireworks. As some offences under EA render the explosives (fireworks) involved liable to forfeiture, for example selling or exposing for sale fireworks in a public place, certain (named) fire safety inspectors are appointed as ‘authorised inspectors’ and given the powers of seizure and detention under section 74 (EA).

4 Licensing and Registration

4.1 Suppliers and retailers are required to licence or register their storage of fireworks (with the WYFRA) where the maximum quantity in stock exceeds, at any time, 5 kg. There are, however, exemptions to this threshold figure for the temporary storage of fireworks.

4.2 The registration regime applies for quantities of upto 250 kg and the licensing regime for quantities of between 250 kg to 2000 kg. For quantities in excess of 2000 kg or for sites where explosives are manufactured, the Health & Safety Executive is the licensing authority.

4.3 Although 5 kg of fireworks can be kept for an indefinite period without a registration or licence, the following exemptions also allow for the keeping fireworks on a temporary basis without a registration or licence. It should be noted that an exemption can only be claimed under one of the bullet points: -
- 7 kg of HT1 or HT2 fireworks for upto 24 hours;
- An unlimited quantity of HT3 or HT4 fireworks for upto 24 hours;
- 100 kg of a combination of HT3 and HT4 fireworks for upto 3 days in their place of intended use; and
- 250 kg of HT4 fireworks for up to 3 days in their place of intended use, or 50 kg of HT4 fireworks for upto 21 days and not for sale or use at work.

Note: All quantities referred to in this SOP are the net mass, in other words, the net explosive content of the fireworks.

5 Methods of Storage

5.1 Any business, organisation or person who stores fireworks has a legal duty to put in place control measures to prevent fires and to prevent the spread of fire should an outbreak occur.

5.2 The guiding principles for the safe storage of fireworks are: -
- Keeping them in their transport cartons;

- Segregating the fireworks from other storage; especially highly flammable liquids/gases and oxidising agents. In deciding on the degree of segregation necessary, the quantity and hazard type of the fireworks involved and the nature, quantity and hazard of other goods must be assessed. Segregation can be achieved by distance/spacing, wire mesh cages or trolleys and cupboards/cabinets.

- Enclosing the fireworks in a fire-resisting structure. Such an enclosure should preferably be on the ground floor and never (from an operational fire-fighting perspective) in a basement or cellar.

- Providing lightning protection for stores other than where they are used for the (seasonal) storage of HT4 fireworks or where they are licensed to keep less than 75 kg of fireworks (of any hazard type).

- Prohibiting smoking and taking other general fire precaution measures in and around where the fireworks are stored.

5.3 In order to determine the extent of the control measures to prevent/mitigate fires and for general fire precautions, the duty holder (e.g. retailer) must comply with the risk assessment requirements of the Dangerous Substances & Explosive Atmospheres Regulations 2002 (DSEAR) and the Regulatory Reform (Fire Safety) Order 2005. These risk assessments must be carried out before the fireworks are introduced onto the premises.

5.4 It should be noted that at retail premises, DSEAR is enforced by environmental health inspectors of the district council.

6 Hazard Type

6.1 The definitions of hazard types are given below together with (in italics) additional explanatory information for HT1, HT3 and HT4.

**Hazard Type 1** is an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a mass explosion hazard *(a mass explosion is one in which the entire body of explosives explodes as one)*;

**Hazard Type 2** is an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a serious projectile hazard but does not have a mass explosion hazard;

**Hazard Type 3** is an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire hazard and either a minor blast hazard or a minor projection hazard, or both, but does not have a mass explosion hazard *(ie those explosives which give rise to considerable radiant heat or which burn to produce a minor blast or projection hazard)*; and

**Hazard Type 4** is an explosive which, as a result of, or as a result of any effect of, the conditions of its storage or process of manufacture, has a fire or slight explosion hazard, or both, with only local effect *(ie those explosives which present only a low hazard in the event of ignition or initiation, where no significant blast or projection of fragments of appreciable size or range is expected)*.

