

Email to John Robins from Scott Boyd Esq, [Building Safer Communities](#)

8 June 2022

Dear Mr Robins,

Thank you for your email of 3 May to all Members of the Scottish Parliament regarding the current Fireworks and Pyrotechnic Articles (Scotland) Bill. Your email has been passed onto the Building Safer Communities Team, which has policy responsibility for fireworks, and I have been asked to respond.

The Scottish Government is committed to reducing the disturbance that fireworks can cause, as well as the impact that they can have on the emergency services responding to firework related incidents. It is not within the power of the Scottish Parliament to legislate for a complete ban on the sale of fireworks. However, there are a number of actions this Government has progressed, and continues to progress, to reduce the harm that fireworks can cause to animals, people and communities by promoting the safe and considerate use of fireworks in Scotland, and encouraging people to understand the impact that using fireworks can have on others.

Evidence gathering and consultations are key elements of the work of the Scottish Government and, in particular, when considering legislative change it is important to seek views from the general public and stakeholders. These views are considered during subsequent analysis of consultation responses to identify a range of opinions and perspectives on an issue, and where action can be taken, including new legislation, within the limits of the Scottish Government's legislative competence.

Following concerns raised through the [2019 public consultation](#) on fireworks in Scotland, the Minister for Community Safety published the [Fireworks Action Plan](#) in October 2019. The Action Plan set out activities that were taken forward immediately, as well as longer term actions, to collectively support a change in how fireworks are accessed and used in Scotland. The Action Plan can be split into two parts: the Fireworks Review Group; and the non-legislative actions that sit alongside it.

In November 2019 the Minister tasked the independent Fireworks Review Group with considering the options available to tighten legislation on fireworks in Scotland. The Group considered all of the evidence available and made a series of recommendations to the Scottish Government in November 2020. The report can be accessed [online](#), and the Group reached a majority consensus that a fundamental shift is required in how fireworks are used and accessed in Scotland.

The Minister committed to progressing the recommendations as soon as was practicably possible, which required both secondary and primary legislation in order to be implemented. A number of the recommendations have been progressed through [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#), which came into effect on 30 June 2021. These regulations introduced three new measures on how the general public can access and use fireworks.

The three new measures introduced are:

- Restrictions on the times of day fireworks can be used by the general public to between 6pm and 11pm (subject to some exempt dates on holidays or dates of cultural significance).
- Restrictions on the times of day fireworks can be supplied to the general public to during the daytime hours of 7am and 6pm, alongside existing requirements on retailers around sale and storage licences.
- A limit the quantity of fireworks that can be supplied to the general public to 5kg at any one time.

Following a [further consultation](#) in 2021, which you have referred to in your letter, the introduction of the Fireworks and Pyrotechnic Articles (Scotland) Bill was [announced by the Scottish Parliament](#) on 2 February to further tighten the law on the sale and use of fireworks and pyrotechnics in Scotland. The Bill's proposed measures include:

- the introduction of a fireworks licensing system
- a new power for local authorities to designate firework control zones, where it is not permitted for the public to use fireworks
- restricting the days fireworks can be sold to and used by the general public
- a new offence to criminalise the supply of fireworks and pyrotechnics to under-18s to ensure adults do not purchase such products on behalf of children
- a new offence of being in possession of a pyrotechnic while in a public place, without reasonable excuse

These measures take forward the recommendations requiring primary legislation. The Criminal Justice Committee is leading on scrutiny of the Bill on behalf of the Scottish Parliament. An update on the Bill's progress through Parliament can be found here: <https://www.parliament.scot/bills-and-laws/bills/fireworks-and-pyrotechnic-articles-scotland-bill/introduced>

Throughout the Bill's development we have worked closely with animal welfare organisations and, if the Bill is passed by Parliament, this will continue as measures within the Bill are implemented. This includes, for example, working with a range of stakeholders, including animal charities, to develop the mandatory training course that will underpin the licensing regime.

Our work around fireworks is not confined to legislation alone and in addition to taking forward Legislation, non-legislative actions from the Action Plan have been progressed. This includes greater awareness raising, education and preventative activity in communities across Scotland, including our spend on safety campaigns.

