

BVA Scottish Branch, AGV, AVS, BEVA, BSAVA, BVPA, BVNA, BVZS, GVS, PVS, SVS, SPVS and VPHA response to Scottish Government consultation on the introduction of new legislation on the use and sale of fireworks and tackling the misuse of pyrotechnics

Introduction

1. BVA is the national representative body for the veterinary profession in the United Kingdom and has over 18,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
2. BVA's Scottish Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on Scottish and United Kingdom issues.
3. The following species and sector-specific divisions have contributed to and co-badged this response:
 - The **Association of Government Veterinarians (AGV)** is a specialist division of BVA representing the views of veterinarians working in UK Government Departments and Executive.
 - The **Association of Veterinary Students (UK & Ireland) (AVS)** is the representative body for veterinary students at the nine vet schools in the UK and Ireland. AVS has over 5,500 members, approximately 97% of vet students in the UK and Ireland and represents the views of members at all levels. AVS works closely with numerous organisations including the British Veterinary Association, Veterinary Schools Council and the RCVS to support veterinary students.
 - The **British Equine Veterinary Association (BEVA)**. BEVA serves and leads the equine veterinary profession in the championing of high standards of equine health and welfare and the promotion of scientific excellence and education. BEVA represents some 3,000 members.

- The **British Small Animal Veterinary Association (BSAVA)**, which exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 10,000 members.
- The **British Veterinary Nursing Association (BVNA)** is the national representative body for the veterinary nursing profession and exists to promote animal health and welfare through the ongoing development of professional excellence in veterinary nursing.
- The **British Veterinary Poultry Association (BVPA)** is an active non-territorial division of the British Veterinary Association. The objective of the BVPA is to further the knowledge of its members, who are drawn from academia, research, government, commerce and practice, by holding educational and technical meetings. The Association also offers objective science-based advice and comment on issues affecting its members and the poultry industry in general.
- The **British Veterinary Zoological Society (BVZS)** is a specialist division of the British Veterinary Association (BVA) dealing with the interests of free-ranging and captive wildlife, zoo animals and non-traditional companion animals (NTCAs). The Society has several hundred active members, including registered veterinary surgeons, veterinary nurses, students and other interested individuals in related academic fields. BVZS supports and promote veterinary knowledge and scientific advancement in the health, welfare and conservation of free-ranging and captive wildlife, zoo animals and non-traditional companion animals (NTCAs) and encourages veterinary input and support for the health and welfare of these species by those individuals and organisations responsible for their care.
- The **Goat Veterinary Society (GVS)** is a division of BVA and has approximately 300 members, including veterinary surgeons with a specific interest in goat health and welfare, but also has a significant “non-veterinary” membership including owners and farm personnel from across the entire spectrum of goat keeping in the UK.
- The **Pig Veterinary Society (PVS)** is a specialist division of the British Veterinary Association. The membership of PVS includes veterinary surgeons and scientists who work in the pig sector, and the Society aims to assist its members in their professional lives by ensuring they have access to the latest information with regards pig health and production. PVS also represents the membership at a national level, making sure that pig welfare is a priority considering the latest research with regards health and management on farm.
- The **Sheep Veterinary Society (SVS)** promotes sheep health and welfare as a specialist division of the BVA. While most of its 700 members are vets, many are drawn from all sectors of the sheep industry.
- The **Society of Practising Veterinary Surgeons (SPVS)** is the division of the BVA with a primary focus on matters concerning vets in practice and the practices where they work. SPVS is a not-for-profit organisation for professionals within the veterinary industry. SPVS promotes responsible leadership by providing tools and resources that enable members to develop and expand their business and leadership skills.
- The **Veterinary Public Health Association (VPHA)** is a division of BVA and is committed to the protection of the consumer and the environment as well as to the promotion of animal welfare. VPHA currently has over 300 members many of whom work as Official Veterinarians in slaughterhouses dealing with both public health and animal welfare issues.

