

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

Schedule 2—Investigatory powers of a local weights and measures authority (Trading Standards)

Power to seize and retain items

142. [Paragraph 6](#) of schedule 2, which must be read with paragraph 1(2), enables a Trading Standards officer to seize and retain an item (other than a document, to which different rules apply). The item involved might be a firework or a piece of evidence which tends to show that an offence has been committed. Where items are to be seized, the officer must first produce evidence of their identity and authority to do so.
143. Where an item is taken, the officer must take reasonable steps to tell the person from whom it has been taken that it has been seized and provide the person with a record of what item has been taken. The “reasonable steps” element covers the possibility that the person from whom items are taken may not be on the premises at the time and that the officer must therefore try to make them aware of the situation.
144. Sub-paragraph (5) places limits on how long any item seized may be held before it is to be returned. The default is three months, but it may be longer if it is reasonably required to be so for the purpose for which it was taken, or if the item is ultimately likely to be forfeited, in which case it may never be returned (see section 48).