



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 1 **S**

KEY CONCEPTS

1 Meaning of “firework” and “pyrotechnic article” **S**

(1) In this Act—

“firework” means a pyrotechnic article which—

- (a) is a firework for the purposes of the following British Standards or any British Standard replacing them—
 - (i) BS EN 15947:2015, or
 - (ii) BS EN 16261:2012, or
- (b) would be a firework for those purposes if it were intended as a form of entertainment,

“pyrotechnic article” means an article which contains explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions.

(2) But, for the purposes of this Act, a projectile, propelling charge or blank ammunition used in a portable firearm, other gun or artillery is not a pyrotechnic article.

(3) The Scottish Ministers may by regulations modify—

- (a) [subsection \(1\)](#) to amend or replace the definition of “firework”, or
- (b) [subsection \(2\)](#) to add, amend or remove articles or descriptions of types of articles that are not to be treated as a pyrotechnic article for the purposes of this Act.

(4) Regulations under [subsection \(3\)](#) are subject to the affirmative procedure.

Commencement Information

II S. 1 not in force at Royal Assent, see [s. 56\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

I2 S. 1 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, sch.

2 Categories of fireworks **S**

(1) In this Act—

“category F1 firework” means a firework which presents a very low hazard and negligible noise level and which is intended for use in confined areas, including a firework which is intended for use inside domestic buildings,

“category F2 firework” means a firework which presents a low hazard and low noise level and which is intended for outdoor use in confined areas,

“category F3 firework” means a firework which presents a medium hazard, which is intended for outdoor use in large open areas and whose noise level is not harmful to human health,

“category F4 firework” means a firework which presents a high hazard, which is intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.

(2) The Scottish Ministers may by regulations—

(a) modify subsection (1) to add, amend or remove categories, types, classifications or descriptions of fireworks,

(b) make further provision about the requirements a person must meet to demonstrate “specialist knowledge” for the purposes of the definition of a “category F4 firework”.

(3) Regulations—

(a) under subsection (2)(a) are subject to the affirmative procedure,

(b) under subsection (2)(b) are subject to the negative procedure.

Commencement Information

I3 S. 2 not in force at Royal Assent, see s. 56(2)

I4 S. 2 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, sch.

PROSPECTIVE

PART 2 **S**

FIREWORKS LICENSING

Fireworks which require a licence

3 Application of Part **S**

(1) This Part applies to the following fireworks—

(a) category F2 fireworks, and

(b) category F3 fireworks.

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (2) The Scottish Ministers may by regulations modify [subsection \(1\)](#) to add, amend or remove categories, types, classifications or descriptions of fireworks.
- (3) Regulations under [subsection \(2\)](#) are subject to the affirmative procedure.

Commencement Information

I5 S. 3 not in force at Royal Assent, see [s. 56\(2\)](#)

Fireworks licensing

4 Requirement to have fireworks licence **S**

- (1) It is an offence for a person, without reasonable excuse, to purchase, acquire, possess or use a firework to which this Part applies without having a fireworks licence.
- (2) A person who commits an offence under [subsection \(1\)](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is not an offence under [subsection \(1\)](#) for a non-natural person to purchase, acquire, possess or use a firework without having a fireworks licence if such purchase, acquisition, possession or use is done on its behalf by a person who has a fireworks licence.
- (4) This section is subject to [section 38](#) and [schedule 1](#) (exemptions).

Commencement Information

I6 S. 4 not in force at Royal Assent, see [s. 56\(2\)](#)

5 Supply of fireworks to unlicensed persons **S**

- (1) It is an offence for a person, without reasonable excuse, to supply a firework to which [this Part](#) applies to a person who does not have a fireworks licence.
- (2) A person who commits an offence under [subsection \(1\)](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is a defence for a person charged with an offence under [subsection \(1\)](#) to show that the person took reasonable steps to establish that the person to whom the firework was supplied had a fireworks licence or was exempt under [schedule 1](#).
- (4) It is the duty of each local weights and measures authority to enforce [this section](#) in its area in so far as it relates to the supply of fireworks by a person in the course of business.
- (5) In this section, “supply” of a firework includes—
 - (a) selling it,
 - (b) exchanging it for a consideration other than money,
 - (c) giving it as a prize or otherwise making a gift of it,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

(d) otherwise making the firework available.

(6) This section is subject to section 38 and schedule 1 (exemptions).

Commencement Information

I7 S. 5 not in force at Royal Assent, see s. 56(2)

Process for licensing

6 Applying for fireworks licence: general requirements **S**

- (1) A person aged 18 years or over may apply to the Scottish Ministers for the grant of a fireworks licence.
- (2) An application for a fireworks licence must—
 - (a) comply with any regulations made under subsection (3), and
 - (b) comply with the mandatory requirements in section 7.
- (3) The Scottish Ministers may by regulations—
 - (a) set out the form and content of the application,
 - (b) specify the manner in which applications must be made,
 - (c) specify the information to be provided in the application,
 - (d) specify any supporting documents to be provided by an applicant,
 - (e) set the fees payable (if any) and specify to whom the fees are payable, and
 - (f) make provision for the time in which an application must be made.
- (4) Without limiting the generality of subsection (3)(e), when setting the fees payable under this section the Scottish Ministers—
 - (a) must have regard to the reasonable costs of carrying out functions under this Part, but
 - (b) if it is considered appropriate to do so, may charge a nominal fee or remit the fee altogether.
- (5) Regulations under subsection (3) are subject to the negative procedure.

Commencement Information

I8 S. 6 not in force at Royal Assent, see s. 56(2)

7 Applying for fireworks licence: mandatory requirements **S**

- (1) When applying for a fireworks licence, an applicant must—
 - (a) disclose any convictions in relation to a relevant offence,
 - (b) disclose details of any previous fireworks licences that were revoked or cancelled, and
 - (c) provide evidence of having completed a fireworks training course on the safe, lawful and appropriate use of fireworks that complies with section 8 no earlier than 3 months before making the application.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (2) The Scottish Ministers may by regulations specify additional mandatory requirements that an applicant for a fireworks licence must meet.
- (3) Regulations under subsection (2) are subject to the negative procedure.
- (4) In this section, “relevant offence” means—
 - (a) an offence under this Act,
 - (b) an offence under—
 - (i) the Fireworks Act 2003 and any regulations made under that Act,
 - (ii) the Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553),
 - (iii) the Explosives Substances Act 1883, or
 - (iv) the Explosives Act 1875,
 - (c) wilful fire-raising or culpable and reckless fire-raising, or
 - (d) any other offence where the misuse of fire, fireworks or pyrotechnic articles has been a factor.