Note: The definitions of hazard types 3 and 4 can be slightly misleading where fireworks are concerned; as the initiation effect of many varieties is a visual and aural aerial display. Whilst the confinement of the articles in their transport cartons and/or other methods of storage will provide some degree of containment, in a developing or serious fire situation, the

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3 Regulation 2 of MSER.
erratic projection of rockets and shells etc and the fragment throw from the bursting effects of these and other aerial fireworks will occur.

7 Hazard Division and Hazard Type

7.1 The Hazard Type system applies to manufacture and storage and reflects the conditions which are found in these situations. This means that in some cases the Hazard Type may differ from the UN/ADR Hazard Division classification for transport; although in the majority of cases the Hazard Type will correspond to the Hazard Division (for example UN HD 1.4 will be HT4).

Note: With very few exceptions, the fireworks stored at retail outlets for the supply to the general public will be HT4; marked 1.4 on the transport cartons.

8 Separation Distances

8.1 Under Regulation 5 MSER there is a continuing duty on the occupier of an explosives (fireworks) store to maintain a prescribed (external) separation distance between the fireworks store and occupied buildings, railways, public thoroughfares and places of public resort. The purpose being to protect the public from the effects of an explosion or fire should there be an outbreak involving the fireworks store.

8.2 The external separation distances for HT1, HT2, HT3 and HT4 explosives (fireworks) are set out in Annex 3 of the ACoP4. The distances are incremental with the hazard type and quantity of explosives held in storage. For up to 250 kg of HT4 explosives there is no separation distance which means that the storeroom can be located in a building put to other uses and where the public may be present; i.e. a shop.

9 Exceeding Permitted Quantities (Over-stocking)

9.1 This section of the SOP gives guidance on what steps fire officers or fire safety inspectors will need to take to satisfy the court that a business or individual had been keeping more than the quantities permitted under their licence or registration. Weighing all of the fireworks could be a lengthy and expensive process for the inspector(s) and for the business. There are also potential safety issues raised by staff having to unpack boxes of fireworks to weigh the contents.

9.2 The task for the inspectors is to demonstrate beyond a reasonable doubt that the quantity kept exceeds the permitted limits. The inspectors could satisfy the court by weighing a representative sample of the fireworks and then demonstrating that the sample was representative of the whole. This might involve:

- weighing the contents of a statistically representative sample of boxes;
- verifying that the samples chosen were representative. The boxes weighed should be selected at random from different parts of the store. It is also a good idea to give the licensee/registrant the option of selecting some or all of the boxes to be used in the sample. It is recommended that the inspectors open a further sample of boxes to check that they are the same as the sampled boxes; and
- taking photographic or video evidence of the number of boxes. This should normally also be backed up by documentary evidence and interviews/questions to the licensee/registrant.

9.3 Where the content weights are marked on the box the inspectors could use this information in their evidence however this would also involve following a similar process to enable it to demonstrate that the marked weights were accurate.

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9.4 Taking a hypothetical example; a store is licensed to hold 1000 kg of fireworks. It contains 100 identical boxes each holding 15 kg of fireworks (ie 1500 kg in total). To establish that an offence had been committed licensing authority would need to weigh a statistically significant proportion of the boxes (say 20) and then open a further 20 to establish that the contents of the remaining boxes were identical to the original sample. This illustrative example assumes that all of the boxes are identical. In reality there are likely to be a number of different types and possibly manufacturer’s brands of fireworks. It may then be necessary to follow these steps for each of the types/brands concerned.

9.5 The proportion of boxes that would need to be weighed would depend on the desired confidence level. This will depend on the extent of the overstocking. For example where the defendant was alleged to be storing double the permitted quantity then a 90 per cent confidence level would still establish the offence beyond a reasonable doubt. However where the extent of the overstocking was (say) a matter of ten per cent, then a higher confidence level (e.g. better than 95 per cent) could be required.

10 Gross and Net Weight

10.1 Under MSER the maximum quantities that can be kept under the various conditions are expressed in terms of net weight. This puts all of the allowances on a comparable basis. Traditionally the cumulative quantities for fireworks have been expressed in terms of gross weight, with the gross weight assumed to be four times the mass of explosive contained in the article. This assumption has been retained under the new regulations. Regulation 2(4) states that:

“Any reference in these Regulations to the quantity of an explosive shall be construed as a reference to the net mass of explosive substance and, in the case of any pyrotechnic article, the net mass of the explosive shall, for the purposes of these Regulations, be deemed to be one quarter of the gross mass of the pyrotechnic article…"

However the regulation goes on to say that:

“…or, where the manufacturer, importer or supplier specifies a different net mass amount on the pyrotechnic article, its packaging or a document accompanying the pyrotechnic article, that amount”.

