



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022

### PART 1

#### KEY CONCEPTS

- 1 Meaning of “firework” and “pyrotechnic article”
- 2 Categories of fireworks

### PART 2

#### FIREWORKS LICENSING

##### *Fireworks which require a licence*

- 3 Application of Part

##### *Fireworks licensing*

- 4 Requirement to have fireworks licence
- 5 Supply of fireworks to unlicensed persons

##### *Process for licensing*

- 6 Applying for fireworks licence: general requirements
- 7 Applying for fireworks licence: mandatory requirements
- 8 Fireworks training course
- 9 Grant of fireworks licence
- 10 Fireworks licence: conditions and further provision
- 11 Register of fireworks licence applications and licensed persons
- 12 Revocation of fireworks licence
- 13 Notification of convictions and cancellation of fireworks licence
- 14 Appeals

*Status: Point in time view as at 11/08/2022.*

*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)*

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*Offences relating to fireworks licence applications*

- 15 False statements
- 16 False or altered licences and documents

*General*

- 17 Power of Scottish Ministers to make arrangements for certain functions
- 18 Power to make further provision
- 19 Regulations: consultation

**PART 3**

RESTRICTIONS ON SUPPLY AND USE OF FIREWORKS AND PYROTECHNIC ARTICLES

*Application of Part*

- 20 Application of Part

*Prohibition on supply to children*

- 21 Prohibition on providing fireworks or pyrotechnic articles to children

*Days of supply and use of fireworks*

- 22 Restriction on days of supply of fireworks
- 23 Alignment of days when licence required to supply
- 24 Restriction on days of use of fireworks

*Compensation*

- 25 Compensation for specialist firework businesses affected by section 22

**PART 4**

FIREWORK CONTROL ZONES

- 26 Application of Part
- 27 Firework control zones
- 28 Prior consultation on proposals
- 29 Publication of decision on proposal
- 30 Publicising firework control zones
- 31 Review of operation and effectiveness
- 32 Power to make further provision
- 33 Guidance

**PART 5**

PYROTECHNIC ARTICLES IN PUBLIC PLACES AND AT DESIGNATED VENUES AND EVENTS

- 34 Application of Part
- 35 Prohibition of pyrotechnic articles in public places
- 36 Prohibition of pyrotechnic articles at designated venues or events
- 37 Designation of venues or events

**PART 6**

EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

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### *Exemptions*

38 Exemptions from offences in Act

#### *Powers of local weights and measures authorities*

39 Powers of local weights and measures authorities

#### *Powers of constables*

40 Power of entry etc. with warrant

41 Search for fireworks or pyrotechnic articles without warrant

#### *Offences in relation to enforcement*

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

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

#### *Aggravation of offences against emergency workers*

44 Aggravation of offences against emergency workers

### *Miscellaneous*

45 Time limit for prosecution of offences

46 Presumptions in proceedings under this Act

47 Certificates as to proof of certain matters

48 Forfeiture and disposal of fireworks and pyrotechnic articles

49 Individual culpability for offending by an organisation

## **PART 7**

### **GENERAL PROVISIONS**

50 Report on operation of Act

51 Interpretation

52 Regulations

53 Ancillary provision

54 Crown application: criminal offences

55 Crown application: powers of entry

56 Commencement

57 Short title

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#### Schedule 1 — Exemptions

1 Regulatory authorities or those acting under the direction of a regulatory authority

2 It is not an offence under section 4(1) for a...

3 It is not an offence under section 5(1) (supply of...

4 It is not an offence under section 24(1) (restriction on...

5 It is not an offence under section 27(2)(a) (firework control...

6 It is not an offence under section 36(1) (prohibition of...

7 Professional organisers or operators of fireworks displays or pyrotechnics displays

8 It is not an offence under section 5(1) (supply of...

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- 9 It is not an offence under section 21(1) (prohibition on...
  - 10 It is not an offence under section 22(1) (restriction on...
  - 11 It is not an offence under section 24(1) (restriction on...
  - 12 It is not an offence under section 27(2)(a) (firework control...
  - 13 It is not an offence under section 36(1) (prohibition of...
  - 14 Business or supply in accordance with Pyrotechnic Articles (Safety) Regulations 2015
  - 15 It is not an offence under section 5(1) (supply of...
  - 16 It is not an offence under section 22(1) (restriction on...
  - 17 It is not an offence under section 24(1) (restriction on...
  - 18 It is not an offence under section 27(2)(a) (firework control...
  - 19 It is not an offence under section 36(1) (prohibition of...
  - 20 Organiser of a public fireworks display
  - 21 It is not an offence under section 24(1) (restriction on...
  - 22 It is not an offence under section 27(2)(a) (firework control...
  - 23 It is not an offence under section 35(1) (prohibition of...
  - 24 It is not an offence under section 36(1) (prohibition of...
  - 25 Persons under 18 in education, training or employment
  - 26 Persons outwith Scotland
  - 27 It is not an offence under section 22(1) (restriction on...
  - 28 Public servants and volunteers in similar roles
  - 29 It is not an offence under section 35(1) (prohibition of...
  - 30 (1) In paragraphs 28 and 29, “armed forces” means naval,...
- Schedule 2 — Investigatory powers of a local weights and measures authority
- 1 General
  - 2 Power to purchase fireworks
  - 3 Power to observe carrying on of business etc.
  - 4 Power to enter premises without warrant
  - 5 Power to inspect and test fireworks
  - 6 Power to seize and retain items
  - 7 Powers in relation to documents
  - 8 Power to break open container etc.
  - 9 Power of entry with warrant
  - 10 Power to require assistance from person on premises
  - 11 Access to seized items and documents
  - 12 Notice of testing of item
  - 13 Application for release of firework, item or document
  - 14 Compensation

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**Changes to legislation:**

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