

**Status:** Point in time view as at 10/10/2022. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Schedule 1. (See end of Document for details)

## SCHEDULE 1 (introduced by section 38)

### EXEMPTIONS

PROSPECTIVE

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

- 1 It is not an offence under [section 4\(1\)](#) (requirement to have fireworks licence) for a person to purchase, acquire, possess or use a firework without having a fireworks licence if the person is employed by a regulatory authority (and is acting in that capacity).

**Commencement Information**

**I1** Sch. 1 para. 1 not in force at Royal Assent, see [s. 56\(2\)](#)

- 2 It is not an offence under [section 4\(1\)](#) for a person to purchase, acquire, possess or use a firework without having a fireworks licence if the person is acting under the direction of a regulatory authority.

**Commencement Information**

**I2** Sch. 1 para. 2 not in force at Royal Assent, see [s. 56\(2\)](#)

- 3 It is not an offence under [section 5\(1\)](#) (supply of fireworks to unlicensed persons) for a person to give or otherwise make available a firework to a person who does not have a fireworks licence if—
- (a) the person giving or otherwise making available the firework is employed by, or acting under the direction of, a regulatory authority (and is acting in that capacity), and
  - (b) the unlicensed person is employed by, or acting under the direction of, a regulatory authority (and is acting in that capacity).

**Commencement Information**

**I3** Sch. 1 para. 3 not in force at Royal Assent, see [s. 56\(2\)](#)

- 4 It is not an offence under [section 24\(1\)](#) (restriction on days of use of fireworks) for a person to use a firework contrary to [section 24\(3\)](#) if—
- (a) the person is employed by, or acting under the direction of, a regulatory authority, and
  - (b) the firework is used in connection with the regulatory authority's functions.

**Commencement Information**

**I4** Sch. 1 para. 4 not in force at Royal Assent, see [s. 56\(2\)](#)

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#### Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see [s. 56\(2\)](#)
- I2** Sch. 1 para. 2 not in force at Royal Assent, see [s. 56\(2\)](#)
- I3** Sch. 1 para. 3 not in force at Royal Assent, see [s. 56\(2\)](#)
- I4** Sch. 1 para. 4 not in force at Royal Assent, see [s. 56\(2\)](#)

#### PROSPECTIVE

#### *Professional organisers or operators of fireworks displays or pyrotechnics displays*

- 7 It is not an offence under [section 4\(1\)](#) (requirement to have fireworks licence) for a person to purchase, acquire, possess or use a firework without having a fireworks licence if—
- (a) the person is employed by, or in business as, a professional organiser or operator of fireworks displays, and
  - (b) the firework is purchased, acquired, possessed or used in connection with that business.

#### Commencement Information

- I5** Sch. 1 para. 7 not in force at Royal Assent, see [s. 56\(2\)](#)

- 8 It is not an offence under [section 5\(1\)](#) (supply of fireworks to unlicensed persons) for a person to supply a firework to a person who does not have a fireworks licence if the unlicensed person is employed by, or in business as, a professional organiser or operator of fireworks displays.

#### Commencement Information

- I6** Sch. 1 para. 8 not in force at Royal Assent, see [s. 56\(2\)](#)

- 9 It is not an offence under [section 21\(1\)](#) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to give or otherwise make available a firework or pyrotechnic article to a person under the age of 18 if—
- (a) the person under the age of 18 is employed by, or in business as, a professional organiser or operator of fireworks displays or pyrotechnic displays, and
  - (b) the firework is given or made available for the purposes of putting on a fireworks display or pyrotechnics display for the person’s employer or in the course of the person’s business (as the case may be).

#### Commencement Information

- I7** Sch. 1 para. 9 not in force at Royal Assent, see [s. 56\(2\)](#)

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#### Commencement Information

- I5** Sch. 1 para. 7 not in force at Royal Assent, see [s. 56\(2\)](#)
- I6** Sch. 1 para. 8 not in force at Royal Assent, see [s. 56\(2\)](#)
- I7** Sch. 1 para. 9 not in force at Royal Assent, see [s. 56\(2\)](#)

- 9 It is not an offence under section [21\(1\)](#) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to give or otherwise make available a firework or pyrotechnic article to a person under the age of 18 if—
- (a) the person under the age of 18 is employed by, or in business as, a professional organiser or operator of fireworks displays or pyrotechnic displays, and
  - (b) the firework is given or made available for the purposes of putting on a fireworks display or pyrotechnics display for the person’s employer or in the course of the person’s business (as the case may be).

