

Animal Concern submission to the Scottish
Government consultation on
the Fireworks and Pyrotechnic Articles (Scotland) Bill.
10th March 2022.

Question: 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?

Please provide your response in the box provided.

AC Response: *It is an expensive, wasteful dogs dinner produced as a knee jerk response to incidents in the First Minister's constituency where voters were outraged by frequent incidents of fireworks misuse. As Animal Concern suggested at the time (c 2 years ago) attention should be focused on Westminster as banning of fireworks is not a devolved issue.*

The proposals in the Fireworks and Pyrotechnic Articles (Scotland) Bill are confusing, complicated, wide-ranging, probably unenforceable and a total mess.

Two things are very apparent. The perpetual problem of the Scottish Government trying to be all things to all people thus watering down the proposals to be meaningless and totally ineffective. The inclusion of that Scot Gov favourite; the Scottish Government Loophole License. Scot Gov says this is bad, it's not wanted by most of the Scottish population, you must stop doing it. Unless of course you ask us nicely for a License.

What is required is a total ban on the retail sale and private ownership of all fireworks. If firework displays are to be allowed they should only be permitted at specific sites during a few hours of a very few specified days of the year and those fireworks only to be set-off by trained, licensed pyrotechnic experts approved by the licensing authorities. If any group wants a fireworks display they should apply to the licensing authority and if permission is granted that display be conducted by approved operatives.

All displays to be advertised locally at least 7 days before the event and that must include a letter or leaflet delivered to all people living within a specified distance from the event to allow people with a fear of fireworks and those with vulnerable pets to take action to reduce the adverse effects of the fireworks.

Displays should not be allowed within half a mile of farm animals, horses etc and must be preceded by lower noise detonations to scare off any birds roosting in the area. I once attended a display which started with an enormous firework detonating overhead and I saw several pigeons and starlings, which were roosting under the pier where the fireworks were being set-off, drop dead from shock. Some years ago domestic fireworks set off from a back garden in Clydebank caused over a dozen budgies in an aviary go the way of the Monty Python Norwegian Blue Parrot.

It would of course be best to totally ban fireworks. In recent years displays using brightly lit drones, flown in formation and accompanied by music, have provided far better and far safer displays than traditional pyrotechnics.

Animal Concern urges Scot Gov to ditch this daft Bill and instead lobby Westminster either for a UK ban on fireworks or for devolution of all laws relating to fireworks to allow Scotland to deal with the issue properly.

The majority of the public want a ban on fireworks, not yet another futile tinkering attempt which will do little, if anything, to solve the problems of misuse and deliberate abuse of fireworks.

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.

Q: What are your views on this proposal?

AC R: Whatever bright sparkler thought this one up should be on the next rocket heading for the Job Centre. Why not on-line courses for bomb disposal or gain your own surgeon's license?

If fireworks are to be allowed they should only be handled by professional experts with real training and proper evaluation before being granted a Licence. To cover the cost of the course applicants should pay a fee equivalent to say £2,500 in today's money. They would soon earn that back by charging realistic fees for their services.

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).

Couldn't Scot Gov make this a bit more complicated? Or would that be too complicated even for them? Perhaps we will have specially trained police officers who can identify different categories of fireworks from their sound and have a photographic memory when it comes to dates.

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—

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).from 11:00 pm

The Bill would restrict when the public can set off and use CAT F2 and CAT F3 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)

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).

Q: What are your views on this proposal?

AC R: *More complicated nonsense. There are time restrictions now which are seldom, if ever, enforced. Whoever drafted this is not just out of touch with public opinion, they're out of touch with reality.*

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 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 maximum 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.

Q: What are your views on this proposal?

AC R: *A lot of the current problems with fireworks are caused by people over 18, most of whom are very on-line savvy and would have no problem going on-line and obtaining your Loophole Licence. They treat the law as a joke anyway and it would be fireworks fun and games as usual.*

Compensation scheme for businesses

The Scottish Government may 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.

Q: What are your views on this proposal?

AC R: *Who compensates the community for the disturbance, stress, accidents, wildlife and pet deaths caused by fireworks?*

No doubt those in the industry would sell off any stock prior to a ban (your proposed licensing scheme would make little difference, only a ban would cost the industry money) and then get into another line of business. Hopefully one with more social responsibility. No compensation should be offered.

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).

Q: What are your views on the proposals for Firework Control Zones?

AC R: *I'm wondering if someone in Government has shares in The Useless Red Tape Company? Perhaps a Civil Servant is planning a long career in Creative Regulations?*

Just have one designated area. Call it Scotland. Ban all fireworks.

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). The Bill will also control their use at any public marches or processions.

Q: What are your views on the proposals for restrictions at certain designated places or events?

AC R: *I thought it was already illegal to set off pyrotechnics (and smoke bombs) under such circumstances? At the very least it would constitute a public order offence such as Breach of the Peace. It could also be classed as endangering life. As for controlling their use at public marches or procession (I assume that should also include public rallies) what would the Bill say on that? You do not want to “control” the use of flares etc at public events, you need to ban them.*

Q: 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)

AC R: *Do what the public wants. Ban fireworks. If you have to go through Westminster to do that then that's the place to start.*

Q: Are there any other issues you think the Bill should address relating to the use of fireworks or pyrotechnic articles?

AC R: *No. The Bill does not properly address the fireworks issue and, unless radically overhauled and simplified, will prove to be yet another huge waste of time and public money on this issue.*

Your response has been submitted: Your response ID is [REDACTED]
Please have this ID available if you need to contact us about your response.