

# **FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Overview*

#### **Part 1: Key concepts**

##### *Section 1—Meaning of “firework” and “pyrotechnic article”*

12. [Section 1](#) of the Act defines “firework” for the purposes of the Act by reference to the current British Standards BS EN 15947:2015 and BS EN 16261:2012 and to any British Standards that replace them. It makes it clear that a firework is a type of pyrotechnic article. In the Act, unless displaced by express provision, a pyrotechnic article therefore includes a firework.
13. This section also defines “pyrotechnic article” for the purposes of the Act. This definition is the same as the definition used in the Pyrotechnic Articles (Safety) Regulations 2015 ([S.I. 2015/1553](#)), but without certain exclusions which are provided for in those Regulations. Subsection (2) ensures that ammunition (including blank rounds) is not to be considered a pyrotechnic article for the purposes of the Act. The Scottish Ministers may modify the definition of firework and adjust the items which are not to be considered pyrotechnic articles for the purposes of the Act.

##### *Section 2—Categories of fireworks*

14. [Section 2\(1\)](#) of the Act defines the different types of fireworks by reference to categories. Those categories are taken from the British Standards identified in the definition of “firework” in section 1.
15. The British Standards set out how a firework should be categorised in more detail. Some descriptions of fireworks, such as sparklers and rockets, can fall within more than one category. This is because the category of a particular firework depends on its net explosive content (NEC).
16. While there are some exceptions—
  - F1 fireworks are typically indoor or close proximity fireworks with lower minimum safety distances. These can include small sparklers, ice fountains and party poppers,
  - F2 fireworks are outdoor fireworks with a minimum spectator safety distance of 8 metres. These can include roman candles (with an NEC of up to 50g), smaller rockets (with an NEC of up to 75g), and small collections of fireworks that are fused together as batteries (with an NEC of up to 500g) or combinations (with an NEC of up to 600g),

*These notes relate to the Fireworks and Pyrotechnic Articles (Scotland)  
Act 2022 (asp 9) which received Royal Assent on 10 August 2022*

- F3 fireworks are outdoor fireworks with a minimum spectator safety distance of 25 metres. These can include mines and larger rockets (with an NEC of up to 200g), batteries (with an NEC of up to 1000g) or combinations (with an NEC of up to 3000g).
17. F4 fireworks present a high hazard and are not available to members of the public.
  18. “Batteries” are collections of the same type of firework fused together. “Combinations” are collections of different types of fireworks fused together.
  19. Pyrotechnic articles that are not categorised as fireworks include theatrical pyrotechnic articles, often referred to as stage pyrotechnics or special effects. These items are designed for use on stage and in theatres, or in television shows, films, sporting events and concerts. Examples include maroons and stage gerbs (theatrical fountains). Other pyrotechnic articles that are not categorised as fireworks include devices designed for life saving such as distress flares and distress rockets, and paintball accessories such as smoke devices.
  20. Subsection (2)(a) allows the Scottish Ministers to make regulations to modify the categories of fireworks set out in subsection (1) to take account of, for example, future developments in fireworks technology, standards, or specifications.
  21. Subsection (2)(b) allows the Scottish Ministers to make regulations specifying the requirements for “specialist knowledge” for the purposes of the definition of a “category F4 firework” set out in subsection (1).