



The Scottish Parliament
Pàrlamaid na h-Alba

Published 28 April 2022
SP Paper 164
5th Report, 2022 (Session 6)

Criminal Justice Committee

Fireworks and Pyrotechnic Articles (Scotland) Bill Stage 1 Report



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



justice.committee@parliament.scot

Committee Membership



Convener
Audrey Nicoll
Scottish National Party



Deputy Convener
Russell Findlay
Scottish Conservative
and Unionist Party



Katy Clark
Scottish Labour



Jamie Greene
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Rona Mackay
Scottish National Party



Pauline McNeill
Scottish Labour



Collette Stevenson
Scottish National Party

INTRODUCTION

1. The [Fireworks and Pyrotechnic Articles \(Scotland\) Bill](#) (“the Bill”) and its [accompanying documents](#) were introduced in the Parliament by the Minister for Community Safety, Ash Regan MSP (“the Minister”), on 1 February 2022. The Parliament designated the Criminal Justice Committee as the lead committee for Stage 1 consideration of the Bill.
2. Under the Parliament’s Standing Orders Rule 9.6.3(a), it is for the lead committee to report to the Parliament on the general principles of the Bill. In doing so, it must take account of views submitted to it by any other committee. The lead committee is also required to report on the Bill’s [Financial Memorandum](#), and on its [Delegated Powers Memorandum](#).

Policy objectives of the Bill

3. In the Policy Memorandum, the Scottish Government states that the “overarching policy objective of this Bill is to protect public and community safety and wellbeing by ensuring fireworks and pyrotechnics do not cause harm, distress or serious injury”. It also states that the provisions included within the Bill “will support a cultural shift in how fireworks and pyrotechnics are used in Scotland”.
4. The Bill seeks to achieve this by “altering how the general public can access and use fireworks and pyrotechnics”. This will be done by making provisions for new restrictions to apply to the purchase, acquisition, possession and use of fireworks and pyrotechnics. The Bill also introduces new criminal offences which will apply where these restrictions are not complied with.
5. The policy content of the Bill has been shaped by the work of the Fireworks Review Group (FRG). The FRG was established by the Scottish Government and was chaired by the former Chief Officer of the Scottish Fire and Rescue Service, Alastair Hay. The FRG carried out its work from November 2019 to November 2020.ⁱ Their work is covered in more detail later in this report.

Structure of the Bill

6. The Bill as introduced is in 7 parts, namely-
 - Part 1 of the Bill introduces key concepts, including the meaning of fireworks and pyrotechnic articles;
 - Part 2 deals with fireworks licensing;
 - Part 3 places restrictions on supply and use of fireworks and pyrotechnic articles including prohibition on supply to children; and days of use and supply of fireworks;

ⁱ Fireworks Review Group: <https://www.gov.scot/groups/firework-review-group/>


- Part 4 deals with firework control zones;
- Part 5 deals with pyrotechnic articles at certain venues or events;
- Part 6 deals with exemptions and enforcement; and,
- Part 7 includes general provisions, including interpretation, regulations, ancillary provision, Crown application and commencement.

Criminal Justice Committee consideration

Pace of implementation

7. The Committee’s consideration of this Bill has been on an accelerated timetable. This is because the Scottish Government wishes to bring the provisions on prohibition on providing fireworks or pyrotechnic articles to people under 18 years of age into force by this year’s bonfire season in November 2022. The Minister explained this wish was motivated by the desire to maintain the momentum of cultural change around fireworks which the Scottish Government has undertaken in the last few years. ¹
8. To meet that timetable, Parliament would need to conclude its scrutiny of the Bill by the end of June 2022. To achieve that, the Committee agreed to the Scottish Government’s request for it to undertake an “accelerated” scrutiny timetable.
9. As a consequence of the accelerated timetable, the Committee was only able to seek a call for written views on the Bill over a four-week period and had to complete its oral evidence taking at Stage 1 by 30 March 2022.

Other options for implementation

10. The Committee questioned whether the Scottish Government could have addressed the proxy purchase issue by amending existing secondary legislation.
11. Explaining the need to use primary legislation in order to achieve this objective, Natalie Stewart, a solicitor at the Scottish Government told us—
 “The secondary legislation that is available under the Fireworks Act 2003 relates to commercial supply and is a provision under which the UK Government, not the Scottish Government, would have to lay regulations”. ²
12. As such, the Scottish Government is of the view that it is not within its powers to bring about the change to proxy purchase through secondary legislation and primary legislation is required.
13. However, the Scottish Government indicated that the UK Government could have brought about this change at the UK level through changes to the Pyrotechnics Articles Regulations 2015. It is not clear if the Scottish Government explored this

legislative avenue with the UK Government.

14. The Minister explained that the pace of implementation is in response to a clear desire by politicians to introduce changes quickly, saying that the “bill is an attempt to keep up the pace of change and to keep moving and working towards creating the new regime. The will of Parliament, which I felt came across strongly, was that we work on the bill as quickly as possible, so I am very grateful that the committee agrees that it is important to do so.”³

Evidence taking

15. The Criminal Justice Committee was designated as lead committee for Stage 1 consideration of the Bill. The Committee issued a public call for evidence on Monday 14 February, with a closing date of Friday 11 March. The Committee received 161 written responses to its call for evidence. Responses are published on the Committee's webpage.
16. The Committee also undertook a digital engagement exercise on the Bill, supported by the Parliament's Participation and Communities Team (PACT). Over 1,400 people took part in the online discussion providing over 1,600 comments on provisions in the Bill and giving nearly 11,000 ratings.
17. A summary report of the outcomes of this engagement: [Fireworks and Pyrotechnic Articles \(Scotland\) Bill: Digital Engagement Summary of Online Forum Submissions to support the Criminal Justice Committee's scrutiny of the Bill](#) has been published by the Participation and Communities Team as part of the Committee's scrutiny of the Bill.
18. On Monday 14 March, the Committee undertook a fact-finding visit to Blackburn in West Lothian to meet with members of the Blackburn Bonfire Night Action Group (BBNAG). BBNAG was established in early 2019 to develop a community-based response to the growing problem of fireworks misuse and related anti-social behaviour in the Blackburn area.ⁱⁱ
19. The purpose of the visit was to meet those with personal experience of the disruption and harm caused by fireworks misuse and to hear about the methods used to address it. A note of the visit, which included a list of participants and a summary of the key issues discussed, is provided in **Annex A** . This Committee wish to thank the members of BBNAG and the people of Blackburn for engaging with us on the Bill. Their input has been invaluable to our understanding of the issues.
20. The Committee took formal oral evidence on the Bill at three meetings, the details of which are set out further in **Annex B** -
 - Wednesday 16 March - Alasdair Hay, Chair of the Fireworks Review Group;

ii Daily Record: *Blackburn Bonfire Night Action Group (BBNAG) in West Lothian ready to stop fireworks thugs ruining their community* (25 Sept 2020): <https://www.dailyrecord.co.uk/news/local-news/blackburn-bonfire-night-action-group-22737235>

Assistant Chief Officer Stuart Stevens, Director of Service Delivery for the Scottish Fire and Rescue Service; and David Hamilton, Chair of the Scottish Police Federation. And then from Rob Holland, Acting Director of the National Autistic Society Scotland; Lorraine Gillies, Chief Executive for Scottish Community Safety Network; and Gilly Mendes-Ferreira, Head of Education, Policy and Research at the Scottish Society for the Prevention of Cruelty to Animals.

- Monday 21 March - Chief Inspector Nicola Robison, Partnerships, Prevention and Community Wellbeing Division of Police Scotland; David MacKenzie, Chair of the Society of Chief Officers of Trading Standards in Scotland; and Julie Whitelaw, Interim Head of Housing, Customer and Building Services at West Lothian Council.
- Wednesday 23 March - Fraser Stevenson, Vice Chairman of the British Fireworks Association; Andy Hubble, Chairman of the British Pyrotechnists Association; and Norman Donald, Owner of NJE Fireworks Displays.
- Wednesday 30 March - Ash Regan MSP, Minister for Community Safety; Elinor Findlay, Bill Team Leader; David Bell, Anti-Sectarian Policy Team Leader (Pyrotechnics); and Natalie Stewart, Solicitor, Scottish Government.

21. The Committee also received a variety of additional and supplementary written responses from various witnesses and organisations. This information is available on the Bill webpage.⁴

Consideration by other committees

22. The Finance and Public Administration Committee issued a call for views on the Financial Memorandum for the Bill and received 5 submissions. As a result, the Finance and Public Administration Committee did not make any comments to the Committee on the financial provisions for the Bill.
23. The Criminal Justice Committee considered the financial provisions of the Bill as part of its wider consideration of the general principles. The Committee's views on the Financial Memorandum are set out later in this report.
24. The Bill contains a number of delegated powers provisions. The Delegated Powers and Law Reform (DPLR) Committee considered the delegated powers in the Bill and reported to the Committee. Its findings are covered later in this report.

BACKGROUND

Categories of fireworks

25. There are three main categories of fireworks available to the general public from licensed retailers. These are sometimes referred to as ‘consumer fireworks’ and are:
- Category F1: fireworks which present a very low hazard and negligible noise level, and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings (this includes Christmas crackers and sparklers);
 - Category F2: fireworks which present a low hazard and low noise level, and which are intended for outdoor use in confined areas;
 - Category F3: fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
26. A fourth category, Category F4, are fireworks which present a high hazard and whose noise level is not harmful to human health. They are intended for use only by persons with specialist knowledge. These are sometimes referred to as professional display fireworks.
27. The Bill also make some provisions for other forms of specialist pyrotechnics, such as categories P1 and P2 and T1 and T2. These are special pyrotechnics which are usually not on sale to the general public and are of the type used in theatrical, TV and film productions. They can only be acquired and used by people with the relevant specialist knowledge and training.

Existing legislation and regulations

28. The statutory control of fireworks and pyrotechnic articles consists of both primary legislation and regulations (both UK and Scottish), pertaining to the sale, use and supply of fireworks. The relevant legislation for the purposes of the provisions in the Bill are-
- [the Explosives Act 1875](#);
 - [the Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#);
 - [the Fireworks Act 2003](#);
 - [the Fireworks Regulations 2004 \(S.I. 2004/1836\)](#);
 - [the Fireworks \(Scotland\) Regulations 2004 \(S.S.I. 2004/393\)](#);
 - [the Pyrotechnic Articles \(Safety\) Regulations 2015 \(S.I. 2015/1553\)](#), and

- [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021 \(S.S.I 2021/79\)](#).

29. While all fireworks are classed as pyrotechnic products, existing legislation uses the terms “fireworks” and “pyrotechnics” as distinct categories. The Bill also adopts both terms.

Fireworks retailers

30. Under current regulations only Categories F1, F2 and F3 fireworks are available for the general public to buy from licensed retail outlets. It is estimated that there are about 650 licensed firework retailers operating in Scotland.⁵
31. These consist of a mix of mainstream high street supermarket retailers (which account for about 630 retailers), small specialist firework retailers (which account for about 10 retailers) and seasonal or pop-up retailers.⁶

Background to the Bill

32. The Bill originated from a public debate around the need for a response to a number of high-profile public order incidents in Scotland in recent years involving the use of fireworks by the public against police and fire service officers.ⁱⁱⁱ There was also a desire to address the discharge of pyrotechnics at sporting events, e.g. football matches.^{iv}
33. In 2017, Police Scotland and the Scottish Fire and Rescue Service considered how to coordinate a joint response to incidents involving the misuse of fireworks.
34. In response, the Scottish Government carried out a consultation between February and May 2019 seeking views on the licencing and regulation of fireworks. This consultation drew 16,420 responses. The vast majority were from individuals. There were 98 submissions from the public sector, private sector, or community/ voluntary groups.
35. Almost all of those who responded to the consultation (94%) said they would welcome increased controls on the sale of fireworks. A majority of adults in Scotland (71%) felt there should be more controls over the sale of fireworks, and there was overwhelming support (92%) for more controls on how fireworks can be used.⁷

iii Police Scotland news release: *Man jailed for throwing firework at Police Scotland officer during Glasgow Irish Republican March* (Oct 2020): <https://www.scotland.police.uk/what-s-happening/news/2020/october/man-jailed-for-throwing-firework-at-police-scotland-officer-during-glasgow-irish-republican-march/>

iv BBC Scotland News: *Flares and smoke bombs: The ugly side of the beautiful game* (31 Jan 2016): <https://www.bbc.com/news/uk-scotland-35402735>

36. In its [conclusions from the consultation](#), the Scottish Government indicated its intention to introduce primary legislation to address these issues.
37. In May 2019, the Scottish Government commissioned YouGov to undertake a public [online opinion poll](#) of 1000+ people seeking views on the restriction of the sale, possession and use of fireworks in Scotland. The results of the opinion poll strongly matched those of the consultation.
38. As a result, the scope of the Bill that the Scottish Government planned to introduce was broadened from just addressing the misuse of fireworks by the public, to address the wider concerns on the legal and illegal use and possession of fireworks.
39. The Scottish Government also undertook an [evidence review](#) on the impact of fireworks in the context of international legislation and regulations. The report indicated that research consistently finds a spike in fireworks related injuries around festivals. The limited evidence available within the scope of the review suggested that the number of fireworks related injuries is not decreasing over time. It also found that most fireworks related injuries occur at private displays and not at formally organised displays, and that those most at risk of injury are young people and males.
40. The report also indicated that between 2002-03 to 2019-20, there were 167 people proceeded against in court in Scotland for fireworks related charges. The most common charge to be proceeded was throwing, casting or firing a firework in a public place, which accounted for 72% of all firework related proceedings.

Fireworks Review Group

41. In October 2019 the Scottish Government published a [Fireworks Action Plan](#) which, amongst other things sought to set up a dedicated group to develop a legislative and non-legislative plan of actions to address public concerns.
42. The [Fireworks Review Group](#) (FRG), which was chaired by Alastair Hay, included representatives from Police Scotland, the Scottish Fire and Rescue Service, the British Fireworks Association (BFA), CoSLA, community groups, and animal welfare organisations.
43. In November 2020, the FRG made 11 key recommendations on tightening legislation on fireworks [in its final report](#) to Ministers. These included-
 - The introduction of mandatory conditions before consumers are able to purchase fireworks in Scotland;
 - Restricting the times of day fireworks can be sold and the volume of fireworks that can be purchased;
 - Restricting the days and times fireworks can be set off;
 - A provision for ‘no fireworks areas/zones’ to be introduced within which it is not to be permitted for fireworks to be set off, with local communities having a key role in influencing this; and

- The introduction of a proxy purchasing offence, so adults are not able to give adult fireworks to persons under the age of 18 without prosecution.
44. The BFA did not agree with or endorse the Group's recommendations and raised concerns around potential unintended consequences of the proposed measures. The BFA set out these concerns in its oral and written evidence to the Committee, which is covered later in this report.
45. In response to the Group's report, the Scottish Government announced it would introduce primary and secondary legislation and, to implement the recommendations.
46. The Scottish Government introduced the [Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#) in January 2021. These regulations amended the existing Fireworks (Scotland) Regulations 2004 and brought into force from 30 June 2021, the following provisions-
- Restricting the times of day when fireworks can be used by the general public in Scotland to between 6 p.m. and 11 p.m., with the exception of 5 November when they can be used from 6 p.m. until midnight; the night of Chinese New Year and the night of Diwali when they can be used from 6 p.m. until 1 a.m.;
 - Restricting the times of day when fireworks can be supplied to the general public in Scotland to during the daytime hours of between 7 a.m. and 6 p.m., alongside existing requirements on retailers around sale and storage licenses; and
 - Limiting the quantity of fireworks that can be supplied to the general public in Scotland to 5kg at any one time.
47. The Scottish Government undertook a [public consultation](#) between 20 June to 15 August 2021, seeking views on proposals to be included in a bill. This included seeking views on the use and sale of fireworks, as well as tackling the misuse of pyrotechnics.
48. The consultation received 1,680 responses from individual members of the public and 64 responses from groups or organisations. An [independent analysis of the consultation responses](#) was published in December 2021, and formed the basis for the provisions in the Bill.

THE BILL

Prohibition on providing fireworks or pyrotechnic articles to People Under 18 Years of Age (Inc. in Part 3 of the Bill)

Background

49. Section 21 of Part 3 of the Bill contains the provisions the Scottish Government wish to bring into force by November 2022. These are the powers to eliminate the proxy purchase of fireworks. This section of our report covers the evidence taken on this proposal. We consider the remaining provisions in Part 3 later in the report. [See paragraphs 141 - 209]

Prohibition on supply to those under 18 years of age

50. Section 21 of Part 3 introduces an offence for a person knowingly to-
- (a) buy or attempt to buy a firework or other pyrotechnic article to which this section applies for a person under the age of 18, or
 - (b) give or otherwise make available a firework or other pyrotechnic article to which this section applies to a person under the age of 18.
51. The Explanatory Notes make clear that whilst it is currently illegal for the more powerful category F4 ‘professional fireworks’ to be sold to the general public, they are included in Section 21 “to make it clear that a person (who may have legally acquired category F4 fireworks) cannot give them to a child.”^v

Creation of a new criminal offence

52. Existing regulations⁸ set the minimum age limits for the supply of category F1, F2, F3, T1 and P1 articles, plus Christmas crackers by an “economic operator”.^{vi} Regulation 32 prohibits the sale by economic operators of F4 fireworks, and T2 and P2 pyrotechnic articles to persons without specialist knowledge. This includes a provision to undertake training which is recognised in the fireworks business.

