
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 393

The Fireworks (Scotland) Regulations 2004

Dispensation from the prohibition imposed by regulation 3

4.—(1) Subject to paragraphs (3) to (9), a local authority may grant a dispensation from the prohibition imposed by regulation 3(1) to any of the persons mentioned in paragraph (2) to enable that person to use fireworks—

- (a) for the purposes of putting on a firework display for their employer or in the course of their business (as the case may be); or
- (b) at a national public celebration or a national commemorative event.

(2) The persons mentioned for the purposes of paragraph (1) are—

- (a) any person who is employed by, or in business as, a professional organiser or operator of firework displays;
- (b) any person who is employed by a department of the Government of the United Kingdom or by the Scottish Executive or an agency of the Scottish Executive; or
- (c) any person who is employed by an establishment of the naval, military or air forces of the Crown.

(3) A local authority may not grant a dispensation under this regulation, unless it is satisfied either—

- (a) that there is no risk that use of fireworks in accordance with the dispensation will have any of the consequences mentioned in section 2(2) of the Fireworks Act 2003⁽¹⁾; or
- (b) that the risk that use of fireworks in accordance with the dispensation will have any such consequences is the minimum that is compatible with their being used.

(4) When a local authority grants a dispensation under this regulation, it shall at the same time as it informs the applicant, inform the chief constable or chief constables of the police force maintained in relation to the police area or areas where the fireworks are to be used in accordance with the dispensation, of the information provided with the application as detailed in subsection (7).

(5) An application for a dispensation under this regulation shall be made to the local authority in whose area the applicant proposes to put on a fireworks display, or to use fireworks at a national public celebration or national commemorative event.

(6) An application for a dispensation under this regulation shall be received by the local authority not later than 6 weeks prior to the proposed fireworks display, national public celebration or national commemorative event.

(7) An application for a dispensation under this regulation shall be made in writing and shall include—

- (a) the name and address of the applicant;
- (b) a description of the proposed fireworks display, national public celebration or national commemorative event;

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- (c) details of the fireworks proposed to be used at the event;
- (d) the proposed location of the event; and
- (e) the proposed date or dates and hours during which fireworks shall be used at the event.

(8) Following the grant of a dispensation under this regulation, the applicant for such dispensation shall be prohibited from using fireworks in terms of the dispensation, unless in accordance with paragraph (9), they shall cause a public notice to be given of the proposed use of fireworks in accordance with the dispensation, no later than 7 days prior to the commencement of the event.

(9) Public notice of a proposed use of fireworks shall be given for the purposes of paragraph (8) by publication of a notice in a newspaper or newspapers circulating in the area of the local authority, and stating the particulars required under paragraph (7)(a), (b), (d) and (e) above to be specified in the application.