As detailed in our FOI response to you in November 2019, in advance of Bonfire night in that year, The Scottish Government launched two public communication campaigns:

- The first was a campaign on the Impact of Fireworks that was designed to improve people's awareness and understanding of the impact the legitimate use of fireworks can have on people and animals. This is in response to the strong theme that emerged from consultation on the impact the noise associated with fireworks can have on people, animals and the environment. This is particularly in relation to the private use of fireworks, and was linked with a clear 'ask' for people to attend organised displays and linked to the Scottish Fire and Rescue Service website which provided details of local displays. This campaign featured on radio platforms, social media platforms, and included a featured video and advertorials in local press platforms.
- The second campaign focussed on improving people's awareness and understanding of the existing Rules and Regulations on fireworks, and how and when to report their misuse. While nationwide, this campaign targeted specific communities where there have previously been higher levels of concern about the illegitimate use of fireworks. The campaign included information on: where and when fireworks can be set off; who can purchase; how to report firework misuse; and penalties and consequences of misuse. The campaign was taken forward in partnership with Crimestoppers and was co-designed with local community safety partners in Edinburgh, Glasgow and West Lothian. The campaign comprised: targeted social media activity with infographics, information flyers and leaflets that were delivered to households in key areas along with posters in local high schools. The campaign encouraged communities to report firework incidents with the additional option of reporting incidents anonymously.
- A third campaign, first launched ahead of Bonfire night in 2020, introduced point of sale guidance to improve the information and advice available to people when they purchase fireworks at a retail premise. Working closely with Trading Standards and the Fireworks Industry a fireworks safety information leaflet was developed and distributed by participating retailers to individuals purchasing fireworks. Leaflets were distributed to retailers via: local authority trading standards officers to smaller stores during routine site visits; distribution directly to participating supermarkets (Morrison's, Lidl and Aldi); and, distribution via Scottish Wholesalers and Scottish Grocers Federation.

All three of these campaigns are now annual campaigns which are developed and run each year over the bonfire season.

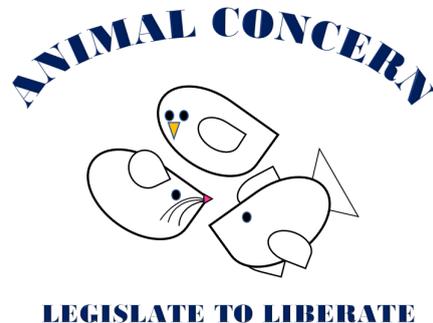
I hope my reply is useful and that you are able to support our work to ensure that when fireworks are used they are used safely, during recognised periods, and with due regard for the impact on other people and animals.

Yours sincerely,

Scott Boyd

SCD : Building Safer Communities

John Robins in response:



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Established in 1988 as Animal Concern (Scotland) Limited, we changed our name to Animal Concern in 1992 as several of our campaigns were international.

It incorporates the Scottish Anti-Vivisection Society which was founded in 1876.

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Dear Mr. Boyd,

Many thanks for your detailed and easily understood response to my email of 3rd May to all MSPs regarding the Fireworks and Pyrotechnic Articles (Scotland) Bill. It is appreciated.

I have been campaigning on this issue for four decades and during that time there have been numerous new controls and legislation tweaks to try and reduce the negative impact of fireworks. I reckon the Fireworks and Pyrotechnic Articles (Scotland) Bill suggests more new controls and legislation tweaks than all those which have gone through over the last forty years. Despite all the tightening of legislation on fireworks the fact that we are now talking about yet more new legislation shows that previous changes to the law have had little or no impact. The proposals contained in the current Bill are numerous and diverse and I see little chance of them being properly implemented and policed.

Animal Concern will continue to call for Westminster to bring in a total ban on the possession and use of fireworks by members of the public.

Another issue which concerns us is the release of balloons and the release of Chinese Lanterns. Both of these pose a very real risk to wildlife and farm animals and, staying in party pooper mode, we would like to see those banned as well.

Can you tell me if the Scottish Government has the power to ban the release of balloons and Chinese Lanterns or is this also reserved to the UK Government?

Yours sincerely,

John F. Robins,
Animal Concern