

businesscompanion

trading standards law explained

Fireworks: age restrictions

In the guide

[Age restrictions](#)

[Defences](#)

[Keeping within the law](#)

[Age verification checks](#)

[Operate a Challenge 21 or Challenge 25 policy](#)

[Staff training](#)

[Maintain a refusals log](#)

[Store and product layout](#)

[Till prompts](#)

[Signage](#)

[Closed circuit television \(CCTV\)](#)

[Online supply](#)

[Further information](#)

[Trading Standards](#)

[In this update](#)

[Key legislation](#)

This guidance is for England and Wales

Different age restrictions apply to the various types of firework, depending upon their 'F' category.

It is your responsibility to keep within the law and not supply fireworks to those under the minimum legal age.

In the Pyrotechnic Articles (Safety) Regulations 2015, to 'supply' means to "make available on the market". In practice this includes all sales, whether from one business to another or from a business to a consumer; fireworks are also 'supplied' even if they are given free of charge.

Age restrictions

For supply purposes, fireworks are categorised as F1 - F4. For more information on the 'F' categories, see '[Storage and supply of fireworks](#)'.

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of F4 fireworks to the general public.

The Regulations prohibit the supply of F2 (outdoor use - confined areas) and F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of F1 (indoor use low-hazard low-noise - party poppers etc) fireworks to any person under 16.

An exception is made for Christmas crackers, which must not be supplied to any person under 12. Caps for toy guns are exempt from fireworks legislation.

Note: the labelling on packets of sparklers must carry the words: 'Warning: not to be given to children under five years of age'.

Where F2 and F3 fireworks are supplied or exposed for supply in any premises, a notice must be displayed in a prominent position in those premises, no less than 420 mm by 297 mm (A3), with letters no less than 16 mm high, giving the following information:

IT IS ILLEGAL TO SELL CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS TO ANYONE UNDER THE AGE OF 18

IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO POSSESS CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS IN A PUBLIC PLACE

Although the wording of the sign includes the word 'sell', the legal meaning of 'supply' still applies.

Defences

If you are charged with an offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. It is your responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a supply has taken place to a person under the minimum legal age.

Offences are of strict liability, which means that they can occur even when the business owner is not on the premises.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent an underage supply. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national [Proof of Age Standards Scheme \(PASS\)](#), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted, but make sure that the card matches the person using it and the date of birth shows they are at least the minimum legal age. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the supply should be refused.

Please see the Home Office [*False ID Guidance*](#) for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are over the minimum legal age by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under the minimum legal age is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse to supply and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen [*refusals log*](#) is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Store and product layout

Identify the age-restricted products (including F1 fireworks, such as party poppers) in your store and consider moving them nearer to, or even behind, the counter.

Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

Till prompts

If you possess an EPoS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

Signage

In addition to the legally required fireworks notice, you may wish to display a poster showing the age limit for the supply of F1 fireworks (16) and a statement regarding the refusal to supply. This may deter potential purchasers and act as a reminder to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage supplies. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

Online supply

If you supply by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see '[Online sales of age-restricted products](#)' for more information.

Fireworks are explosives and can only be transported for supply by specialist couriers. Ordinary couriers and Royal Mail will not carry explosives. If you wish to start supplying fireworks by courier please contact your local trading standards service.

Further information

Before you are able to supply fireworks at all, you must consider whether you need a storage licence and/or an all-year supply licence. If you do not have an all-year supply licence you can only supply F2 and F3 fireworks during very specific time periods. For more information see '[Storage and supply of fireworks](#)'.

Detailed [guidance on the Pyrotechnic Articles \(Safety\) Regulations 2015](#) has been produced by the Office for Product Safety And Standards (OPSS).

Please note that now the UK has left the European Union, there are additional requirements you have to comply with. You may be classed as an importer into the Great Britain market, rather than being a distributor within the EU.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '[Trading Standards: powers, enforcement and penalties](#)'.

In this update

No major changes.

Last reviewed / updated: October 2023

Key legislation

[Fireworks Regulations 2004](#)

[Fireworks \(Amendment\) Regulations 2004](#)

[Pyrotechnic Articles \(Safety\) Regulations 2015](#)

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links often only shows the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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