10.2 It will therefore be important, as a first step, to establish whether the person storing the fireworks has such documentary evidence to justify the use of a higher multiple. If they do not then the net weight can be taken to be one quarter of the gross weight. If they do, then normally the factor given in the documentation should be used.

Weighing Methods and Use of Electrical Weighing Equipment

10.3 Electrical weighing equipment should where possible be used away from the main storage area. It should not be used to weigh damaged fireworks or in other cases where loose powder may be present. Battery-powered weighing equipment represents a significantly lower hazard than mains-powered equipment. Where very large quantities of fireworks are involved and these significantly exceed the permitted quantity then a weighbridge may provide a cost-effective method of establishing the weight of the fireworks.

5 Fireworks held a unique position under the Explosives Act 1875 insomuch as they were quantified (for storage and supply purposes) by their gross weight; ie the weight of the article excluding packaging.

6 Transport cartons will be marked (in kg) with the gross weight, the net weight and the net explosive mass of the whole of the contents. As the gross weight includes the weight of the carton, officers/inspectors should use the net weight figure when estimating the quantity of fireworks in stock.

7 For more detailed guidance on the use of electrical equipment in or around explosives buildings see HSE Guidance Note PM 82 – ‘The selection, installation and maintenance of electrical equipment for use in and around buildings containing explosives’ (ISBN 0 7176 1217 1).
Prohibition on the Acquisition and Supply of Fireworks

10.4 Regulation 25 of MSER\(^8\) prohibits anyone acquiring more than 50 kg of fireworks without holding a registration or licence. It also prohibits the sale or transfer of more than 50 kg of fireworks to any person who does not hold and produce a valid registration or licence.

10.5 Where applicable, inspectors can use their S20 (HSWA) powers to obtain information from suppliers (and carriers) as valuable supporting evidence that a certain quantity of fireworks was supplied (or delivered) to a certain address on a certain day or days.

11 Illegally Stored Fireworks

11.1 In cases where illegal storage is suspected (ie there is no registration or licence in force), all the fireworks will need to be detained as evidence and transported to one of the WYFRS storage facilities for a detailed quantification of the weight involved. As part of the detention process and to safeguard against allegations of damage, loss or theft, an inventory will need to be made of the fireworks either before, or as they are loaded on to the transporting vehicle.

12 Transporting Seized/Detained Fireworks

12.1 If the fireworks are to be transported, the inspectors will need to check that they have been classified. Some steps to be taken (in order of action) are:

- ask those in possession of the fireworks if they have a Competent Authority Document (CAD), or a certified copy of it. If the fireworks are marked with another known importer, check if they have a CAD;

- if there is no CAD, the List of Classified Explosives and Fireworks (LOCEF) can be consulted online at www.locef.co.uk;

- if the items are not listed in the online database then the inspector should check with the HSE Explosives Inspectorate’s classification section (e-mail cad.explosives@hse.gsi.gov.uk or phone 0151 951 4024).

12.2 In the absence of a classification by a national Competent Authority or supporting test results, the HSE will normally assign classifications based on the default classification scheme. Details of the current scheme are appended to this guidance. It should be noted that classifications are based on the size and type of fireworks, not the category assigned under British Standard BS7114:1988.

12.3 If the fireworks are unclassified but in good condition and in transport packs, the fireworks may be transported under a generic approval drafted by one of the HSE’s explosives inspectors. If the fireworks are unclassified and in poor condition, then the various options available will need to be discussed with an inspector from the HSE’s Explosives Inspectorate.

