



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 2

PUBLIC ORDER ETC.

CHAPTER 3

OTHER PROVISIONS

Fireworks

76 Possession of prohibited fireworks: powers of search and arrest

After section 11 of the Fireworks Act 2003 (c. 22) there is inserted—

“11A Prohibitions on possession of fireworks – power of search: Scotland

- (1) A constable may search a person without warrant if the constable has reasonable grounds for suspecting that the person possesses a firework in contravention of a prohibition imposed by fireworks regulations.
- (2) A constable may detain a person for such time as is reasonably required to permit a search of the person under subsection (1) to be carried out.
- (3) A constable who detains a person under subsection (2) must inform the person of the reason for the detention.
- (4) If in the course of a search under this section, a constable discovers a firework which the constable has reasonable grounds for suspecting is being possessed by the person in contravention of a prohibition imposed by fireworks regulations, the constable may seize it.
- (5) A person who—

Status: This is the original version (as it was originally enacted).

- (a) intentionally obstructs a constable in the exercise of the constable's power under subsection (1) or (2); or
 - (b) conceals from a constable acting in the exercise of the constable's power under subsection (1) any firework whose possession contravenes a prohibition imposed by fireworks regulations, commits an offence.
- (6) A constable may arrest a person without warrant if the constable has reasonable cause to believe the person has committed or is committing an offence under subsection (5).
- (7) 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.

**11B Prohibitions on possession of fireworks – arrest without warrant:
Scotland**

- (1) A constable may arrest a person without warrant if—
- (a) the constable has reasonable cause to believe that the person has committed or is committing an offence under section 11(1) in respect of a contravention of a prohibition on possession of a firework; and
 - (b) either of the two conditions mentioned in subsection (2) is met.
- (2) The conditions are that—
- (a) having asked the person to give the person's name or address (or both), the constable—
 - (i) is not given the information asked for; or
 - (ii) is not satisfied that such information as is given is correct;
 - (b) the constable has reasonable cause to believe it is necessary to arrest the person in order to prevent the person committing any other offence in the course of whose commission there might be used a firework whose possession is prohibited by fireworks regulations.”.