

FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT

Overview

Part 5: Pyrotechnic articles in public places and at designated venues and events

84. **Part 5** regulates the possession of pyrotechnic articles in public places and while a person is attending a designated venue or event. The controls at designated venues and events are stricter than for public places generally: prohibiting the possession of all pyrotechnic articles with fewer exemptions being available. The powers in Part 6 in relation to entering premises and to searching persons and vehicles are particularly relevant to these offences.

Section 34—Application of Part 5

85. **Section 34** applies section 35 (prohibition of pyrotechnic articles in public places) to all pyrotechnic articles except category F1 fireworks and section 36 (prohibition of pyrotechnic articles at designated places and events) to all pyrotechnic articles, including category F1 fireworks.

Section 35—Prohibition of pyrotechnic articles in public places

86. **Section 35** makes it an offence for a person to possess (without reasonable excuse) a pyrotechnic article, other than a category F1 firework, in a public place. For the purpose of this section, anywhere other than a private dwelling (and any associated private garden or outbuildings) is to be considered a public place.
87. Subsection (3) makes clear that the possession of pyrotechnic articles in connection with a person's employment or with an activity where it is appropriate to carry an item like safety flare (such as mountaineering) is not an offence.
88. The section is also subject to some further exemptions (see section 38 and paragraphs 23 and 29 of schedule 1).

Sections 36 and 37—Prohibition of pyrotechnic articles at designated places and events

89. **Section 36** makes it an offence for a person to possess (without reasonable excuse) a pyrotechnic article in a designated venue or while at a designated event. **Section 37** gives power to designate the venues and events for the purposes of this section. The Scottish Ministers may designate sports grounds (or classes of them) whether or not the grounds are used for sporting events; sporting events (or classes of them); venues to be used for music events including places regulating entry etc. to an event and places providing accommodation for attendees of the event; and music events (or classes of them).

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

90. [Section 36](#) is subject to some exemptions (see section 38 and paragraphs 6, 13, 19, 24 and 29 of schedule 1).