

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

FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT

Overview

Part 7: General

Section 50—Report on operation of Act

116. **Section 50** requires the Scottish Ministers to prepare a report on the operation of the Act (i.e., how it is working) after 5 years. The report is to be laid before Parliament.
117. The report must include, in respect of the five-year period:
- information in relation to proceedings and convictions in respect of fireworks related offences,
 - information about the numbers of incidents (short of a crime) involving a firework or pyrotechnic article, and
 - information about the views and experiences of people in communities about the use (and misuse) of fireworks and pyrotechnic articles. This is likely to involve focus groups and research with others in communities.

Section 51—Interpretation

118. **Section 51** provides definitions for terms used throughout the Act. But see also sections 1 and 2 which define “fireworks”, “pyrotechnic articles” and the categories of fireworks used in the Act.

Section 52—Regulations

119. **Section 52** allows regulations under the Act to include the ancillary provision listed, and to make different provision for different purposes.

Section 53—Ancillary provision

120. **Section 53** allows the Scottish Ministers, by regulations, to make standalone ancillary provision in relation to the Act, once enacted, or any provision made under it. Any regulations making ancillary provision which textually amends primary legislation will be subject to the affirmative procedure; otherwise, any regulations making ancillary provision under this power will be subject to the negative procedure (see subsections (2) and (3)).

Section 54—Crown application: criminal offences

121. The Act will apply to the Crown by virtue of section 20 of the Interpretation and Legislative Reform (Scotland) Act 2010. In line with usual practice for Acts of the Scottish Parliament, section 54 has the effect that the Crown cannot be found criminally liable in terms of the offences created by the Act. However, through the mechanism in subsection (2), any unlawful conduct on the part of Crown bodies can be declared unlawful by the Court of Session. Subsection (3) has the effect that this section does not exempt civil servants etc. from criminal prosecution.

Section 55—Crown application: powers of entry

122. [Section 55](#) deals with the possibility that the police or Trading Standards officers may need to search Crown land (the different types of which are set out in the left-hand column). As there can be security and other considerations in relation to searching Crown land, there is an additional step of seeking permission from the appropriate authority before entry may be taken and the search carried out.

Section 56—Commencement

123. [Section 56](#) makes provision in relation to the commencement of the Act. The sections on interpretation, regulations, ancillary provision, commencement, and the short title come into force automatically on the day after the Act for the Act receives Royal Assent. The other provisions will come into force in accordance with regulations made by the Scottish Ministers.

Section 57—Short title

124. [Section 57](#) provides that the short title of the Act is the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.