



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 3

RESTRICTIONS ON SUPPLY AND USE OF FIREWORKS AND PYROTECHNIC ARTICLES

Days of supply and use of fireworks

22 Restriction on days of supply of fireworks

- (1) It is an offence for a person to supply fireworks to which this section applies on days other than those specified in subsection (3).
- (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) The supply of fireworks to which this section applies is permitted only between the following days (inclusive of the first and last day specified)—
 - (a) 7 April to 14 April,
 - (b) 27 October to 10 November,
 - (c) 26 December to 31 December,
 - (d) the first day of Chinese New Year and the 3 days immediately preceding it,
 - (e) the first day of Diwali and the 3 days immediately preceding it.
- (4) 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 fireworks were supplied was exempt under [schedule 1](#).
- (5) It is the duty of each local weights and measures authority to enforce this section in its area.
- (6) The Scottish Ministers may by regulations modify subsection (3) to add, amend or remove a day or a period of days.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.

- (8) In this section, “supply” of fireworks includes—
- (a) selling them,
 - (b) exchanging them for any consideration other than money, and
 - (c) giving them as a prize or otherwise making a gift of them,
- but does not include supplying them otherwise than in the course of a business.
- (9) This section is subject to section 38 and schedule 1 (exemptions).

23 Alignment of days when licence required to supply

- (1) The Fireworks Regulations 2004 (S.I. 2004/1836) are modified as follows.
- (2) Regulation 9(2) has effect as if for the days and periods specified in paragraphs (a) to (d) of that regulation (being the days on which certain fireworks may be supplied or exposed for supply without requiring a licence granted under regulation 9(1)), there are substituted the days and periods specified in section 22(3) of this Act.
- (3) The modification in subsection (2) applies only in relation to—
- (a) category F2 fireworks, and
 - (b) category F3 fireworks.

24 Restriction on days of use of fireworks

- (1) It is an offence for a person to use fireworks to which this section applies on days other than those specified in subsection (3).
- (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) The use of fireworks to which this section applies is permitted only between the following days (inclusive of the first and last day specified)—
- (a) 7 April to 16 April,
 - (b) 27 October to 12 November,
 - (c) 26 December to 2 January,
 - (d) the 3 days immediately preceding the first day of Chinese New Year to the seventh day after the first day of Chinese New Year,
 - (e) the 3 days immediately preceding the first day of Diwali to the seventh day after the first day of Diwali.
- (4) The Scottish Ministers may by regulations modify subsection (3) to add, amend or remove a day or a period of days.
- (5) Regulations under subsection (4) are subject to the affirmative procedure.
- (6) This section is subject to section 38 and schedule 1 (exemptions).