4. Fireworks

We welcome the opportunity to respond to this consultation. We recognise that current legislation provides controls on the use, sale and purchase of fireworks, as well as provisions to minimise noise levels and protect animal welfare.

5. However, loud and high-pitched fireworks can have a negative impact on animal health and welfare by causing stress or fear responses across a range of species, including companion

animals, wildlife, horses, livestock and zoo animals.^{1,2,3,4,5,6,7,8,9,10,11,12,13}

6. As a One Health¹⁴ focussed profession, we also recognise there are concerns regarding the use of fireworks on human and environmental health, including preventable injuries¹⁵, negative impact on those suffering from respiratory disease, potential distress from loud noise levels for those with noise sensitivity, and air pollution/emissions.¹⁶
7. We consider that current controls on the use, sale and purchase of fireworks, as well as controls to mitigate noise levels, do not go far enough to adequately safeguard the health and welfare of animals in the UK. We are calling for:
 - Tighter restrictions on the private use, sale and purchase of fireworks (including restricting the use and sale of fireworks around agreed traditional dates);
 - Licensing of all public displays and organised events;
 - A reduction in the noise limit of fireworks for public use in order to adequately safeguard animal health and welfare. We would support setting the maximum noise levels of fireworks intended for public use and sale to 97 dBAI at 15 meters, in line with the RSPCA's recommendation¹⁷. Without noise reduction, even with the introduction of

¹ Broucek, Jan. (2014). Effect of Noise on Performance, Stress, and Behaviour of Animals Introduction. 47. 111-123.

² Blackwell, E., Casey, R., & Bradshaw, J. (2005). Firework Fears and Phobias in the Domestic Dog. Scientific Report for the RSPCA, University of Bristol, UK

³ Shamoun-Baranes, Judy & Dokter, Adriaan & van Gasteren, Hans & Emiel van Loon, E & Leijnse, Hidde & Bouten, W. (2011). Birds flee en mass from New Year's Eve fireworks. Behavioral ecology : official journal of the International Society for Behavioral Ecology. 22. 1173-1177. 10.1093/beheco/arr102.

⁴ Gronqvist, G., Rogers, C., & Gee, E. (2016). The Management of Horses during Fireworks in New Zealand. Animals : an open access journal from MDPI, 6(3), 20. doi:10.3390/ani6030020

⁵ The British Horse Society. Advice on Horse and Fireworks. Available at: https://www.bhs.org.uk/~/_/media/bhs/files/pdf-documents/safety-leaflets/horses-and-fireworks.ashx

⁶ Dale, A.R.; Walker, J.K.; Farnworth, M.J.; Morrissey, S.V.; Waran, N.K. A survey of owners' perceptions of fear of fireworks in a sample of dogs and cats in New Zealand. N. Z. Vet. J. 2010, 58, 286–291. Available at: <https://www.tandfonline.com/doi/full/10.1080/00480169.2010.69403?scroll=top&needAccess=true>

⁷ Overall, K.L.; Dunham, A.E.; Frank, D. Frequency of nonspecific clinical signs in dogs with separation anxiety, thunderstorm phobia, and noise phobia, alone or in combination. J. Am. Vet. Med. Assoc. 2001, 219, 467–473. Available at: https://www.avma.org/News/Journals/Collections/Documents/javma_219_4_467.pdf

⁸ Kelly C. Ballantyne, 2018. Separation, Confinement, or Noises: What Is Scaring That Dog?, Veterinary Clinics of North America: Small Animal Practice, Volume 48, Issue 3, Pages 367-386, <https://doi.org/10.1016/j.cvsm.2017.12.005>.

⁹ Linn Mari Storengen, Frode Lingaas, 2015. Noise sensitivity in 17 dog breeds: Prevalence, breed risk and correlation with fear in other situations, Applied Animal Behaviour Science, Volume 171, Pages 152-160, <https://doi.org/10.1016/j.applanim.2015.08.020>.