#### Commencement Information

- I7** Sch. 1 para. 9 not in force at Royal Assent, see [s. 56\(2\)](#)
- I8** [Sch. 1 para. 9](#) in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

#### PROSPECTIVE

- 10 It is not an offence under section [22\(1\)](#) (restriction on days of supply of fireworks) for a person to supply a firework contrary to section [22\(3\)](#) if the firework is supplied to a person who is employed by, or in business as, a professional organiser or operator of fireworks displays.

#### Commencement Information

- I9** Sch. 1 para. 10 not in force at Royal Assent, see [s. 56\(2\)](#)

- 11 It is not an offence under section [24\(1\)](#) (restriction on days of use of fireworks) for a person to use a firework contrary to section [24\(3\)](#) if—
- (a) the person is employed by, or in business as, a professional organiser or operator of fireworks displays, and
  - (b) the firework is used for the purposes of putting on a fireworks display for the person’s employer or in the course of the person’s business (as the case may be).

#### Commencement Information

- I10** Sch. 1 para. 11 not in force at Royal Assent, see [s. 56\(2\)](#)

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#### Commencement Information

**I9** Sch. 1 para. 10 not in force at Royal Assent, see [s. 56\(2\)](#)

**I10** Sch. 1 para. 11 not in force at Royal Assent, see [s. 56\(2\)](#)

#### PROSPECTIVE

#### *Business or supply in accordance with Pyrotechnic Articles (Safety) Regulations 2015*

- 14 It is not an offence under [section 4\(1\)](#) (requirement to have fireworks licence) for a person to purchase, acquire, possess or use a firework without having a fireworks licence if—
- (a) the person is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the manufacture, importation, distribution or supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015 ([S.I. 2015/1553](#)), and
  - (b) the firework is purchased, acquired, possessed or used for purposes which are necessary in connection with that trade or business.

#### Commencement Information

**I11** Sch. 1 para. 14 not in force at Royal Assent, see [s. 56\(2\)](#)

- 15 It is not an offence under [section 5\(1\)](#) (supply of fireworks to unlicensed persons) for a person to supply a firework to a person who does not have a fireworks licence if the unlicensed person is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the manufacture, importation, distribution or supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015.

#### Commencement Information

**I12** Sch. 1 para. 15 not in force at Royal Assent, see [s. 56\(2\)](#)

- 16 It is not an offence under [section 22\(1\)](#) (restriction on days of supply of fireworks) for a person to supply a firework contrary to [section 22\(3\)](#) if the firework is supplied to a person who is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015.

#### Commencement Information

**I13** Sch. 1 para. 16 not in force at Royal Assent, see [s. 56\(2\)](#)

- 17 It is not an offence under [section 24\(1\)](#) (restriction on days of use of fireworks) for a person to use a firework contrary to [section 24\(3\)](#) if—
- (a) the person is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the manufacture, importation,

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- distribution or supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015, and
- (b) the firework is used for purposes which are necessary in connection with that trade or business.

**Commencement Information**

**I14** Sch. 1 para. 17 not in force at Royal Assent, see [s. 56\(2\)](#)

**Commencement Information**

**I11** Sch. 1 para. 14 not in force at Royal Assent, see [s. 56\(2\)](#)

**I12** Sch. 1 para. 15 not in force at Royal Assent, see [s. 56\(2\)](#)

**I13** Sch. 1 para. 16 not in force at Royal Assent, see [s. 56\(2\)](#)

**I14** Sch. 1 para. 17 not in force at Royal Assent, see [s. 56\(2\)](#)

PROSPECTIVE

*Organiser of a public fireworks display*

- 20 It is not an offence under section [22\(1\)](#) (restriction on days of supply of fireworks) for a person to supply a firework contrary to section [22\(3\)](#) if the firework is supplied to a person who is the organiser of a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation.

**Commencement Information**

**I15** Sch. 1 para. 20 not in force at Royal Assent, see [s. 56\(2\)](#)

- 21 It is not an offence under section [24\(1\)](#) (restriction on days of use of fireworks) for a person to use a firework contrary to section [24\(3\)](#) if—
- (a) the person is the organiser of a public fireworks display or is assisting such an organiser, and
- (b) the firework is used for the purposes of putting on a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation.

**Commencement Information**

**I16** Sch. 1 para. 21 not in force at Royal Assent, see [s. 56\(2\)](#)

**Commencement Information**

**I15** Sch. 1 para. 20 not in force at Royal Assent, see [s. 56\(2\)](#)

**I16** Sch. 1 para. 21 not in force at Royal Assent, see [s. 56\(2\)](#)

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*Persons under 18 in education, training or employment*

- 25 It is not an offence under section 21(1) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to buy, attempt to buy, give or otherwise make available a firework or pyrotechnic article to a person under the age of 18 if—
- (a) the person under the age of 18 is undertaking education or training, or is in employment,
  - (b) the possession or use of a firework or pyrotechnic article is necessary in connection with that education, training or employment, and
  - (c) the person buying, attempting to buy, giving or otherwise making available the firework or pyrotechnic article intends that the person under the age of 18 will possess or use the firework or pyrotechnic article only in connection with that education, training or employment.

