Fireworks and Pyrotechnic Articles (Scotland) Bill

Overview

This page provides information about submitting a detailed response to the Committee about the Fireworks and Pyrotechnic Articles (Scotland) Bill.

If you would like to make brief and general comments about the Bill, join in the conversation on our engagement website.

Fireworks and Pyrotechnic Articles (Scotland) Bill

The Scottish Government has proposed a new law which would restrict how people can buy and use fireworks and other 'pyrotechnic items' – such as flares.

MSPs on the Scottish Parliament’s Criminal Justice Committee are looking at the details of the proposals, and want to know what people think about them.

Knowing your views will help them think about ways that could improve the proposed law, and whether the draft Bill should be passed into law by the whole Parliament.

Please fill in the Call for Views below. To help you do this, you may wish to read the following background information about the proposals and the key terms that it would be helpful to understand:

More information about types of fireworks impacted by the Bill

What are the questions?

Overall views
What are your overall views on the Scottish Government's plans to restrict the sale and use of certain types of fireworks and pyrotechnic articles in Scotland, as set out in the Bill?

Types of fireworks covered by licensing system

The Bill proposes to establish a new licensing system for members of the public who wish to buy and use CAT F2 and CAT F3 fireworks in Scotland. This would require members of the public to undertake an online training course and pay between £30 and £50 for a licence, before they could buy or use CAT F2 and CAT F3 fireworks.

What are your views on this proposal?

Restrictions on supply of fireworks

Currently, the public can buy CAT F2 and CAT F3 fireworks all year round in Scotland. The Bill would make the following changes:

- CAT F2 and CAT F3 fireworks could only be sold to members of the public on 37 days a year, on the following specified dates, which are inclusive:
  - 7 April to 14 April (an eight-day period)
  - 27 October to 10 November (a 15-day period)
  - 26 December to 31 December (a six-day period)
  - The three days immediately before Chinese New Year and on the day of Chinese New Year (a four-day period)
  - The three days immediately before Diwali and on the day of Diwali (a four-day period).

What are your views on the proposed restricted periods on which CAT F2 and CAT F3 fireworks can be purchased by the public?

Restrictions on the use of fireworks

It is currently legal in Scotland for CAT F2, CAT F3 and CAT F4 fireworks to be set off and used between the hours of 6.00 PM to
11.00 PM (a five-hour period) each night of the year, except for the following dates—

- from 11:00 pm on the first day of the Chinese New Year to 01.00 am the next day (a two-hour period),
- from 11.00 PM on 5 November to midnight on 5 November (a one-hour period),
- from 11.00 PM on the day of Diwali to 01.00 AM the next day (a two-hour period),
- from 11.00 PM on 31 December to 01.00 AM the next day (a two-hour period).

The Bill would restrict when people can set off and use CAT F2, CAT F3 and CAT F4 fireworks to the following days—

- Between 7 April to 16 April (a 10-day period)
- Between 27 October to 12 November (a 17-day period)
- Between 26 December to 2 January (an eight-day period)
- From the third day immediately before Chinese New Year to the seventh day after the first day of Chinese New Year (an 11-day period)
- From the third day immediately before Diwali to the seventh day after the first day of Diwali (an 11-day period).

What are your views on the proposed changes to the days on which fireworks can be used?

_Criminal offences_

While a person must be aged 18 years or over to buy CAT F2 and CAT F3 fireworks, at the moment an adult can give CAT F2 and CAT F3 fireworks to someone under the age of 18 years.

The Bill would make it a criminal offence for someone aged 18 years or over to knowingly supply CAT F2 or CAT F3 fireworks to someone under the age of 18 years.

The Bill would also make it a criminal offence for a person, “without reasonable excuse”, to purchase, acquire, possess or use a Cat F2 or
CAT F3 firework without having a fireworks licence. It would also be an offence to sell these types of firework to someone over 18 years old who didn’t have a licence.

The maximin penalty for these offences, if convicted, is a fine of anywhere up to £5,000 and/or a sentence of up to 6 months in prison.

What are your views on these new criminal offences?

**Compensation scheme for businesses**

The Scottish Government plans to set up a compensation scheme for those business owners whose income may be greatly impacted by the Bill because their main business is importing and/or selling fireworks. The Government estimates there may be about nine to ten such businesses in Scotland.

Do you have any views on a proposed compensation scheme?

**Firework Control Zones**

The Government proposes to give local councils the power to establish local Firework Control Zones (FCZs) in their areas. The details of how this will work is to be set out by the Scottish Government in a national framework of regulations.

While a FCZ is in operation, it would be a criminal offence to use CAT F2 or CAT F3 fireworks in the zone. It would also be an offence to use CAT F4 fireworks in FCZ (which are professional fireworks used for public displays or events).

- Do you have any views on the proposals for FCZs?

**Restrictions at certain designated places or events**

The Bill will give the Scottish Government new powers to make regulations to control the possession or use of any fireworks or distress and signal flares at certain locations (such as sports grounds).
or at certain events (such as public music festivals, or public marches/processions).

• Do you have any views on the restrictions of the use of fireworks and pyrotechnic articles at certain events, and the restricted use of pyrotechnic articles more generally?

Other issues

Do you have any views on any other proposals in the Bill, such as-

• Those issues which the Scottish Government proposes to deal with in regulations after the Bill has been passed into law? (Set out in the Delegated Powers Memorandum)
• Other issues you think the Bill should address relating to the use of fireworks or pyrotechnic articles?

Leugh sa Ghàidhlig

How to submit your views

Please submit your views using the online submission form, linked to below. It is not necessary to answer all questions.

We welcome written views in English, Gaelic, Scots or any other language.

The call for views closes on Friday 11 March 2022.