¹⁰ Emily J. Blackwell, John W.S. Bradshaw, Rachel A. Casey, 2013. Fear responses to noises in domestic dogs: Prevalence, risk factors and co-occurrence with other fear related behaviour, Applied Animal Behaviour Science, Volume 145, Issues 1–2, 2013, Pages 15-25, <https://doi.org/10.1016/j.applanim.2012.12.004>.

¹¹ Sulser, C.E. Steck, B.I & Baur, B (2008) Effects of construction noise on behaviour of and exhibit use of Snow leopards *Uncia uncia* at Basel zoo. International Zoo Yearbook, 42, pp. 199-205

¹² Weeks C.A. (2008) A review of welfare in cattle, sheep and pig lairages, with emphasis on stocking rates, ventilation and noise. Animal Welfare 17: 275-284

¹³ Weeks, CA., Brown, SN., Warriss, PD., Lane, S., Heasman, L., Benson, T.. (2009) Noise levels in lairages for cattle, sheep and pigs in abattoirs in England and Wales. Veterinary Record 165, 308-314.

¹⁴ One Health is the collaborative efforts of multiple disciplines working to attain optimal health for people, animals and our environment. Read the BVA One Health in Action report:

https://www.bva.co.uk/media/3145/bva_one_health_in_action_report_nov_2019.pdf

¹⁵ Nizamoglu, M., Frew, Q., Tan, A., Band, H., Band, B., Barnes, D., El-Muttardi, N., ... Dziewulski, P. (2018). The ten-year experience of firework injuries treated at a uk regional burns & plastic surgery unit. Annals of burns and fire disasters, 31(1), 13-16. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6116645/>

¹⁶ <https://www.gov.scot/publications/fireworks-legislation-impacts-international-evidence-review/pages/4/>

¹⁷ The below extract taken from the RSPCA report *Keep the Noise Down: Loud fireworks frighten animals* (2005) sets out the rationale for reducing the maximum permitted noise of fireworks intended for public sale to the 97-decibel limit:

Most animals, especially pets, are used to and can tolerate common household noises. 97 decibels corresponds to the maximum measured household noise level.

The 97 decibels limit will mean that many existing fireworks, including most candles, rockets and fountains, will still be on sale.

Setting the limit at 97decibels will encourage manufacturers to design and produce quieter fireworks.

other measures such as limiting days and periods of sale, there will likely continue to be a negative impact on animal welfare.

- Clear labelling of fireworks at point of sale to indicate their noise level to the consumer eg. 'low noise firework' or 'loud firework – risk to animal welfare'; and
- Opportunities to work collaboratively with the relevant authorities and government departments to raise awareness of the potential negative animal health and welfare impacts of firework displays, both in terms of increasing public and event organiser awareness and helping pet owners and animal keepers prepare their animals to prevent or manage distress during firework displays.

8. Pyrotechnic devices

It is important to emphasise that the misuse of pyrotechnic devices has the potential to harm animal health and welfare, as well as public health and safety. For example, at large public or sporting events misuse of these devices can cause injury and distress to working police horses and dogs, assistance animals, and competing animals such as racehorses and greyhounds. Therefore, we would support the introduction of additional measures to tackle the illegal use of pyrotechnic devices.

Section 1: Fireworks

Part 1: Mandatory conditions at point of sale

Question 1: Do you agree that a fireworks licensing system should be introduced in Scotland?

9. Yes. We agree that a fireworks licensing system should be introduced on the sale and purchase of fireworks in Scotland. Buyer and end-users should be educated to ensure the safe and appropriate use of fireworks, and mitigate the potential negative impacts of fireworks on animal health and welfare. We support proposals for the licensing system to apply to all adults over the age of 18, including members of community organisations and groups organising a public display.

