

FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT

Overview

Part 3: Restrictions on supply and use of fireworks and pyrotechnic articles

Prohibition on supply to children

Section 21—Prohibition on providing fireworks or pyrotechnic articles to children

54. There is currently nothing preventing a person who is not an economic operator from making fireworks and pyrotechnic articles available contrary to the minimum age limits.
55. **Section 21** makes it an offence for a person to knowingly buy or attempt to buy a firework or other pyrotechnic article for a person under the age of 18 i.e. a proxy purchase (see subsection (1)(a)). It also makes it an offence for a person to give or otherwise make them available to a person under the age of 18 (see subsection (1)(b)). A person who commits the offence is liable (on summary conviction) to a fine not exceeding level 5 on the standard scale (currently £5,000) or to a term of imprisonment not exceeding 6 months, or both.
56. As set out in section 20(1)(a), section 21 applies to all pyrotechnic articles other than category F1 fireworks and percussion caps for toy guns (intended for use by children under the age of 14). It therefore applies to all other pyrotechnic articles including category F2, F3 and F4 fireworks. Whilst it is unlawful for category F4 fireworks to be sold to the general public, they are included for the purposes of section 21 to make it clear that a person (who may have legally acquired category F4 fireworks) cannot give them to a child. Category F1 fireworks are not included as it is not an offence for a child to possess a category F1 firework. Percussion caps for toys that are intended for use by children under the age of 14 are also excluded from the definition of “pyrotechnic article” in the Pyrotechnic Articles (Safety) Regulations 2015 ([S.I. 2015/1553](#)) (see regulation 3(2)(e)) meaning that such percussion caps may be sold to children directly.
57. Subsection (3) makes it clear that a person does not commit an offence if the pyrotechnic article was designed to be used as a visual distress signal, and the person providing the pyrotechnic article intended that the recipient (the person under the age of 18) used the pyrotechnic article only in appropriate circumstances. For example, if Person A (who is under the age of 18) is going for a hill walk and Person B gives Person A a safety flare to use if Person A needs to signal for help, then Person B does not commit an offence.
58. The section is subject to some exemptions (see section 38 and paragraphs 9, 25 and 28 of schedule 1).