EXPLOSIVES

1959 No. 1311

The Keeping of Fireworks Order, 1959

Made - - - -	*28th July*, 1959
Laid before Parliament	*4th August*, 1959
Coming into Operation	*10th August*, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother.

Her Royal Highness The Princess Alexandra of Kent.

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred by sections forty and eighty-three of the Explosives Act, 1875(a), do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. In this Order—

"the Order in Council of 1896" means the Order in Council (relating to premises registered for the keeping of mixed explosives) made under the Explosives Act, 1875, and dated the twenty-sixth day of October, 1896(b);

(a) 38 & 39 Vict. c. 17. (b) S.R. & O. 1896/964 (Rev. VII, p. 48: 1896, p. 95).

"the Order in Council of 1906" means the Order in Council varying the Order in Council of 1896, made under the said Act and dated the eleventh day of May, 1906(a);

"the Order in Council of 1912" means the Order in Council amending the Order in Council of 1896, made under the said Act and dated the sixteenth day of December, 1912(b).

2. In any case where the only explosives for the time being kept in premises registered for the keeping of mixed explosives are fireworks to which this Order applies, the Order in Council of 1896 shall have effect as if, in paragraph (1) of general Rule 2 in Part I (which relates to the modes in which explosives shall be kept in premises registered for the keeping of mixed explosives, and requires the explosives to be kept in one of two modes called "Mode A" and "Mode B"), under the heading "Mode A", the words "situated at a safe distance from any highway, street, public thoroughfare or public place" were omitted.

3.—(1) In any case where, but for this Article, Article (2) of the Order in Council of 1912 (which specifies the maximum quantity of explosives allowed to be kept in premises registered for the keeping of mixed explosives in Mode A and Mode B respectively when the only explosives kept are fireworks or certain kinds of ammunition) and Article 2 of the Order in Council of 1906 (which relates to the manner in which the quantity of fireworks to which this Order applies is to be reckoned for the purpose of the said Order in Council of 1912) would apply and the only fireworks for the time being kept in the premises are fireworks to which this Order applies, the said Article 2 of the Order in Council of 1906 shall not apply, and the said Order in Council of 1912 shall have effect as if for Article (2) thereof there were substituted the Article set out in the Schedule to this Order.

(2) Whereby virtue of this Article more than one hundred pounds of fireworks to which this Order applies are kept in Mode B in premises registered for the keeping of mixed explosives, then, except as respects fireworks kept in any room in the premises in which fireworks are sold to members of the public, Article 3 of the Order in Council of 1906 shall not apply and paragraph (1) of general Rule 2 in Part I of the Order in Council of 1896 shall in its application have effect as if in addition to the requirements specified for keeping in Mode B it were also required in that case that the substantial receptacle referred to should be a closed metal container exclusively appropriated to keeping fireworks to which this Order applies and that not more than one hundred pounds of fireworks should be kept in any one container at the same time.

4.—(1) In this Order the expression "fireworks to which this Order applies" means fireworks which are "Shop Goods" within the meaning of the Order in Council of 1906 (being certain fireworks which are not liable to explode violently).

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) S.R. & O. 1906/380 (Rev. VII, p. 55: 1906 p. 172).
(b) S.R. & O. 1912/1861 (Rev. VII, p. 57: 1912 p. 145).
(c) 52 & 53 Vict. c. 63.

5. This Order may be cited as the Keeping of Fireworks Order, 1959, and shall come into operation on the tenth day of August, 1959.

W. G. Agnew.

SCHEDULE Article 3(1)

"(2) If the only explosive kept be one or more of the following:

(*a*) "Shop Goods" within the meaning of the Order in Council of the 11th May, 1906 (No. 16A), varying the said Order in Council of the 26th October, 1896 (No. 16);

(*b*) Ammunition of the 1st Division of Class 6;

The maximum shall be:

In Mode A.	*lbs.*	*In Mode B.*	*lbs.*
"Shop Goods" defined as aforesaid	2,000	"Shop Goods" defined as aforesaid	500
And, in addition, of explosive contained in ammunition of the 1st Division of Class 6	500	And, in addition of explosive contained in ammunition of the 1st Division of Class 6	500

so, however, that the maximum allowed to be kept in any room in the premises in which fireworks are sold to members of the public or to which members of the public have access, shall be 100 lbs.".

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Orders in Council referred to in Article 1 of this Order, which relate to premises registered for the keeping of explosives, require that the explosives be kept either in a special building or excavation conforming to specified requirements, including a requirement that it is at a safe distance from any highway or other public place, (such keeping is called "Mode A"), or in a substantial receptacle conforming to specified requirements, (such keeping is called "Mode B"). When certain fireworks specified in the Order in Council of 1906 (and therein called "Shop Goods") are kept, either alone or with certain kinds of ammunition only, the maximum quantity which may be kept in Mode A is 400 lb. and in Mode B 100 lb. Under this Order, when such fireworks are kept alone in Mode A, it is no longer requisite that the building or excavation should be at any special distance from any highway or other public place and, where they are kept alone or with those kinds of ammunition, the maximum amount is increased to 2,000 lb.; when such fireworks are kept in Mode B, either alone or with those kinds of ammunition, the maximum amount is increased to 500 lb., but only 100 lb. may be kept in any room in which fireworks are sold to the public or to which the public have access, and where more than 100 lb. is kept altogether any fireworks not in a room where they are sold to the public must be kept in secured metal containers used only for the purpose and not containing more than 100 lb. each.