10. Additional measures

To complement the proposed licensing system, Scottish Government should also restrict the maximum permitted noise levels of fireworks that individuals are able to purchase for private use. At present, the 120 decibels noise limit on Category F1, F2, and F3 fireworks set out in legislation is specified to align with the human pain threshold for audible sound. We therefore consider that the legislation does not pay sufficient regard for the impact of noise level and frequency of fireworks on animals, as sentient beings, who are more sensitive to loud and/or high pitched noise than their human counterparts.

11. In the absence of accurate evidence regarding the specific welfare impact of loud noise levels on animals, we support a reduction in the maximum permitted noise of fireworks intended for public sale to a threshold of 97 decibels with a 15-metre safety distance.

12. The below extract taken from the RSPCA report *Keep the Noise Down: Loud fireworks frighten animals* (2005) sets out the rationale for reducing the maximum permitted noise of fireworks intended for public sale to the 97-decibel limit:

- *Most animals, especially pets, are used to and can tolerate common household noises. 97 decibels corresponds to the maximum measured household noise level.*
- *The 97 decibels limit will mean that many existing fireworks, including most candles, rockets and fountains, will still be on sale.*

It is important to note that the proposed noise limit of 97decibels is not based on research regarding the animals' behaviour to maximum noise levels – the RSPCA will never subject animals to noise level tests.

- *Setting the limit at 97decibels will encourage manufacturers to design and produce quieter fireworks.*

It is important to note that the proposed noise limit of 97decibels is not based on research regarding the animals' behaviour to maximum noise levels – the RSPCA will never subject animals to noise level tests.

13. Fireworks should also be clearly labelled to indicate their noise level to the consumer eg. 'low noise firework' or 'loud firework – risk to animal welfare'. This would enable consumers to exercise an informed choice as to the types of firework they are buying if they wish to minimise the potential negative noise impact of fireworks on animal health and welfare.

Question 2: Do you agree that any licensing system should cover the possession and use of fireworks, in addition to their purchase?

14. Yes. We agree that any licensing system should cover the purchase, possession and use of fireworks.

15. Licenses for use of fireworks by private individuals

In line with our recommendation to limit the noise levels of fireworks intended for public sale, private individuals licensed under the proposed system should be limited to using fireworks with a maximum permitted noise level of 97-decibels with a 15-metre safety distance.

16. Licences for the general public should also specify the days and times at which fireworks can be used, as well as where (in line with recently introduced Fireworks (Scotland) Miscellaneous Amendments Regulations 2021 and the proposals regarding restricting the days on which fireworks can be used and no-firework areas that are set out in this consultation document should they be introduced).

17. Licenses for use of fireworks at public displays and organised events.

We recognise that public firework displays or organised events present animal owners and authorities enforcing fireworks legislation with more opportunity to mitigate the negative welfare impacts of fireworks for the following reasons:

- Public firework displays and organised events can be advertised well in advance, giving animal owners and keepers sufficient time to prepare their pets for firework displays and prevent or manage possible distress.
- Public firework displays are usually at fixed times of year, meaning, again, that animal owners and keepers are able to anticipate their occurrence and take appropriate measures to prevent or manage possible distress in their animals.
- As public firework displays are at specified locations and therefore easier to monitor and ensure that organisers are complying with relevant fireworks legislation
- Public firework display venues are usually public amenity spaces in urbanised areas meaning that the risk of displays impacting on livestock and wildlife is minimised.
- Public firework displays attract larger numbers of people, reducing the need for other private displays and therefore the number of fireworks contributing to loud and high-pitched sounds levels.

18. To ensure responsible firework use at public displays and organised events, all public displays and organised events using fireworks should be required to be licensed by the relevant authority. This should include events run by professional fireworks operators to ensure consistency of standards and oversight by relevant authorities.

19. Introducing a licensing system for public displays and organised events would also enable the Scottish Government to specify specific licensing conditions to safeguard animal health and welfare, such as:

- Requiring licence holders to give advance notice of the display to all local residents with the option for local residents to appeal against the display or event.

- Requiring licence holders pay due regard to how their firework display may impact on companion animals, wildlife, horses and livestock in the local area, as well as how they are going to dispose of debris and remnants of fireworks.

