
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 79

**The Fireworks (Scotland) Miscellaneous
Amendments Regulations 2021**

Amendment of the Fireworks (Scotland) Regulations 2004

2.—(1) The Fireworks (Scotland) Regulations 2004⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 2 (interpretation) after the definition of “local authority” insert—
““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),”.
- (3) In regulation 3 (prohibition of use of certain fireworks at night)—
- (a) in the heading, for “at night” substitute “outside permitted hours”,
- (b) in paragraph (1), for “during night hours” substitute “outside permitted hours”,
- (c) in paragraph (2)—
- (i) after sub-paragraph (b), omit “or”,
- (ii) after sub-paragraph (c), insert—
“or
- (d) from 07.00 until 18.00, provided it is by a person—
- (i) who is employed by, or in business as, a professional organiser or operator of firework displays, and who uses the firework in question—
- (aa) for the purposes of putting on a firework display for their employer or in the course of their business (as the case may be); or
- (bb) at a national public celebration or a national commemorative event;
- (ii) who is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015⁽²⁾, and who uses the firework in question for purposes which are necessary in connection with that trade or business;
- (iii) who is the organiser of a public fireworks display (or who is assisting such an organiser), and who uses the firework in question for the purposes of putting on a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation; or

(1) S.S.I. 2004/393, as amended by S.S.I. 2005/245 and S.S.I. 2016/18.

(2) S.I. 2015/1553, as amended by S.I. 2019/696.

- (iv) who is employed by, or acting under the direction of, a regulatory authority, and who uses the firework in question in the exercise of that authority's powers or duties in connection with the regulation, or use, of fireworks.”
- (d) for paragraph (3), substitute—
 - “(3) In this regulation:
 - (a) “permitted fireworks night” means a period—
 - (i) beginning at 23.00 on the first day of the Chinese New Year and ending at 01.00 the following day;
 - (ii) beginning at 23.00 on 5th November and ending at 24.00 on 5th November;
 - (iii) beginning at 23.00 on the day of Diwali and ending at 01.00 the following day; or
 - (iv) beginning at 23.00 on 31st December and ending at 01.00 the following day;
 - (b) “permitted hours” means the period beginning at 18.00 and ending at 23.00;
 - (c) “a regulatory authority” means—
 - (i) the Chief Constable of the Police Service of Scotland;
 - (ii) the Health and Safety Executive;
 - (iii) a local authority;
 - (iv) a weights and measures authority.”
- (4) After regulation 3 insert—

“Prohibition of supply of certain fireworks outside permitted hours

3A.—(1) Subject to paragraph (3) no person shall supply an adult firework outside permitted hours.

(2) In this regulation “permitted hours” means the period beginning at 07.00 and ending at 18.00.

(3) Paragraph (1) shall not prohibit the supply of fireworks outside permitted hours to any person—

- (a) who is employed by, or in business as, a professional organiser or operator of fireworks displays,
- (b) who is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015,
- (c) who is employed by a local authority and the fireworks in question are to be used—
 - (i) for the purposes of putting on a fireworks display by that local authority, or
 - (ii) at a national public celebration or commemorative event,
- (d) who is the organiser of a public fireworks display and the fireworks in question are to be used for the purposes of putting on a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation, or
- (e) who is outside Scotland.

Prohibition of supply of certain fireworks in specified circumstances: supply in excess of the permitted quantity

3B.—(1) Subject to paragraph (3) no person shall supply more than the permitted quantity of adult fireworks at any one time.

(2) In this regulation “permitted quantity” means fireworks with a total net mass of explosive substance of 5 kilograms.

(3) Paragraph (1) shall not prohibit the supply of more than the permitted quantity of adult fireworks to any person—

- (a) who is employed by, or in business as, a professional organiser or operator of firework displays,
- (b) who is employed by a business engaged in, or whose trade or business (or part of whose trade or business) is, the supply of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015,
- (c) who is employed by a local authority and the fireworks in question are to be used—
 - (i) for the purposes of putting on a firework display by that local authority, or
 - (ii) at a national public celebration or commemorative event,
- (d) who is the organiser of a public fireworks display and the fireworks in question are to be used for the purposes of putting on a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation, or
- (e) who is outside Scotland.”.