

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Paragraph 13. (See end of Document for details)*

PROSPECTIVE

## SCHEDULE 2

### INVESTIGATORY POWERS OF A LOCAL WEIGHTS AND MEASURES AUTHORITY

#### *Application for release of firework, item or document*

- 13 (1) [This paragraph](#) applies where a firework, item or document is being retained as the result of the exercise of a power under [this schedule](#).
- (2) A person with an interest in the firework, item or document may apply to a sheriff for an order requiring it to be released to that or another person.
- (3) The sheriff may make an order requiring a firework, item or document to be released only if satisfied that condition A or B is met.
- (4) Condition A is that—
- (a) no proceedings have been brought for an offence as the result of the investigation in the course of which the firework, item or document was seized, and
  - (b) the period of 12 months beginning with the day on which the firework, item or document was seized has expired.
- (5) Condition B is that—
- (a) proceedings of the kind mentioned in [sub-paragraph \(4\)\(a\)](#) have been brought, and
  - (b) those proceedings have been concluded without the firework, item or document being forfeited.

#### **Commencement Information**

- II** Sch. 2 para. 13 not in force at Royal Assent, see [s. 56\(2\)](#)

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