12.4 The UN/European Commission agreements on the transport of dangerous goods (‘ADR’) set out detailed requirements for the transport of explosives. However there are simplified requirements for the transport of up to 500 kg net of Hazard Division 1.4 fireworks (normally the net explosive content of Hazard Division 1.4 fireworks may be deemed to equate to one quarter of gross weight, although there may be some exceptions to this. In

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\(^8\) Regulation 10 of the Fireworks Regulations 2004 requires anyone who supplies more than 50 kg of adult fireworks in a single transaction to keep a record of the name/address of the person who supplied them with the fireworks, the same information for the fireworks they have supplied, the date when they received or supplied the fireworks and the net explosive content of the consignment. This information has to be retained for 3 years and supplied to the licensing authority on request.
cases of doubt, advice may be sought from HSE’s Explosives Inspectorate). In cases involving up to 500 kg net, it would normally be straightforward for the fire officers or inspectors to transport the fireworks by using fire-fighters and/or fire safety personnel and authority owned/leased or hired vehicles; or by a non-specialist contractor.

12.5 When the load is below the 500 kg threshold, it is necessary only to carry one 2 kg dry powder fire extinguisher (or an equivalent capacity for any other suitable extinguishing agent).

12.6 Additional requirements apply above the 500 kg threshold and to fireworks with a higher classification. In these circumstances it is advisable to use a specialist transport contractor (for further information about load thresholds see www.hse.gov.uk/cdg/pdf/c1-loadthresh.pdf).

12.7 Regulation 52 of CDG⁹ states that if the vehicle used to move the fireworks is not an EX/II or EX/III explosives vehicle, then the fireworks must be put in a suitable container or in a separate load compartment (e.g. in the boot of a car).

Unclassified fireworks

12.8 If the fireworks have not been classified then it will be necessary to seek an authorization from HSE under regulation 36(7) of CDG. The conditions of the authorisation will depend on the type of fireworks and their condition. The authorisations will be valid for a period of time rather than for individual shipments. In support of any request for an authorisation, the fire officer or inspector seeking an authorisation will need to provide the HSE with the following information:
- the name of the Fire and Rescue Authority;
- the duration of the transport activity; and
- as much detail as possible of the nature of the fireworks; e.g. types (shells, rockets, roman candles etc), sizes, product names, details of the importer. This is necessary to enable the HSE to assign appropriate classifications to the fireworks.

13 Imminent Danger

13.1 It is difficult to give guidance on all the circumstances when the S25 powers of seizure might be relevant. However, the primary circumstances are where the fireworks are:
- in a dangerous condition;
- being kept in circumstances where they are close to sources of ignition;
- kept in a place where a fire would spread to residential premises; especially if it were to threaten the entry or exit to multi-occupied premises;
- kept in a location that would prejudice the means of escape from premises of any kind; or
- stored in a place in close proximity to quantities of flammable or toxic substances such that a fire involving the fireworks would be likely to spread to the other substances.

13.2 It is also important to stress that if the fireworks are likely to pose a hazard to the safety of purchasers of the items, then it will be more appropriate to refer the matter to the West Yorkshire Trading Standards Service so that enforcement powers under the Consumer Protection Act 1987 can be used in the interests of public protection.

14 WYFRS Storage Facilities

14.3 There are three ISO freight containers situated at locations within West Yorkshire that are exclusively available for the keeping of seized/detained fireworks. The storage capacities of these containers are limited by the separation distance restrictions and not by the cubic capacity of the units; so care must be taken when making arrangement for the transportation of fireworks to ensure that there is available capacity (by nec) at the store for which the goods are destined. Before making a seizure, the Fire Safety Support (during office hours) or MACC should be contacted to obtain storage details.

Note: For security reasons, the locations of the fireworks stores are not identified in this guidance note.

15 Industry Storage Facilities

15.1 Some of the big importers of fireworks have agreed to store detained/seized fireworks for the local authorities and the fire & rescue services at their licensed magazines. These companies include (at a local level) Black Cat Fireworks at Huddersfield and TNT Fireworks at Thorp Arch. It must be borne in mind that at certain times of the year, typically July to November, the magazines operated by these companies may be full to capacity with their own goods.

15.2 If due to the quantity of fireworks involved in any detention/seizure, the hazard type or the condition, it is not possible to keep them at one or all of the WYFRS stores, Black Cat or TNT should be contacted in the first instance to enquire if they can be of assistance. The arrangement with Black Cat and TNT is on the understanding that:-

- the fireworks are classified;
- the fireworks are in as good condition;
- there is storage capacity available (only HT4 at Thorp Arch); and
- that a fee may be charged.

