



Fireworks Act 1951

1951 CHAPTER 58 14 and 15 Geo 6

2 Determination or amendment of licences for factory where dangerous fireworks made.

- (1) If the Secretary of State is of opinion that in any factory there are being manufactured fireworks which would be dangerous when in the possession of the public, and considers that a notice should be served on the occupier of the factory under the following provisions of this section, he shall give to the occupier a statement setting out his opinion and the facts on which his opinion is based and shall afford to him a reasonable opportunity of making representations as to the accuracy of those facts.
- (2) If the Secretary of State, having considered any representations made to him under the foregoing subsection, remains of the same opinion, he may at any time more than fourteen days after the giving of the statement serve a notice on the occupier of the factory—
 - (a) stating that on the expiration of a period of seven days beginning with the date of service of the notice any licence under the principal Act relating to the factory shall be determined; and
 - (b) requiring the occupier within the said period to deliver any such licence as aforesaid to the Secretary of State for cancellation.
- (3) Upon the expiration of the said period of seven days any licence under the principal Act relating to the factory shall (whether duly delivered up or not) be determined for all the purposes of the principal Act, but without prejudice to the granting of a new licence under that Act:

Provided that notwithstanding that on the determination of the licence the factory becomes an unauthorised place, no proceedings shall be taken under section five of the principal Act in respect of the keeping of fireworks in the factory in pursuance of a requirement of [^{F1}an inspector] under the foregoing section.
- (4) Where a licence under the principal Act permits in the factory the manufacture of explosives other than fireworks, the notice may, if the Secretary of State thinks fit, instead of stating that on the expiration of the said period of seven days any licence shall be determined, state that on the expiration of the said period of seven days it shall be a term of any licence that no fireworks are manufactured and shall then refer to the amendment instead of the cancellation of any licence; and then on the expiration of the

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said period of seven days the last foregoing subsection shall not apply but for all the purposes of the principal Act it shall be a term of the licence for the factory (whether duly delivered up or not) that no fireworks shall be manufactured in the factory.

Any term imposed under this subsection shall be included among the terms which may be amended under the principal Act.

- (5) If the occupier of a factory fails to deliver up a licence as required by this section, he shall be liable on summary conviction to a fine not exceeding [^{F2}level 1 on the standard scale].
- (6) Where the factory is a lawfully existing factory within the meaning of the principal Act (that is to say a factory already in use when that Act was passed) any reference in the foregoing provisions of this section to a licence (other than the reference to a new licence) shall be taken as a reference to a continuing certificate.

Textual Amendments

- F1** Words substituted by [S.I. 1974/1885, art. 6\(b\)](#)
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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