Commencement Information

I9 S. 7 not in force at Royal Assent, see s. 56(2)

8 Fireworks training course **S**

- (1) The Scottish Ministers may by regulations make provision in relation to fireworks training courses for the purposes of section 7(1)(c).
- (2) Regulations under subsection (1) may include provision for—
 - (a) training requirements, such as—
 - (i) the content of such courses,
 - (ii) the accreditation by the Scottish Ministers of such courses and the persons providing such courses, and
 - (iii) requiring that any person providing training or any particular description of training in accordance with the regulations holds such qualification as may be specified in the regulations,
 - (b) the form of such courses,
 - (c) the minimum criteria for successful completion of such courses, and
 - (d) how successful completion of such courses is recorded.
- (3) Any person providing a fireworks training course must have regard to any guidance issued by the Scottish Ministers for the purposes of this section.
- (4) The Scottish Ministers must publish any such guidance (and may revise or revoke that guidance).
- (5) Regulations under subsection (1) are subject to the negative procedure.

Commencement Information

I10 S. 8 not in force at Royal Assent, see s. 56(2)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

9 Grant of fireworks licence **S**

- (1) The Scottish Ministers may grant a fireworks licence only if—
 - (a) a valid application and any applicable fees have been received,
 - (b) the requirements under sections 6 and 7 have been met, and
 - (c) they are satisfied that the applicant can be permitted to possess and use fireworks safely, lawfully and appropriately.
- (2) If the Scottish Ministers decide to refuse to grant a fireworks licence, they must inform the person of the right under section 14 to appeal the decision at the same time as notifying the person of that decision.

Commencement Information

I11 S. 9 not in force at Royal Assent, see [s. 56\(2\)](#)

10 Fireworks licence: conditions and further provision **S**

- (1) All fireworks licences are subject to the following conditions—
 - (a) a licence is valid only for the person named on the licence and is not transferable,
 - (b) a licence is valid only for the period specified on the licence, and
 - (c) a licensed person must inform the Scottish Ministers of any change of circumstances specified in regulations under subsection (4)(c).
- (2) The Scottish Ministers—
 - (a) must attach to a fireworks licence any additional conditions specified in regulations under subsection (4)(d)(i), and
 - (b) may attach to a fireworks licence any optional conditions specified in regulations under subsection (4)(d)(ii).
- (3) If the Scottish Ministers decide to attach an optional condition to a fireworks licence, they must inform the person of the right under section 14 to appeal the decision at the same time as notifying the person of that decision.
- (4) The Scottish Ministers may by regulations—
 - (a) specify the form and content of a fireworks licence,
 - (b) determine the length of time for which licences may be granted,
 - (c) specify the changes of circumstances that a licensed person must inform the Scottish Ministers of, and
 - (d) make provision for any—
 - (i) additional conditions that must be attached to a fireworks licence, and
 - (ii) optional conditions that may be attached to a fireworks licence.
- (5) Regulations under subsection (4) are subject to the negative procedure.

Commencement Information

I12 S. 10 not in force at Royal Assent, see [s. 56\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

11 Register of fireworks licence applications and licensed persons **S**

- (1) The Scottish Ministers must establish and maintain a register of fireworks licence applications and licensed persons.
- (2) The Scottish Ministers may by regulations make provision for—
 - (a) the details of licence applications required to be kept on the register, including whether or not an application was granted and, if applicable, the grounds for refusal,
 - (b) the details about licensed persons required to be kept on the register, and
 - (c) the length of time such details are to be kept on the register.
- (3) Regulations under subsection (2) are subject to the negative procedure.

Commencement Information

I13 S. 11 not in force at Royal Assent, see [s. 56\(2\)](#)

12 Revocation of fireworks licence **S**

- (1) The Scottish Ministers may revoke a person's fireworks licence if—
 - (a) the person breaches any condition of the licence, or
 - (b) the person is convicted of a relevant offence (whether or not the convicting court cancelled the fireworks licence under [section 13](#)).
- (2) A person whose fireworks licence is revoked under [this section](#) is prohibited from applying for a new fireworks licence—
 - (a) in a case where the licence was cancelled by a court under [section 13](#), within the period specified in [section 13\(3\)](#), or
 - (b) in any other case, within the period of 12 months beginning with day on which the licence was revoked.
- (3) A fireworks licence is revoked by the Scottish Ministers giving notice of the revocation to the person who has the fireworks licence.
- (4) A notice under subsection (3) must—
 - (a) be given no later than 7 days before it is to take effect, and
 - (b) require the person to surrender—
 - (i) the person's fireworks licence, and
 - (ii) any firework to which [this Part](#) applies in the person's possession, in the manner and by the date specified in the notice.
- (5) It is an offence for a person, without reasonable excuse, to fail to comply with the requirements of a notice given under subsection (3).
- (6) A person who commits an offence under subsection (5) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (7) If the Scottish Ministers decide to revoke a fireworks licence, they must inform the person of the right under [section 14](#) to appeal the decision at the same time as notifying the person of that decision.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (8) If a person appeals under section 14 against a decision to revoke the person’s fireworks licence—
- (a) the revocation does not take effect, but
 - (b) the person must still comply with the requirements of the notice given under subsection (3),
- pending the determination or withdrawal of the appeal.
- (9) In this section, “relevant offence” has the meaning given in section 7(4).