^v The Explanatory Note for the Bill states that current regulations exempt a person from committing an offence if they supply a pyrotechnic article designed to be used as a visual distress signal to person under the age of 18, if such a pyrotechnic article is intended only for use in appropriate circumstances (for example, in activities like hill walking, sailing or other maritime activities). (page 12, Pars 75-76): <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/enaccessible.pdf>

53. Also, statutory regulations prohibit⁹ the possession of category F2, F3 and F4 fireworks by persons under the age of 18 in a public place, unless that have an exemption under the regulation.¹⁰ Possession of a category F4 firework by the general public is prohibited under regulation 5 of the Fireworks Regulations.
54. The Explanatory Notes state that the current restrictions on the supply of fireworks and pyrotechnic articles “apply to economic operators only (i.e. any person in the supply chain)”. It states that it is “an offence for an economic operator to contravene or fail to comply with any requirement” of the statutory regulation in question.¹¹
55. Therefore, there is currently no legislation preventing a person who is not an economic operator from making fireworks and pyrotechnic articles available contrary to the minimum age limits. The practical implications are that, at present, someone aged 18 or over can legally purchase F2 and F3 fireworks and give them to someone under the age of 18. This practice is commonly referred to as ‘proxy purchasing’.
56. Alastair Hay told the Committee that the FRG recommended a proxy purchasing offence be introduced which criminalises the supply of adult fireworks to people under the age of 18, as “everybody felt that there was confusion in the current legislation about whether it was illegal to give fireworks to under-18s. The recommendation was to strengthen and clarify the legislation so that there is no doubt about the intention behind it”.¹²
57. During our visit to Blackburn, the Committee heard that the use of fireworks by those under 18 is an “adult problem”. We heard that the issue which needs to be addressed is to deter adults from providing fireworks to young people, such as parents providing them to their children.^{vii}
58. David MacKenzie of the SCOTSS described the current high level of compliance amongst licensed firework retailers on underage selling. Mr MacKenzie said that complaints “seldom relate” to issues that trading standards deal with. He confirmed that “compliance” with the law “is pretty high generally” amongst licensed firework retailers.¹³
59. Chief Inspector Robison said that the Bill would fill gaps in current legislation and provide Police Scotland “further opportunities for early and effective intervention” in terms of tackling criminality around fireworks. She said that although there are existing powers, the new proposals would allow the police “to build on those and give us another tool in our toolkit from an early prevention point of view. That is imperative”.¹⁴
60. Fraser Stevenson confirmed that the BFA supports the proxy purchase offence, not because of any perceived loophole in the law, but to provide necessary clarity, saying—

vi The minimum age limits are 12 years for Christmas crackers, 16 years for all other F1 fireworks, and 18 years for F2 and F3 fireworks, as well as category T1 and P1 pyrotechnic articles.

vii [Annex A: Note on Committee visit to Blackburn, West Lothian 14 March 2022](#)

” “The industry supports the proxy aspects of the bill because it clarifies something that is already illegal. Under—I think—the pyrotechnics directive or one of the fireworks regulations, it is an offence to supply fireworks to anyone under the age of 18 [...] The reason why we are not objecting to the proxy aspect is that it is already in legislation. We cannot foresee any unintended consequences of that action, because it is already in fireworks regulations.”¹⁵

61. In their written evidence, the Faculty of Advocates support the introduction of the new offence, saying that—

” “It would agree that the current inability to address proxy purchase is likely to be a major gap in the current protection of children. The Licensing (Scotland) Act already makes it an offence for someone to proxy purchase alcohol for a child or young person (section 105) and those provisions can be seen to be well understood and effective. The introduction of the new offence of proxy purchase of fireworks or pyrotechnic articles is readily capable of addressing the current gap in protection”.¹⁶

62. The Minister explained to the Committee that the new offence is necessary, as—

” “It is already unlawful for category F2 and F3 fireworks and other pyrotechnics to be supplied to children under the age of 18, but that is just on a commercial basis. The introduction of the specific proxy purchasing offence makes it clear to all adults that any giving or supplying of fireworks or pyrotechnics to people under the age of 18 is a criminal offence with appropriate penalties.”¹⁷

Conclusions

63. **Conclusion: The Committee agrees that a gap appears to exist in the current legislation regarding the proxy purchase of fireworks by adults, who are not “economic operators”, and their subsequent provision to those under 18 years of age. This gap needs to be addressed and, therefore, the Committee supports efforts to address this issue.**

64. **Conclusion: The Committee notes the Scottish Government’s reasons for seeking to introduce this particular offence ahead of the 2022 Bonfire night period in November. The Committee agreed to an accelerated scrutiny timetable to allow this to happen, subject to parliamentary approval of the Bill.**

65. **Conclusion: However, the Government’s decision to use this Bill as the means to address this issue also means the substantial complex new provisions to restrict fireworks receives limited scrutiny, with much of the substantial detail left to be developed in regulations *after* the Bill is enacted.**

66. **Conclusion: The Committee notes the Scottish Government’s view that any such changes in the statute book to bring in this offence can only be made by the Scottish Parliament through primary legislation in Scotland. However, Scottish Government officials also told the Committee that the UK Government could make such changes in Scotland via secondary legislation**

under existing UK legislation on fireworks.¹⁸ The Scottish Government has not been clear on whether it asked the UK to make these changes via secondary legislation. Nor, has the Scottish Government clarified whether it asked for the relevant order-making powers in the area to be transferred to Scotland, as the Welsh Government did when requesting such powers be transferred to Wales.¹⁹ This is an important point as the rest of this Bill is being scrutinised to an accelerated timetable primarily so that the provision on proxy purchasing can be introduced before November 2022. We find this approach to be very unsatisfactory in terms of allowing proper parliamentary scrutiny and debate on a series of complex new provisions.

67. Irrespective of whether the Bill should be passed in the limited time available for scrutiny, the Committee recommends that the Scottish Government, as part of its overall public education and awareness programme on the Bill, takes steps to provide better public information on the dangers of adults providing fireworks to children and, if this Bill passes, to highlight that it will become a criminal offence.

Part 2: Firework Licensing System

The purpose of a licensing system

68. Part 2 of the Bill makes provisions for a new fireworks licensing system to be introduced across Scotland. This licensing system is designed as a means of regulating the purchase, acquisition, possession, use and supply of certain fireworks, namely category F2 and F3 fireworks. The main policy aim of this system is to encourage the safer use of fireworks by the general public and reduce the risk of firework related harm and injury.
69. It proposes that only those aged 18 years or over will be able to apply for a licence and introduces an offence for a person to purchase, acquire, possess or use category F2 or F3 firework without the necessary licence.
70. The Bill also introduces an offence for a person, without reasonable excuse, to supply F2 and F3 fireworks to a person who does not have a fireworks licence. The term “supply” means selling a firework, exchanging it for a consideration other than money, giving it as a prize or otherwise making a gift of it, or otherwise making the firework available.^{viii}
71. The licensing system does not cover the purchase, acquisition, possession, use and supply of category F1 and F4 fireworks. Category F1 fireworks are not included in the Bill, as it is not an offence for a child to possess a category F1 firework. Category F4 fireworks are not included within the licensing system as they are intended for use only by persons with specialist knowledge and not the general public.

^{viii} Schedule 1 of the Bill sets out a number of exemptions from the requirement to have a fireworks licence.

72. The Scottish Government confirmed that these provisions will not come into effect once the Bill has received Royal Assent. They are to be the subject of further consultation and come into effect at a later date.

Risks and unintended consequences of a licensing system

73. Fraser Stevenson of the BFA explained that changes to UK firework regulations promoted by the firework industry has resulted in certain types of dangerous fireworks banned in the UK, as well as the introduction of safety and awareness campaigns on the use of fireworks. This, he said, has been more effective in leading to a reduction in accidents. Mr Stevenson told us that “in the 1990s, the number of people in the UK who were admitted to hospital with firework-related injuries averaged 1,200 a year—at its peak, it was more than 1,500—and deaths were not uncommon. [...] today, we have an accident rate that is less than one tenth of what it was in the 1990s, and there have been no firework-related deaths [in the UK] in more than 20 years.”²⁰
74. Mr Stevenson warned that one of the biggest potential unintended consequences of the proposed licensing system is the risk it will drive the growth of black market sales.²¹ Citing [a report](#)²² by the Petitions Committee of the House of Commons that “concluded that greater restrictions and controls on the sale and use of fireworks would not be appropriate because of the real risk of creating a black market and making matters worse, not better.”²³
75. The Minister pointed to a lack of evidence from other countries where control of fireworks has been restricted on the resultant growth of a black market in fireworks, saying—
- ” “We have looked carefully at evidence from countries where restrictions have been tightened, and we did not find any that it has fuelled the black market. There does not seem to be much evidence of a black market in Scotland at the moment. Clearly, the agencies at work in the area will continue to review that. I hope that we will be able to come back to the committee with evidence on that in a few years, so that we can discuss what impact the measures have had.”²⁴

Applying for a license

76. Under Part 2 of the Bill, a person must be aged 18 years or over to apply for a licence. The Bill requires that all licences will be subject to the following conditions—
- a licence is only valid for the person named on it and is not transferable to any other person;
 - a licence is only valid for the period of time specified on it; and
 - a licensed person must inform the Scottish Ministers of any changes to circumstances which will be specified by the Scottish Ministers in regulations.

77. The Bill contains a number of mandatory requirements which applicants are required to complete before being granted a licence. These include—
- Applying through the government-created licensing application system, which will be an online system;
 - Undertaking a mandatory online training course on fireworks use;
 - Providing the necessary ID and other documentation the system will require; and
 - Disclosing any convictions in relation to a relevant offence under existing fireworks legislation, or any other offence where the misuse of fireworks or pyrotechnic articles has been a factor.^{ix}
78. A fee will be payable for each licence application. The Bill allows Ministers to set out additional mandatory application requirements if more are deemed necessary.
79. The SFRS supports the introduction of a licensing system in Scotland. They state that the misuse of fireworks can cause severe injury, and are extremely dangerous if used incorrectly, or as part of anti-social behaviour activity. In their view, a licensing for category F2 and F3 fireworks would help to control the use of fireworks, deter those aged under 18 from using them, and subsequently help to reduce incident demand for SFRS, violence to crews and injury to members of the public.²⁵
80. Chief Inspector Robison of Police Scotland said that the licensing system on its own may not address fireworks misuse and the anti-social behaviour associated with it, but using all of the components in the Bill will have an impact. She said, it is—
- ” “...about using the implementation of firework control zones, the licensing system and the new stop-and-search powers to respond collectively. That will have an impact on reducing antisocial behaviour.”²⁶
81. The BFA described the licensing system as unnecessary and stated that what is required is for existing laws be “used to their fullest and proper extent.”²⁷ It also highlighted the growth of black market sales as a potential unintended consequence of introducing a licence scheme. Such a licensing system, the BFA argues, could lead to many members of the public bypassing the licensing system and seeking to access fireworks from unregulated sources.
82. Mr Stevenson described himself as an “isolated voice” in the Fireworks Review Group when raising concerns that a licensing system, “will basically just encourage people to source [firework] product from unlicensed or unauthorised dealers.”²⁸
83. Norman Donald of NJE Fireworks Displays told the Committee that he has anecdotal evidence from a colleague in Northern Ireland that the fireworks licensing system introduced there “does not work—all that it does is encourage people to buy fireworks elsewhere.”²⁹

^{ix} Should the Bill be passed, applicants would also be required to disclose any convictions under the relevant Act when making future applications.

84. The Minister told the Committee that 84% of the responses to the Government’s 2021 fireworks consultation favoured the introduction of a fireworks licensing system in Scotland.³⁰
85. This was largely reflected in the results of the Committee’s public engagement on the Bill, with the summary report showing that—
- ” “Many users [...] felt that the introduction of licensing “would help provide an essential framework, necessary to allow enforcement of a training requirement and... would also be encouragement for many towards more thoughtful considered usage” and “increase the responsible use of fireworks.”³¹
86. Responding to concerns expressed by witnesses from the fireworks retail industry that experience from Northern Ireland shows a licensing system to be ineffective, the Minister and her officials said that the proposal in the Bill was not comparable with the system in Northern Ireland. Elinor Findlay of the Scottish Government Bill Team explained that—
- ” “...the system in Northern Ireland requires people to have a licence to purchase, possess and use fireworks, but that is aligned to a single display, whereas in Scotland it is intended that a licence will be for a longer period of time and will not align only to one occasion for which someone wants to purchase and use fireworks. People in Scotland will be able to have a licence for multiple uses of fireworks and over a longer period.”³²
87. On the unintended growth of a black market in the purchase of fireworks, the Minister said there was a lack of evidence of this as an outcome from other countries where control of fireworks has been restricted, saying—
- ” “We have looked carefully at evidence from countries where restrictions have been tightened, and we did not find any that it has fuelled the black market. There does not seem to be much evidence of a black market in Scotland at the moment. Clearly, the agencies at work in the area will continue to review that.”³³

Mandatory training requirement

88. The Committee considered the proposal for people to undertake a mandatory online training course to demonstrate that they are able to use fireworks in an appropriate, safe and responsible manner. The Committee considered how the training is to be delivered, and whether it will assist in raising awareness of how to use fireworks safely and responsibly.
89. Elinor Findlay told us this would “involve a person” completing the training course “on the safe, appropriate and responsible use of fireworks in the three months preceding a licence application.”³⁴
90. Assistant Chief Officer Stuart Stevens of the SFRS said the “licensing element [of the Bill] encourages people to engage in some training in how to use fireworks, as well as making it slightly more challenging to buy fireworks and putting some control

around that process." ³⁵

91. Gilly Mendes Ferreira of the SSPCA highlighted the importance of education and that any training course would need to reflect the different ways that people learn, saying—
 - ” “The learning course that accompanies the licensing should certainly not be a tick-box exercise. It needs to have clear outcomes, and adaptations need to be in place to meet different people’s needs, taking into account the diversity in our population.” ³⁶
92. Rob Holland of the NASS supported a licensing scheme and training. He stressed the importance of educating people about the effects of the use of fireworks on autistic people, saying that “the vast majority of people just do not know about the impacts that fireworks, particularly their unauthorised use, have on autistic people.” ³⁷
93. Fraser Stevenson cited the proposal of the BFA that the Scottish Government, and other key partners, should work closely with the UK Office for Product Safety and Standards (OPSS) ³⁸ to utilise modern technology to educate the public on firework safety and responsibility. This could include putting QR codes on firework packaging that could facilitate consumers in watching firework safety videos. ³⁹

QR Code example

A QR code (quick response code) is a type of matrix barcode which is machine-readable, normally utilising a camera on a smartphone or other web-enabled device. It often contain data for a locator, identifier, or tracker that can direct the user to a website or application. The example cited here directs a smart device scanning the QR Code to open the PDF Summary Report of Online Digital Engagement undertaken on the Bill by the Parliament’s Participation and Communities Team.



Source: Criminal Justice Committee

94. Elinor Findlay confirmed that the operational detail of the online training course is to be set out in future regulations. These will cover the course content, including: how to use, store and dispose of fireworks safely; rules on where and when they can be used; and consideration in relation to their appropriate use. She added that the Scottish Government envisaged that the course will primarily be online, but that “consideration will be given to people who might not have internet access.” ⁴⁰

Licence fee

95. A fireworks licence will only be granted when any applicable fees have been received. The Policy Memorandum states that “a fee will be charged which covers the safety course and application process for a licence”.^x The Scottish Government states that the level of the fee is not intended to be “a barrier to users of fireworks”.
96. The level of the fee for applying for a licence is not yet known. It will be set through in secondary legislation after the Bill has been enacted. However, the Financial Memorandum includes cost modelling for the licensing scheme, which is based on fee levels set in the range of £20 to £50. The Scottish Government intends that this fee will be payable when a person submits an application for a licence, regardless of whether or not a licence is granted.
97. The Scottish Government proposes that a fireworks licence will be valid for a period of 5 years, unless it is revoked. This duration is to be set out in regulations after the Bill is enacted and can be amended by Ministers, if needed.
98. As part of the modelling, the Scottish Government considered the approach taken in Northern Ireland to fireworks licensing, where the fee is dependent on the size of the fireworks display the licence holder wishes to have. A separate licence is required for each intended use of fireworks, on a specified date and at a specified location. The fee for each licence in Northern Ireland ranges between £30 to £160 depending on the intended size of the group attending the display.^{xi}
99. Alasdair Hay explained that the FRG did not look in detail at how the licensing fee would work. Mr Hay said that the Group hoped that “people move away from having their own private fireworks displays” and “move towards attending organised public displays with all the right safety precautions in place.”⁴¹
100. David MacKenzie of the SCOTSS said that “raising some money through a licensing fee seems to be a reasonable approach”, but added that “more work is necessary” on the implications for retail supply, to create a system that is as good as it can be.⁴²
101. Fraser Stevenson cautioned that a fee would see fewer Scots acting in a “law-abiding” manner when it comes to sourcing fireworks. When pressed on whether he considered this to be a genuine risk, Mr Fraser told the Committee—

” “Absolutely. It is a risk. If law-abiding Scots are asked to pay £50 and sit an online course, they have three choices. Choice 1 is to do that. Choice 2 is not to buy fireworks any more. Choice 3 is to buy them from some guy who approaches them in the pub or from the back of a white van and says, “Here, I can get you fireworks and you don’t need to pay the 50 quid fee.”⁴³

^x The revenue from the fee is intended to cover the cost of processing application, issuing licences, maintaining the license IT database, monitoring existing license holders and prosecuting those who breach the law.

^{xi} In Northern Ireland, the fee is set according to the number of people attending the event. Under the Explosives (Fireworks) Regulations (Northern Ireland) 2002 the firework licence fees are set as: £30 not exceeding 100 attendees; £80 not exceeding 1,000; and £160 exceeding 1,000.

