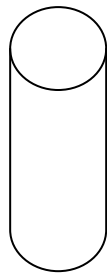
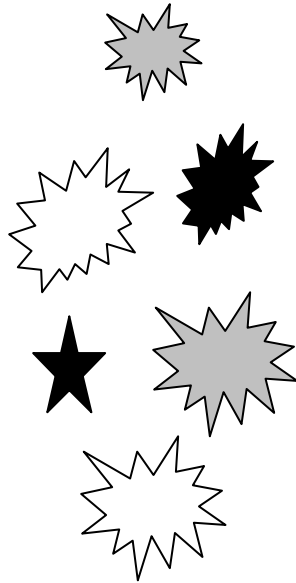


Storing Fireworks



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

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 a registration or licence from the local authority, in addition to the requirement to have a licence to sell 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 In particular the old 'Mode A', 'Mode B' and 'Div A' designations, for example, have disappeared – and have been replaced by a much more flexible approach which is more akin to the Quality/Distance relationships used by HSE.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 Registrations 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 power 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 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 1.3G and 1.4G fireworks would effectively be treated as Hazard Type 3 (HT3) store.

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

What quantity of fireworks can I store under 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	100Kg 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 then 2000Kg 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 within East Ayrshire you should apply to Legal, Procurement and Regulatory Services, Civic Government Licensing Section, Council Headquarters, London Road, Kilmarnock, KA3 7BU (Tel: 01563 576014)

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 or 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 "Do's 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 (eg – no naked lights or smoking in the vicinity of the fireworks), to ensure that the spread of fire is minimised (eg 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 (eg 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 regs – 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>

Manufacture and Storage of Explosives Regulations 2005 - Guidance to applicants for a licence or registration from a local licensing authority or the police

Please use **Black Ink** to complete the application form

Filling in the form

Part B: Company Applicants

If a company head office is applying for licences or registrations for a number of different stores, a separate application form should be completed for each store.

Part E: Out of Hours Contact Details

This should be the person responsible for the store and/or someone who can provide access in an emergency.

Part F Nature of Business

Recreational user includes shooters and re-enactors.

Part G State the amount of Explosives Being Kept

You should tick all that apply to this application.

The form asks for the total quantity 'net mass' of the explosives to be kept. This means the weight of the fireworks unless the manufacturer has provided more specific information.

Part H Other information in support of this application

Maps

If the intended place of keeping is not an existing building, with a street number and postcode, please provide with your application a large scale map (such as an Ordnance Survey Site Plan, or other similar scale map) with the location of the store marked on it.

Floor plans for shops selling pyrotechnic articles, including fireworks

The regulation state the maximum quantity of pyrotechnic articles which may be kept under a Registration in the **sales area** of a shop or other retail premises. The maximum permitted quantity relates to the size of the sales area. **If you are planning to store more than 12.5kg net mass (50kg gross)** please include a plan of the sales area showing the total floor area (in square metres) and the position and the number of entrances and exits to and from it.

Licence and Registration period

Licences and registrations for explosives requiring an explosive certificate are normally granted to run concurrently with the explosive certificate. Please inform your licensing authority if you require a licence or registration for a shorter period.

Licences and registrations for fireworks and other explosives that do not require an explosive certificate are normally renewed annually on a common renewal date of 1 May in any year.

Separation Distances

The regulations require separation distances to be maintained between explosives stores and inhabited buildings, public traffic routes and public places. There are exceptions for those keeping small quantities of explosives (one example is for the keeping up to 250kg net mass of hazard type 4 explosives) Details of separation distances requirements may be obtained from the licensing authority. Applicants are strongly advised to check what, if any, separation distance requirements will be needed around the store.

Copies of the manufacture and storage of explosives regulations 2005 may be obtained from HMSO. The regulations may also be viewed or downloaded from the HSMO website at www.hmsso.gov.uk

If you need further information about your application please contact your local licensing authority.

Who is my licensing authority?

This will depend on the quantity of explosive you wish to store and whether any of it is smokeless powder or requires a Certificate to Acquire and Keep Explosives (an explosives certificate) issued by the police (see table 1)

Table 1	Licensing Authority
Storage of more than 2000kg of explosives	Health and Safety Executive
Storage of explosives at mines	Health and Safety Executive
Storage in Harbour areas	Health and Safety Executive
Storage of up to 2000kg of explosives if some of the explosives are either smokeless powder or require an explosive certificate (eg blasting explosives or black powder)	Police
Storage of up to 2000kg of other explosives (including fireworks and small arms ammunition), none of which requires an explosive certificate	Local Licensing Authority East Ayrshire Council Civic Government Licensing Section Council Headquarters, London Road, Kilmarnock, KA3 7BU

Anyone wishing to apply for a licence or registration from the Health and Safety Executive (HSE) should contact HSE (XI details) for an application.

Applications to the Police should be made to the Explosives Liaison Officer (ELO) Strathclyde Police, Pitt Street, Glasgow.