



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 6

### EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

#### *Miscellaneous*

#### **48 Forfeiture and disposal of fireworks and pyrotechnic articles**

- (1) [This section](#) applies where—
  - (a) the Scottish Ministers revoke a person's licence by giving notice under [section 12\(3\)](#),
  - (b) a court convicts a person of an offence under this Act, or
  - (c) a court cancels a person's fireworks licence under [section 13\(2\)](#).
- (2) [Subsection \(3\)](#) applies where—
  - (a) a firework to which [Part 2](#) applies is surrendered in pursuance of a notice given under [section 12\(3\)](#) which revokes a person's fireworks licence, and
  - (b) the person appeals against the decision to revoke the person's fireworks licence (and does not withdraw that appeal prior to its determination).
- (3) Where [this subsection](#) applies—
  - (a) if the appeal is successful, the firework must be returned,
  - (b) if the appeal is unsuccessful, the sheriff may make such order for the disposal of the firework as the sheriff considers appropriate.
- (4) [Subsection \(5\)](#) applies where—
  - (a) a firework to which [Part 2](#) applies is surrendered in pursuance of a notice given under [section 12\(3\)](#) which revokes a person's fireworks licence, and
  - (b) the person—
    - (i) does not appeal against the decision to revoke the person's fireworks licence, or
    - (ii) makes and subsequently withdraws an appeal against such a decision.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where [this subsection](#) applies, the firework is to be disposed of in such manner as the chief constable considers appropriate.
- (6) The court by which a person is convicted or, as the case may be, which cancels a person's fireworks licence may make an order for the forfeiture or disposal of any firework or pyrotechnic article—
  - (a) to which the offence relates, or
  - (b) which is possessed by the person.
- (7) A constable may seize and retain a firework or pyrotechnic article which may be the subject of an order for forfeiture under [this section](#).
- (8) Where a court orders the disposal of a firework or pyrotechnic article seized and retained under this Act by a constable or an officer of a local weights and measures authority, the firework or pyrotechnic article may be disposed of in such manner as the chief constable or, as the case may be, the local weights and measures authority considers appropriate.