102. Several of the written submissions that the Committee received stated that charging a licence fee might have the unintended consequence of putting the reasonable enjoyment of fireworks beyond the reach of those who cannot afford it, especially in the context of the ongoing economic climate with increasing inflation and living costs.⁴⁴
103. Norman Donald of NJE Fireworks Displays cited what he saw as the inherent unfairness of charging a licensing fee and how it would disproportionately target the less well off in society. Mr Donald stated that “not everyone can afford a fee”, saying that some families come to his shop “to spend £30 on a small selection box because that is a once-a-year treat for their children. If you introduce a fee of £30, £50 or whatever, you could put that purchase out of their reach. There is no equality in that proposal whatsoever. It will create a class divide and punish people on low incomes, which is not fair.”⁴⁵
104. David Hamilton of the SPF told the Committee he did not believe a fee would price people out of using fireworks, as “given the cost of fireworks for a private display, I do not think that it is unreasonable to ask people to pay a fee. There are other options, such as public displays”.⁴⁶
105. The Minister told the Committee that she was “quite confident” a fee-based licensing system would drive positive culture change and that people would be willing to pay between £20 to £50 for a licence because “it works with other controlled goods”, where people in Scotland accept that paying a fee is appropriate and necessary. The Minister stressed that the key aspect in implementing a fireworks licensing system was to—
- ” “...make the scheme as simple as possible and not too expensive, so that people can apply for and get a licence quickly and easily. We need to ensure a level of awareness, so that people know that they must have a licence. We have to do really good work on our public campaigns so that we get that message out and people know what they have to do when the law changes.”⁴⁷

Consideration of the promotion of lower noise fireworks

106. The Committee heard evidence about the impact of the noise of fireworks on neurodiverse people, pets and other animals. The Committee considered whether the use of low noise fireworks could help to address those issues.
107. Rob Holland of the NASS indicated that the main concerns “stem from the sensitivities that some autistic people have to loud noise” and said that silent fireworks “would certainly make a difference.”⁴⁸
108. Lorraine Gillies of the SCSN also confirmed that “many of the problems around fireworks are to do with noise” and indicated that there is much more use of silent fireworks in European countries.⁴⁹
109. Gilly Mendes Ferreira of the SSPCA also identified the noise aspect as “the biggest problem for animals” but clarified that there needs to be more evidence on the pros and cons of the use of low-noise fireworks.⁵⁰

110. Responding to questions on the prevalence and availability of low noise fireworks in the market in Scotland, Fraser Stevenson of the BFA said—

” “Low-noise fireworks are widely available at the moment to consumers—that is a matter of choice. They are not a new development; they have been available for several years. The issue comes back to education and considerate use of fireworks. It might be that some sections of the general public do not know that they are available...”⁵¹

111. However, he cautioned that “being prescriptive and saying that people can use only that sort of firework will make another element of the general population ask where they can buy fireworks that are not low noise. They will be exposed to the whole gamut of online sales”. He also highlighted that, “in trying to solve one problem, you could inadvertently generate another that would be far worse than the one that you are trying to solve. We should educate the public. We should say to them that, outwith the normal seasonal periods of use, they should buy low-noise fireworks. Those are readily available.”⁵²

112. Norman Donald confirmed that low noise fireworks “cost roughly the same” as other fireworks, and stated that efforts must be made to “educate people so that they know that there are low-noise fireworks” available. He added, “People do not know that they exist. We offer that information when people come into the shop; we let people know that they can buy low-noise fireworks.”⁵³

113. Questioned as to whether the Scottish Government has examined whether low noise fireworks could be a way to mitigate the disturbance and noise pollution caused, the Minister told us—

” “We can all see that reduced-noise or silent fireworks, while not addressing misuse, would go a long way towards addressing concerns about noise disturbance. [...] We looked into that. Industry experts advised us that, at present, there is no recognised standard or specification to identify or distinguish lower-noise fireworks. I think that the industry might be working on that [...] It is an interesting development that could be beneficial. In an attempt to future proof the bill, we have put in the ability to update it. Should it become possible to identify and use low-noise fireworks, we will be able to update the bill on that accordingly.”⁵⁴

Administration of the licensing scheme

114. Licences are to be administrated and directly operated by Scottish Government staff, or under arrangements made by it, on a central IT-based register of applications and licence holders. The Minister and her officials confirmed that the reason behind this approach is to ensure there is “a national system and that there were no barriers with regard to people being able to purchase a licence in one local authority and use it in another.”⁵⁵

115. As stated previously, the Scottish Government proposes that a fireworks licence will be valid for a period of 5 years. This duration is to be set out in regulations. The Bill proposes that licences can be revoked when a licence holder breaches any

conditions of the licence or is convicted of a “relevant offence” under the Bill. ^{xii}The Bill also provides that the courts can cancel a person’s firework licence if they are convicted of a relevant offence.

116. The Committee heard that there are many unanswered questions about how the licensing system will be administered, which need to be worked through in detail, before a view could be given on how it will work and any impact.
117. Chief Inspector Robison questioned how convictions would be dealt with in the licensing system, both in terms of those applying for a license declaring relevant convictions and for those who receive a relevant conviction during the proposed 5-year period when their licence will be valid. ⁵⁶
118. Chief Inspector Robison also raised the issue of “potential risks such as fraud” and the need to ensure the licensing system is robustly designed. Police Scotland has still to come to a view on whether the system will involve manual input of data or whether it will be automated. She gave a commitment that Police Scotland will work collaboratively with the Scottish Government “to ensure that the system is fully robust and that it serves the purpose that we need it to.” ⁵⁷
119. David MacKenzie stated that the SCOTSS “are generally happy” with the licensing provisions in the Bill, describing them as “broadly feasible”. However, he added that there is a lot of work still to be done on the detail of how the licensing system will work and gave a commitment to contribute to that work. ⁵⁸
120. Mr MacKenzie stated that “we must design a system that is as good as it can be to avoid [fraud]. If businesses have to check that someone has a licence, we must ensure that there are robust systems in place to create a mechanism for that to happen”, such as the need for “certain specific photographic documents, such as passports and driving licences, to be produced.” ⁵⁹
121. On the issue of a person receiving a relevant conviction within the 5 year period of their licence, Mr MacKenzie suggested that the Bill could “contain robust provisions to take appropriate account of things that happen, such as people gathering convictions.” ⁶⁰
122. Julie Whitelaw, interim Head of Housing, Customer and Building Services at West Lothian Council agreed that the mechanics of the licensing process need to be clarified. Ms Whitelaw stated that, “All licensing processes include a requirement to notify the local authority or the licensing authority when a relevant conviction occurs. That will need to be part of the process. There will need to be confidence in that being sufficient to manage any circumstances that occur in the five years”. ⁶¹
123. Fraser Stevenson questioned how retailers will be expected to verify and carry out checks that people have undertaken an online course and paid the required fee for a licence. Mr Stevenson said there is a risk that retailers will choose not to sell fireworks. ⁶²

^{xii} This includes offences set out in the Bill, and existing offences under the Fireworks Act 2003, the Pyrotechnic Articles (Safety) Regulations 2015, the Explosives Substances Act 1883, the Explosives Act 1875 and other legislation.

124. Elinor Findlay of the Scottish Government’s Bill Team said that the licensing IT system “will need to be aligned with Police Scotland’s system, because it will have to have real-time information and data on licence holders in order to enforce the relevant offences”.⁶³
125. Ms Findlay also told us that the Government “will consider options including commercial suppliers and third sector organisations such as the Royal Society for the Prevention of Accidents, which produces the firework code, as well as other organisations” when designing the licensing system.⁶⁴

Public engagement and communication

126. It is critically important that the public are sufficiently well informed about the new licensing system and how they will need to interact with it should they wish to acquire and use category F2 and F3 fireworks.
127. COSLA stressed this point in their written submission, saying that “it is critical that adequate awareness raising and messaging is developed to make the public aware of the new licensing system as well as the new restrictions.”⁶⁵
128. Chief Inspector Robison highlighted the fact that a detailed and collaborative development process for the licensing system, coupled with a sufficient public communications and information programme, would be required to make the licensing system a success.⁶⁶

Conclusions and recommendations

On the proposed licensing provisions

129. **Conclusion: The Committee supports the general premise that steps need to be taken to address the misuse of fireworks and pyrotechnic devices. However, the Committee has reservations that the licensing scheme as currently proposed will work in practice. This is exacerbated by the fact that the details about how the system will work are to follow in subordinate legislation. The evidence we have heard points to some key areas which still need to be addressed.**
130. **Conclusion: Based on the limited amount of evidence we have received in the time available to scrutinise this Bill, the Committee is concerned about the lack of detail available at this stage on the licensing scheme and on current evidence is, therefore, not convinced that the proposed licensing system will achieve the outcomes which the Scottish Government intends.**
131. **The Scottish Government must work to resolve the significant questions which have been raised about the workability of the proposed licensing scheme. This will be central to avoiding the worst of any unintended consequences, especially around the risk of a growth of any black market.**

These issues need to be resolved before Stage 3 of this Bill, or at least a clear indication is required from the Scottish Government on how these issues will be addressed in any further consultation on the licensing provisions in this Bill. And the Scottish Government must set out concrete proposals on how the licensing system will work as well as addressing how they will prevent the potential growth of a black market.

On a mandatory training requirement

132. **Conclusion: The Committee notes the commitment given by the Scottish Government to consider a range of ways to provide training to ensure those who do not have internet access are able to meet the mandatory training requirement. The training system should also facilitate those with other communications needs, for example those for whom English is not a first language, Gaelic and BSL speakers and those with visual impairments etc.**

133. **The Committee recommends the Scottish Government ensure the development of the contents of the training system is stakeholder led and informed. This would ensure it includes information on the impact that the noise of fireworks can have on vulnerable groups, such as people with sensory issues (like autism), or suffers of trauma or PTSD (like military veterans), as well as the impact on pets, livestock and wildlife.**

On a licence fee

134. **Conclusion: The Committee notes the commitment by the Minister to ensure the fee for the licensing scheme is not too expensive to ensure that people can get a licence quickly and easily. In her view, any fee should not prohibit people from accessing fireworks for responsible enjoyment. The Committee would support this goal. The Scottish Government need to make sure that the proposed fee is not a barrier to applying.**

On lower noise fireworks

135. **Conclusion: The Committee notes the Minister's commitment to keep the provision of the Bill under review in light of the potential for the ongoing development of lower-noise fireworks.**

136. **In the meantime, we recommend that the Scottish Government works with the fireworks industry to educate the public to the availability of lower noise fireworks. This could be through an improved communications and a public information campaign. The Scottish Government may also wish to include information on the availability of lower noise fireworks as part of the online training course members of the public will have to undertake in advance of applying for a fireworks license.**

137. **We ask the Scottish Government work collaboratively with the fireworks industry, and the relevant UK standards and regulatory authorities, on any standard or specification to identify or distinguish lower-noise fireworks.**

On the administration of the licensing scheme

138. **Conclusion: The Committee heard many questions about the administration of the licensing scheme. The Committee welcomes the commitment from those who gave evidence to work with the Scottish Government to design a workable scheme and calls on the Government to ensure that all stakeholders are involved in this process.**

139. **Nevertheless, the licensing system will need careful consultation, design, implementation and testing. The Scottish Government must take the necessary time to ensure the system is robust and user friendly, before it goes live, so that it is credible. Options such as pilot schemes or grace periods could be considered.**

140. **Furthermore, the application and licensing system needs to interact with the IT systems of relevant organisations where appropriate, such as the Police Service and local authorities. This needs to be in place before a licensing system is introduced. More detail is needed from the Scottish Government on the plan to ensure these different systems work together.**

Part 3: Restrictions on supply and use of fireworks and pyrotechnic articles

Background

141. Part 3 of the Bill deals with restrictions on the supply and use of fireworks and pyrotechnic articles. There are four sections in this Part of the Bill (sections 21 – 24).
142. We have already considered Section 21 in Part 3 of the Bill which sets out a prohibition on providing fireworks or pyrotechnic articles to person under the age of 18 in [paragraphs 49 to 67](#) above. In this section of our report, we consider sections 22, 23 and 24 of the Bill.

Intention of Part 3 of the Bill

143. Sections 22 and 23 apply to category F2 and F3 fireworks only and include provisions for restrictions on the supply and use of these fireworks in Scotland.

144. Section 22 restricts the number of days each year when category F2 and F3 fireworks can be supplied in Scotland. It builds on current legislation restricting the days, and hours of the day, during which category F2 and F3 fireworks may be sold by unlicensed suppliers.
145. Section 22 provides that the supply of fireworks is only permitted on the following 37 days (inclusive of the first and last day specified)-
- 7 April to 14 April;
 - 27 October to 10 November;
 - 26 December to 31 December;
 - the first day of Chinese New Year and the 3 days immediately preceding it;
 - the first day of Diwali and the 3 days immediately preceding it.
146. The Scottish Government undertook discussions with faith groups to ensure that important festivals or events which may traditionally include the use of fireworks are provided for. This included the Hindu festival of Diwali, (which falls between mid-October and mid-November annually), and the Sikh festival of Vaisakhi (which takes place on 13 April annually, although it is typically celebrated on the preceding Sunday).
147. Section 23 restricts the number of days when category F2 and F3 fireworks can be lawfully used in Scotland. Currently, people can use these types of fireworks all year round, as long as they are used in a lawful manner and between the hours currently allowed for in statutory regulations.^{xiii} Section 23 will reduce this use to 57 specified days a year. The restricted dates for the use of fireworks generally coincide with the restricted dates for supply of fireworks.

Consideration given to introducing a ban on the purchase and use of fireworks

148. The Committee received evidence about whether the Bill should include a total ban on the sale and use of fireworks by members of the public, as opposed to proposing restrictions on the dates of supply and use.
149. Alasdair Hay explained that the FRG's recommended a licencing system and not a total ban on the public use of category F2 and F3 fireworks "given the risk of unintended consequences."⁶⁷

^{xiii} Policy Memorandum (para 26): The [Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/pmaccessible.pdf) currently restricts the times of day fireworks can be used by the general public in Scotland to between 6 p.m. and 11 p.m. each day, with the exception of 5 November (when they can be used from 6 p.m. until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 6 p.m. until 1 a.m.): <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/pmaccessible.pdf>

150. Mr Hay acknowledged that there is a lack of analysis and evidence available on the impact of a licensing scheme or an outright ban. He explained that the recommendations were arrived at by gathering together the available data which included commissioning work to gather evidence from countries that have strengthened their legislation. He highlighted that, “Some of the evidence from countries that had banned fireworks brought forward more about the unintended consequences, such as a black market being created.”⁶⁸
151. Gilly Mendes Ferreira of the SSPCA, told the Committee that she “would be concerned about pushing for a full ban at this stage, before there has been research on the unintended consequences.”⁶⁹
152. Rob Holland of the NASS, was not in favour of a ban on organised fireworks events, as “we recognise their cultural, religious and celebratory significance.”⁷⁰
153. Chief Inspector Nicola Robison of Police Scotland agreed, stating that Police Scotland would not welcome an outright ban on fireworks.⁷¹
154. Citing what he saw as the failure of a fireworks ban to achieve its objectives, such as protecting the public from serious injury, or preventing dangerous fireworks such as bangers being widely available, Fraser Stevenson of the BFA referred to the experience in Ireland, saying—
- ” “...The Republic of Ireland is 15 years into a total fireworks ban, and people there are still doing education in schools to teach about the dangers of bangers—a product that was banned in the UK more than 20 years ago [...] Fortunately, we do not see those products on the [UK] market, but they are available in the Republic of Ireland.”⁷²
155. The Minister explained that the Scottish Government’s approach of introducing some restrictions on the purchase and use of fireworks through a licensing scheme is a proportionate response which meets the desire for people to be able to buy fireworks and use them responsibly, as well as providing tighter controls so that people can continue to use them safely.
156. The Minister clarified that the Scottish Government is not able to introduce a ban on fireworks, saying that: “Under the devolution settlement, Scotland does not have the power to do that, so that is a legal reason why we did not go down that route”.⁷³

Balancing the impact of restrictions on the culture of acquiring fireworks

157. Alastair Hay spoke of the consideration given by the FRG to the issue of restricting the current level of supply of fireworks to the public, and the need to balance reasonable access to fireworks against the desire to foster a culture of greater responsibility—
- ” “I feel that the bill strikes the right balance. The periods of time when the sale of fireworks will be allowed respect the existing traditions. There is an element of equality, diversity and inclusion, because the bill respects other cultures.”⁷⁴

158. He explained that—

” “if the periods of the year during which fireworks can be sold were not restricted, it is more likely that fireworks could be a surprise, which could exacerbate disturbance and harm. The major thinking behind the restrictions on times was to allow the wider community to understand when they need to take on an element of responsibility so that the use of fireworks can be enjoyed appropriately.” ⁷⁵

159. Many of the written submissions that the Committee received from members of the public expressed concerns about the range of dates when people could lawfully buy and use category F2 and F3 fireworks. Common views expressed were that these were either too broad or too confusing. Some respondents felt that the dates were too restrictive, impacted on peoples’ freedom to use fireworks responsibly and punished the majority for the actions of the few. ⁷⁶

160. The majority of respondents to our digital engagement on the Bill who supported the restriction on periods of sale and use of fireworks cited benefits such as: helping to minimise the opportunities for fireworks to cause harm; allowing people impacted by fireworks to plan ahead; and mandating greater enforcement of the rules by local authorities etc. by providing a schedule to plan around. ⁷⁷

161. Those opposed to the restrictions cited reasons such as concerns about an overreach on personal freedoms. We also heard views that the existing law is sufficient to deal with this issue, there should be more of a focus on production of low noise fireworks, and a concern about the economic impact on businesses of the restrictions. ⁷⁸

162. Lorraine Gillies of the SCSN raised the difficulty of getting the balance “completely right”, but an attempt at putting dates and times in the Bill “is an attempt to bring some order to what can be quite chaotic”. Ms Gillie told us that fireworks—

” “can go off at any time of the day or night, in any week of any month of the year. We have moved into constant firework alert mode, particularly for animals and disabled people. My view is that the restrictions will help with resource planning and with at least trying to identify and deploy resources at the right time, in the right places.” ⁷⁹

163. On the need to protect vulnerable groups, Rob Holland said the NASS is “particularly concerned about the unpredictable use of fireworks”. He explained that “a lot of individuals or families go out of their way to create a safe, structured day and, when it is interrupted by that type [firework noise], it can be hugely distressing.” ⁸⁰

164. Julie Whitelaw of West Lothian Council supported a nationwide approach on issues such as restrictions on the sale and use of fireworks as, in her view, this would promote a uniformity of approach. This is especially so for firework use which may have an impact across multiple local authority areas. However, Ms Whitelaw added that a degree of flexibility to facilitate appropriate local events would be welcome, within clearly defined criteria, “to allow exemptions to be applied, for example on gala days or for other social events”. ⁸¹

165. On the impact on individual freedoms, Andy Hubble of the BPA said that “restricting the days when fireworks can be used would have... an impact ... with people being told that they could celebrate with fireworks only on certain days of the year.” He pointed out that—

” “If someone had a wedding or a birthday party, if a company had a special celebration or if a school was having a gala prom—whatever it was—we would be putting in place limits and saying that fireworks could no longer be used at those events unless a professional fireworks display company was used.”⁸²

166. The Minister responded by saying the Bill creates a fair balance between seeking to restrict the supply and use of fireworks by individuals whilst respecting the right of the public to enjoy fireworks. Asked for a view on whether allowing the public to have professionally-organised fireworks displays all year round if they wish to pay for them, but restricting individual use created a “class division in relation to fireworks”, the Minister told us that—

” “On balance, taking all the provisions across the bill, I think that it achieves the aim of being fair and proportionate [...] I would say that there is quite adequate provision across the year for people to use fireworks, but I completely accept your point that that might not align with an individual’s desire to use fireworks on a day when, if the Parliament agrees to the bill, they would not be able to do so. However, I think that there is enough flexibility in the bill to allow the use of fireworks—for example, through public displays”.⁸³

Risk of people sourcing fireworks online

167. Fraser Stevenson warned that the restriction of supply would see the end of the small number of licensed all-year-round fireworks retailers and would result in people turning to online sales to get fireworks, with all the associated risks that entails. He said—

” “[The BFA] identified that there would be about 12 all-year licensed retailers in Scotland. [Restriction of dates of supply] would obviously kill the market dead, but it would not solve the problem. We keep coming back to that. Instead of Scots being able to go to a local licensed retailer, they would go online and buy fireworks from someone in England, Poland, Holland, Germany or the Czech Republic and get them sent over, and the implications of that are far greater. That does happen. I could go online, take you to a website, buy an illegal product and it would be here in a week.”⁸⁴

