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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 280 (C. 16)**

**FIREWORKS**

**The Fireworks and Pyrotechnic Articles (Scotland)  
Act 2022 (Commencement No. 1) Regulations 2022**

<i>Made</i>	-	-	-	-	<i>21st September 2022</i>
<i>Laid before the Scottish</i>					<i>23rd September</i>
<i>Parliament</i>	-	-	-	-	<i>2022</i>
<i>Coming into force</i>	-	-			<i>10th October 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 56(2) and (3) of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Commencement No. 1) Regulations 2022 and come into force on 10 October 2022.

**Appointed day**

2.—(1) 10 October 2022 is the day appointed for the coming into force of the provisions of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 specified in column 1 of the table in the schedule (the subject matter of which is described in the corresponding entry in column 2 of the table).

(2) Where a purpose is specified in column 3 of the table in the schedule, the corresponding provision in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew's House,  
Edinburgh  
21st September 2022

*ASH REGAN*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
Section 1	Meaning of “firework” and “pyrotechnic article”	
Section 2	Categories of fireworks	
Section 20(1)(a),(2)(a) and (3)	Application of Part 3	
Section 21	Prohibition on providing fireworks or pyrotechnic articles to children	
Section 38(1)	Exemptions from offences in Act	For the purpose of paragraphs 9, 25, 28 and 30 of schedule 1.
Section 38(2) and (3)	Powers to make regulations about exemptions from offences	
Section 40	Power of entry etc. with warrant	
Section 41	Search for fireworks or pyrotechnic articles without warrant	
Section 44	Aggravation of offences against emergency workers	
Section 45	Time limit for prosecution of offences	
Section 46	Presumptions in proceedings under Act	
Section 47	Certificates as to proof of certain matters	
Section 48(1)(b), (6), (7), (8)	Forfeiture and disposal of fireworks and pyrotechnic articles on conviction for an offence under the Act	
Section 49	Individual culpability for offending by an organisation	
Section 54	Crown application: criminal offences	
Section 55	Crown application: powers of entry	
Schedule 1, paragraphs 9, 25, 28 and 30.	Exemptions from offences	

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the commencement, on 10 October 2022, of the following provisions of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (“the Act”): sections 1, 2, 20(1)(a), (2)(a) and (3), 21, 38, 40, 41, 44, 45, 46, 47, 48(1)(b), (6), (7) and (8), 49, 54, and 55, and paragraphs 9, 25, 28 and 30 of schedule 1.

The Act makes provision in relation to regulating the use, supply and possession of fireworks and other pyrotechnic articles. The provisions commenced by these Regulations create an offence of providing (i.e. giving, purchasing for, or otherwise making available) a firework or pyrotechnic article to a person under 18, other than in certain permitted circumstances, and provide for the aggravation of offences involving the use of a firework or pyrotechnic article where the victim (or intended victim) is an emergency worker.

The Bill for the Act received Royal Assent on 10 August 2022. By virtue of section 56 of the Act, sections 50, 51, 52, 53, 56 and 57 came into force on the day following Royal Assent.