Commencement Information

I14 S. 12 not in force at Royal Assent, see s. 56(2)

13 Notification of convictions and cancellation of fireworks licence **S**

- (1) This section applies if a person who has a fireworks licence is convicted of a relevant offence.
- (2) The court may cancel the person’s fireworks licence.
- (3) A person whose fireworks licence is cancelled under this section is prohibited from applying for a new fireworks licence within the period of 12 months beginning with the day on which the licence was cancelled.
- (4) If the court cancels the person’s fireworks licence, it—
 - (a) must notify the Scottish Ministers of the cancellation, and
 - (b) may make an order for forfeiture under section 48.
- (5) If the court does not cancel the person’s fireworks licence, it must notify the Scottish Ministers of the conviction.
- (6) In this section, “relevant offence” has the meaning given in section 7(4).

Commencement Information

I15 S. 13 not in force at Royal Assent, see s. 56(2)

14 Appeals **S**

- (1) A person may appeal to the appropriate sheriff against a decision of the Scottish Ministers—
 - (a) to refuse to grant the person a fireworks licence under section 9,
 - (b) to attach an optional condition to the person’s fireworks licence under section 10(2)(b), or
 - (c) to revoke the person’s fireworks licence under section 12(1).
- (2) An appeal must be made within the period of 21 days beginning with the day on which the decision appealed against was made.
- (3) An appeal under this section is to be determined on the merits (and not by way of review).

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (4) The sheriff hearing the appeal may consider any evidence or other matter, whether or not it was available at the time the Scottish Ministers made the decision being appealed against.
- (5) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal,
 - (b) give the Scottish Ministers such direction as the sheriff considers appropriate in respect of the decision that is the subject of the appeal.
- (6) The determination of the sheriff may be appealed against only on a point of law.
- (7) In this section, “the appropriate sheriff” means—
 - (a) in a case where the appellant resides in Scotland, a sheriff of the sheriffdom in which the appellant resides, or
 - (b) in a case where the appellant resides outwith Scotland, a sheriff of the sheriffdom of Lothian and Borders, sitting at Edinburgh.

Commencement Information

I16 S. 14 not in force at Royal Assent, see [s. 56\(2\)](#)

Offences relating to fireworks licence applications

15 False statements **S**

- (1) It is an offence for a person to knowingly or recklessly make any statement which is false in any material particular for the purposes of obtaining a fireworks licence.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

Commencement Information

I17 S. 15 not in force at Royal Assent, see [s. 56\(2\)](#)

16 False or altered licences and documents **S**

- (1) It is an offence for a person to produce a false fireworks licence or other false document purporting to prove an exemption under [schedule 1](#).
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

Commencement Information

I18 S. 16 not in force at Royal Assent, see [s. 56\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

General

17 Power of Scottish Ministers to make arrangements for certain functions **S**

- (1) The Scottish Ministers may make arrangements for a person to perform some or all of their functions under this Part.
- (2) Subsection (1) does not include any power of the Scottish Ministers to make regulations under this Part.
- (3) The making of arrangements under this section to perform a function does not—
 - (a) affect the Scottish Ministers' responsibility for the performance of the function, or
 - (b) prevent the Scottish Ministers from performing the function.

Commencement Information

I19 S. 17 not in force at Royal Assent, see [s. 56\(2\)](#)

18 Power to make further provision **S**

- (1) The Scottish Ministers may by regulations make further provision for the purposes of this Part.
- (2) Without limiting the generality of subsection (1), regulations under that subsection may make provision—
 - (a) about the verification of applications and supporting documents,
 - (b) about the sharing of information (for example, in connection with the verification of applications or the enforcement of this Part).
- (3) Regulations under subsection (1) are subject to the affirmative procedure.

Commencement Information

I20 S. 18 not in force at Royal Assent, see [s. 56\(2\)](#)

19 Regulations: consultation **S**

- (1) Before making any regulations under this Part, the Scottish Ministers must consult such persons as they consider are likely to be interested in or affected by the licensing of fireworks.
- (2) Subsection (1) does not apply to regulations under section 3.

Commencement Information

I21 S. 19 not in force at Royal Assent, see [s. 56\(2\)](#)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

PART 3 **S**

RESTRICTIONS ON SUPPLY AND USE OF FIREWORKS AND PYROTECHNIC ARTICLES

Application of Part

20 **Application of Part **S****

- (1) In this Part—
 - (a) section 21 applies to all pyrotechnic articles other than—
 - (i) category F1 fireworks, and
 - (ii) percussion caps for toys that are intended for use by children under the age of 14,
 - (b) section 22 applies to—
 - (i) category F2 fireworks, and
 - (ii) category F3 fireworks, and
 - (c) section 24 applies to—
 - (i) category F2 fireworks, and
 - (ii) category F3 fireworks.
- (2) The Scottish Ministers may by regulations—
 - (a) modify subsection (1)(a) to add, amend or remove categories, types, classifications or descriptions of fireworks or pyrotechnic articles, and
 - (b) modify subsection (1)(b) or (c) to add, amend or remove categories, types, classifications or descriptions of fireworks.
- (3) Regulations under subsection (2) are subject to the affirmative procedure.

Commencement Information

I22 S. 20 not in force at Royal Assent, see [s. 56\(2\)](#)

I23 S. 20(1)(a)(2)(a)(3) in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

Prohibition on supply to children

21 **Prohibition on providing fireworks or pyrotechnic articles to children **S****

- (1) It is an offence for a person to knowingly—
 - (a) buy or attempt to buy a firework or other pyrotechnic article to which this section applies for a person under the age of 18, or
 - (b) give or otherwise make available a firework or other pyrotechnic article to which this section applies to a person under the age of 18.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is not an offence under subsection (1) for a person to buy or attempt to buy a pyrotechnic article for, or give or otherwise make one available to, a person under the age of 18 if—

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (a) the manufacturer of the pyrotechnic article designed it to be used as a visual distress signal, and
 - (b) the person intends that the person under the age of 18 will use the pyrotechnic article only in appropriate circumstances.
- (4) This section is subject to section 38 and schedule 1 (exemptions).