Question 3: Do you agree that a fee to obtain a fireworks licence in Scotland should be introduced?

20. Yes. We agree that a fee to obtain a fireworks licence in Scotland should be introduced in order to cover the costs incurred to set up, run and implement continuous improvements to the licensing system.

Question 4: Do you have any views on how much the licence fee should be?

21. The licence fee should be sufficient to cover delivery and enforcement costs of the licensing system.

Question 5: Do you agree that successful completion of an online safety course to obtain a fireworks licence in Scotland should be introduced?

22. Yes. We agree that the successful completion of an online safety course to obtain a fireworks licence in Scotland should be introduced. We note that there are already controls such as this in the animal health sector, for example, you must complete a [certificate of competency](#) (Level 2 Award in the Safe Use of Sheep Dip) to be able to buy sheep dip or carry out dipping.
23. The proposed online safety course content should highlight the potential negative impact of fireworks on animal health and welfare, as well as the importance of safe disposal of the debris and remnants of fireworks. We would welcome the opportunity to work with Scottish Government to develop this content.
24. It is paramount that this course does not become a tick box exercise. The course should be developed with clear learning objectives, as well as the opportunity for licence applicants to reflect on what they have learnt and demonstrate that they have met the stated learning objectives.

Question 6: Who do you think would be best placed to run and administer the proposed licensing system?

25. Any system that is put in place to run and administer the proposed licensing system should ensure consistency in terms of implementation and enforcement across Scotland. This will minimise varying standards and confusion amongst businesses and members of the public. In addition, it should be effective and efficient in delivering on intended objectives. Whilst we recognise that the online course and granting of a licence should provide for consistency, we would wish to ensure the same is applied in respect of all aspects. A single body may be best placed to meet the key criteria and deliverables unless it can be assured that individual Local Authorities can implement central government guidance consistently across Scotland. A hybrid model may be an additional option whereby a central body runs and administers the system with input from Local Authorities on certain aspects which are overseen by the central body, such as criteria and decision-making relating to no-fireworks areas as per Q 11.

Question 7: Please tell us if you have any other comments on the introduction of a licensing system and the proposed process for how the licensing system would be implemented and managed.

26. We would suggest that any new system should have adequately trained and dedicated resources to ensure consistency in service delivery across Scotland. Animal welfare should be included as part of this training.

Part 2: Restrict the days fireworks can be sold and set off

Question 8: Do you agree with the proposed restrictions on the days fireworks can be used by the general public?

27. Yes. Given the potential negative impact on animal health and welfare and the current ease with which people can access and use fireworks, overall, we support the proposed restrictions on the days fireworks can be used by the general public. However, consideration will need to be given as to how these restrictions on use can be effectively enforced.
28. We also note that the proposed restricted window for use of fireworks around Bonfire Night (5th November) appears long when compared with that for other traditional dates. Such a wide window could increase potential for the misuse of fireworks and result in negative impacts on the health and welfare of animals. We would therefore support alignment between restrictions on use of fireworks around Bonfire Night and other traditional dates ie. by restricting use to the week of the 5th November (to incorporate the weekends either side of when the 5th may fall, which is when most organised public displays are likely to be held).

Question 9: Do you agree with the proposed restrictions on the days fireworks can be sold to the general public?

29. Yes. Overall, we agree with the proposed restrictions on the days fireworks can be sold to the general public. Consideration should also be given as to how to mitigate the potential unintended consequences of members of the public purchasing additional fireworks during these periods and storing them for use outside of the proposed periods.
30. However, we note that the window for sales of fireworks around Bonfire Night (5 November) appears long when compared with that for other traditional dates, which may be to accommodate the level of sales anticipated. However, such a wide window could increase the potential for the excessive purchasing of fireworks and result in negative impacts on the health and welfare of animals. We would therefore support alignment between restrictions on sale around Bonfire Night and other traditional dates ie. by restricting sale to the 5th November and the three days immediately preceding it.

