



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 6

EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

Powers of constables

40 Power of entry etc. with warrant

- (1) A sheriff or justice of the peace may grant a warrant under this section authorising a constable to enter premises if the sheriff or justice of the peace is satisfied, by evidence on oath, that there are reasonable grounds for suspecting—
 - (a) that an offence under this Act has been, or is being, committed at the premises, or
 - (b) that there is evidence at the premises of the commission of an offence under this Act.
- (2) A warrant granted under this section remains in force for a period of 28 days beginning with the day on which it was granted.
- (3) A warrant granted under this section may authorise a constable to—
 - (a) enter the premises by force if necessary,
 - (b) search the premises and any person found in the premises,
 - (c) seize and retain any item or material found on the premises, or on any person in the premises, if the constable has reasonable grounds for suspecting that it may provide evidence of the commission of an offence under this Act.
- (4) A constable who is authorised by a warrant granted under this section to seize and detain material may, if the material is only capable of being looked at, read, watched or listened to (as the case may be) after conversion from data stored in another form, require that the material—
 - (a) be converted into such a form in a way which enables it to be taken away, or
 - (b) be produced in a form which is capable of being taken away and from which it can be readily converted.

Status: Point in time view as at 10/10/2022.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Cross Heading: Powers of constables. (See end of Document for details)

- (5) In this section, “premises” includes any—
- (a) land or building,
 - (b) vehicle, vessel, trailer, aircraft or hovercraft,
 - (c) tent or moveable structure,
- (whether or not the premises are used wholly or mainly as a private dwelling).

Commencement Information

- I1** S. 40 not in force at Royal Assent, see [s. 56\(2\)](#)
I2 S. 40 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

41 Search for fireworks or pyrotechnic articles without warrant

- (1) If a constable has reasonable grounds for suspecting that a person has committed or is committing an offence under this Act, the constable may—
- (a) search that person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out,
 - (b) stop and search a vehicle (and anything on or in it) without warrant,
 - (c) seize and retain any item found in the course of a search which may be relevant to the commission of the offence.
- (2) A constable who detains a person under [subsection \(1\)](#) must give the person the reason for the detention.

Commencement Information

- I3** S. 41 not in force at Royal Assent, see [s. 56\(2\)](#)
I4 S. 41 in force at 10.10.2022 by [S.S.I. 2022/280](#), [reg. 2](#), [sch.](#)

Status:

Point in time view as at 10/10/2022.

Changes to legislation:

There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Cross Heading: Powers of constables.