Commencement Information

I24 S. 21 not in force at Royal Assent, see [s. 56\(2\)](#)

I25 S. 21 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

PROSPECTIVE

Days of supply and use of fireworks

22 **Restriction on days of supply of fireworks** S

- (1) It is an offence for a person to supply fireworks to which this section applies on days other than those specified in subsection (3).
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) The supply of fireworks to which this section applies is permitted only between the following days (inclusive of the first and last day specified)—
 - (a) 7 April to 14 April,
 - (b) 27 October to 10 November,
 - (c) 26 December to 31 December,
 - (d) the first day of Chinese New Year and the 3 days immediately preceding it,
 - (e) the first day of Diwali and the 3 days immediately preceding it.
- (4) It is a defence for a person charged with an offence under subsection (1) to show that the person took reasonable steps to establish that the person to whom the fireworks were supplied was exempt under [schedule 1](#).
- (5) It is the duty of each local weights and measures authority to enforce this section in its area.
- (6) The Scottish Ministers may by regulations modify subsection (3) to add, amend or remove a day or a period of days.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.
- (8) In this section, “supply” of fireworks includes—
 - (a) selling them,
 - (b) exchanging them for any consideration other than money, and
 - (c) giving them as a prize or otherwise making a gift of them,
 but does not include supplying them otherwise than in the course of a business.

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

(9) This section is subject to section 38 and schedule 1 (exemptions).

Commencement Information

I26 S. 22 not in force at Royal Assent, see s. 56(2)

23 Alignment of days when licence required to supply **S**

- (1) The Fireworks Regulations 2004 (S.I. 2004/1836) are modified as follows.
- (2) Regulation 9(2) has effect as if for the days and periods specified in paragraphs (a) to (d) of that regulation (being the days on which certain fireworks may be supplied or exposed for supply without requiring a licence granted under regulation 9(1)), there are substituted the days and periods specified in section 22(3) of this Act.
- (3) The modification in subsection (2) applies only in relation to—
 - (a) category F2 fireworks, and
 - (b) category F3 fireworks.

Commencement Information

I27 S. 23 not in force at Royal Assent, see s. 56(2)

24 Restriction on days of use of fireworks **S**

- (1) It is an offence for a person to use fireworks to which this section applies on days other than those specified in subsection (3).
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) The use of fireworks to which this section applies is permitted only between the following days (inclusive of the first and last day specified)—
 - (a) 7 April to 16 April,
 - (b) 27 October to 12 November,
 - (c) 26 December to 2 January,
 - (d) the 3 days immediately preceding the first day of Chinese New Year to the seventh day after the first day of Chinese New Year,
 - (e) the 3 days immediately preceding the first day of Diwali to the seventh day after the first day of Diwali.
- (4) The Scottish Ministers may by regulations modify subsection (3) to add, amend or remove a day or a period of days.
- (5) Regulations under subsection (4) are subject to the affirmative procedure.
- (6) This section is subject to section 38 and schedule 1 (exemptions).

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

Commencement Information

I28 S. 24 not in force at Royal Assent, see [s. 56\(2\)](#)

PROSPECTIVE

Compensation

25 Compensation for specialist firework businesses affected by [section 22](#) **S**

- (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation to relevant persons in consequence of—
 - (a) the coming into force of [section 22](#), or
 - (b) the coming into force of a modification under [section 22\(6\)](#) which further limits the days on which fireworks may be supplied.
- (2) In [subsection \(1\)](#), a “relevant person” is a person whose trade or business was wholly or mainly concerned with the supply, distribution or importation of fireworks in Scotland immediately before the coming into force of [section 22](#) or a modification of the kind described in [subsection \(1\)\(b\)](#).
- (3) Without limiting the generality of [subsection \(1\)](#), regulations under that subsection may—
 - (a) make further provision about who qualifies as a relevant person,
 - (b) set out the circumstances in which compensation is payable,
 - (c) make provision about the calculation of compensation,
 - (d) set out the procedure to be followed in connection with claiming compensation,
 - (e) provide for the review of decisions made under the regulations, and
 - (f) make provision about appeals against decisions made under the regulations.
- (4) Regulations under [this section](#) are subject to the affirmative procedure.

Commencement Information

I29 S. 25 not in force at Royal Assent, see [s. 56\(2\)](#)

PART 4 **S**

FIREWORK CONTROL ZONES

26 Application of Part **S**

- (1) [This Part](#) applies to—
 - (a) category F2 fireworks,
 - (b) category F3 fireworks, and

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (c) category F4 fireworks.
- (2) The Scottish Ministers may by regulations modify [subsection \(1\)](#) to add, amend or remove categories, types, classifications or descriptions of fireworks.
- (3) Regulations under [subsection \(2\)](#) are subject to the affirmative procedure.

Commencement Information

- I30** S. 26 not in force at Royal Assent, see [s. 56\(2\)](#)
- I31** S. 26 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

27 Firework control zones **S**

- (1) At any time, a local authority may (in accordance with [this Part](#))—
 - (a) designate a place within its area as a firework control zone,
 - (b) amend a zone (including the period for which it is to have effect or days on which it is to operate), or
 - (c) revoke a zone.
- (2) It is an offence for a person to—
 - (a) ignite a firework to which [this Part](#) applies in a firework control zone, or
 - (b) knowingly or recklessly—
 - (i) throw or cast a lit firework to which [this Part](#) applies into a firework control zone, or
 - (ii) fire a firework to which [this Part](#) applies into a firework control zone.
- (3) A firework control zone operates and the offence in [subsection \(2\)](#) applies on all days that the zone has effect unless the designation specifies particular days on which the zone is to operate, in which case the offence applies on those days only.
- (4) A person who commits an offence under [subsection \(2\)](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (5) [This section](#) is subject to [section 38](#) and [schedule 1](#) (exemptions).

Commencement Information

- I32** S. 27 not in force at Royal Assent, see [s. 56\(2\)](#)
- I33** S. 27 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

28 Prior consultation on proposals **S**

- (1) Before designating a place as a firework control zone or amending or revoking a zone, a local authority must—
 - (a) prepare and publish its proposal in relation to the designation, amendment or revocation of the zone, and
 - (b) consult—
 - (i) persons who live or work in the place which will be affected by the proposal,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (ii) other members of the local community in or near the place,
 - (iii) any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposal.
- (2) The proposal must, in particular, set out—
- (a) the reasons for the proposed designation of a place as a firework control zone, or, as the case may be, the amendment or revocation of a zone,
 - (b) the boundaries of the zone,
 - (c) the date from which the proposal is to have effect and the date on which it is proposed that the zone is to cease to have effect,
 - (d) the consultation dates, and
 - (e) how the consultation is to be conducted.
- (3) The proposal may set out specific days on which the zone is to operate for the purpose of [section 27\(3\)](#).

