



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 5

### PYROTECHNIC ARTICLES IN PUBLIC PLACES AND AT DESIGNATED VENUES AND EVENTS

#### **34 Application of Part**

- (1) In this Part—
  - (a) section 35 applies to all pyrotechnic articles except category F1 fireworks, and
  - (b) section 36 applies to all pyrotechnic articles.
- (2) The Scottish Ministers may by regulations modify subsection (1) to add, amend or remove categories, types, classifications or descriptions of fireworks or pyrotechnic articles.
- (3) Regulations under subsection (2) are subject to the affirmative procedure.

#### **35 Prohibition of pyrotechnic articles in public places**

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies in a public place.
- (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 possess a pyrotechnic article if the possession of the pyrotechnic article—
  - (a) is in connection with the person's employment, or
  - (b) is in connection with the person undertaking an activity where it is appropriate to possess the article for use as a visual distress signal.
- (4) In this section, "public place" means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other

appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).

- (5) This section—
- (a) does not apply to a designated venue or a place where a designated event is occurring (see section 36), and
  - (b) is also subject to section 38 and schedule 1 (exemptions).

### **36 Prohibition of pyrotechnic articles at designated venues or events**

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies while the person is in a designated venue or while at a designated event.
- (2) A person convicted of 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) In this section, “designated venue” or “designated event” means a venue or, as the case may be, event designated by the Scottish Ministers under section 37.
- (4) This section is subject to [section 38](#) and [schedule 1](#) (exemptions).

### **37 Designation of venues or events**

- (1) For the purposes of section 36, the Scottish Ministers may by regulations designate—
  - (a) a sports ground or class of sports grounds (whether or not the grounds are used for sporting events),
  - (b) a sporting event or class of sporting events (whether or not attendees have paid to attend),
  - (c) a venue that is to be used for a music event, including any place that is to be used by a person responsible for the organisation of a music event for the purpose of—
    - (i) regulating entry to, or departure from, the event, or
    - (ii) providing accommodation or other facilities for those attending the event,
  - (d) a music event or class of music events (whether or not attendees have paid to attend).
- (2) Regulations under [subsection \(1\)](#) are subject to the negative procedure.