Part 3: No-firework areas

Question 10: Do you agree with the introduction of no-firework areas?

31. Yes. We agree with the introduction of no-firework areas where it would not be permitted for members of the public to set off fireworks.

Question 11: Do you agree that consideration, introduction and management of no-firework areas should be led by local authorities?

32. Yes. We agree that consideration, introduction and management of no-firework areas should be led by local authorities. However, it is paramount that local authorities have sufficient resource and guidance from central government to manage the process and ensure that no-firework areas are effectively utilised and enforced.

Question 12: Please tell us if you have any comments in relation to how communities can be actively involved in considering the feasibility and introduction of no firework areas, and the decision to introduce these.

33. As part of the local community consultation process, it is crucial that the impact of fireworks on animal health and welfare in the local area is evaluated and given due consideration. Involving those with local knowledge can prove advantageous. However, to ensure consistency in decision-making regarding these areas across Scotland we would suggest that clear guidance or criteria are provided to local authorities and that depending on the operating model adopted, a central body has oversight of the decision-making process. This approach should maximise sharing of knowledge and experience and minimise any potential inconsistencies across different local areas.
34. To inform these considerations, evidence and data on animal health and welfare impacts should be gathered from local veterinary practices, as well as animal owners/keepers, and businesses and charities where animals are usually kept on-site eg. farms, rehoming centres, zoos, kennels, catteries, riding stables. All relevant staff should be provided with adequate training in aspects of animal health and welfare.

Question 13: Please tell us if you have any comments on the proposed process for how no-firework areas would be implemented, managed and reviewed.

35. Guidance for local authorities setting out how no-firework areas should be implemented, managed and reviewed should specify that due consideration must be given to potential negative impact of fireworks on animal health and welfare in the local area.

Part 4: Proxy purchasing offences

Question 16: Do you agree with the introduction of a 'proxy purchasing' offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18?

36. Yes. We agree with the proposal to introduce a 'proxy purchasing' offence to criminalise the supply of fireworks to young people under the age of 18, which is in the spirit of introducing further restrictions on the private use and sale of fireworks.
37. To support this measure, there should also be government-led communications to improve awareness of the potential negative impact of fireworks and the public's responsibilities under the law. Key points in communications could include the impact of different fireworks on both human and animal health and welfare, any updated legislative requirements and penalties for misuse. This would be particularly useful around the traditional dates when fireworks are used.

Section 2: Tackling misuse of pyrotechnic devices

Question 20: Do you have concerns about pyrotechnic devices being misused?

38. It is outside of our remit to provide detailed commentary on proposals to extend stop and search powers, or the introduction of specific offences around possession of pyrotechnic devices in public spaces. However, we recognise the potential impact of the misuse of pyrotechnic devices on public health and safety. It is also important to emphasise that the misuse of pyrotechnic devices has the potential to harm animal health and welfare.
39. If misused at large public or organised events and venues, pyrotechnic devices may cause injury and/or distress to assistance animals, as well as to working police horses or dogs when in public service, and any animals which are part of sporting events such as horse or greyhound racing or exhibitions. Similarly, if used in a public space, these devices may cause injury and/or distress to animals in the near vicinity eg. dogs being walked by the public.
40. We are therefore generally supportive of introducing additional measures to tackle the illegal use of pyrotechnic devices, both to safeguard animal health and welfare and protect the wider public.

Additional comments

41. Sky lanterns

When considering the use of fireworks and pyrotechnic devices, it is also important to highlight that the use of sky lanterns can negatively impact animal health and welfare, particularly livestock and wildlife, in several ways. We would therefore support a ban on their use and sale. Negative health and welfare impacts of sky lanterns include:

- Causing damage to the environment in which animals live through wildfires
- Causing burns through direct contact with lanterns and wildfires
- Causing injury through ingestion or entanglement with debris
- Causing fear and distress if animals become frightened of lanterns when they are airborne.