16 Weighing Scales

16.1 A set of trade approved (electronic) weighing scales are available at the Fire Safety Office at FRS HQ.
### AIDE-MEMOIRE FOR ENFORCEMENT POWERS UNDER S20 HSWA

<table>
<thead>
<tr>
<th>Power</th>
<th>Section 20</th>
<th>Notes</th>
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<tbody>
<tr>
<td><strong>Entry</strong></td>
<td>a) at any reasonable time (or in a situation which in the opinion of the inspector is/or may be dangerous, at any time) to enter any premises which he has reason to believe it is necessary for him to enter;</td>
<td>An inspector seeking to exercise any of the powers below must produce on request his instrument of appointment.</td>
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<tr>
<td><strong>Take constable</strong></td>
<td>b) to take with him a constable if he has reasonable cause to apprehend any serious obstruction;</td>
<td>It is suggested that a constable should always be present for entry to domestic premises.</td>
</tr>
<tr>
<td><strong>Take other authorised person &amp; equipment</strong></td>
<td>c) to take with him: - i) any other person duly authorised by the inspector’s enforcing authority; and ii) any equipment or materials required for any purpose for which the power of entry is being exercised;</td>
<td></td>
</tr>
<tr>
<td><strong>Carry out examination / investigation</strong></td>
<td>d) to make such examination and investigation as may in any circumstances be necessary;</td>
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<td><strong>Preserve evidence</strong></td>
<td>e) to direct that any premises the inspector is empowered to enter, or any part of them, or anything therein, be left undisturbed (generally or in particular respects) for so long as is reasonably necessary for (d) above;</td>
<td></td>
</tr>
<tr>
<td><strong>Take measurements</strong></td>
<td>f) to take such measurements, photographs and make such recordings as necessary for (d) above;</td>
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<tr>
<td><strong>Take samples</strong></td>
<td>g) to take samples of any articles or substances found on premises which he has power to enter;</td>
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<tr>
<td><strong>Remove source of danger</strong></td>
<td>h) in the case of articles or substances which appear to him to have caused or to be likely to cause danger to health or safety, found in any premises which he has power to enter, to cause it to be dismantled or subjected to any process or test (but not to damage or destroy it unless necessary).</td>
<td>Before exercising this power, an inspector must comply with a request from a person at the time present, and with responsibilities in relation to the premises, to carry out the operation in that person’s presence unless the inspector considers that to do so would be prejudicial to the safety of the state; and the inspector must consult such persons as appear to him appropriate for the purposes of ascertaining what dangers there may be in such an operation.</td>
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<td>FS-NFG039 – Appendix A</td>
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| **Seize & detain**     | i) to take possession of any article or substance aforementioned and detain it for the following purposes:  
|                        | i) To examine it or do anything in (h)  
|                        | ii) To ensure it is not tampered with before his examination is completed  
|                        | iii) To ensure it is available for evidence in criminal proceedings. In this situation, the officer either must leave with a responsible person or, if impracticable, fixed in a conspicuous position, a notice identifying the article or substance and stating that he has seized it. If practicable, a sample of the substance should be given to a responsible person, marked in a manner sufficient to identify it.  
|                        | In taking possession of any article or substance, an inspector shall leave a notice of what he has done and if practicable leave a sample of any substance so taken with a responsible person {Ref.S.20 (6)}  
|                        | The seizure of explosives can create its own problems for Local Authority inspectors, with their carriage and disposal being subject to legal regulation from which they have no exemption.  
| **Require involuntary statement** | j) to require any person who the inspector has reasonable cause to believe to be able to give information relevant to (d) to answer (in the absence of persons other than a person nominated by him and any persons the inspector permits to be present) such questions as the officer thinks fit to ask, and to sign a declaration of the truth of his answers.  
|                        | Procedures with respect to the use of this power are given in the Health & Safety Executive Enforcement Handbook. Such statements are not admissible in evidence against the person giving it or his/her spouse.  
| **Require production of & take copies of documents** | k) to require the production of, inspect, and take copies of or of any entry in:  
|                        | i) any books or documents which are required to be kept by virtue of any relevant statutory provisions; and  