**Commencement Information**

**I17** Sch. 1 para. 25 not in force at Royal Assent, see [s. 56\(2\)](#)

**I18** Sch. 1 para. 25 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, [sch.](#)

PROSPECTIVE

*Persons outwith Scotland*

- 26 It is not an offence under [section 5\(1\)](#) (supply of fireworks to unlicensed persons) for a person to supply a firework to a person who does not have a fireworks licence if the unlicensed person is outwith Scotland and the firework is to be delivered outwith Scotland.

**Commencement Information**

**I19** Sch. 1 para. 26 not in force at Royal Assent, see [s. 56\(2\)](#)

- 27 It is not an offence under [section 22\(1\)](#) (restriction on days of supply of fireworks) for a person to supply a firework contrary to [section 22\(3\)](#) if the firework is supplied to a person who is outwith Scotland, but only where the firework is to be delivered outwith Scotland.

**Commencement Information**

**I20** Sch. 1 para. 27 not in force at Royal Assent, see [s. 56\(2\)](#)

**Commencement Information**

**I19** Sch. 1 para. 26 not in force at Royal Assent, see [s. 56\(2\)](#)

**I20** Sch. 1 para. 27 not in force at Royal Assent, see [s. 56\(2\)](#)

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### Public servants and volunteers in similar roles

- 28 It is not an offence under section 21(1) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to give or otherwise make available a pyrotechnic article to a person under the age of 18 if—
- (a) the person who is under the age of 18 is—
    - (i) a member of the armed forces of Her Majesty,
    - (ii) a member of the armed forces of another country when that member is serving with the armed forces of Her Majesty,
    - (iii) a member of a cadet force listed in paragraph 30(2),
    - (iv) a member of a cadet force of another country when that member is undertaking activities with a cadet force listed in paragraph 30(2) or the armed forces of Her Majesty,
    - (v) a member of a service or organisation whose functions (whether as an officer, employee or volunteer) include law enforcement, search and rescue services or the preservation of life, and
  - (b) the pyrotechnic article is given or made available to the person under the age of 18 in connection with activities the person is undertaking as a member of such a force, service or organisation.

#### Commencement Information

**I21** Sch. 1 para. 28 not in force at Royal Assent, see [s. 56\(2\)](#)

**I22** Sch. 1 para. 28 in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

- 29 It is not an offence under section 35(1) (prohibition of pyrotechnic articles in public places) or section 36(1) (prohibition of pyrotechnic articles at designated venues or events) for a person to possess a pyrotechnic article in the circumstances described in that subsection if—
- (a) the person is—
    - (i) a member of the armed forces of Her Majesty,
    - (ii) a member of the armed forces of another country when that member is serving with the armed forces of Her Majesty, or
    - (iii) a member of a cadet force listed in paragraph 30(2),
    - (iv) a member of a cadet force of another country when that member is undertaking activities with a cadet force listed in paragraph 30(2) or the armed forces of Her Majesty,
    - (v) a member of a service or organisation whose functions (whether as an officer, employee or volunteer) include law enforcement, search and rescue services or the preservation of life, and
  - (b) the pyrotechnic article is possessed by the person in connection with activities the person is undertaking as a member of such a force, service or organisation.

#### Commencement Information

**I23** Sch. 1 para. 29 not in force at Royal Assent, see [s. 56\(2\)](#)

- 30 (1) In paragraphs 28 and 29, “armed forces” means naval, military or air forces (and includes reserve forces).

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(2) For the purposes of paragraphs 28(a)(iii), 28(a)(iv) and 29(a)(iii), the cadet forces are—

- (a) the Combined Cadet Force,
- (b) the Sea Cadet Corps,
- (c) the Volunteer Cadet Corps,
- (d) the Army Cadet Force,
- (e) the Air Training Corps.

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#### **Commencement Information**

**I24** Sch. 1 para. 30 not in force at Royal Assent, see **s. 56(2)**

**I25** Sch. 1 para. 30 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, **sch.**

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#### **Commencement Information**

**I21** Sch. 1 para. 28 not in force at Royal Assent, see **s. 56(2)**

**I22** Sch. 1 para. 28 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, **sch.**

**I23** Sch. 1 para. 29 not in force at Royal Assent, see **s. 56(2)**

**I24** Sch. 1 para. 30 not in force at Royal Assent, see **s. 56(2)**

**I25** Sch. 1 para. 30 in force at 10.10.2022 by S.S.I. 2022/280, reg. 2, **sch.**



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