168. Andy Hubble warned the growth of online purchasing of fireworks could see an increase in dangerous fireworks which are currently all but eliminated from the British retail market, becoming common again, such as “bangers that you can light, ...that have an impact-sensitive initiator on them”. Recently, he said, some of these “have found their way into the UK—they are for sale online.”. He warned that restricting the days of supply from licensed suppliers will just see online sales “spiral.”⁸⁵

169. David MacKenzie spoke of the work the SCOTSS undertake with the police service

and the customs authorities on the commercial import of products such as fireworks “to which there is a high safety consideration” and how the safety of firework products is a “top priority” for trading standards.⁸⁶ In relation to online sales of fireworks he told us that the SCOTSS, Police Scotland and customs authorities are—

” “...doing some work on the provisions that have already come in on fireworks, in relation to their being supplied to Scottish consumers by businesses elsewhere in the United Kingdom. Given that a lot of the wording around offences in the existing legislation and in the bill involves the use of the word “supply”, it seems fairly clear to us that there is a locus in Scotland for the sale of a product that has come from somewhere else in the UK—in other words, a product that a consumer has bought online and that is supplied to their house or wherever. We think that that is probably covered by the legislation, and we have discussed with colleagues in England and Wales the possibility of their engaging with businesses that are local to them that sell fireworks.”⁸⁷

170. Commenting on these risks, Elinor Findlay of the Scottish Government Bill Team addressed the concerns around the legitimate sale of legal firework products online, saying—

” “Someone could go online, order the products from a country outside Scotland, and have them delivered. Again, when it comes to what is outlined in the bill, if any part of that supply takes place in Scotland, including for example the delivery of firework products, suppliers will be required to check the licence status of the individual who is receiving the firework product. It is anticipated that that would work in a similar way to arrangements for other age-restricted products. It is probably helpful for me to say at this point that it is illegal to send a firework product through the normal postal system. All delivery of fireworks needs to be done through a special courier system, and they need to be clearly marked as explosives.”⁸⁸

171. Referring to the risk of online purchases of firework products which are currently illegal in the UK, Ms Findlay continued—

” “...the purchase of fireworks will continue to be subject to existing legislation and enforcement routes through trading standards, the police and the courts. The importation of dangerous goods obviously includes fireworks, and that is a matter for the UK Government, as well as for the Health and Safety Executive. People self-importing fireworks into the country would substantively come under the remit of Border Force.”⁸⁹

Stockpiling

172. Assistant Chief Officer Stevens spoke of some of the SFRS’s concerns about the risk of stockpiling, saying his concern about the dates set out in the Bill are “about the potential for people to stockpile or store fireworks between the periods when they can be purchased”. He said adequate detail in the licensing, purchasing and selling process will be needed to make sure that that does not take place.⁹⁰

173. Chief Inspector Robison also expressed some concern over the risk of stockpiling by members of the public looking to circumvent the restrictions on the supply of fireworks, saying—
- ” “That is an issue that we identified in relation to paragraphs 25 and 26 of schedule 1, which cover the supply of fireworks by businesses in Scotland to addresses outwith Scotland. The Policy Memorandum might refer to enforcement of the existing provisions on the importation of goods, but the point that you make is worthy of note. We would work in collaboration with our trading standards colleagues in that regard.”⁹¹
174. Fraser Stevenson expressed a fear that restrictions on the sale and use of fireworks will inevitably lead to a risk of stockpiling, because many people will wish to use fireworks for reasons and events which do not align with the dates proposed in the Bill. He told us that—
- ” “...people will say, “I have a birthday in May, so I’ll buy fireworks in November or December and keep them in the house until May.” There is a question about the sourcing of the product, as there will be people who decide to stockpile. There might well also be people who decide to stockpile for the purpose of reselling.”⁹²
175. The Minister explained that the Government had “looked into the issue of stockpiling” and “do not want stockpiling to happen” because of “the inherent dangers of storing large amounts of explosives if it is not done correctly”. The Minister went on to say that the—
- ” “...permitted days of use extend slightly beyond when fireworks can be supplied. That has been done because we want to avoid a situation in which, say, someone buys fireworks at the very end of the supply period—for example, because they are planning to have a fireworks event in their garden—but they cannot use them because the weather is appalling or something else happens. We do not want them to store the fireworks until the next period during which they can use them.”⁹³
176. Referring to the short period at New Year during which people can currently use fireworks, the Minister said “we do not see much stockpiling in that case.” Ms Regan added that “there does not seem to be an awful lot of evidence that stockpiling might be a problem, but we want to keep an eye on it.”⁹⁴

Possible discriminatory effect

177. The need to accommodate certain religious and cultural festivals, especially for minority communities in Scotland, has been cited as one of the criteria the Minister has used in deciding the specified dates where people are allowed to supply and use fireworks. Indeed, the majority of the dates are linked to the celebration of a religious or cultural event or festival.
178. This raises the question of a possible discriminatory effect, if the law seeks to restrict the ability of the general public to purchase fireworks in the marketplace based on this criterion. This, in turn, may lead to the prospect of litigation.

179. Commenting on this Alastair Hay said the FRG—

” “...tried to make it very clear in the report that we understand that we live in a multicultural country, and that respect for the traditions of all should be foremost in the thoughts of anybody who takes forward the recommendations. If, inadvertently, people who would use fireworks as part of their tradition have been excluded, the right way forward would be to do a proper impact assessment to make sure that all aspects of equality, diversity and inclusion are taken into consideration.”⁹⁵

180. The Minister told us that the Government has “consulted all the faith groups”, and—

” “feel that we captured all the dates that have religious significance and on which fireworks are traditionally used as part of the celebrations. The days that we have set out broadly align with the existing dates. We are quite confident that that does not fall foul of any legislation.”⁹⁶

181. Natalie Stewart, Scottish Government solicitor, also confirmed that there is an order making power in the Bill which will allow Ministers to add to or amend the dates on restriction of supply or use, if considered necessary.⁹⁷

Storage

182. In his evidence, David MacKenzie set out the role of trading standards officers in terms of the regulation of licensed fireworks storage retailers. He said—

” “Among the wide range of legislation that trading standards teams enforce locally is legislation that covers, for example, the safe storage of fireworks, the prohibition on sales to underage buyers and so on, and the new proposals add to that.”⁹⁸

183. Assistant Chief Officer Stuart Stevens said that the Bill had implications for the resources of the SFRS in terms of licensed firework storage. Mr Stevens said that his “fire safety enforcement officers have to carry out, under existing legislation, fire safety enforcement and audits” over the period that fireworks are available. He added that SFRS officers “have to divert from [inspecting] care homes, for example, to doing shops that sell fireworks to make sure that they are complying with the legislation.” This, he said, was “not an appropriate use of [SFRS] resources”, so “having a finite period” of dates “when fireworks are available will allow [the SFRS] to do better resource management.”⁹⁹

184. Fraser Stevenson of the BFA highlighted the problems the restrictions on use will cause for firework retailers in terms of their role as licensed regulated storage agents of firework products. He said—

” “Our concern is that the periods of use provisions will have unintended consequences. I saw the Scottish Fire and Rescue Service’s evidence that restricted periods of use would mean that there would be no fireworks in shops outwith those periods, but that is not the way in which the fireworks storage licence works. It is an annual licence, which means that the retailer has to store fireworks in appropriate conditions all year round. You can turn around and say, “You can’t use fireworks between date A and date B”, but there is no magic wand that will then remove every firework from every retailer in Scotland. It just will not happen. That is not the way in which the system has developed over the past 20 or 30 years—or, in fact, over the past 150 years, if you take the 1875 act into account.”¹⁰⁰

Compensation for businesses and impact of restrictions on commercial licensed firework storage

185. Section 24 relates to the restriction on the days of supply in section 22, in that it provides for potential compensation to be paid to specialist firework businesses whose commercial activities are impacted by the restriction on the days of supply.
186. Speaking about the expected impact of the Bill on his business, Norman Donald of NJE Fireworks Displays told us that “If the bill goes ahead, my family business, which sells fireworks all year round, will have to close down.”¹⁰¹
187. Fraser Stevenson was equally forthright on the subject of compensation and what the BFA understood about the proposals in the Bill, saying that the BFA “had no information on any proposed compensation or how it would be judged or assessed. We have had nothing.”¹⁰²
188. David MacKenzie spoke of the need to recognise the impact the restriction of supply would have on licensed fireworks retailers, saying that SCOTSS was “aware of the need to balance the legitimate interests of business with the legitimate interests of consumers, particularly in relation to safety, given the topic”. The banning of sales outwith particular days, he said “will have a significant effect on businesses that sell fireworks all year round” urging “that the legitimate interests of such businesses should be taken into account.”¹⁰³
189. Setting out the Scottish Government’s position on the number of businesses impacted by the provisions in the Bill and the possibility of a compensation scheme, the Minister told us—

” “On businesses, about 650 retailers supply fireworks to the public, I think, most of which do so on a seasonal or temporary basis. They supply them at the typical times of year, as you might expect: around bonfire season and new year. The provisions in the bill broadly align with that. A small number of businesses—nine, I think—sell fireworks all year round, and another business sells and also imports them, which takes us up to 10 [...] Those 10 business have a different licence to sell. Clearly, the provisions on supply that are contained in the bill will potentially have an impact on those businesses. We have said, therefore, that when we are able to receive evidence on the type of effect that the bill has had on those businesses, we will develop a compensation scheme for them to ensure that they will not suffer in that way”.

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Conclusions and recommendations

Overall conclusions and recommendations on the restriction of fireworks and pyrotechnic articles

190. The Committee notes that, under Section 4 of the Bill, it will become an offence for a person, without reasonable excuse, to purchase, acquire, possess or use a Category F2 or Category F3 firework without having a fireworks licence. A person who commits an offence under subsection 4(1) of the Bill 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).
 191. **Conclusion: The Committee acknowledges that some of the evidence we heard expressed appreciation that the Bill would provide greater certainty on dates on which fireworks can be used legally. This helps the public plan ahead and apply for a licence in good time. However, it may also lead to people stockpiling fireworks in their homes, which raises safety concerns.**
 192. **Conclusion: There are concerns that the restricted dates set out in the Bill, for both the purchasing of fireworks and the use of fireworks, may force individuals to seek fireworks from illicit sources (supplied in a way that is not permitted) or illegal sources (i.e. the black market). This may risk an increase in the availability of illegal or sub-standard fireworks being available in Scotland, with the associated risk of more serious injuries to the public.**
 193. **Conclusion: The Scottish Government must also address how restrictions on dates of sales will impact retailers who hold an annual fireworks storage licence. If retailers decide the sale of such products is no longer commercially viable, then we run the risk of people acquire fireworks from other sources (e.g. online sales).**
194. **The Scottish Government should consider that the illegal acquisition of fireworks and pyrotechnics may occur. Furthermore, it is unclear how current legal online purchases will work across the UK. This is a potential risk which the Scottish Government should work to mitigate as it will**

invalidate the policy intention of the legislation whilst also allowing an increase in unregulated fireworks coming into Scotland.

195. The Scottish Government must report back to the Parliament, before Stage 3, on how these matters will be addressed.

On balancing the impact of restrictions on the culture of acquiring fireworks

196. The Committee notes that once the Bill is enacted, people over 18 years of age who have first purchased and been granted a license under Part 2 of the Bill, will only be able to legally buy category F2 and F3 on the 37 days of the year set out in Part 3. They will then only be able to use those fireworks on the 57 days of the year set out in Part 3 (to provide some leeway so as to allow use of purchased fireworks for a limited time after the date in question).

On the risk of people sourcing fireworks online

197. The Committee notes the concerns of various witnesses that the restrictions on the dates and times of supply and use of fireworks may contribute to more people sourcing both legal and illegal fireworks online, either from elsewhere in the UK, or from abroad.

198. Conclusion: Based on the limited evidence we have been able to consider; the Committee is not in a position to judge the potential likelihood of this occurring. However, given the major changes that the Bill will make to the availability of supply in terms of restricted dates, it is valid to highlight this as a potential risk which the Scottish Government must work to mitigate.

199. The Scottish Government must set out how it plans to liaise with the major retail outlets in Scotland on whether they will continue to sell fireworks for sale on the permitted days. If they do not, because it is no longer commercially viable, then there is a more severe risk that people will attempt to source fireworks elsewhere. The Scottish Government must report back to the Parliament, before Stage 3 on their discussions with major retail outlets stating what their view is on how this Bill will impact the viability of selling fireworks and how the risk of online purchasing will be addressed as a result of these discussions.

200. Furthermore, we would expect the Scottish Government's public communications and education strategy on the provisions in the Bill, and any online training course for a fireworks license application, to educate the public on these issues. This should include awareness of the legal requirements, penalties and risks of purchasing an explosive material - such as fireworks - online, and having them delivered to the purchaser via a courier or mail delivery service.

On stockpiling

201. **Conclusion: The Committee is not in a position to judge the possible scale of the risk of stockpiling of fireworks, given the limited evidence we have been able to consider to date. We are of the view, however, that it is a real risk. However, we note that there are existing strict legal safety requirements for the storage of fireworks, as an explosive product.**

202. **As such, the Scottish Government must ensure that the public are fully educated on this as part of the implementation of the Bill. Furthermore, we ask that the Scottish Government reports back to the Committee on how the existing law on fireworks would deter stockpiling following the introduction of the restrictions on their supply and use.**

On possible discriminatory effect

203. The Committee notes the concerns raised in evidence that the restricted dates set out in the Bill may be seen as discriminatory to some other minority communities by providing specifically for certain dates which are important to certain faith communities, but not to others. The Scottish Government has stated that the dates set out for supply and use of fireworks have been selected, in part, based on consultation with certain faith and cultural communities on dates specific to them. With the exception on Hogmanay, all of the other specified dates for supply and use of category F2 and F3 relate to the celebration of a religious or cultural festival or historical event.

204. **Some of the evidence we heard called for a degree of local flexibility to be granted to local authorities to vary the dates on which category F2 and F3 fireworks can be used by individuals, on a case-by-case basis. This could accommodate local needs (such as traditional festivals, local celebrations around sporting successes, or national holidays of communities from other nations etc.). Not to provide such local flexibility may inadvertently encourage illegal use of fireworks on specific days by those who cannot afford to hire a professional fireworks display company to provide a display. However, local flexibility has the potential to increase permitted use of fireworks in certain local areas and may confuse the public. Whilst the Committee does not take a view on this, we ask the Scottish Government to consider whether providing such a flexibility in the Bill would be desirable or not.**

205. **We also note that the Bill contains an order making power for Scottish Ministers to make changes to the list of permitted dates. We recommend that the Scottish Government uses this power appropriately if a strong case can be made about a religious or cultural event that is not currently covered by the permitted dates.**

On compensation for businesses and impact of restrictions on commercial licensed firework storage

206. **Conclusion: While fireworks sales will, most likely, represent only a small percentage of the turnover of major retail businesses such as supermarkets, it is clear that for the small number of specialist firework retailers, the restrictions on the dates of supply are likely to have a profound impact on the viability of their businesses.**
207. **Conclusion: We note the Ministers comments that when the Scottish Government is “able to receive evidence on the type of effect that the bill has had on those businesses” it will develop a compensation scheme.**
208. **Whilst this is to be welcomed, the Scottish Government must commence work with the fireworks retail industry as soon as the Bill is enacted, and before the relevant provisions of Part 3 comes into force, so as to lay the groundwork for a mechanism by which those retailers can assess the likely impact to their business and seek compensation.**
209. **Furthermore, the Scottish Government must set out how the restrictions on dates of sales will impact the annual fireworks storage license of those retailers.**

Part 4: Firework Control Zones

Background

210. The FRG recommended that “A provision should be made for no fireworks areas/zones to be introduced where it is not possible for fireworks to be set off, with local communities having a key role in influencing this”. It said, local authorities should have the power to introduce these areas/zones, indicating that this reflected case studies from Berlin and Munich where authorities have reflected positively on the introduction of firework free zones for New Year’s Eve.¹⁰⁵
211. Of the responses to the Scottish Government’s public consultation on the FRG’s recommendation, 83% agreed that this should be provided for. Also, 69% were in favour of local authorities being responsible for what were then referred to as ‘no-firework areas/zones’.
212. Of the just over 1000 people who responded to the Committee’s digital engagement on the Bill, 75% expressed general support for the establishment of ‘firework control zones’.¹⁰⁶

The purpose of a firework control zone

213. Part 4 of the Bill provides local authorities with the power to designate a place or places within its area as a Firework Control Zone (“a control zone”), in which the use of fireworks is restricted, including the use of fireworks on private land. Note

that this is not the same as a zone where there is no firework use at all.

214. It applies to the use of category F2, F3 and F4 fireworks and includes a provision for Scottish Ministers to add, remove or amend categories, types, classifications or descriptions of fireworks to which a control zone relates by regulation.
215. The Scottish Government states that, following its public consultation, the term ‘no-firework area’ was changed to ‘firework control zone’ to more accurately reflect that this will not result in a blanket ban on fireworks within the area given that certain types of firework displays will still be permitted. It states that the purpose of control zones is to-
- Reduce the use of fireworks in particular areas, where this is occurring in an unpredictable way and impacting on communities.
 - Reduce the use of fireworks overall within any specified area(s) and therefore the associated noise and disturbance.”¹⁰⁷
216. The Scottish Government has stated that its intention is that the provisions for firework control zones should come into force from late 2023 at the earliest.¹⁰⁸

A ‘firework control zone’ or a ‘no-fireworks zone’

217. In the Scottish Government’s 2021 consultation on what should be included in the Bill, it sought views on the proposal for ‘No-Firework Areas/Zones’, where it would not be permissible for fireworks to be used.
218. However, even then, certain groups – such as professional organisers or operators of firework displays; organisers of public fireworks displays; regulatory authorities; and businesses engaged in the supply of fireworks - would have an exemption under the Bill to use category F2, F3 and F4 fireworks within a zone.^{xiv}
219. The SFRS said that firework control zones may be beneficial to communities which have experienced anti-social behaviour due to fireworks misuse, as well as vulnerable groups, such as animal rescue centres or residential home for veterans, who are adversely impacted by fireworks use.¹⁰⁹
220. The SSPCA expresses a concern at the exemptions provided for and asks for “year round restrictions on the use of fireworks in areas where humans or animals may suffer with no exemptions”.¹¹⁰
221. Gilly Mendes Ferreira said the SSPCA are supportive of control zones, as they could reduce the unpredictability of fireworks use, and “would give us the opportunity to safeguard the welfare of the animals in our care”. She added that the SSPCA’s largest care centre at Cardonald in Glasgow “should come under a firework control zone”.¹¹¹

^{xiv} Schedule 1, section 12 of the Bill includes an exemption for a professional organiser or operator of fireworks displays for putting on a fireworks display for the person’s employer or in the course of the person’s business (as the case may be) in a designated fireworks control zone. This would be for the use of category F2, F3 and F4 fireworks.