|                        | ii) any other books or documents which it is necessary for him to see for the purposes of any examination or investigation;  
| **Require provision of assistance** | l) to require any person to give such facilities and assistance with respect to any matter or things within that person’s control or in relation to which that person has responsibilities, as are necessary to enable the inspector to exercise these powers;  
<p>| <strong>Other power necessary</strong> | m) any other power necessary for enforcement |</p>
<table>
<thead>
<tr>
<th>Action</th>
<th>Use of Power</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Entry</td>
<td>Fire officers/fire safety inspectors must have the required level of</td>
<td>There are different authorisations and powers for</td>
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<td>authorisation to enter the premises or site.</td>
<td>MSER, Explosives Act and Fireworks Regulations.</td>
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<tr>
<td>Detention/Seizure</td>
<td>Fire officers/fire safety inspectors must have the required level of</td>
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<tr>
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<td>authorisation to detain or seize fireworks.</td>
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<tr>
<td>Evidence</td>
<td>When considering the detention of fireworks, there must be sufficient</td>
<td>Detention can be at the place where the offence is suspected or by removal</td>
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<td>grounds to suspect that an offence has been committed.</td>
<td>to a WYFRS store.</td>
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<td>Where over-stocking is suspected, the burden of proof on the</td>
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<td>prosecuting authority (WYFRA) is to prove beyond all reasonable</td>
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<td></td>
<td>doubt that the permitted quantity has been exceeded.</td>
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<tr>
<td>Illegal Storage</td>
<td>Where illegal storage is suspected, ownership and/or occupancy will have</td>
<td>Temporary storage allowances.</td>
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<td>to be ascertained together with proof that he quantity and hazard type of</td>
<td>7 kg of HT1 or HT2 fireworks for up to 24 hours;</td>
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<td>the fireworks found have been in situ for a period of time in excess of the</td>
<td>An unlimited quantity of HT3 or HT4 fireworks for up to 24 hours;</td>
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<td>exemption for temporary storage.</td>
<td>100 kg of a combination of HT3 and HT4 fireworks for up to 3 days in their</td>
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<td>place of intended use;</td>
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<td>250 kg of HT4 fireworks in their place of intended use; and</td>
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<td>50 kg of HT4 fireworks for up to 21 days and not for sale or use at work.</td>
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<tr>
<td>Section</td>
<td>Description</td>
<td>Notes</td>
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</tr>
<tr>
<td>Imminent Danger</td>
<td>Fire officers/fire safety inspectors must have the required level of authorisation to seize fireworks. These powers should only be used where the hazard type, condition and quantity of fireworks in a building or room is a cause of imminent danger of serious personal injury.</td>
<td>Where the condition of the fireworks does not present an imminent danger in storage but could/will when used by members of the public, a referral should be made to the West Yorkshire Trading Standards Service as a ‘matter of evident concern’.</td>
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<tr>
<td>Quantifying Fireworks</td>
<td>Fireworks are quantified by the weight of their net explosive content. Where there is no documentation, the fireworks (excluding their packaging) can be physically weighed and the resultant figure divided by 4 to establish the nec. Where the fireworks are contained in their transport cartons, the net weight can be used for quick estimation purposes if the nec is not marked. Form 5119e should be used for compiling an inventory and quantification.</td>
<td>- The fact of 4 is allowed by law. However, a factor of 5 or 6 is more accurate where a mixture of fireworks is involved. The gross weight marked on the carton includes the weight of the full carton.</td>
</tr>
<tr>
<td>Transporting Fireworks</td>
<td>Upto 500 kg (nec) of classified 1.4 (HT4) or 50 kg (nec) of classified 1.1, 1.2 or 1.3 can be transported in ordinary vehicles provided they carry a 2 kg dry powder extinguisher or equivalent. For quantities in excess of 500 kg of HT4 or quantities in excess of 50 kg of HT3, HT2 or HT1 fireworks, a specialist haulage contractor needs to be used. For unclassified or damaged fireworks, advice or authorisation will be needed from the HSE Explosives Inspectorate.</td>
<td>For significant quantities, a luton type van with a tail lift should be hired from one of the local hire firms.</td>
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