Commencement Information

I34 S. 28 not in force at Royal Assent, see [s. 56\(2\)](#)

I35 S. 28 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

29 Publication of decision on proposal **S**

- (1) Following a consultation on a proposal published under [section 28\(1\)](#), a local authority must publish a document which—
- (a) confirms whether or not it is proceeding with the proposal,
 - (b) sets out any changes to the proposal which have been made (whether or not as a result of the consultation), and
 - (c) explains how it had regard to the views expressed during the consultation process.
- (2) The local authority must publish the document—
- (a) as soon as practicable after the decision in relation to the proposal is made, and
 - (b) where a decision has been made to proceed with the proposal, at least 60 days before the day on which the proposal is to have effect.

Commencement Information

I36 S. 29 not in force at Royal Assent, see [s. 56\(2\)](#)

I37 S. 29 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

30 Publicising firework control zones **S**

As soon as practicable after a document is published under section 29 confirming that a proposal is proceeding, the local authority must take reasonable steps to inform the persons mentioned in [section 28\(1\)\(b\)](#) of—

- (a) the date any decision to designate a place as a firework control zone or amend or revoke a zone is to have effect (and, if different, the days on which it is to operate),

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (b) the boundaries of the zone (or any changes to those boundaries),
- (c) what is permissible within a zone, the exemptions that apply and the consequences of failure to comply,
- (d) such other information as the Scottish Ministers may specify in regulations made under section 32.

Commencement Information

- I38** S. 30 not in force at Royal Assent, see [s. 56\(2\)](#)
I39 S. 30 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

31 Review of operation and effectiveness S

- (1) A local authority must carry out reviews of the operation and effectiveness of its firework control zones.
- (2) A review under this section may—
 - (a) be in respect of one or more firework control zones, and
 - (b) be combined with a proposal under [section 28](#) to amend or revoke a zone.
- (3) On completion of a review, the local authority must—
 - (a) prepare and publish a report of the review's findings, and
 - (b) make such proposals in relation to the zone (or zones) as it considers appropriate.
- (4) Regulations made under [section 32](#) may specify a minimum frequency for reviews under this section.

Commencement Information

- I40** S. 31 not in force at Royal Assent, see [s. 56\(2\)](#)
I41 S. 31 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

32 Power to make further provision S

- (1) The Scottish Ministers may by regulations make further provision about firework control zones and the procedures to be followed to designate a place as a zone, or to amend or revoke one.
- (2) Without limiting the generality of [subsection \(1\)](#), regulations under that subsection may—
 - (a) set limits on—
 - (i) the size of place that may be designated a firework control zone,
 - (ii) the cumulative area that a local authority may designate as such zones,
 - (b) specify the manner in which a local authority is to designate a place as a zone, or to amend or revoke one,
 - (c) specify information that must be included when designating a place as a zone, or amending or revoking one,
 - (d) make further provision in relation to zones that operate on specific days only,
 - (e) make further provision relating to the consultation process,

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (f) make provision relating to the publication of documents required under [this Part](#),
 - (g) make further provision in relation to the reviewing and reporting on the operation and effectiveness of zones in its area.
- (3) Regulations under subsection (1) are subject to the negative procedure.

Commencement Information

- I42** S. 32 not in force at Royal Assent, see [s. 56\(2\)](#)
I43 S. 32 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

33 Guidance S

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers for the purposes of [this Part](#).
- (2) The Scottish Ministers must publish any such guidance (and may revise or revoke that guidance).

Commencement Information

- I44** S. 33 not in force at Royal Assent, see [s. 56\(2\)](#)
I45 S. 33 in force at 22.6.2023 by [S.S.I. 2023/176](#), [reg. 2](#), [sch.](#)

PART 5 S

PYROTECHNIC ARTICLES IN PUBLIC PLACES AND AT DESIGNATED VENUES AND EVENTS

34 Application of Part S

- (1) In this Part—
 - (a) section 35 applies to all pyrotechnic articles except category F1 fireworks, and
 - (b) section 36 applies to all pyrotechnic articles.
- (2) The Scottish Ministers may by regulations modify subsection (1) to add, amend or remove categories, types, classifications or descriptions of fireworks or pyrotechnic articles.
- (3) Regulations under subsection (2) are subject to the affirmative procedure.

Commencement Information

- I46** S. 34 not in force at Royal Assent, see [s. 56\(2\)](#)
I47 S. 34 in force at 6.6.2023 by [S.S.I. 2023/99](#), [reg. 2](#), [sch.](#)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

35 Prohibition of pyrotechnic articles in public places **S**

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies in a public place.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is not an offence under subsection (1) for a person to possess a pyrotechnic article if the possession of the pyrotechnic article—
 - (a) is in connection with the person’s employment, or
 - (b) is in connection with the person undertaking an activity where it is appropriate to possess the article for use as a visual distress signal.
- (4) In this section, “public place” means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).
- (5) This section—
 - (a) does not apply to a designated venue or a place where a designated event is occurring (see section 36), and
 - (b) is also subject to section 38 and schedule 1 (exemptions).

Commencement Information

- I48** S. 35 not in force at Royal Assent, see [s. 56\(2\)](#)
I49 S. 35 in force at 6.6.2023 by [S.S.I. 2023/99](#), [reg. 2](#), [sch.](#)

36 Prohibition of pyrotechnic articles at designated venues or events **S**

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies while the person is in a designated venue or while at a designated event.
- (2) A person convicted of an offence under [subsection \(1\)](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) In this section, “designated venue” or “designated event” means a venue or, as the case may be, event designated by the Scottish Ministers under section 37.
- (4) This section is subject to section [38](#) and schedule [1](#) (exemptions).