222. The NASS said that the creation of “controlled zones for firework/pyrotechnic prohibition” would enjoy great support from the public at-large, and certainly from autistic people and families, due to the “security of knowing that your neighbourhood is within such a Zone”. It should also “afford households greater access to legal recourse when these restrictions are violated.” ¹¹²
223. Rob Holland of the NASS, told the Committee of the benefits of no-firework zones for people with autism, and others with sensory sensitivities. He highlighted the confusion which would be caused by exemptions in the Bill which would allow the use of fireworks in firework control zones-
- ” “If families were able to make the decision to live in an area where there was a no-fireworks guarantee—as far as is possible—I have no doubt that some families would take that initiative. People might assume that there would be no fireworks in a firework control zone, but it is my understanding that there still might be fireworks within those zones. That could create confusion, which could in turn lead to families having to deal with added unpredictability about when fireworks would be used.” ¹¹³
224. The Minister explained that the desire to “reduce the use of fireworks in particular areas where they are impacting on people because of their prolonged and unpredictable nature” was the rationale behind the provision of firework control zones. She added that they also provide local authorities control over where fireworks are used within their areas. ¹¹⁴
225. The Minister confirmed that “public displays could still take place in the areas, and community groups could still put on displays within a control zone”. Ms Regan added that the intention is also to address the impact of fireworks “near care homes, older people’s homes, shelters for animals”. She acknowledged that it was a difficult balance to strike and indicated that she is “interested to hear the committee’s view” on this issue. ¹¹⁵

Designation of a firework control zone

226. The Bill provides local authorities with the power to designate a place, or places, within their geographical area as a control zone. They can amend these zones, including the period of time they are in force, or stipulate that zones would only be in force on certain days, and not on others.
227. Local authorities must consult people who live or work in, or near, the proposed control zone, and other persons or bodies that the zone may affect. Zones will be able to take account of local circumstances, such as vulnerable populations, concerns about disorder and anti-social behaviour. ¹¹⁶
228. The SSPCA stated that local communities must be actively involved in considering the feasibility and introduction of control zones in their area. They also recommended that local authorities evaluate the impact of fireworks on animal health and welfare as part of the criteria for consideration of designation of an area for a control zone. National Guidance on zones should ensure consistent application by councils across Scotland. ¹¹⁷

229. The SCOTSS raised issues with certain duties being the responsibility of the local authority, rather than the local weights and measures authority who SCOTSS represents, as it is trading standards officers who will enforce the restrictions on supply of fireworks under Part 3 of the Bill.
230. The SCOTSS also called for clear guidance concerning which specific local authority department should have the duty to establish control zones, and enforce restrictions on them. To ensure a consistent approach, the SCOTSS said decision about control zones should be made by the elected members of a local authority, and that the duty to administer and operate them should be assigned to each local authority's licensing teams, "with little if any role for Trading Standards".¹¹⁸
231. Fraser Stevenson "questioned the logic" behind the proposals for firework control zones, pointing out it has been illegal in the UK to discharge a firework in public spaces since the introduction of the Explosives Act 1875. The BFA states that the problem is that the existing legal restrictions are not being fully implemented. Citing firework related anti-social behaviour previously reported^{xv} in Pollokshields in Glasgow, Mr Stevenson said—
- ” “There is no need for a firework control zone in Pollokshields because what is happening is already illegal. How can you make something [which is already] illegal more illegal? That is what confuses us.”¹¹⁹
232. In their written evidence, the British Pyrotechnists Association (BPA) describe the introduction of control zones as "the correct approach", as it does not restrict the type of displays which will be possible and would permit the BPA's members to fire professional fired fireworks displays using any category of firework.¹²⁰

Impact on the misuse of fireworks and anti-social behaviour

233. The question of whether control zones would reduce the misuse of fireworks and anti-social behaviour was raised during the Committee's fact-finding visit to the Blackburn Bonfire Night Action Group in West Lothian. The Committee heard concerns that many local people may not like having a control zone placed near their homes as it may act to displace firework anti-social behaviour to other neighbourhoods which were not currently experiencing high levels of fireworks misuse.
234. The Committee also heard that some people remained unconvinced about how control zones would be policed. Some stakeholders expressed concerns that the establishment of firework control zones could have the unintended consequence of creating a magnet for firework-related anti-social behaviour as they would be the best place for those looking to cause confrontation to attract the attention of the police and fire services.^{xvi}

^{xv} Glasgow World: *Call for action on fireworks after incidents in Pollokshields* (4 Nov 2021): <https://www.glasgowworld.com/news/people/call-for-action-on-fireworks-after-incident-in-pollokshields-3445098>

^{xvi} Annex A: Note on Committee visit to Blackburn, West Lothian 14 March 2022

235. We heard that funding for local diversionary activities,¹²¹ such as [the ones developed by BBNAG](#), are of central importance to tackling firework-related anti-social behaviour. We were told that BBNAG developed a programme for diversionary events for one year for less than £2,500. However, finding this money from local community funding streams was a struggle. Small sums like this saved the SFRS a lot of money as it led to a reduced level of call outs during Bonfire season.^{xvii}
236. Fraser Stevenson of the BFA stated that the introduction of a proposal which, “bans consumers from using fireworks on their own property”, could cause displacement of the problem.¹²² He questioned whether there will be a disproportionate impact on those who use fireworks responsibly, saying that “due to a very small number of isolated incidents (which we have highlighted are already illegal), lawful activity will be stopped for all”.¹²³
237. Andy Hubble also voiced concerns about the displacement of fireworks misuse, saying that—
- ” “as a general observation, I rather feel that firework control zones just kick the problem further down the road. Antisocial behaviour of the kind that we are trying to prevent is going to happen, whether it involves fireworks, drinking or whatever, and having those zones will just move it.”¹²⁴
238. The SFRS highlighted the importance of communities having “a strong voice in expressing their concerns and rationale” for the designation of an area as a control zone, as well as the importance of understanding why there were previous incidents of anti-social behaviour, and putting measures in place to tackle the underlying issues. If this approach is not taken, they warn that a control zone “could simply move incidents to a different area”.¹²⁵
239. Assistant Chief Officer Stuart Stevens said that control zones could play a part in shaping the public attitude to fireworks use. He emphasised the importance of working in partnership to develop the preventative planning element of community safety engagement, saying that, “The issue is not purely about antisocial behaviour; there is a wider community safety element.”¹²⁶
240. The Minister cited her own experience of learning about the success of a locally designed and delivered programme to divert those who may be vulnerable to committing anti-social behaviour involving fireworks—

” “I was in Pollokshields with a group of boys, who I think were between the ages of 15 and 17, who had been involved in antisocial behaviour with fireworks. I sat with them while they were going through a programme that was being run specifically in the area for people who had been involved in antisocial behaviour with fireworks. The programme was about safety, the law and how to use fireworks appropriately. When we change the legislation, we hope that people who are under 18 will not be able to just go to the shop to buy fireworks. In addition, hopefully, their parents will understand that they are not allowed to buy fireworks to give to under-18s. Therefore, I hope that the legislation will bring right down the numbers for the spontaneous purchasing of fireworks for antisocial use.” ¹²⁷

Communication and enforcement

241. Questions were also raised in the evidence about how firework control zones are to be enforced and who will have responsibility for doing so. The use of Category F1 fireworks will still be permitted in a firework control zone. However, the use of Category F2, F3 or F4 firework will not be allowed, unless they are used by persons or groups with exemptions.

242. The implications for enforcement caused by the lack of clarity as to who is, and who is not committing an offence in a control zone at any given time, was raised by Police Scotland, the Scottish Police Federation and the Scottish Fire and Rescue Service.

243. Chief Inspector Nicola Robison said the need for effective communication to inform public understanding of control zones was vital. She stated that—

” “... zones will be implemented in response to communities raising significant concerns. Police Scotland will support the implementation of zones, but local authorities, through engagement with local communities, will be key in deciding where they are implemented and how many are implemented in each area.” ¹²⁸

244. David Hamilton, SPF, stated that there is a misconception that fireworks are to be banned. He said that there is a need for the Scottish Government to communicate to the public about control zones, as this is not sufficiently clear—

” “People need to know that they cannot use fireworks in a particular area— they need to know what is in the legislation. There is a big piece of work to be done around communication. I have already spoken to people who have told me that fireworks are going to be banned next year, which means that they have got the wrong message. I suggest that we need to get ahead of the game.” ¹²⁹

245. The SFRS also highlighted the need for information to be communicated clearly and in good time to members of the public and local businesses, so that they are aware if they are located in a control zone area and understand where they can use their fireworks. They cautioned that a lack of clarity “risks penalising people for using fireworks when they were unaware of any restrictions” ¹³⁰ due to the establishment of a control zone.

246. Section 27 of the Bill requires local authorities to consult “any other persons or bodies that the local authority considers may have a connection with, be interested in or affected by” a proposed control zone(s). Police Scotland sought clarification on the specific responsibilities expected of other agencies, like them, in terms of the planning or operation of control zones.¹³¹
247. Chief Inspector Robison highlighted to the Committee the need for the police service to be able to respond to policing demands generated by the designation of control zones. She stated that Police Scotland support the designation of control zones and would welcome being involved in the consultation process, saying that—
- ” “There will be an impact on Police Scotland in terms of resources, depending on the size, location and duration of the zones [...] we would welcome consultation that involves us and colleagues—perhaps the Scottish Fire and Rescue Service—on the size, location and duration of firework control zones.”¹³²
248. The possible impact on police resources was raised by members of the Blackburn Bonfire Night Action Group, with some expressing a concern that control zones may generate a public expectation that the resources of the local police and fire services will be focussed on the control zones, to the detriment of other areas, especially at times like Bonfire Night. This could present real resourcing problems for the emergency services.^{xviii}
249. Norman Donald warned that control zones would be “impossible to police” and that the Bill will not prevent the misuse of fireworks, instead it will put people out of business.¹³³

Conclusions and recommendations

250. **Conclusion: The Committee has set out a number of concerns raised in the evidence we considered around the workability of firework control zones. It is clear that these need to be addressed during Stage 2, and before the Bill is considered at Stage 3. There is real potential for confusion between what the general public think might be happening – the provision of no firework zones – and zones where firework use is controlled, but still permitted.**
251. **Conclusion: Furthermore, there are significant operational, administrative, enforcement and resourcing challenges that we have highlighted that need to be addressed before the Bill should be passed.**

On 'firework control zone' or a 'no-fireworks zone'

252. When this proposal was originally consulted upon, reference was made to proposals for ‘no firework zones’. Some of the exemptions now provided for in Schedule 1 of the Bill mean that firework displays can take place in an area that is designated as a ‘firework control zone’, as long as they are organised by an exempted group (such as a professional firework operator hired by individuals or businesses, or a public display organised by community groups etc.). It is clear that

firework use will still take place in controlled zones.

253. **Conclusion:** The Committee notes that 83% of respondents to the Government's consultation were in favour of the introduction of no-fireworks areas/zones where it is not permitted for any fireworks to be set off. The Committee is not convinced, therefore, that the Government has struck the right balance in the Bill. We feel the provision on firework control zones, where firework use is still permitted, may fall well short of the expectation of the general public in terms of providing protection for vulnerable populations, or achieving the objective of addressing disorder and anti-social behaviour connected with firework use in a particular area.
254. **Conclusion:** The Committee believes that the term 'firework control zone' is clearly causing confusion as to the exact purpose of the provisions, as currently set out in the Bill. This is concerning to us.
255. **Conclusion:** It may be this confusion stems from the requirement to have a description drafted on the face of the Bill which correctly describes the legal effect of the provision. But this does not clearly convey to the public and key stakeholders that the level of control available to a local authority to exercise over firework use in a zone will not be *total* (applying to all use of category F2, F3 & F4 fireworks by anyone), but it will be *limited* (applying only to those who do not have an exemption under the Bill).

256. We recommend that the Scottish Government considers how it will make it clear to the general public what control zones will mean in practice, and whether another term would provide the necessary clarity to explain more clearly that Part 4 of the Bill would provide local authorities with the power to establish limited-user zones for these types of fireworks.

257. The Committee asks the Scottish Government to urgently reassess whether the firework control zone provision, on its own, is sufficient. We ask the Government to consider introducing a provision to also allow local authorities to establish genuine no-firework zones, where the use of category F2, F3 and F4 fireworks would be a criminal offence in all circumstances, for as long as such a zone is in force.

258. The Committee asks the Minister to respond to this request during the Stage 1 debate on the Bill, and to write back to the Committee with her considered view before the start of the Stage 2 process.

On designation of a firework control zone

259. **Conclusion:** There is a lack of detail on how the designation and operation of control zones will work in practice, which has made it difficult for the Committee to come to a view on specific issues which have arisen in evidence. It is clear that guidance for local authorities on the designation of control zones needs to be in place before Part 4 of the Bill is brought into

force.

260. **We recommend that the Scottish Government ensures that the statutory guidance which will underpin the operation of control zones will ensure consistency in the decision making process and operation across Scotland. This should include an impact assessment and the dispute resolution mechanism between local authorities who disagree on designations next to their boundary, as well as setting out the review and evaluation process, the maximum time period for a zone to operate, and issues such as various criteria to be considered when assessing the need for, or impact on, various groups.**

261. **While we accept local circumstances may have to be accounted for, there should also be consistency in the decision-making structures across all local authorities. The Committee supports the suggestion that there should be local democratic accountability for decisions on firework control zones through locally elected councillors.**

262. **We ask the Scottish Government to set out how it envisions any appeals or arbitration mechanism for those who wish to object to the establishment of a zone, or a decision by a council not to establishment a zone, would operate.**

263. **The Committee recommends that the local government sector should publicly report annually on firework control zones across Scotland, in terms of issues like application for zones being granted or rejected, criteria used, details of zones in force and levels of fireworks anti-social behaviour etc.**

On the impact on the misuse of fireworks and anti-social behaviour

264. **Conclusion: It is clear from the evidence we have taken that firework control zones on their own will not address the issue of firework-related anti-social behaviour. Support for locally designed and delivered community-based programs are key to reducing the levels of firework-related anti-social behaviour. It is especially true in communities blighted by widespread misuse of firework.**

265. **Firework control zones should be seen as a tool whose usefulness will only be fully realised in concert with support for locally designed and delivered community-based programs. We ask the Scottish Government to establish a dedicated funding package, either as part of local government funding or other community-support funding streams, to support the development of such programs in communities where firework control zones may be**

established.

266. **We asks the Scottish Government to confirm how it will ensure that the designation of a control zone will not merely displace anti-social behaviour, and the misuse of fireworks, to other areas outside a zone.**

267. **In order to deal with the impact that dangerous firework use has on emergency workers, the Committee asks the Scottish Government to consider tougher punishments for those who use fireworks to assault emergency workers.**

On communication and enforcement

268. **The Committee recommends that the Scottish Government undertakes a public awareness campaign to explain what a control zone is, how it will operate, and how it will impact on those living within it. Crucially, this needs to explain that control zones are not the same as a ‘no firework zone’.**

269. **The Committee asks the Minister to clarify how members of the public who make an application for a fireworks licence will be made aware of the implication of living in a control zone. For example, whether there is any conflict between having a license for the use of category F2 or F3 fireworks, if the applicant or license holder lives in an area designated as a firework control zone, but where their use of such fireworks is not permitted because the license holder is not a members of an exempted group under the Bill.**

Part 5: Pyrotechnic articles at certain places or events

Background

270. Part 5 of the Bill contains provisions prohibiting the possession of any pyrotechnic article.¹³⁴ It applies to the possession of all pyrotechnic articles at certain places or events, as well as when travelling to, or in the immediate vicinity of, a venue or event. That includes fireworks.

271. For the purposes of this section of the Bill, the term ‘pyrotechnic article’ refers to pyrotechnics commonly known as distress flares and signal flares. These are the type of flares typically used in maritime activities, or in remote areas, to attract

attention to the location of someone in an emergency.

Existing legislation

272. The Committee considered the existing law on the possession of pyrotechnic articles to determine whether the Scottish Government could have taken an alternative approach to address the inappropriate use of pyrotechnics.
273. It is an offence under section 80 of the Explosives Act 1875 to use fireworks in a public place. However, the Act does not cover the use of pyrotechnics.
274. It is also illegal to be in possession of a pyrotechnic article ¹³⁵ in a sporting venue. Police have powers to stop and search people while entering the venue in relation to that offence. ¹³⁶ However, there is no existing power that enables the police service to act at an earlier stage on any intelligence they might have regarding those in possession of pyrotechnic articles, including fireworks, before entering the venue or without the device being used. For example, before setting out for, or while travelling to, a venue. ¹³⁷ The offence included in Part 5 of the Bill aims to address this.
275. Andy Hubble told us that the gaps in existing legislation “could be closed in another way” rather than through Part 5 of the Bill. Mr Hubble recommended amending section 80 of the Explosives Act 1875 to incorporate pyrotechnic articles. He also recommended amending the search powers in section 1(2)(a) of the [Police and Criminal Evidence Act 1984](#) to include pyrotechnics. The 1984 Act enables a constable to search a person or vehicle for stolen or prohibited articles, such as fireworks. ¹³⁸
276. The Minister told the Committee that a key purpose of the Bill is to ensure that legislation covers the carrying and possession of pyrotechnics, as the current gaps, “inhibit the police from taking proactive and preventative action before a situation becomes dangerous and difficult to control”. ¹³⁹

The scale of the problem

277. Police Scotland’s report on the [Illicit use of pyrotechnics at events in Scotland](#), provides some data on the use of pyrotechnic articles commonly encountered at events such as concerts, music events, football matches and parades between 1 April 2015 and 31 March 2020 inclusive. These include pyrotechnic articles, which are more commonly referred to as distress or signal flares.
278. During this period there were 431 instances where pyrotechnics were used at football matches, there were 467 instances where they were used outside a football match venue, and there were 145 arrests in relation to pyrotechnic use at football. ¹⁴⁰
279. The report states that some of the figures provided should be treated with caution as there is currently no offence or search power for possession of pyrotechnic

articles outside a venue, and therefore it was not possible to extract all of the data from crime figures. Also, due to the restrictions on events between 2020 and 2022 in response to the coronavirus pandemic, the figures provided for those years are lower than might normally be expected.

