



The Fireworks (Scotland) Miscellaneous Amendments Regulations 2021 – information for retailers

- 1) This document gives guidance on new regulations controlling the supply of category F2 and F3 fireworks¹ in Scotland that comes into force on 30 June 2021.
- 2) The regulations include three new measures in relation to the way the general public can use and access fireworks. The regulations:
 - Restrict the times of day fireworks can be used by the general public to between 6pm and 11pm, with the exception of 5 November (when they can be used from 6pm until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 6pm until 1am);
 - Restrict the times of day fireworks can be supplied to the general public to during the daytime hours of 7am and 6pm, alongside existing requirements on retailers around sale and storage licences;
 - Limit the quantity of fireworks that can be supplied to the general public to 5kg.
- 3) The new restrictions on the supply² of fireworks, which includes sales, apply across Scotland, all year round. They apply to all forms of sale, including online orders and deliveries from businesses based both within and outwith Scotland that are supplying firework products to consumers in Scotland.
- 4) Certain customers are exempt from the regulations and may be supplied fireworks outside the permitted hours, and in amounts exceeding the permitted quantities. This includes community groups or organisations arranging a public firework display. More information about exemptions is provided below.

Regulation 3A: supply of fireworks outside permitted hours

- 5) From 30 June 2021, fireworks may only be supplied to the general public within the permitted hours of between 7am and 6pm.
- 6) Existing restrictions on sale and storage of fireworks under the Fireworks Regulations 2004 and Explosives Regulations 2014 continue to apply. For

¹ This does not include F1 firework products such as sparklers.

² The definition of 'supply' in the Fireworks Act 2003 – Section 1(3) References in this Act to supplying fireworks include–

- (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 do not include supplying them otherwise than in the course of a business.

example, during most of the year fireworks may only be sold by traders licensed by the local authority. At specific times around Bonfire Night, New Year, Chinese New Year and Diwali, traders must be licensed with their local authority for storage but do not need a licence. Please refer to the existing legislation and guidance for more information.

- 7) Trading Standards are responsible for enforcing regulations in relation to the sale of fireworks outwith the permitted hours. This is provided for in the Fireworks Act 2003, which is the law under which these regulations are made. Offences may be punishable by a fine not exceeding level 5 on the standard scale (up to £5000), or up to 6 months imprisonment, or both.

Regulation 3B: supply of fireworks in excess of the permitted quantity

- 8) From 30 June 2021 retailers may supply an individual up to 5 kilograms (kg) of category F2 and F3 fireworks at a time, if that individual does not hold an explosives storage licence.
- 9) The new 5kg limit is a reduction from the previous limit of 50kg. 5kg refers to the total net mass of explosive substance.
- 10) Existing restrictions on the types of fireworks that may be sold continue to apply. For example, the prohibition on sales of fireworks that exceed 120 decibels, and restrictions on sales of fireworks to under-18s, remain in force. Refer to the existing legislation and guidance for more information.
- 11) Trading Standards are responsible for enforcing regulations in relation to the sale of fireworks in permitted quantities. Offences may be punishable by a fine not exceeding level 5 on the standard scale (up to £5000), or up to 6 months imprisonment, or both.

Exemptions from regulations 3A and 3B

- 12) There are a number of exemptions where fireworks may continue to be supplied to specific customers outside the permitted hours, and/or in amounts exceeding the permitted quantity. Customers who are exempted are:
- professional organisers or operators of fireworks displays, and their employees;
 - suppliers of fireworks in accordance with the provisions of the Pyrotechnic Articles (Safety) Regulations 2015;
 - local authority who are putting on a national public celebration or commemorative event, or other display for the local authority;
 - organisers of a public fireworks display for a charitable, religious, youth, recreational, community, political or similar organisation;
 - customers outside Scotland.
- 13) For example, a community group may present their public entertainment licence granted by the local authority to a firework retailer, in order to purchase fireworks outwith the permitted hours specified within the regulations.

14) In relation to the permitted quantity of fireworks that may be sold, under the Explosive Regulations 2014, the carriers who transport fireworks do not need to have an explosives licence. It is recommended that anyone selling or transferring more than 5kg net mass of fireworks in a single transaction should keep a record of whom they have sold or transferred the fireworks to (including the reference number of the licence, or a copy of their licence) in order to demonstrate compliance.

Sources for further information

- [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#)
- [The Fireworks Act 2003](#)
- [The Fireworks \(Scotland\) Regulations 2004](#)
- [Fireworks Regulations 2004](#)
- [Explosives Regulations 2014](#)
- [The Pyrotechnic Articles \(Safety\) Regulations 2015](#)
- Contact fireworks@gov.scot for more information

Safer Communities Directorate
May 2021