Commencement Information

- I50** S. 36 not in force at Royal Assent, see [s. 56\(2\)](#)
I51 S. 36 in force at 6.6.2023 by [S.S.I. 2023/99](#), [reg. 2](#), [sch.](#)

37 Designation of venues or events **S**

- (1) For the purposes of section 36, the Scottish Ministers may by regulations designate—

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (a) a sports ground or class of sports grounds (whether or not the grounds are used for sporting events),
- (b) a sporting event or class of sporting events (whether or not attendees have paid to attend),
- (c) a venue that is to be used for a music event, including any place that is to be used by a person responsible for the organisation of a music event for the purpose of—
 - (i) regulating entry to, or departure from, the event, or
 - (ii) providing accommodation or other facilities for those attending the event,
- (d) a music event or class of music events (whether or not attendees have paid to attend).

(2) Regulations under subsection (1) are subject to the negative procedure.

Commencement Information

- I52** S. 37 not in force at Royal Assent, see [s. 56\(2\)](#)
I53 S. 37 in force at 6.6.2023 by [S.S.I. 2023/99](#), reg. 2, [sch.](#)

PART 6 **S**

EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

Exemptions

38 Exemptions from offences in Act **S**

- (1) [Schedule 1](#) contains exemptions to certain offences under [Parts 2](#) to [5](#).
- (2) The Scottish Ministers may by regulations—
 - (a) modify [schedule 1](#) to add, amend or remove exemptions,
 - (b) make further provision about the requirements that a person must meet to be treated as being employed by, or in business as, a professional organiser or operator of fireworks displays or pyrotechnics displays for the purposes of [schedule 1](#).
- (3) Regulations under subsection (2) are subject to the affirmative procedure.

Commencement Information

- I54** S. 38 not in force at Royal Assent, see [s. 56\(2\)](#)
I55 [S. 38\(1\)](#) in force at 10.10.2022 for specified purposes by [S.S.I. 2022/280](#), reg. 2, [sch.](#)
I56 [S. 38\(1\)](#) in force at 6.6.2023 for specified purposes by [S.S.I. 2023/99](#), reg. 2, [sch.](#)
I57 [S. 38\(1\)](#) in force at 22.6.2023 for specified purposes by [S.S.I. 2023/176](#), reg. 2, [sch.](#)
I58 [S. 38\(2\)\(3\)](#) in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

PROSPECTIVE

Powers of local weights and measures authorities

39 Powers of local weights and measures authorities **S**

[Schedule 2](#) makes provision about the powers of a local weights and measures authority (and its officers) to enforce the offences under [sections 5](#) and [22](#) in its area and related matters.

Commencement Information

I59 S. 39 not in force at Royal Assent, see [s. 56\(2\)](#)

Powers of constables

40 Power of entry etc. with warrant **S**

- (1) A sheriff or justice of the peace may grant a warrant under this section authorising a constable to enter premises if the sheriff or justice of the peace is satisfied, by evidence on oath, that there are reasonable grounds for suspecting—
 - (a) that an offence under this Act has been, or is being, committed at the premises, or
 - (b) that there is evidence at the premises of the commission of an offence under this Act.
- (2) A warrant granted under this section remains in force for a period of 28 days beginning with the day on which it was granted.
- (3) A warrant granted under this section may authorise a constable to—
 - (a) enter the premises by force if necessary,
 - (b) search the premises and any person found in the premises,
 - (c) seize and retain any item or material found on the premises, or on any person in the premises, if the constable has reasonable grounds for suspecting that it may provide evidence of the commission of an offence under this Act.
- (4) A constable who is authorised by a warrant granted under this section to seize and detain material may, if the material is only capable of being looked at, read, watched or listened to (as the case may be) after conversion from data stored in another form, require that the material—
 - (a) be converted into such a form in a way which enables it to be taken away, or
 - (b) be produced in a form which is capable of being taken away and from which it can be readily converted.
- (5) In this section, “premises” includes any—
 - (a) land or building,
 - (b) vehicle, vessel, trailer, aircraft or hovercraft,
 - (c) tent or moveable structure,(whether or not the premises are used wholly or mainly as a private dwelling).

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

Commencement Information

- I60** S. 40 not in force at Royal Assent, see [s. 56\(2\)](#)
I61 S. 40 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

41 Search for fireworks or pyrotechnic articles without warrant **S**

- (1) If a constable has reasonable grounds for suspecting that a person has committed or is committing an offence under this Act, the constable may—
- (a) search that person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out,
 - (b) stop and search a vehicle (and anything on or in it) without warrant,
 - (c) seize and retain any item found in the course of a search which may be relevant to the commission of the offence.
- (2) A constable who detains a person under [subsection \(1\)](#) must give the person the reason for the detention.

Commencement Information

- I62** S. 41 not in force at Royal Assent, see [s. 56\(2\)](#)
I63 S. 41 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

PROSPECTIVE

Offences in relation to enforcement

42 Offence of obstructing officer of a local weights and measures authority **S**

- (1) It is an offence for a person to—
- (a) intentionally obstruct an officer of a local weights and measures authority who is exercising powers conferred by [schedule 2](#),
 - (b) intentionally fail to comply with any requirement made of the person by an officer of a local weights and measures authority under paragraph 7 or 10 of [schedule 2](#),
 - (c) fail, without reasonable cause, to give an officer of a local weights and measures authority any other assistance or information which the officer may reasonably require of him for the purposes of the exercise of the officer's powers under [schedule 2](#).
- (2) It is an offence for a person, in giving any information which is required of the person by virtue of [subsection \(1\)\(c\)](#)—
- (a) to make any statement which the person knows is false in a material particular, or
 - (b) recklessly to make a statement which is false in a material particular.
- (3) A person who commits an offence under [this section](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

Commencement Information

I64 S. 42 not in force at Royal Assent, see [s. 56\(2\)](#)

43 Offence of impersonating officer of a local weights and measures authority **S**

- (1) It is an offence for a person who is not an officer of a local weights and measures authority to purport to act as such an officer in the exercise of powers under [schedule 2](#).
- (2) A person who commits an offence under [subsection \(1\)](#) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I65 S. 43 not in force at Royal Assent, see [s. 56\(2\)](#)