280. Reported injuries identified in the report include damage to hearing, burns, bruising, abrasions and eye irritation and it includes two incidents which resulted in hospital treatment for the police officers involved. Between 2017 and the first quarter of 2021, there were 18 reported injuries to police officers.
281. In its written submission, the SFRS supports consideration of further controls for the use of pyrotechnics. They see this as necessary as the public may not realise the risks that their use might pose, such as the risk that an ignition may lead to fire and the associated risks to public safety.¹⁴¹
282. A key theme in the responses to the Committee's call for views was a concern about the dangers of pyrotechnics, with one respondent saying "Irresponsible use of fireworks is particularly dangerous at mass events". Another major theme was the unnecessary risk posed by the use of pyrotechnics and fireworks, with one respondent saying that "No one should be taking an explosive out on the street or to an event." The third major theme from the responses was the unpredictability of setting off pyrotechnics in crowded areas and the associated safety concerns.¹⁴²
283. The Minister described the misuse of pyrotechnics as "a growing problem that can cause injury, distress, alarm and damage to property". She indicated that there is a risk of fatalities if the issue of misuse of pyrotechnics is not addressed and referred to the experiences in other countries where there have been fatalities.¹⁴³

The use of pyrotechnic articles at certain places or events

284. Section 33 of the Bill prohibits the possession of any pyrotechnic article without reasonable excuse while a person is: (a) travelling to, in the immediate vicinity of, or attending a designated venue or event, or (b) travelling to, participating in, or otherwise attending a public procession or a public assembly.
285. Chief Inspector Robison said that the increase in recent years of the use of pyrotechnics at various events is a significant concern for Police Scotland. In particular, in ensuring the safety of people attending or working at these events. She confirmed that Police Scotland supports the proposed additional powers in the Bill, as these would provide officers with earlier intervention and prevention opportunities prior to people arriving at an event.
286. However, Police Scotland are seeking clarification of the interpretation of "travelling to" an event and the proposals to limit the offence to specific types of events as these present "a practical and evidential challenge for us".¹⁴⁴ They question how they are to "evidence the fact that a suspect was "travelling to, in the immediate vicinity of.... a designated venue or event".¹⁴⁵
287. Chief Inspector Robison said that "from a Police Scotland perspective, if the Bill is not amended to introduce a broader and simpler possession offence, it is essential

that the provisions that are passed, including those for any subordinate regulations or orders, are capable of being amended to address issues that may occur in the future”.¹⁴⁶

288. The SPF raises a similar concern about enforcement. They describe the provisions on travelling to a designated sporting event, music event, procession or assembly, as “not practical”. They also question how a police officer is to prove where someone is travelling to and why a “traveling from” clause has not been included in the Bill. Their preference is for the provisions to refer to a “public place” and point out that this was the definition that the Scottish Government consulted on, and which was supported by 77% of respondents.¹⁴⁷
289. David Hamilton of the SPF said that narrowing the scope of the offence in the Bill means that it “does not cover all eventualities”, and “opens up grounds for defence that we fear would make the offence almost unworkable”. Mr Hamilton provided a practical example of the issues the current provisions would cause, saying that if an officer intercepted somebody outside their house because of intelligence that the person was carrying a lot of pyrotechnics to a football ground, all the person would need to say was, “I’m not going to the football ground.”¹⁴⁸
290. Mr Hamilton explained that there would be doubt as to whether the officer would be able to search the person or not. He added that having a ‘reasonable excuse’ clause would address concerns about proportionality, as it would enable police officers to exercise their discretion and take the circumstances and context into account.”¹⁴⁹
291. On 24 March, Police Scotland wrote to the Committee to confirm that they had asked the Scottish Government to consider amending the pyrotechnic provisions, explaining that—
- ” “It is likely that a ‘simple possession’ offence for pyrotechnics in a public place with a ‘lawful authority or reasonable excuse’ clause would be more straightforward for Police Scotland to apply than the provisions in the Bill ... Restricting the ‘simple possession’ offence to public places provides a safeguard against any over-reach into individuals’ private space, while the ‘lawful authority/reasonable excuse’ clause gives scope for professionals to continue to use these articles and for leisure users such as sailors, to have the safety equipment they need”.¹⁵⁰
292. The Policy Memorandum describes the proposed offence as a proportionate response to the consultation responses, which is “narrower in scope to reflect the evidence and avoid unintended consequences”. It seeks to avoid the key identified risk of the offence being too broad and “any perception that would deter people from carrying necessary visual distress signals at appropriate times”.¹⁵¹
293. The Minister confirmed that the request for a ‘simple possession’ offence had been considered when developing the Bill. However, she clarified that a more specific offence was chosen to avoid the potential that wider provisions “would deter the legitimate and necessary use of pyrotechnic articles for personal safety, such as visual distress signals”.
294. The Minister added that Police Scotland has confirmed that this approach is

workable and, it is her view that this is the “the least intrusive legislation that is possible to achieve the public safety objective”. However, she acknowledged the enforcement concerns that have been raised by Police Scotland and gave a commitment to “continue to work with it to make sure that we get the provision right”.¹⁵²

295. David Bell, Anti-Sectarian Policy Team Leader (Pyrotechnics), Scottish Government explained that the provisions specifically refer to a sporting or music venue or event, or a public procession or public assembly, as these are the venues which are highlighted as problem areas in Police Scotland’s report. Mr Bell said that decisions need to be evidence based and proportionate and that there is not the evidence for introducing a broader offence—

” “Our approach had to be evidence based, and in this case the evidence was the document that Police Scotland provided, which I understand it has also provided to the committee. That is the best evidence that we have about the misuse of pyrotechnics, and it suggests that it happens in particular areas. We accept that that evidence is not perfect, but it is the best evidence that is available to us”.¹⁵³

Clarification of definitions: pyrotechnic article and public assembly

296. The SPF sought a “presumption of contents” clause to be included in the Bill, as “an appropriate cost saving measure so that an offence can be progressed on the presumption that a firework (or pyrotechnic) is what the packaging says it is”.¹⁵⁴
297. Chief Inspector Robison explained that such a clause, “would offer a simple mechanism for evidencing the nature of those articles [legitimate pyrotechnics]”. She added that the absence of such a clause means there could be a “requirement to submit all pyrotechnic articles for such examination in order to prove an offence under section 33”.¹⁵⁵
298. The Royal National Lifeboat Institute (RNLI) questioned the use of the term ‘pyrotechnic’ in the Bill, saying it “implies that this will include marine pyrotechnics”. The RNLI asked that “greater clarification is given so that there is no confusion which may mean that someone does not have, or may be confused on the use of marine pyrotechnics when it is required to save life.”¹⁵⁶
299. The Explanatory Notes that accompany the Bill state that it is an offence to possess such an article while travelling to, participating in, or otherwise attending a public assembly of more than 20 people. It indicates that in Scotland, section 16 of the Public Order Act 1986 defines a “public assembly” as “an assembly of 20 or more persons in a public place which is wholly or partly open to the air”.¹⁵⁷
300. Police Scotland requested clarification of the meaning of public assembly and the practical implementation of this provision, by seeking clarification on the—

” “definition of possession of a pyrotechnic article at a ‘public assembly’ particularly where there are fewer than 20 persons already participating in an assembly when a suspect is detected, given the provisions within the Public Order Act 1986, Section 16. Similarly, the position in relation to fireworks and pyrotechnics at assemblies which do not meet the definition within the Public Order Act 1986, Section 16 (i.e. are not in a public place or are wholly or partly open to the air)”.¹⁵⁸

301. The Scottish Police Federation also requested clarity on what number constitutes a public assembly.¹⁵⁹

Conclusions and recommendations

302. **Conclusion: The Committee agrees that the dangers to the health and safety of people by the irresponsible use of pyrotechnics in public places, in particular in crowded locations, needs to be addressed. At this stage, however, we do not feel on the basis of the evidence we heard, in particular from Police Scotland, that the current provisions in the Bill are the right approach.**

303. **Conclusion: As such, the Committee welcomes the Minister’s offer to work with Police Scotland and the Scottish Police Federation to reconsider the provisions set out in section 33 so as to resolve the enforcement concerns they have raised.**

304. **The Committee asks the Minister to provide an update on any proposed changes the Scottish Government intends to make to these provisions, during the Stage 1 debate in the Bill, and by no later than the start of consideration of Stage 2 amendments.**

305. **Conclusion: The Committee also notes the gaps in existing legislation for the carrying and possession of pyrotechnics. The Committee further notes the intention of the pyrotechnic provisions are to enable Police Scotland to take a proportionate approach to taking preventative action which will avoid impacting on the legitimate uses of pyrotechnic articles.**

306. **The Committee asks the Minister to confirm during the Stage 1 debate on the Bill, and by no later than the start of consideration of Stage 2 amendments, whether the Scottish Government intends to amend the Bill to include a “presumption of contents” clause.**

307. **The Committee also asks the Minister to provide clarification during the Stage 1 debate, and by no later than the start of consideration of Stage 2 amendments, on how the provisions relating to possession of a pyrotechnic article at a public assembly are to be implemented by police**

officers. In particular, where there are fewer than 20 people in attendance when a suspect is detected.

FINANCIAL MEMORANDUM

Resources

Consideration by the Finance and Public Administration Committee

308. The Finance and Public Administration Committee received four responses to its call for views on the financial implications of the Bill. ¹⁶⁰ In their submission, the SFRS confirmed that the Financial Memorandum contained “reasonable estimates based on the assumptions being made” and that it did not foresee any additional costs for the Service based on the information available.
309. Glasgow City Council highlighted that “The main issue raised during these were the additional staff resources and time that would be required to advise and enforce the new provisions”. ¹⁶¹
310. On the basis of the limited evidence it took, the Finance and Public Administration Committee did not make any comments to the Committee on the financial provisions in the Bill.

Estimated costs

311. The Financial Memorandum provided estimated maximum and minimum costs to the Scottish Administration, Local Authorities and Police Scotland for Years 1, 2 and 3 for implementation of the provisions in the Bill.
312. The Memorandum uses information, evidence and data provided by Police Scotland, the Scottish Police Federation, British Transport Police and the COPFS, and through engagement with, amongst others, local authorities and fireworks retailers.

Police Scotland

313. While the Bill creates a number of new offences related to its different provisions, the Financial Memorandum states that “it is anticipated there will be greater costs involved for Police Scotland in relation to licensing and the proactive enforcement of firework control zones.” ¹⁶²
314. The total estimated costs for Police Scotland to implement the fireworks licensing provisions for years 1, 2 and 3 are between £106,223 and £318,716. The total estimated cost to police the control zones is estimated as between £47,334 and £140,537 in year 2, when the provisions are to come into force, reducing to between £20,286 and £78,701 in year 3.
315. Police Scotland expect there will be some rise in reported offences and summary

prosecutions, but this is not expected to be significant and the training of police officers in relation to the new offences is expected to be incorporated into normal duties and not incur additional costs. It is also anticipated that any additional costs to Police Scotland of enforcing the new possession offence for pyrotechnical articles will be minimal.

316. Police Scotland did not raise any concerns about these estimated costs in its evidence to the Criminal Justice Committee.

The Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service

317. The Financial Memorandum estimates the possible costs to the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Courts and Tribunals Service (SCTS), for prosecution of the offences in the Bill.
318. These are estimated between £30,000 and £60,000 in year 1, between £51,000 and £80,000 in year 2, and between £70,000 and £100,000 in year 3.
319. The COPFS and the SCTS did not provide any evidence to the Criminal Justice Committee on these matters.

Local authorities

320. The Bill places duties on local authorities to enforce the commercial fireworks supply provisions, as well as restrictions on the supply and use of fireworks and pyrotechnic articles. Local authorities will also incur costs for scoping, establishing, and monitoring the impact of firework control zones.
321. The total estimated costs for local authorities in year 1 are between £57,000 and £132,200; in year 2 the cost range rises significantly to between £317,707 and £648,033, due to the introduction of the licensing scheme and the control zones; and in year 3 costs are estimated to range between £159,160 and £296,707. It is not anticipated that there will be any significant savings or changes to revenue for local authorities.
322. COSLA stressed that the licensing system “will have resource implications for Local Authorities linked to local enforcement”.¹⁶³
323. Julie Whitelaw of West Lothian Council told the Committee that the cost and resource implications for local authorities were unknown, in particular with regards to the licensing scheme, as there were not enough details available on the administrative process. Ms Whitelaw said that—

- ” “It is fair to say that it is a work in progress. Some consideration has been given to what resources would be required. We would require resource for the analysis of the data, the consultation with communities that would be required and the publicity to raise awareness of any processes. We would also require resources to manage any licensing scheme or process that is put in place. Calculating the costs on that is still a work in progress”.¹⁶⁴

Fireworks Retailers

324. The Financial Memorandum indicates that the annual potential revenue loss to fireworks retailers is estimated to be between £2.2m and £6.7m.
325. Data estimates on the number of firework purchases and fireworks retailers provided by the BFA and reported by the FRG, along with average costs of purchase, have been used to inform the Financial Memorandum. However, requests to the BFA, the BPA and specialist firework retailers for further economic data or information to inform the Financial Memorandum, was not received by the time of publication.
326. The Bill introduces a power for Scottish Ministers to make provision for the payment of compensation to address the economic impact of restricted days of supply, if evidence of this is demonstrated, for those whose trade or business is wholly or mainly concerned with the supply, distribution or importation of fireworks.
327. The Financial Memorandum states that “Due to the lack of data and information available it is not possible, at this stage, to estimate the likely cost of a potential compensation scheme to the Scottish Administration”. However, it indicates that the Scottish Government is aware of nine retailers who are currently licensed to sell fireworks all year round in Scotland and one importer of fireworks which primarily imports into Scotland; and to whom the compensation scheme may apply.
328. The Committee considered the issue of compensation payments to specialist retailers in [paragraphs 185 to 189](#) of this report.

Community groups

329. The Committee heard during its fact-finding visit with representatives of the Blackburn Bonfire Night Action Group (BBNAG) about the positive contribution that groups like BBNAG can make to tackling the misuse of fireworks and associated anti-social behaviour.
330. The Group delivered its diversionary programme of events for one year on less than £2,500. They told us, “That’s not a lot of money and it saved the SFRS a lot of money as it led to a reduced level of call outs during Bonfire season”.^{xix}
331. The Committee considered the issue of resource support for community groups in [paragraphs 233 to 240](#) of this report

Estimated savings

332. Emergency and health services' resources are required to deal with misuse and accidents related to fireworks and pyrotechnic articles. The Bill is intended to contribute to reducing the response required from emergency and NHS services to firework and pyrotechnic article incidents, bringing the associated cost savings, whilst achieving public and community safety.

Conclusions and recommendations

333. **Conclusion:** As much of the legislation is to be brought into force at a later date, there is currently a lack of detail about the expectations of key organisations, such as Police Scotland and local authorities, on the costs of implementation of the main provisions. This is the case in two key areas of the Bill: the licensing scheme and the introduction of firework control zones.

334. **The Scottish Government must ensure that actual costs are agreed with those who are to implement the provisions in the Bill and that they are provided with the necessary funding to ensure the Bill is properly implemented and enforced. Additionally, the revenue from the licence fees should cover only the costs of the scheme and be cost-neutral. If it can be shown that the level of licence fees is causing people not to apply and purchase fireworks illegally, then the Scottish Government needs to address this.**

335. **The Committee agrees that there should be a compensation scheme for specialist fireworks retail businesses who will be adversely affected by restriction of supply and use provisions the Bill, prior to those provisions coming into force. The Committee asks the Minister to provide further details of the compensation scheme in response to this report. [See paragraphs 182 to 189]**

336. **Local community groups can play a vital role in helping to tackle the misuse of fireworks within their communities. Preventative actions, such as the provision of diversion programmes can reduce the costs for the fire and police services. The Committee asks the Scottish Government to consider how communities can be supported for this purpose. [See paragraphs 241 to 249]**

OTHER ISSUES

337. During our consideration of the Bill, several other issues emerged.

Prosecution of offences

338. Concern was expressed about the current level of prosecutions to date for fireworks offences, and whether sufficient action is being taken by the police service and the Crown Office to identify and prosecute offenders.

339. Chief Inspector Robison confirmed that Police Scotland investigates all instances of possible criminal behaviour involving fireworks reported to them, telling the Committee that the police “would encourage communities to make [the police] aware of incidents of people not adhering to the legislation.”¹⁶⁵

340. Chief Inspector Robison also referred to the need for a “good communication strategy” to be in place, “with a multi-agency approach” to make the public fully aware of fireworks legislation and to encourage them “to adhere to it”. However, she said—

” “if there are still issues in specific circumstances in communities, we need to know about them so that we can target appropriate responses at the individuals or groups who are involved.”¹⁶⁶

341. Fraser Stevenson of the BFA told the Committee that, according to the Scottish Government “between 2019 and 2021, 53 misuse of fireworks charges were reported to the Crown Office and Procurator Fiscal Service.” He questioned how many of those reports were “prosecuted to the full extent of the law.”¹⁶⁷

342. Responding to a question about the number of prosecutions for the misuse of fireworks, such as for recent high profile instances of fireworks misuse in areas like Pollokshields in Glasgow, Mr Stevenson said that he “was not aware of any”. He went on to tell the Committee—

” “On one occasion, I was interviewed by police officers in Edinburgh, who asked me to give them evidence about an attack on them. They showed me a product and asked whether it could cause an injury. I was there to help the police, and I said “Yes, absolutely.” The police officer said, “Could it have killed us?” and I said, “Yes, if it had hit you, it could have killed you.” He said, “Good, because we are being told that it is not really a good crime and does not need prosecuting.” That came from the procurator fiscal.”¹⁶⁸

343. Responding to a question on why it appears that offences under the existing legislation for fireworks is not more rigorously prosecuted, the Minister refuted the suggestion that the police and prosecution services were not taking the issue of fireworks misuse seriously. The Minister and her officials cited the work of the Fireworks Review Group in assessing the number of fireworks-related incidents reported to the police, as well as the number of prosecutions undertaken.¹⁶⁹

344. In correspondence to the Committee on 6 April 2022¹⁷⁰, the Minister provided

details of prosecutions and reports to the police related to fireworks misuse, stating that the recent available data from the COPFS and the National Statistics on Criminal Proceedings in Scotland shows that—

“Over the last six years (2016/17 to 2020/21) the most common firework related charges relate to throwing, casting or firing a firework in a public place, under 18 in possession of an adult firework, and use of an adult firework at night. The table below sets out the number of charges annually over this period-

Year	Number of charges
2016/17	16
2017/18	35
2018/19	32
2019/20	24
2020/21	29
Total	136

Source: Crown Office and Procurator Fiscal Service

345. The letter also provides details of the breakdown of offences, as well as data on fireworks related incidents reported to Police Scotland, and published by the FRG in its report.¹⁷¹ This shows that between 2019 and 2020 there were around 900 fireworks related incidents reported to Police Scotland, and that there is no clear evidence that the number of fireworks related incidents reported to the police is changing.
346. Supplementary information provided to the Committee by the Crown Office and Procurator Fiscal Service (COPFS), showed that between 2016 and 2021 there were 136 charges received by the COPFS for offences under various explosive, fireworks or pyrotechnic legislation.¹⁷² These ranged across all Sheriffdoms.^{xx}
347. These 136 charges were disposed of as follows-

^{xx} Charges received per Sheriffdom over this five year period 2016-21 were as follows: Glasgow and Strathkelvin 60; Grampian, Highland and Islands 14; Lothian and Borders 22; North Strathclyde 16; South Strathclyde, Dumfries and Galloway 18 and Tayside, Central and Fife 6.

