

SCHEDULE 5

AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

Fireworks Act 1951

7.—(1) The Fireworks Act 1951⁽¹⁾ is amended as follows.

(2) In section 1 (destruction of dangerous fireworks), in subsections (1) and (2), omit “, magazine” in each place where it occurs.

(3) In section 2 (determination or amendment of licence for a factory where dangerous fireworks are made) —

(a) in subsection (2), for “the principal Act” substitute “the 2005 Regulations”;

(b) in subsection (3) —

(i) for “the principal Act” where these words first appear, substitute “the 2005 Regulations” and where they appear for the second time, substitute “those Regulations”;

(ii) for “that Act”, substitute “those Regulations”; and

(iii) for the proviso, substitute “Despite the determination of the licence, no proceedings shall be taken for breach of regulation 10 of the 2005 Regulations in respect of fireworks kept at the factory in question in pursuance of a requirement of an inspector under section 1 of this Act.”;

(c) in subsection (4), for “the principal Act” in each place substitute “the 2005 Regulations”; and

(d) omit subsection (6).

(4) Omit section 4 (determination or amendment of licences for factory where there is negligent manufacture).

(5) In section 5 (marking of fireworks) —

(a) omit subsection (5); and

(b) in subsection (8), for “a government inspector for the purposes of the principal Act” substitute “an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974”.

(6) Omit section 7 (small firework factory licences).

(7) For section 9 (interpretation) substitute —

“Interpretation

9. In this Act —

“the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005;

(1) 1951 c. 58 (14 & 15 Geo.6); amended by the Criminal Justice Act 1982 (c. 48), sections 38, 40 and 46, and S.I.1974/1885. Sections 1, 2, 5 and 9 are modified by virtue of section 80(1) of the 1974 Act. Sections 4 and 7 are “existing statutory provisions” within the meaning of section 53 of the 1974 Act and are repealed by virtue of section 15(3)(a) of that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“explosives” has the same meaning as in the Explosives Act 1875;

“factory” means any place at which explosives are manufactured under a licence granted under regulation 13 of the 2005 Regulations;

“occupier”, in the case of any manufacture, includes any person carrying on such manufacture; and

“store” means any place at which explosives are stored —

- (a) by a person registered under regulation 11 of the 2005 Regulations 2005, or
- (b) under a licence granted under regulation 13 of those Regulations.”.