

FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT

Overview

Part 4: Firework control zones

Section 27—Firework control zones

71. **Section 27** enables a local authority to designate a place within its area as a firework control zone (see subsection (1)). The place designated under this section may typically be a small identifiable place within the local authority area. While it is a matter for local judgement, it is not expected that a local authority could designate the whole local authority area as a firework control zone. If needed, the Scottish Ministers have a power under section 32(1) to make regulations that may be used to limit the size of area that may be designated a firework control zone or impose an overall limit on how much of its area may be so designated. Section 27(1) also permits a local authority to amend a zone, the period of time that a zone has effect or revoke a zone. In each case, the relevant procedure set out in Part 4 needs to be followed.
72. It is an offence to ignite a firework within a firework control zone, or knowingly or recklessly throw or cast a lit firework, or fire a firework, into the zone (see subsection (2)). A person who commits an 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 (see subsection (4)). If a person used a firework according to the manufacturer's instructions and that firework accidentally entered a firework control zone after being ignited, that person would not commit an offence so long as the firework was not deliberately aimed into the firework control zone and the person was not reckless as to the direction in which the firework was fired.
73. The use of fireworks is not completely banned within a firework control zone. Part 4 only applies to those fireworks specified in section 26(1), namely category F2, F3 and F4 fireworks. The use of category F1 fireworks is permitted within a firework control zone. There are also some exemptions which apply to this section (see section 38 and paragraphs 5, 12, 18 and 22 of schedule 1).
74. While the default position is that a zone operates throughout the period it has effect, it is also possible for a local authority to specify that a firework control zone will only operate on particular days. This enables the local authority to ensure that the zone takes account of local circumstances and only operates when required.