Fireworks and pyrotechnics offences, Charges received during financial years 2016-2021.
Count is by charge and period received.^{xxi}

Action taken re Subject	Action taken re Charge	Outcome	2016-17	2017-18	2018-19	2019-20	2020-21
Solemn	Court	No conviction	2	-	1	1	-
	Not separately actioned	Not separately actioned	6	-	-	-	-
Solemn Total			8	-	1	1	-
Summary	Court	Conviction	1	8	2	5	-
		No conviction	-	5	2	3	1
		Ongoing	-	-	1	-	2
		No further action	-	2	-	-	1
	Not separately actioned	Not separately actioned	-	1	1	1	3
Summary Total			1	16	6	9	7
Direct measure	Fiscal fine	Successful	2	-	4	2	4
		No further action	-	-	-	-	1
		Fiscal fine Total	2	-	4	2	5
	Diversion	Successful	-	2	7	7	6
		Ongoing	-	-	-	-	2
		No further action	-	-	-	1	2
		Diversion Total	-	2	7	8	10
	Warning	Warning	2	5	7	1	4
	Reporter	Reporter	1	4	5	2	1
	Not separately actioned	Not separately actioned	-	2	-	-	1
Direct measure Total			5	13	23	13	21
No action Total			2	6	2	1	1
Grand Total			16	35	32	24	29

Source: Crown Office and Procurator Fiscal Service

Conclusion

348. **Conclusion: The Committee notes that there were only 136 charges over 5 years of which 16 resulted in a summary conviction according to figures provided to us from COPFS. In 2020/21, there were 974 fireworks related complaints to Police Scotland of which there were 29 criminal charges brought resulting in no convictions.^{xxii} This raises the question of enforcement of the current law. Given that the Bill creates two new offences, it is imperative that Police Scotland and the COPFS are prepared to use the legislation otherwise the shift in culture will not take place.**

UK Internal Market Act 2020

349. One issue which was raised in response to the Committee's call for written evidence, is whether the Scottish Government has given consideration as to whether any of the provisions in the Bill engage any aspects of the UK Internal Market Act 2020. ("the 2020 Act").

xxi Not Separately Actioned: The total number of charges reported will also include charges where action was taken in relation to other charges reported in the case, for example, because the prosecutor took the view that an alternative charge was more appropriate or because details of the charge were included within the body of another charge for evidential reasons.

xxii Letter from the Minister for Community Safety – 6 April 2022: https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2022/20220406_ministerforcommunitysafetotoconvener_fireworksandpyrotechnicarticlescotlandbill.pdf

350. In written evidence to the Committee, Professor Colin T. Reid from the University of Dundee, notes “with surprise” that neither the Bill nor the Policy Memorandum, makes any reference to the potential impact of the Bill’s proposals to the 2020 Act.
351. Professor Reid points out that the overall purpose of the 2020 Act is to prevent restrictions in any one part of the UK from limiting access to the market for goods lawfully available in any other part of the UK. This is the “mutual recognition principle” in Section 2 of the 2020 Act.
352. Professor Reid states that at the very least, there should be some explanation and exploration of either a) how the provisions in the Bill that limit access to fireworks and other items do not fall foul of the 2020 Act’s limitations on new restrictions on sale or b) the likely impact in practice of the interaction between the market access provided by the 2020 Act and the provisions in the Bill.
353. The Committee wrote to the Minister asking for a response to various questions around possible implications for the 2020 Act. In her reply of 6 April, the Minister confirmed that no concerns had been raised with the Scottish Government from counterparts at Westminster in relation to the Bill provisions interacting with the 2020 Act.
354. The Minister also stated that the “potential impacts of the Internal Market Act have been fully considered as the Bill has been developed; and [the Scottish Government] are confident that the provisions within the Bill adhere to the requirements that are set out in that Act.”¹⁷³

Recommendation

- 355. The Committee thanks the Minister for the clarification she has provided in relation to the UK Internal Markets Act 2020. The Committee recommends that, as a matter of course, the Government keeps the Parliament updated on this issue in relation to the implementation of the provisions in the Bill. The Scottish Government should also keep the Parliament informed of other discussions with the UK Government on reserved issues relevant to the Bill, such as cross-border trade in fireworks or the packaging and supply of fireworks in the UK retail marketplace.**

Data collection and evidence-based approaches

356. During our consideration of the Bill, the lack of reliable data on both fireworks use and misuse being available to the Scottish Government, Police Scotland, the SFRS, local authorities and other key partners was an ongoing issue.
357. Speaking on this matter, Alastair Hay, Chair of the Fireworks Review Group said—
- ” “To be honest, one of the challenges is that there is not that much analysis and evidence out there. Bringing together data from so many different bodies enabled us to lay everything together to form a picture on which we could start to base our judgments.”¹⁷⁴

358. When questioned on the level of data available to allow a clear measurement and quantification to be made of the prevalence of fireworks being used in attacks on emergency service workers across Scotland, Lorraine Gillies of the SCSN told us—

” “I do not have anything in the way of collective data that would tell the right story. We have heard about attacks on emergency services, and there is good accident and emergency data on that, but it is not complete enough to give us a sense of what the issue is.” ¹⁷⁵

359. During our visit to Blackburn, the Committee heard that the provision of reliable data and intelligence from local communities on instances of fireworks misuse, or illicit supply of fireworks to people, was vital to shape a community-led response to fireworks misuse. This is especially true for the type of data available to the police service, the fire and rescue service, local authorities and trading standards departments, to enable them to proactively minimise the risks of fireworks misuse and public disorder. Witnesses from the police service, trading standards and the British Fireworks Association agreed with this view.

Conclusions and recommendations

360. **Conclusion: In our view, ongoing provision of detailed information on the numbers of persons prosecuted and convicted under existing fireworks law, including the nature of the offence, the outcome of any case, the geographical area where this offence took place etc. is a vital part of the dataset needed to address fireworks misuse. It is also vital to allow a reliable assessment to be made of whether the current law, or any new law, is being used to maximum effect to tackle the misuse of fireworks.**

361. **The Committee wishes to see such data being published as a matter of course by the police, COPFS and the Scottish Government. This will also play a vital role in supporting the successful operation of the provisions in the Bill.**

Delegated Powers Memorandum

362. As required by Rule 9.3.3B of the Parliament’s Standing Orders, the Scottish Government submitted a Delegated Powers Memorandum alongside the Bill. ¹⁷⁶

363. Many of the provisions in the Bill will require substantial further guidance and regulations to be developed and issued to establish and put in place the various administrative and IT systems necessary to put the provisions of the Bill into effect.

364. To enable that to happen, the Bill provides for various secondary legislation and order-making powers to allow the Scottish Ministers to put in place the necessary statutory regulations.

365. The Delegated Powers and Law Reform Committee (DPLR) considered the

secondary legislation and order-making powers in the Bill and reported its conclusions and recommendations to the Committee.

366. In their [report to the Committee on the Bill](#), the DPLR Committee recommended that four of the order making powers in the Bill which are subject to the negative procedure be amended to the affirmative procedure, to ensure that that they receive a more detailed level of parliamentary scrutiny
367. The Committee wrote to the Minister to seek confirmation as to whether she accepted the recommendations of the DPLR Committee and, if so, whether she intended to bring forward the necessary amendments to the Bill at Stage 2.
368. In her written response to the Committee on 6 April, the Minister replied—
- ” “I welcome the report from the Delegated Powers and Law Reform Committee, and thank them for their consideration of the regulation making powers contained within the Bill. I am carefully considering the recommendations made by the committee which relate to amending regulation making powers from the negative to affirmative procedure; and will make a decision on this in due course. I accept, and understand, that Parliament may wish to undertake more detailed scrutiny of how the fireworks licencing system operates as well as the compensation scheme; and will give this very careful consideration.”¹⁷⁷

Conclusions and recommendations

369. **The Committee thanks the Delegated Power and Law Reform Committee for their careful consideration of the provisions in the Bill, and their conclusions and recommendations to the Committee.**
370. **Conclusion: Much of the detail and systems required to allow the key provisions of the Bill to come into force and operate successfully, will be provided for thought statutory guidance, regulations and order-making powers. These should be subject to a more detailed level of parliamentary scrutiny, as the Delegated Power and Law Reform Committee has recommended.**

371. **The Committee urges the Minister to accept these recommendations and bring forward the necessary amendments at Stage 2 to give effect to these changes.**

372. **Given the lack of detail on how the key provisions in this Bill will work because this is to be set out in future regulations, the Committee asks for a commitment from the Minister that draft regulations will be shown to the Committee in advance to allow for sufficient scrutiny before these are laid and enable the Committee to recommend changes to these. Such regulations should, therefore, follow the super affirmative procedure.**

POST-LEGISLATIVE SCRUTINY REVIEW OF THIS BILL

373. One of the challenges the Committee has faced with this Bill has been the lack of available data at the start of our scrutiny on the offences for firework misuse reported to the police and also what steps the Crown took to prosecute. Latterly, we did receive information on this but it would have been useful to have had this much earlier.
374. We have also highlighted concerns elsewhere in this report about how workable the proposed licencing scheme and firework control zones will be in practice.

Conclusions and recommendations

375. **Conclusion: We are of the view that it will be important for the Scottish Government, Police Scotland, COPFS, Scottish Fire and Rescue Service, NHS and the Scottish Ambulance Service, and local authorities to put in place the necessary data collection regime to assess whether the provisions in the main deliver what the Scottish Government plan, provided that the Bill receives Royal Assent.**

376. **We would ask the Scottish Government to detail what information it will be collecting and whether this will be shared at regular intervals with the Committee in the years to come.**

377. **Conclusion: In time, this may merit this Committee or its successor conducting a Post-legislative scrutiny review of how the Bill has been implemented.**

378. **We ask the Scottish Government to respond to us on this point and consider amending the Bill at Stage 2 or 3 to set out what data will be collected and shared with Parliament, and to mandate a review of the implementation of the Bill, within 3 years of the relevant provisions coming into effect.**

FINAL CONCLUSIONS AND GENERAL PRINCIPLES OF THE BILL

Overall Conclusions and Recommendations

379. **Conclusion:** The Committee recognises the Scottish Government’s commitment to respond to the clear public desire to see a reduction in the misuse of fireworks and pyrotechnic articles in Scotland. The Committee shares and supports this goal.
380. **Conclusion:** We wish to ensure that people in Scotland can continue to enjoy fireworks in a safe and responsible way, whilst protecting our communities, vulnerable groups and emergency service workers from the dangers, disturbance and anti-social behaviour that their inappropriate use, or misuse, can cause.
381. **Conclusion:** We welcome the efforts made to date to consult on finding solutions to these problems, and the commitment from the Scottish Government to legislate in this area. However, the success of any efforts to tackle the misuse of fireworks and pyrotechnic articles will depend on the detail of what is being proposed in any new legislation. We are unclear, given the lack of statistical data available, whether the existing law on the misuse of fireworks is being fully enforced, and therefore, whether any new law is required. We are also unclear whether the UK Government would be agreeable to work with the Scottish Government to use existing UK laws to provide alternative solutions to address the misuse of fireworks and pyrotechnics in Scotland.
382. **Conclusion:** The Bill is complex and contains key provisions, such as the licencing scheme and the introduction of firework control zones, where the detail on how they will work in practice is not available. This is because of the Scottish Government’s preferred approach to pass the Bill now in order that two provisions contained within it – namely proxy purchasing and prohibiting the possession of certain pyrotechnic articles – can be in place before Bonfire Night in November 2022. This requires the Parliament to complete all scrutiny on the Bill and pass it by the end of June 2022.
383. **Conclusion:** The Government’s intention is then to consult over the next year or so on the detail of how the other main provisions will work, with a view to passing the necessary secondary legislation before Bonfire Night in November 2023.
384. **Conclusion:** This Bill is being scrutinised to an expedited timetable, to meet the Scottish Government’s wish that it be passed before summer recess only in order to bring in the provisions on proxy purchasing and prohibiting the possession of certain pyrotechnic articles in advance of November 2022. The lack of detail, data and evidence has hindered our ability to fully scrutinise some of the key proposals and we therefore have substantive reservations about their workability and effectiveness.

385. The success of this Bill in achieving its objectives will depend on whether the Scottish Government can work with parliamentarians and key stakeholders to successfully address the concerns we have highlighted in this report.

386. We are of the view that the Parliament should be provided with the opportunity to allow the Bill to be improved to meet our shared goal of tackling the misuse of fireworks and pyrotechnic articles. The Scottish Government must make the necessary amendments to ensure that the measures introduced by the Bill will be effective, robust, workable and have the confidence of the public and key stakeholders. The Committee has very serious concerns about the Bill achieving its objectives. The Committee is concerned that there will be no time for our concerns to be addressed at stage 2 and 3 because of the fast-track timetable for this Bill. At this stage, only on balance, we are prepared to recommend that the Parliament agrees the general principles of the Bill at Stage 1 to allow for the possibility for these issues to be addressed. For some members of the Committee, agreeing this recommendation now is being done in good faith to allow the Bill to progress and for amendments to be considered and they reserve the right to consider their position at Stage 3.

ANNEX A: Note of the Committee visit to Blackburn, West Lothian to meet with Blackburn Bonfire Night Action Group (BBNAG)

Monday 14 March 2022

Introduction

387. On Monday 14 March 2022, a delegation from the Criminal Justice Committee of the Scottish Parliament visited Blackburn in West Lothian to meet with members of the Blackburn Bonfire Night Action Group (BBNAG). BBNAG was established in early 2019 to develop a community-based response to the growing problem of fireworks misuse and anti-social behaviour in the Blackburn area

388. Members of the BBNAG who attended the meeting were-

- Councillor Kisteen Sullivan, Deputy Leader of West Lothian Council (Whitburn and Blackburn Ward)
- Councillor George Paul (Whitburn and Blackburn Ward)
- Alison Kerr, Community Action Blackburn, Community Council Management Committee and resident
- Brendan Moohan, West Lothian Council Community Learning and Development Youth Team
- Gary Stoddart, West Lothian Council Housing
- Helen Davis, Youth Action Project
- Lisa Haggerty, Community Action Blackburn
- Liz Kerr, local resident member of BBNAG
- Michelle Kirkbright, West Lothian Council Community Regeneration Officer
- Paul Harvey, Scottish Fire and Rescue Service
- Sgt Keith Jack, Police Scotland
- Traci Mackie, Blackburn Family Centre
- And four students from [St Kentigern's Academy](#) in Blackburn

389. Members of the Criminal Justice Committee and parliamentary staff who attended were-

- Audrey Nicoll MSP (Convener)

- Russell Findlay MSP (Deputy Convener)
- Collette Stevenson MSP
- Seán Wixted, Assistant Clerk to the Committee
- Suzanne Lyden, Committee Assistant to the Committee
- Kate Smith, Parliament Community Participation Specialist

Overview of discussion on BBNAG's work

390. Sgt Keith Jack of Police Scotland, Alison Kerr and Lisa Haggerty began by giving a presentation into the background of the BBNAG group, and the experience of the local community around the growing problem of anti-social behaviour in Blackburn involving the misuse of fireworks.
391. There had been use of fireworks misuse by individuals at various times of the year, especially around Bonfire Night on 5 November. However, over a number of years the anti-social behaviour around bonfire night became more intense and problematic.
392. By 2017, the anti-social behaviour had developed into large-scale gatherings of people in open public spaces in the town, notably King George V Park and the Skate Park in the town. This involved a large number of people setting off fireworks with some hundreds more people coming to watch this. These people were both from Blackburn and the wider West Lothian area.
393. Police Scotland were required to deploy officers in riot gear to deal with public order incidences and to protect members of the SFRS who were attending call outs in the area. Several members of BBNAG described the scenes which occurred in 2017 as "like being in a war zone". Locals involved in the disorder were more familiar with local access routes in and around the village, especially King George V Park and the Skate Park.
394. This led to anti-social behaviour with the use of fireworks spreading into several residential areas, being lit and thrown at police, residents' homes and traffic on the main street. As a result of these issues, BBNAG came into being with members from Police Scotland, Scottish Fire and Rescue Service, West Lothian Council, local community groups and local residents. It met for the first time in 2017.
395. In 2018 police in riot gear had to be called to Blackburn to deal with the level of anti-social disorder. However, the community felt this exacerbated the problem, with a 'running battle' scenario developing and fireworks being thrown at peoples' homes.
396. The people involved in the anti-social disorder knew the local area far better than the police who'd been brought in to deal with the issue. So, the police and emergency service response was reactive and one step behind.
397. On 25 April 2019 the BBNAG group met to plan for the 2019 Bonfire season and to look to find practical solutions for the problems in the town and head off the problems from previous years. BBNAG met monthly from April to November to plan for the upcoming Bonfire season. This included-

- Considering the use of existing anti-social behaviours legislation^{xxiii} to have a Dispersal Order granted for the town. BBNAG held six consultations with various partners and locals in the town on a Dispersal Order, giving police the power to disperse groups.
 - Unfortunately, four to six week before the 2019 Bonfire season BBNAG partners were advised that legal advice indicated that the Dispersal Order could not be granted because the problem of anti-social behaviour in the town was not classed as “persistent”.
 - BBNAG also looked to develop a range of diversionary activities for young people in the town to coincide with the days running up to Bonfire night, and the days.
 - This included providing Livingston Centre Shopping vouchers for young people around Bonfire Night, and other incentives for various activities.
 - The local community council, Community Action Blackburn (CAB) delivered a leaflet to every house in the town, and all schools were visited, as part of the communications plan to engage the whole community in planning for the Bonfire season;.
 - 50 young people came to the first BBNAG engagement activity, and more began to attend. The last such meeting was held in early 2020 as COVID and the lockdown disrupted this work. BBNAG had to suspend its activities, but is hoping to resume again in 2022.
398. Since BBNAG began its diversionary activities, anti-social behaviour in the town has decreased. While the visible police presence agitated anti-social behaviour in November 2018, in 2019 the situation was much better for both local residents and young people. There was a noticeable decrease in anti-social behaviour involving fireworks. This was largely thanks to the diversionary activities of BBNAG and the local community work to engage with the local community and schools.
399. However, it is important to state that was only achieved because of a lot of coordination work between BBNAG, the local police and fire services, the local council and community youth action groups. This was in the face of ongoing cuts to Council budgets for community support and activities.
400. Lots of local people knew about anti-social behaviour activities in their area, but few people reported them as they were afraid of getting involved. But a concerted effort by BBNAG and local elected councillors in the promotion of the use of the anonymous *CrimeStoppers*^{xxiv} (0800 555 111) number to report incidences to the police was a big success.
401. Local Councillors for the Blackburn & Whitburn ward coordinated with BBNAG and organised various clinics in areas such as local shopping centres and community

^{xxiii} Antisocial Behaviour etc. (Scotland) Act 2004: <https://www.legislation.gov.uk/asp/2004/8/contents>

^{xxiv} CrimeStoppers now has a dedicated section on reporting Fireworks Misuse in Scotland: <https://crimestoppers-uk.org/campaigns-media/campaigns/scotland-firework-misuse>

centres to promote BBNAG's work, and especially to encourage the anonymous reporting of any firework misuse through the *CrimeStoppers number*.

