



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 7

GENERAL PROVISIONS

50 Report on operation of Act

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay before the Scottish Parliament a report on the operation of this Act during the reporting period.
- (2) The report must, in particular, include information about—
 - (a) proceedings and convictions in respect of relevant offences during the reporting period,
 - (b) the number of incidents connected to fireworks and other pyrotechnic articles which occurred during the reporting period, and
 - (c) the views and experiences of persons in relation to the use of fireworks in their communities during the relevant period.
- (3) The reporting period is the period of 5 years beginning with the day on which this Act receives Royal Assent.
- (4) In this section, “relevant offence” means an offence under this Act or listed in section 7(4)(b) and (c).

51 Interpretation

In this Act—

- “chief constable” means the chief constable of the Police Service of Scotland,
- “constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012,
- “firework control zone”, in relation to the area of a local authority, means a place within the area which has been designated as a firework control zone by the local

authority under section 27(1) (and a reference to such a zone includes a zone as it has been amended),

“fireworks licence” means a fireworks licence granted by the Scottish Ministers under section 9,

“licensed person” means a person who has a fireworks licence (and a reference to an unlicensed person is to be construed accordingly),

“public fireworks display” means a fireworks display at which the public, or any section of the public, are present (whether or not they have paid to be) that complies with regulations made under section 6 of the Fireworks Act 2003 (if any),

“regulatory authority” means—

- (a) the Chief Constable of the Police Service of Scotland,
- (b) the Health and Safety Executive,
- (c) a local authority,
- (d) a local weights and measures authority.

52 Regulations

Any power of the Scottish Ministers to make regulations under this Act, other than section 56, includes power to make—

- (a) different provision for different purposes,
- (b) incidental, supplementary, consequential, transitional, transitory or saving provision.

53 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).
- (3) Regulations under subsection (1)—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act (including this Act), but
 - (b) otherwise, are subject to the negative procedure.

54 Crown application: criminal offences

- (1) No contravention of any provision made by this Act makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), any provision made by or under this Act applies to a person in the public service of the Crown as it applies to other persons.

55 Crown application: powers of entry

- (1) A warrant granted under [section 40](#) or [schedule 2](#) is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

| Crown land | Appropriate authority |
|--|---|
| Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners) | The Crown Estate Commissioners |
| Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate | The person managing the land |
| Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate | The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land |
| Land an interest in which belongs to Her Majesty in right of Her private estates | The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers |
| Land an interest in which belongs to an office-holder in the Scottish Administration | The office-holder in the Scottish Administration |
| Land an interest in which belongs to a Government department | The Government department |
| Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration | The office-holder in the Scottish Administration |
| Land an interest in which is held in trust for Her Majesty for the purposes of a Government department | The Government department |

- (2) In [subsection \(1\)](#)—
- the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
 - “Government department” means a department of the Government of the United Kingdom,
 - “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.
- (3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with [subsection \(1\)](#) is the appropriate authority in relation to any land, and their decision is final.

56 Commencement

- (1) This section and sections 50, 51, 52, 53 and 57 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
 - (a) include transitional, transitory or saving provision,
 - (b) make different provision for different purposes.

57 Short title

The short title of this Act is the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.