



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 4

### FIREWORK CONTROL ZONES

#### 26 Application of Part

- (1) [This Part](#) applies to—
  - (a) category F2 fireworks,
  - (b) category F3 fireworks, and
  - (c) category F4 fireworks.
- (2) The Scottish Ministers may by regulations modify [subsection \(1\)](#) to add, amend or remove categories, types, classifications or descriptions of fireworks.
- (3) Regulations under [subsection \(2\)](#) are subject to the affirmative procedure.

#### 27 Firework control zones

- (1) At any time, a local authority may (in accordance with [this Part](#))—
  - (a) designate a place within its area as a firework control zone,
  - (b) amend a zone (including the period for which it is to have effect or days on which it is to operate), or
  - (c) revoke a zone.
- (2) It is an offence for a person to—
  - (a) ignite a firework to which [this Part](#) applies in a firework control zone, or
  - (b) knowingly or recklessly—
    - (i) throw or cast a lit firework to which [this Part](#) applies into a firework control zone, or
    - (ii) fire a firework to which [this Part](#) applies into a firework control zone.

- (3) A firework control zone operates and the offence in [subsection \(2\)](#) applies on all days that the zone has effect unless the designation specifies particular days on which the zone is to operate, in which case the offence applies on those days only.
- (4) A person who commits an offence under [subsection \(2\)](#) 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).
- (5) [This section](#) is subject to [section 38](#) and [schedule 1](#) (exemptions).

## 28 Prior consultation on proposals

- (1) Before designating a place as a firework control zone or amending or revoking a zone, a local authority must—
  - (a) prepare and publish its proposal in relation to the designation, amendment or revocation of the zone, and
  - (b) consult—
    - (i) persons who live or work in the place which will be affected by the proposal,
    - (ii) other members of the local community in or near the place,
    - (iii) any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposal.
- (2) The proposal must, in particular, set out—
  - (a) the reasons for the proposed designation of a place as a firework control zone, or, as the case may be, the amendment or revocation of a zone,
  - (b) the boundaries of the zone,
  - (c) the date from which the proposal is to have effect and the date on which it is proposed that the zone is to cease to have effect,
  - (d) the consultation dates, and
  - (e) how the consultation is to be conducted.
- (3) The proposal may set out specific days on which the zone is to operate for the purpose of [section 27\(3\)](#).

## 29 Publication of decision on proposal

- (1) Following a consultation on a proposal published under [section 28\(1\)](#), a local authority must publish a document which—
  - (a) confirms whether or not it is proceeding with the proposal,
  - (b) sets out any changes to the proposal which have been made (whether or not as a result of the consultation), and
  - (c) explains how it had regard to the views expressed during the consultation process.
- (2) The local authority must publish the document—
  - (a) as soon as practicable after the decision in relation to the proposal is made, and
  - (b) where a decision has been made to proceed with the proposal, at least 60 days before the day on which the proposal is to have effect.

### **30 Publicising firework control zones**

As soon as practicable after a document is published under section 29 confirming that a proposal is proceeding, the local authority must take reasonable steps to inform the persons mentioned in section 28(1)(b) of—

- (a) the date any decision to designate a place as a firework control zone or amend or revoke a zone is to have effect (and, if different, the days on which it is to operate),
- (b) the boundaries of the zone (or any changes to those boundaries),
- (c) what is permissible within a zone, the exemptions that apply and the consequences of failure to comply,
- (d) such other information as the Scottish Ministers may specify in regulations made under section 32.

### **31 Review of operation and effectiveness**

- (1) A local authority must carry out reviews of the operation and effectiveness of its firework control zones.
- (2) A review under this section may—
  - (a) be in respect of one or more firework control zones, and
  - (b) be combined with a proposal under [section 28](#) to amend or revoke a zone.
- (3) On completion of a review, the local authority must—
  - (a) prepare and publish a report of the review's findings, and
  - (b) make such proposals in relation to the zone (or zones) as it considers appropriate.
- (4) Regulations made under [section 32](#) may specify a minimum frequency for reviews under this section.

### **32 Power to make further provision**

- (1) The Scottish Ministers may by regulations make further provision about firework control zones and the procedures to be followed to designate a place as a zone, or to amend or revoke one.
- (2) Without limiting the generality of [subsection \(1\)](#), regulations under that subsection may—
  - (a) set limits on—
    - (i) the size of place that may be designated a firework control zone,
    - (ii) the cumulative area that a local authority may designate as such zones,
  - (b) specify the manner in which a local authority is to designate a place as a zone, or to amend or revoke one,
  - (c) specify information that must be included when designating a place as a zone, or amending or revoking one,
  - (d) make further provision in relation to zones that operate on specific days only,
  - (e) make further provision relating to the consultation process,
  - (f) make provision relating to the publication of documents required under [this Part](#),

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

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- (g) make further provision in relation to the reviewing and reporting on the operation and effectiveness of zones in its area.
- (3) Regulations under subsection (1) are subject to the negative procedure.

### **33      Guidance**

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers for the purposes of [this Part](#).
- (2) The Scottish Ministers must publish any such guidance (and may revise or revoke that guidance).