



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 3

### RESTRICTIONS ON SUPPLY AND USE OF FIREWORKS AND PYROTECHNIC ARTICLES

#### *Days of supply and use of fireworks*

#### **22 Restriction on days of supply of fireworks**

- (1) It is an offence for a person to supply fireworks to which this section applies on days other than those specified in subsection (3).
- (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) The supply of fireworks to which this section applies is permitted only between the following days (inclusive of the first and last day specified)—
  - (a) 7 April to 14 April,
  - (b) 27 October to 10 November,
  - (c) 26 December to 31 December,
  - (d) the first day of Chinese New Year and the 3 days immediately preceding it,
  - (e) the first day of Diwali and the 3 days immediately preceding it.
- (4) It is a defence for a person charged with an offence under subsection (1) to show that the person took reasonable steps to establish that the person to whom the fireworks were supplied was exempt under [schedule 1](#).
- (5) It is the duty of each local weights and measures authority to enforce this section in its area.
- (6) The Scottish Ministers may by regulations modify subsection (3) to add, amend or remove a day or a period of days.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.

*Status: This is the original version (as it was originally enacted).*

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- (8) In this section, “supply” of fireworks includes—
- (a) selling them,
  - (b) exchanging them for any consideration other than money, and
  - (c) giving them as a prize or otherwise making a gift of them,
- but does not include supplying them otherwise than in the course of a business.
- (9) This section is subject to section 38 and schedule 1 (exemptions).