402. This provided much needed data and intelligence for both the police and the fire service to deploy their resources to intervene appropriately to proactively diffuse trouble in advance of Bonfire Night/Week, as opposed to try to react to issues on the night. BBNAG needed to do lots of ongoing engagement with the community, and planning of diversionary activities, in order to stop a build-up of frustration amongst young people and community members leading up to the Bonfire season.
403. One of the key signs of the success of this approach was measured over a five year period from 2016 to 2021 on the number of calls received by the police or fire service to fireworks misuse.
404. In 2016 the level of calls received from the Blackburn area on fireworks misuse was low (about 10 calls) and the majority were from one service reporting an issue to another (i.e. police informing the fire service of the need for a call out).
405. By 2021 the number of calls from Blackburn has quadrupled, with nearly 40 calls received, of which over 30 were anonymous calls from members of the community reporting misuse through CrimeStoppers, or reporting where people were illegally selling fireworks (e.g.: from someone's house/pop-up shop or 'white van man'). This was described as an "unheard of" level of community response/engagement in the area.
406. The approach from BBNAG has been driven from the bottom-up as a community plan, and this has been key to its success, especially in getting community buy-in and participation.
407. While West Lothian Council and the local police and fire service are anxious to use the Blackburn model to address firework misuse more widely in West Lothian, this proved hard to replicate elsewhere as many of those communities do not have a BBNAG-style group to carry out the engagement work;
408. The Committee members heard that fireworks misuse is just one means by which anti-social behaviour comes out, and only at a specific time of the year. On Bonfire Night 2018 there were over 300 young people in Blackburn taking part in anti-social behaviour. The majority of these were not from the town but the wider area.
409. Also, many were not there to misuse fireworks, but to observe misuse and any subsequent confrontation which may take place between a very small group involved in letting off fireworks and the police or fire service. This form of mass anti-social behaviour terrified locals.
410. But in 2019 BBNAG estimated fewer young people were involved in fireworks misuse as diversionary events and other mitigations has helped head off a lot of the issues.
411. One of the key lessons learned by Blackburn was that school engagement and community diversionary activities are not primarily aimed at those intent on misusing fireworks. Instead it draws away the vast majority of the 'audience' of onlookers who may gather to observe misuse. This 'takes the heat' out of the situation and the hype which can build around Bonfire Night.

412. If this model is to be successfully replicated in other communities, then the drivers of change must be local. Communities must be encouraged to take part creating their own solutions, and it should not be top down plans designed by agencies and authority figures. Local community members and young people must be represented and involved in designing the solutions to ensure the community gets involved and it is a grass roots approach which reflects the needs of the local area.
413. As part of the discussion, the issue of Firework Control Zones (FCZs) - as proposed in the Bill - was discussed. Some were not convinced how FCZs would be policed. Part of what excited those involved in fireworks misuse/anti-social behaviour was getting chased by the police, or getting the fire engines called out to an incident. Some of the participants in the meeting felt the establishment of formal FCZs could have the reverse effect and create a magnet for firework-related anti-social behaviour as those involved may see such a Zone as the best place to attract the attention of the police and fire services.
414. Some felt that many local people may not like having a Zone placed near their homes, as it may act to displace firework anti-social behaviour to other neighbourhoods which may impact people not currently experiencing high levels of fireworks misuse.
415. Other's felt the creation of a FCZ may have a stigmatising effect on a community and make them feel that communities like Blackburn are hotspots where people from other communities may come to take part in anti-social behaviour, including misusing fireworks.
416. Paul Harvey, the local liaison officer from the Scottish Fire and Rescue Service gave the group a virtual walkabout of the key areas where there is firework-related anti-social behaviour. Two key areas for firework-related anti-social behaviour is King George V Park (KGVP), a public park in the town and the [Blackburn Skatepark](#) , a recently developed skate recreation area, about half a mile away from the Park. These have become key hotspots in Blackburn. One of the key problems is the movement of people involved in firework misuse between the Park and the Skatepark, which involves people passing through residential areas.
417. The SFRS notice a higher level of call outs in the area when Bonfire Night falls on a Friday. The SFRS will start its school engagement programme on bonfire misuse around Aug/Sept each year and will promote BBNAG-organised events around Bonfire Night. The SFRS also works with the Council to remove bonfire-able materials from the locale, which act as an attractor for anti-social behaviour.
418. BBNAG noted that some organised fireworks events are costly to attend, and may be out of the reach of many people in the Community. It is important to consider the quality of the community events being organised to dissuade people from holding their own unofficial events, which leads to firework misuse.
419. The SFRS noted that while Bonfire Night/5 November is their single busiest night for fire call outs, the busiest time of the year for anti-social fire setting is from March to May/June. This may be because of emerging from the winter period gives rise to more anti-social behaviour. So while the majority of fireworks misuse is around 5 Nov, most anti-social behaviour fire incidents are not connected to Bonfire night.
420. Some members of BBNAG questioned whether the police will have the resources or

personnel to effectively stop and search/and seize fireworks as provided for in the Bill. Having Community Police officers is vital to making BBNAG's work happen. There was a worry that the Bill does not provide additional support for communities to make the provisions in the Bill work on the ground, such as community policing or support for community groups.

421. One of the key fears expressed around FCZs was that they may generate a public expectation that local police and fire service resources will be focussed on the Zone to the detriment of other areas. Depending on whether such Zones act as magnets for firework anti-social behaviour, or displace firework anti-social behaviour to other areas, this could present real problems for the emergency services.

General Q&A on the Bill

422. The following is a summary of the issues which were raised in a general Q&A-

- On the supply of fireworks, there were some local hardware shops which sold fireworks, but these were seen as responsible sales outlets.
- There was no clarity on how the Bill might impact the supply of fireworks from supermarkets, or from pop-up-shops which usually set up around Bonfire nights.
- The public BBNAG meetings in 2017 pointed to the fact that 'white van man' was the biggest problem in terms of the local supply of fireworks. But this pattern has changed in recent years as more local people use the CrimeStoppers number to anonymously report when they see 'white van man' sales.
- The majority of young people were now getting fireworks by buying them online.
- There was a concern expressed that if more people turn to online purchase of fireworks to get around the supply restrictions in the Bill it would take money out of the economy of the local community and could see the demise of responsible local firework sellers over irresponsible online sales.
- It is very important not to stigmatise or demonise young people when speaking about fireworks misuse. This is an "adult problem", as adults manufacture, import, sell and provide fireworks to young people. There is a very small minority of young people involved in fireworks misuse. The current debate is widely demonising young people.
- A key issue to address is to educate adults and parents about their attitude to fireworks and the dangers of providing them to their children.
- The Committee heard that some parents bought fireworks and used social media, such as Snapchat to sell them to other parents and people in the community. It was felt the small number of young people involved in fireworks misuse were getting those fireworks from adult family members.
- It was felt that people will also find a way around supply control mechanisms in the Bill. There was one local case of an adult selling fireworks from his house to young people in the area. That is a policing issue. The police need to rely on

local information and intelligence about those providing fireworks.

- There was some discussion around whether low noise fireworks would work in reducing the impact on people and pets. Major named retail chains in the local community had trialled selling low noise fireworks in 2020. However, these were not effective as they didn't fulfil the 'bravado' need of some looking to use fireworks as they just sourced what they wanted online.
- The Scottish Government needs to work with the Royal Mail to control the delivery of age restricted items, such as fireworks, from online purchases as these packages have to be signed for on delivery.
- There was a general feeling that the provisions in the Bill on licencing, and types of firework (Cat F2 and F3) was too confusing for lay people to understand and that a really good communications plan is needed. Many local people will turn to groups like BBNAG for help to understand the new fireworks regulations and legislation. If the members of BBNAG find the system confusing and can't answer their questions, people will not have faith in the system.
- Key annual events in Blackburn are used by BBNAG to engage with people on fireworks etc, so knowledge of the Bill is key. Sending mixed messages will destroy the trust people have in the work of BBNAG. People will expect groups like BBNAG to know what's in the Bill.
- The SFRS need to know who is selling fireworks and, at present, they know all the retailers involved. If the Bill changes the patterns of supply, this would be a concern.
- Some people felt a 5 year licence for fireworks is too long a period of time. There were questions about whether licence holders would sell their licences to others who would then use them to buy fireworks to sell illegally. Who would be held liable in this situation?
- There must be more government investment in community structures and groups, as they will be central to making the provisions of the Bill work. Fireworks misuse is a part of a wider social issue and tackling it requires funding.
- Groups like BBNAG can do a lot even with small amounts of funding. It delivered its diversionary programme of events for a year on less than £2,500. That's not a lot of money and it saved the SFRS a lot of money as it led to a reduced level of call outs during Bonfire season.
- School engagement sessions by the SFRS on fireworks are good. However a lot of the problems with young people misusing fireworks is because its learned behaviour from adults in their home. Changing adult behaviour is key to change.
- It's important to show the consequences of what happens when you throw a firework at someone's door – pets die, people with sensory issues are terrified. One of the most effective tools in addressing change locally has been to show people the impact of fireworks on peoples' lives. The communications plan that

accompanies the introduction of the Bill must include issues like this. It's vital to "humanise the problem" so people know the impact of their behaviour.

- BBNAG members believe the communications around the Bill should teach people how much it costs for the SFRS, police, councils, ambulance service etc. to deal with the impact of fireworks incidents or fire raising. For example, the issue of the impact on older people or those with health issues. BBNAG has used information like this when engaging with local people and it was very effective.
- The Committee was asked whether the dates in the Bill could exclude local events? If the aim of the Bill is to change culture then banning local firework events on gala days and parades would be a step backwards as it is taking away controlled firework events which people can attend. Members of BBNAG thought the Bill should allow local flexibility for councils to allow the use fireworks in specific areas for certain events.

ANNEX B: Written and Oral Evidence Received

Written Evidence

423. In response to its call for written views on the Bill the Committee received 161 submissions. Those submissions can be viewed here: [Published responses for Fireworks and Pyrotechnic Articles \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

Oral Evidence

424. The Committee undertook four oral evidence taking sessions between Wednesday 16 March and Wednesday 30 March 2022.

425. On Wednesday 16 March 2022 the Committee took evidence from-

- Alasdair Hay, Chair of the Fireworks Review Group;
- Assistant Chief Officer Stuart Stevens, Director of Service Delivery for the Scottish Fire and Rescue Service;
- David Hamilton, Chair of the Scottish Police Federation;
- Rob Holland, Acting Director of the National Autistic Society Scotland;
- Lorraine Gillies, Chief Executive for Scottish Community Safety Network; and
- Gilly Mendes-Ferreira, Head of Education, Policy and Research at the Scottish Society for the Prevention of Cruelty to Animals.

The [Official Report transcript](#) and [minutes](#) of this session are available online.

426. On Monday 21 March 2022 the Committee took evidence from-

- Chief Inspector Nicola Robison, Partnerships, Prevention and Community Wellbeing Division of Police Scotland;
- David MacKenzie, Chair of the Society of Chief Officers of Trading Standards in Scotland; and
- Julie Whitelaw, Interim Head of Housing, Customer and Building Services at West Lothian Council.

The [Official Report transcript](#) and [minutes](#) of this session are available online.

427. Wednesday 23 March 2022 the Committee took evidence from-

- Fraser Stevenson, Vice Chairman of the British Fireworks Association;
- Andy Hubble, Chairman of the British Pyrotechnists Association; and
- Norman Donald, Owner of NJE Fireworks Displays.

The [Official Report transcript](#) and [minutes](#) of this session are available online.

428. The Committee concluded its oral evidence taking on Wednesday 30 March 2022 by hearing from-

- Ash Regan MSP, Minister for Community Safety;
- Elinor Findlay, Bill Team Leader;
- David Bell, Anti-Sectarian Policy Team Leader (Pyrotechnics); and
- Natalie Stewart, Solicitor, Scottish Government.

The [Official Report transcript](#) and [minutes](#) of this session are available online.

Supplementary written evidence

429. During its scrutiny of the Bill the Committee sought, and received supplementary written evidence on the following-

- [Scottish Government Bill Team officials](#);
- [Minister for Community Safety](#);
- [Police Scotland 'The illicit use of pyrotechnics at events in Scotland', Sept 2021](#);
- [Department of Justice Government of Ireland General response on fireworks legislation in Ireland](#);
- [Society of Chief Officers of Trading Standards in Scotland Supplementary Written Evidence](#);
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- 134 Regulation 3(1)(a) in the [Pyrotechnic Articles \(Safety\) Regulations 2015](#) defines a “pyrotechnic article” as “an article which contains explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions”. Fireworks are excluded from the definition. A similar definition of a “pyrotechnic article” is contained in regulation of 2(1) of [The Explosives Regulations 2014](#).
- 135 The definition of a controlled article or substance in the 1995 Act is one whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas. It includes distress flares, fog signals, and fireworks.
- 136 Part 2 of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) contains controls for pyrotechnic articles, including fireworks, at sports grounds and sporting events, during a designated sporting event. It includes an offence for those who attempt to enter, or who have entered, a designated sports ground who are in possession of a controlled article or substance
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- 146 Criminal Justice Committee, Official Report, 21 March 2022 (Col 29): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13660>
- 147 Scottish Police Federation written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=federation&uuld=169228737
- 148 Criminal Justice Committee, Official Report, 16 March 2022 (Col 26): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13650>
- 149 Criminal Justice Committee, Official Report, 16 March 2022 (Col 26): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13650>
- 150 Police Scotland letter 24 March 2022: https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2022/20220324_policescotlandtoconvener_fireworksbillsupplementary.pdf
- 151 Policy Memorandum (para 165): <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/paccessible.pdf>
- 152 Criminal Justice Committee, Official Report, 30 March 2022 (Cols 36-38, and 39): <http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13686&mode=pdf>
- 153 Criminal Justice Committee, Official Report, 30 March 2022 (Col 39): <http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13686&mode=pdf>
- 154 Scottish Police Federation written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=federation&uuld=169228737
- 155 Criminal Justice Committee, Official Report, 21 March 2022 (Col 29): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13660>
- 156 RNLI written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=lifboat&uuld=956035063

- 157 Explanatory Notes: [Public Order Act 1986](#) was amended by section 57 of the Anti-social Behaviour Act 2003, so as to change this definition to refer to such an assembly of *two* or more persons. However, that amendments only forms part of the law of England and Wales, it did not apply in Scotland where the provision is still fore twenty or more persons.
- 158 Police Scotland written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=police&uuld=1036841570
- 159 Scottish Police Federation written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=federation&uuld=169228737
- 160 Finance and Public Administration Committee Call for views: https://yourviews.parliament.scot/finance/fireworks-pyrotechnic-articles-fm/consultation/published_select_respondent
- 161 Glasgow City Council written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?show_all_questions=0&sort=excerpt&order=ascending&q_text=glasgow&uuld=687114692
- 162 Financial Memorandum (para 78): <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/fmaccessible.pdf>
- 163 COSLA written submission: https://yourviews.parliament.scot/justice/fireworks-bill/consultation/view_respondent?_b_index=120&uuld=595533646
- 164 Criminal Justice Committee, Official Report, 21 March 2022 (Col 28): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13660>
- 165 Criminal Justice Committee, Official Report, 21 March 2022 (Col 22): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13660>
- 166 Criminal Justice Committee, Official Report, 21 March 2022 (Col 22): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13660>
- 167 Criminal Justice Committee, Official Report, 23 March 2022 (Col 4): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13669>
- 168 Criminal Justice Committee, Official Report, 23 March 2022 (Col 8): <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13669>

- 169 Criminal Justice Committee, Official Report, 30 March 2022 (Cols 7-11):
<http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13686&mode=pdf>
- 170 Letter from Minister Ash Regan, 6 April 2022: https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2022/20220406_ministerforcommunitysafetytoconvener_fireworksandpyrotechnicarticlescotlandbill.pdf
- 171 Firework Review Group report (page 11): <https://www.gov.scot/publications/firework-review-group-report-scottish-government/>
- 172 COPFS, Fireworks and pyrotechnics offences - charges received during financial years 2016-2021 (April 2022): [fireworks-and-pyrotechnics-offences-charges-received-during-financial-years-2016-to-2021.pdf \(parliament.scot\)](https://www.parliament.scot/files/committees/criminal-justice-committee/correspondence/2022/20220406_ministerforcommunitysafetytoconvener_fireworksandpyrotechnicarticlescotlandbill.pdf)
- 173 Letter from the Minister for Community Safety – 6 April 2022:
https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2022/20220406_ministerforcommunitysafetytoconvener_fireworksandpyrotechnicarticlescotlandbill.pdf
- 174 Criminal Justice Committee, Official Report, 16 March 2022 (Col 9):
<https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13650>
- 175 Criminal Justice Committee, Official Report, 16 March 2022 (Col 33):
<https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13650>
- 176 Delegated Powers Memorandum: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced/dpmaccessible.pdf>
- 177 Letter from the Minister for Community Safety – 6 April 2022:
https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2022/20220406_ministerforcommunitysafetytoconvener_fireworksandpyrotechnicarticlescotlandbill.pdf