Aggravation of offences against emergency workers

44 Aggravation of offences against emergency workers **S**

- (1) An offence is aggravated by the use of a firework or pyrotechnic article if—
 - (a) the offence is committed in a manner that involves the use of a firework or pyrotechnic article which is currently lit or ignited (or which has recently been lit or ignited), and
 - (b) a victim (or intended victim) of the offence is an emergency worker.
- (2) For the purpose of subsection (1), an emergency worker is—
 - (a) a person—
 - (i) acting in a capacity mentioned in section 1(3) or 2(3) of the Emergency Workers (Scotland) Act 2005,
 - (ii) acting in a capacity mentioned in section 90(3)(a), (c) or (d) of the Police and Fire Reform (Scotland) Act 2012,
 - (iii) who is a constable of the British Transport Police Force and is acting in that capacity,
 - (b) a person who is assisting such a person in responding to an emergency circumstance.
- (3) Evidence from a single source is sufficient to prove that an offence is aggravated by the use of a firework or pyrotechnic article.
- (4) Subsection (5) applies where it is—
 - (a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by the use of a firework or pyrotechnic article, and
 - (b) proved that the offence is so aggravated.
- (5) The court must—
 - (a) state on conviction that the offence is aggravated by the use of a firework or pyrotechnic article,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (b) record the conviction in a way that shows that the offence is so aggravated,
 - (c) take the aggravation into account in determining the appropriate sentence, and
 - (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.
- (6) For the purposes of this section, a person is responding to emergency circumstances if the person—
- (a) is going anywhere for the purpose of dealing with emergency circumstances occurring there, or
 - (b) is dealing with emergency circumstances or preparing to do so.
- (7) For the purposes of this section, circumstances are “emergency” circumstances if they are present or imminent and—
- (a) are causing or are likely to cause—
 - (i) serious injury to or the serious illness (including mental illness) of a person,
 - (ii) serious harm to the environment (including the life and health of plants and animals and the fabric of buildings), or
 - (iii) a worsening of any such injury, illness or harm, or
 - (b) are likely to cause the death of a person.
- (8) For the purposes of this section, circumstances to which a person is responding are to be taken to be emergency circumstances if the person believes and has reasonable grounds for believing they are or may be emergency circumstances.

Commencement Information

I66 S. 44 not in force at Royal Assent, see [s. 56\(2\)](#)

I67 S. 44 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

Miscellaneous

45 Time limit for prosecution of offences **S**

Summary proceedings for an offence under this Act may be commenced at any time within the period of 12 months beginning with the day on which the offence was committed.

Commencement Information

I68 S. 45 not in force at Royal Assent, see [s. 56\(2\)](#)

I69 S. 45 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

46 Presumptions in proceedings under this Act **S**

- (1) This section applies for the purposes of a trial in proceedings for an alleged offence under this Act.
- (2) Where an item—
 - (a) is labelled as a firework or other pyrotechnic article, or
 - (b) is not so labelled but is found within a container which is labelled as containing fireworks or other pyrotechnic articles,the item is presumed to be a firework or pyrotechnic article as described on the label or, as the case may be, container.
- (3) At the trial, a party to the proceedings may rebut the presumption mentioned in subsection (2) by proving that, at the time the offence is alleged to have been committed, the item was not a firework or other pyrotechnic article of the description on the item or the container.
- (4) A party may lead evidence for the purpose of rebutting the presumption only if the party has given notice of the intention to do so to the other parties—
 - (a) not less than 7 days before the intermediate diet, or
 - (b) if there is no intermediate diet, not less than 28 days before the date of the trial.

Commencement Information

I70 S. 46 not in force at Royal Assent, see [s. 56\(2\)](#)

I71 S. 46 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

47 Certificates as to proof of certain matters **S**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In the table in schedule 9 (certificates as to proof of certain routine matters), at the end insert—

“The Fireworks and
Pyrotechnic Articles
(Scotland) Act 2022.

Sections 4(1) and 5(1)

A person authorised to do so
by the Scottish Ministers

In relation to a person
identified in the certificate,
that on the date specified in
the certificate the person had,
or as the case may be, did
not have, a fireworks licence
(within the meaning of Part 2
of that Act).

Sections 4(1), 5(1), 21(1),
22(1), 24(1) and 27(2)

A person authorised to do so
by the Scottish Ministers

That the particular item
identified in the certificate
is—

- (a) a firework within
the meaning of

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

		section 1(1) of that Act, and
		(b) of such category of firework (construed in accordance with section 2(1) of that Act) as is specified in the certificate.
Sections 21(1), 35(1) and 36(1)	A person authorised to do so by the Scottish Ministers	That the particular item identified in the certificate is a pyrotechnic article within the meaning of section 1(1) and (2) of that Act.”

Commencement Information

I72 S. 47 not in force at Royal Assent, see [s. 56\(2\)](#)

I73 S. 47 in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

48 Forfeiture and disposal of fireworks and pyrotechnic articles **S**

- (1) [This section](#) applies where—
- the Scottish Ministers revoke a person’s licence by giving notice under [section 12\(3\)](#),
 - a court convicts a person of an offence under this Act, or
 - a court cancels a person’s fireworks licence under [section 13\(2\)](#).
- (2) [Subsection \(3\)](#) applies where—
- a firework to which [Part 2](#) applies is surrendered in pursuance of a notice given under [section 12\(3\)](#) which revokes a person’s fireworks licence, and
 - the person appeals against the decision to revoke the person’s fireworks licence (and does not withdraw that appeal prior to its determination).
- (3) Where [this subsection](#) applies—
- if the appeal is successful, the firework must be returned,
 - if the appeal is unsuccessful, the sheriff may make such order for the disposal of the firework as the sheriff considers appropriate.
- (4) [Subsection \(5\)](#) applies where—
- a firework to which [Part 2](#) applies is surrendered in pursuance of a notice given under [section 12\(3\)](#) which revokes a person’s fireworks licence, and
 - the person—
 - does not appeal against the decision to revoke the person’s fireworks licence, or
 - makes and subsequently withdraws an appeal against such a decision.
- (5) Where [this subsection](#) applies, the firework is to be disposed of in such manner as the chief constable considers appropriate.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (6) The court by which a person is convicted or, as the case may be, which cancels a person's fireworks licence may make an order for the forfeiture or disposal of any firework or pyrotechnic article—
 - (a) to which the offence relates, or
 - (b) which is possessed by the person.
- (7) A constable may seize and retain a firework or pyrotechnic article which may be the subject of an order for forfeiture under [this section](#).
- (8) Where a court orders the disposal of a firework or pyrotechnic article seized and retained under this Act by a constable or an officer of a local weights and measures authority, the firework or pyrotechnic article may be disposed of in such manner as the chief constable or, as the case may be, the local weights and measures authority considers appropriate.

