



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 3

### RESTRICTIONS ON SUPPLY AND USE OF FIREWORKS AND PYROTECHNIC ARTICLES

#### *Application of Part*

#### **20 Application of Part**

- (1) In this Part—
  - (a) section 21 applies to all pyrotechnic articles other than—
    - (i) category F1 fireworks, and
    - (ii) percussion caps for toys that are intended for use by children under the age of 14,
  - (b) section 22 applies to—
    - (i) category F2 fireworks, and
    - (ii) category F3 fireworks, and
  - (c) section 24 applies to—
    - (i) category F2 fireworks, and
    - (ii) category F3 fireworks.
- (2) The Scottish Ministers may by regulations—
  - (a) modify subsection (1)(a) to add, amend or remove categories, types, classifications or descriptions of fireworks or pyrotechnic articles, and
  - (b) modify subsection (1)(b) or (c) to add, amend or remove categories, types, classifications or descriptions of fireworks.
- (3) Regulations under subsection (2) are subject to the affirmative procedure.

*Prohibition on supply to children*

**21 Prohibition on providing fireworks or pyrotechnic articles to children**

- (1) It is an offence for a person to knowingly—
  - (a) buy or attempt to buy a firework or other pyrotechnic article to which this section applies for a person under the age of 18, or
  - (b) give or otherwise make available a firework or other pyrotechnic article to which this section applies to a person under the age of 18.
- (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 person to buy or attempt to buy a pyrotechnic article for, or give or otherwise make one available to, a person under the age of 18 if—
  - (a) the manufacturer of the pyrotechnic article designed it to be used as a visual distress signal, and
  - (b) the person intends that the person under the age of 18 will use the pyrotechnic article only in appropriate circumstances.
- (4) This section is subject to section 38 and schedule 1 (exemptions).

*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).

### *Compensation*

#### **25 Compensation for specialist firework businesses affected by [section 22](#)**

- (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation to relevant persons in consequence of—
  - (a) the coming into force of [section 22](#), or
  - (b) the coming into force of a modification under [section 22\(6\)](#) which further limits the days on which fireworks may be supplied.
- (2) In [subsection \(1\)](#), a “relevant person” is a person whose trade or business was wholly or mainly concerned with the supply, distribution or importation of fireworks in Scotland immediately before the coming into force of [section 22](#) or a modification of the kind described in [subsection \(1\)\(b\)](#).
- (3) Without limiting the generality of [subsection \(1\)](#), regulations under that subsection may—
  - (a) make further provision about who qualifies as a relevant person,
  - (b) set out the circumstances in which compensation is payable,
  - (c) make provision about the calculation of compensation,
  - (d) set out the procedure to be followed in connection with claiming compensation,
  - (e) provide for the review of decisions made under the regulations, and
  - (f) make provision about appeals against decisions made under the regulations.
- (4) Regulations under [this section](#) are subject to the affirmative procedure.