



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 2

FIREWORKS LICENSING

Fireworks licensing

4 Requirement to have fireworks licence

- (1) It is an offence for a person, without reasonable excuse, to purchase, acquire, possess or use a firework to which this Part applies without having a fireworks licence.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is not an offence under subsection (1) for a non-natural person to purchase, acquire, possess or use a firework without having a fireworks licence if such purchase, acquisition, possession or use is done on its behalf by a person who has a fireworks licence.
- (4) This section is subject to section 38 and schedule 1 (exemptions).

5 Supply of fireworks to unlicensed persons

- (1) It is an offence for a person, without reasonable excuse, to supply a firework to which [this Part](#) applies to a person who does not have a fireworks licence.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is a defence for a person charged with an offence under subsection (1) to show that the person took reasonable steps to establish that the person to whom the firework was supplied had a fireworks licence or was exempt under schedule 1.

Status: This is the original version (as it was originally enacted).

- (4) It is the duty of each local weights and measures authority to enforce [this section](#) in its area in so far as it relates to the supply of fireworks by a person in the course of business.
- (5) In this section, “supply” of a firework includes—
- (a) selling it,
 - (b) exchanging it for a consideration other than money,
 - (c) giving it as a prize or otherwise making a gift of it,
 - (d) otherwise making the firework available.
- (6) This section is subject to section [38](#) and schedule [1](#) (exemptions).