



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 5

### PYROTECHNIC ARTICLES IN PUBLIC PLACES AND AT DESIGNATED VENUES AND EVENTS

#### **35 Prohibition of pyrotechnic articles in public places**

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies in a public place.
- (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) It is not an offence under subsection (1) for a person to possess a pyrotechnic article if the possession of the pyrotechnic article—
  - (a) is in connection with the person's employment, or
  - (b) is in connection with the person undertaking an activity where it is appropriate to possess the article for use as a visual distress signal.
- (4) In this section, "public place" means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).
- (5) This section—
  - (a) does not apply to a designated venue or a place where a designated event is occurring (see section 36), and
  - (b) is also subject to section 38 and schedule 1 (exemptions).

#### **Commencement Information**

- I1** S. 35 not in force at Royal Assent, see [s. 56\(2\)](#)
- I2** S. 35 in force at 6.6.2023 by [S.S.I. 2023/99, reg. 2, sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Section 35.