



# Fireworks Act 1951

1951 CHAPTER 58 14 and 15 Geo 6

## 4 **Determination or amendment of licences for factory where there is negligent manufacture.**

- (1) If [<sup>F1</sup>the Health and Safety Executive] is of opinion that in any factory the manufacture or storing of fireworks is being carried on in such a way as to cause danger to persons in or about the factory from explosion or fire, and considers that a notice should be served on the occupier of the factory under the following provisions of this section, [<sup>F2</sup>it] shall give to the occupier a statement setting out [<sup>F2</sup>its] opinion and the facts on which [<sup>F2</sup>its] opinion is based and shall afford to him a reasonable opportunity of making representations as to the accuracy of those facts.
- (2) If [<sup>F1</sup>the Health and Safety Executive] having considered any representations made to [<sup>F1</sup>it] under the foregoing subsection, remains of the same opinion, [<sup>F1</sup>it] may, at any time more than fourteen days after the giving of the statement, and subject to the next following subsection, serve on the occupier of the factory [<sup>F3</sup>any such notice as the Secretary of State might serve] under section two of this Act if he were then of the opinion that there were being manufactured in the factory fireworks which would be dangerous when in the possession of the public, and the like consequences shall ensue as would ensue upon service of the like notice under that section.
- (3) [<sup>F2</sup>The Health and Safety Executive] shall not serve a notice under this section as respects any factory unless within the period of two years ending with the service of the notice a person has been convicted under section nine of the principal Act (which as extended by section thirty-nine of the same Act, relates to the contravention of the terms on which explosives factories are licensed) or section ten of the principal Act (which, as extended by the said section thirty-nine, relates to general rules for explosives factories) or section seventeen of the principal Act (which, as applied by section forty-nine of the same Act, relates to general rules for small firework factories) and the offence for which the person was convicted related to that factory.
- (4) Account may be taken under this section of any offence relating to a factory notwithstanding any subsequent change in the occupier of the factory but no account shall be taken under this section of any conviction before the commencement of this Act.

---

**Changes to legislation:** There are currently no known outstanding effects for the Fireworks Act 1951, Section 4. (See end of Document for details)

---

---

#### Textual Amendments

- F1** Words substituted by [S.I. 1974/1885](#), **art. 6(c)(i)**
  - F2** Words substituted by virtue of [S.I. 1974/1885](#), **art. 6(c)(i)**
  - F3** Words substituted by [S.I. 1974/1885](#), **art. 6(c)(ii)**
- 

#### Modifications etc. (not altering text)

- C1** [Ss. 4, 7](#) extended by [S.I. 1988/1222](#), **regs. 3** and 4
- C2** [Ss. 4](#) and 7 saved by virtue of Health and Safety at Work etc. Act 1974 (c.37, SIF 43:3), s. 53, **Sch. 1** and [Tay Road Bridge Order Confirmation Act 1991](#) (c. iv), **Sch. Pt. VII s. 62**
- C3** [Ss. 4](#) and 7 saved by virtue of Health and Safety at Work etc. Act (c. 37, SIF 43:3), s. 53, Sch. 1 and [Highland Regional Council \(Harbours\) Order Confirmation Act 1991](#) (c. xii), **s. 61(1)(f)**

**Changes to legislation:**

There are currently no known outstanding effects for the Fireworks Act 1951, Section 4.