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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 98**

**FIREWORKS**

The Fireworks and Pyrotechnic Articles  
(Scotland) Act 2022 (Designation of Events  
and Incidental Provision) Regulations 2023

<i>Made</i>	- - - -	<i>23rd March 2023</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>27th March 2023</i>
<i>Coming into force</i>	- -	<i>6th June 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 37(1) and 52 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Designation of Events and Incidental Provision) Regulations 2023 and come into force on 6 June 2023.

**Designation: class of sporting events**

2.—(1) For the purposes of section 36 of the Act, the designated class of sporting events consists of events at which—

- (a) live sport is to take place,
- (b) the public are admitted to the event as an audience,
- (c) the person responsible for organising the event can regulate entry to the event, and
- (d) the venue where the event is held has capacity for 1,000 or more attendees within the audience.

(2) An event described in paragraph (1) is within the designated class from the time attendees begin to be admitted to the venue until the time at which they have left the venue.

**Designation: class of music events**

3.—(1) For the purposes of section 36 of the Act, the designated class of music events consists of events at which—

- (a) one or more live music performances are to take place,
- (b) the public are admitted to the event as an audience,
- (c) the person responsible for organising the event can regulate entry to the event, and
- (d) the venue or other place where the event is held has capacity for 1,000 or more attendees within the audience.

(2) An event described in paragraph (1) is within the designated class from the time attendees begin to be admitted to the venue or to any place mentioned in regulation 4(b) until the time at which they have left that venue or place.

(3) A “live music performance” as described in subparagraph (1)(a) does not include a performance which consists solely of the playing of recorded music.

**Incidental provision: music events**

4. Where an event is within the designated class of music events by virtue of Regulation 3, a person is at the event for the purposes of section 36 if they are—

- (a) within the venue or other place where the live music performances are to take place, or
- (b) within any other place used to provide accommodation or other facilities to the audience at the event, and to which access is controlled by the person responsible for organising the event.

St Andrew’s House,  
Edinburgh  
23rd March 2023

*ELENA WHITHAM*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations designate the class of sporting events and class of music events for the purposes of section 36 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (prohibition of pyrotechnic articles at designated venues or events).

The designated class of sporting events are those which take place at a venue to which access is controlled and with capacity for 1,000 attendees in the audience or greater. The designated class of music events are live music performances taking place at a venue or other place to which access is controlled and with capacity for 1,000 attendees in the audience or greater. A performance which consists solely of the playing of recorded music is not a live music performance.

An event is within the designated class from the time that attendees start to be admitted until the time at which attendees have left the event.

Regulation 4 makes incidental provision to clarify that a person is at a designated music event when they are in a place used to provide facilities such as accommodation for the audience of the event.