Commencement Information

I74 S. 48 not in force at Royal Assent, see [s. 56\(2\)](#)

I75 S. 48(1)(b)(6)(7)(8) in force at 10.10.2022 by S.S.I. 2022/280, [reg. 2, sch.](#)

49 Individual culpability for offending by an organisation **S**

- (1) [Subsection \(2\)](#) applies where—
 - (a) an offence under this Act is committed by a relevant organisation, and
 - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of—
 - (i) a responsible official of the organisation, or
 - (ii) an individual purporting to act in the capacity of a responsible official.
- (2) The responsible official (or, as the case may be, the individual purporting to act in that capacity), as well as the organisation, commits the offence.
- (3) “Relevant organisation” means—
 - (a) a company,
 - (b) a partnership (including a limited liability partnership),
 - (c) another body or association.
- (4) “Responsible official” means—
 - (a) in the case of a company—
 - (i) a director, secretary, manager or similar officer, or
 - (ii) where the affairs of the company are managed by its members, a member,
 - (b) in the case of a limited liability partnership, a member,
 - (c) in the case of a partnership other than a limited liability partnership, a partner,
 - (d) in the case of another body or association, a person who is concerned in the management or control of its affairs.

Commencement Information

I76 S. 49 not in force at Royal Assent, see [s. 56\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

I77 S. 49 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, sch.

PART 7 **S**

GENERAL PROVISIONS

50 Report on operation of Act **S**

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay before the Scottish Parliament a report on the operation of this Act during the reporting period.
- (2) The report must, in particular, include information about—
 - (a) proceedings and convictions in respect of relevant offences during the reporting period,
 - (b) the number of incidents connected to fireworks and other pyrotechnic articles which occurred during the reporting period, and
 - (c) the views and experiences of persons in relation to the use of fireworks in their communities during the relevant period.
- (3) The reporting period is the period of 5 years beginning with the day on which this Act receives Royal Assent.
- (4) In this section, “relevant offence” means an offence under this Act or listed in section 7(4)(b) and (c).

Commencement Information

I78 S. 50 in force at 11.8.2022, see s. 56(1)

51 Interpretation **S**

In this Act—

“chief constable” means the chief constable of the Police Service of Scotland,
 “constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

“firework control zone”, in relation to the area of a local authority, means a place within the area which has been designated as a firework control zone by the local authority under section 27(1) (and a reference to such a zone includes a zone as it has been amended),

“fireworks licence” means a fireworks licence granted by the Scottish Ministers under section 9,

“licensed person” means a person who has a fireworks licence (and a reference to an unlicensed person is to be construed accordingly),

“public fireworks display” means a fireworks display at which the public, or any section of the public, are present (whether or not they have paid to be) that complies with regulations made under section 6 of the Fireworks Act 2003 (if any),

“regulatory authority” means—

- (a) the Chief Constable of the Police Service of Scotland,

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (b) the Health and Safety Executive,
- (c) a local authority,
- (d) a local weights and measures authority.

Commencement Information

I79 S. 51 in force at 11.8.2022, see [s. 56\(1\)](#)

52 Regulations **S**

Any power of the Scottish Ministers to make regulations under this Act, other than section 56, includes power to make—

- (a) different provision for different purposes,
- (b) incidental, supplementary, consequential, transitional, transitory or saving provision.

Commencement Information

I80 S. 52 in force at 11.8.2022, see [s. 56\(1\)](#)

53 Ancillary provision **S**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).
- (3) Regulations under subsection (1)—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act (including this Act), but
 - (b) otherwise, are subject to the negative procedure.

Commencement Information

I81 S. 53 in force at 11.8.2022, see [s. 56\(1\)](#)

54 Crown application: criminal offences **S**

- (1) No contravention of any provision made by this Act makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), any provision made by or under this Act applies to a person in the public service of the Crown as it applies to other persons.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

Commencement Information

182 S. 54 not in force at Royal Assent, see **s. 56(2)**

183 S. 54 in force at 10.10.2022 by **S.S.I. 2022/280**, reg. 2, **sch.**

55 Crown application: powers of entry **S**

- (1) A warrant granted under [section 40](#) or [schedule 2](#) is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

Crown land	Appropriate authority
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners)	The Crown Estate Commissioners
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate	The person managing the land
Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate	The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land
Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers
Land an interest in which belongs to an office-holder in the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The Government department
Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The Government department

- (2) In [subsection \(1\)](#)—

- (a) the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. (See end of Document for details)

- (b) “Government department” means a department of the Government of the United Kingdom,
 - (c) “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.
- (3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with [subsection \(1\)](#) is the appropriate authority in relation to any land, and their decision is final.

Commencement Information

I84 S. 55 not in force at Royal Assent, see [s. 56\(2\)](#)

I85 S. 55 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

56 Commencement **S**

- (1) This section and sections [50](#), [51](#), [52](#), [53](#) and [57](#) come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under [subsection \(2\)](#) may—
 - (a) include transitional, transitory or saving provision,
 - (b) make different provision for different purposes.

Commencement Information

I86 S. 56 in force at 11.8.2022, see [s. 56\(2\)](#)

57 Short title **S**

The short title of this Act is the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.

Commencement Information

I87 S. 57 in force at 11.8.2022, see [s. 56\(2\)](#)

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.