



The Scottish Parliament  
Pàrlamaid na h-Alba

## Criminal Justice Committee

Elena Whitham MSP  
Minister for Community Safety  
The Scottish Government

All correspondence c/o:  
Justice Committee Clerks  
Room T2.60  
The Scottish Parliament  
Edinburgh  
EH99 1SP

By email

Tel: 0131 348 5195  
Textphone: 0800 092 7100  
[justicecommittee@parliament.scot](mailto:justicecommittee@parliament.scot)

8 March 2023

Dear Minister,

### **Fireworks and Pyrotechnic Articles (Scotland) Act 2022 – Implementation Timetable**

Thank you for your letter of 14 February last, updating the Committee on the Scottish Government's revised implementation timetable for various provisions of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 ('the Act').

The Committee [considered your letter](#), at its meeting on Wednesday 1 March and the [Official Report of that consideration](#) is available online.

The Committee agreed that your letter was a helpful update, however, it was our view that it takes a light touch approach to informing the Committee of the reasons for the delay in implementing some of the key provisions of the Act.

As you will recall, the Scottish Government requested the Committee undertake an accelerated Stage 1 scrutiny process of the original Bill in early 2022, so that provisions on the proxy purchase of fireworks could be in place for the 2022 bonfire season. In light of this, and the importance of this policy area to the people of Scotland, the Committee asks you to provide a more detailed response on the issues raised in your letter.

The Annex to this letter sets out several areas on which we are seeking a more detailed written response. I am conscious that this response may take time to prepare.

I would be grateful therefore if you could reply to the Committee by the end of March 2023.

I look forward to hearing from you.

Best wishes,

A handwritten signature in black ink that reads "Audrey N: CN". The signature is written in a cursive, flowing style.

Audrey Nicoll MSP  
Convener, Criminal Justice Committee

We request the Scottish Government provide the Committee with further information on the following issues raised in your letter of 14 February -

- *On the offences of proxy purchase and aggravations relating to offences against emergency service workers*: Is there any data available yet on the number of offences recorded relating to proxy purchasing or attacks on emergency service workers from when those provisions of the Act came into force? Are the Scottish Ministers aware of the number of prosecutions currently before the courts, or prosecutions taken since the relevant provisions of the Act came into force, which related to the offence of proxy purchasing, or, on the aggravation in relation to emergency service workers?
- *On the implementation of the remaining provisions in the Act*: In your letter you say, “the ongoing unprecedented challenging financial context is impacting our ability to implement the remaining measures.” Can you clarify exactly which challenges you are referring to? Can you clarify the exact impacts these challenges are having on the delivery of the remaining provisions? For example, a lack of dedicated resource provision in the Justice Directorate’s budget for the delivery of these provisions?
- *On the Financial Memorandum which accompanied the Bill*: Did the Financial Memorandum which accompanied the original Bill underestimate the actual cost of implementing all the provisions of the Act?
- *On the delay to provisions on Firework Control Zones*: In our Stage 1 report on the Bill, the Committee [set out a number of concerns](#) on the workability of Firework Control Zones and concluded that these Zones as proposed faced a number of “significant operational, administrative, enforcement and resourcing challenges” which needed to be addressed.<sup>1</sup>
- The Committee also highlighted that as Scottish Ministers planned to formulate much of the crucial policy detail on these Zones by way of secondary legislation, the Committee was unable to assess much of this policy as part of its scrutiny of the Bill. In our Stage 1 report we went on to say-

“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.”<sup>2</sup>

---

<sup>1</sup> Criminal Justice Committee 5th Report, 2022 (Session 6), Fireworks and Pyrotechnic Articles (Scotland) Bill Stage 1 Report (SP Paper 164) (28 April 2022): Paragraph 251

<sup>2</sup> Criminal Justice Committee 5th Report, 2022 (Session 6), Fireworks and Pyrotechnic Articles (Scotland) Bill Stage 1 Report (SP Paper 164) (28 April 2022): Paragraph 372

- Can you confirm when Scottish Ministers expect the details of the draft framework and guidance on the operation of Firework Control Zones will be finalised by the Scottish Government? Once a draft framework and guidance are finalised, will the Scottish Ministers provide these drafts to the Committee in advance of any SSIs being laid to bring them into force, to allow the Committee sufficient time to scrutinise these proposals?
- On the delay to provision of the fireworks licencing system: – In your letter you state the rollout of the licencing system will not take place until next year “at the earliest.” Can you clarify what this means? Are you referring to the Financial Year 2024/25, or the calendar year 2024, or some other timescale?
- Can you also explain the specific reason(s) for the delay in the rollout of the new licensing system? Is the delay associated with a lack of sufficient resources, or are there other factors adding to the delay, such as issues with the development of the required IT systems? Are there any issues around reaching agreement with local government on the commencement of the licencing system etc? Have any stakeholders raised concerns with the Scottish Government about the provisions on the licencing system since the Act was passed by the Parliament?
- Furthermore, can you indicate at what level the Scottish Government is planning to set the fee for a fireworks licence at? Can you also indicate what the Scottish Government now estimates the overall costs of the rollout and operation of the new licencing scheme will be?
- On the delay to restrictions to days of supply and days of use: – In your letter you say that the coming into force of the provisions around the statutory restrictions to the days on which fireworks can be supplied to the public, and days on which the public can use fireworks, have been “paused to a future financial year.” Can you confirm in which financial year the Scottish Ministers now intend commencing these provisions?
- Some of these provisions were designed in recognition of the use of fireworks by the public to mark certain religious/cultural events. As you know, the Committee stated in its Stage 1 report that it was concerned that the then proposed phased rollout of the various provisions on fireworks - over two years - could lead to confusion in the minds of the public as to which provisions were in force, and which were not. Given the unspecified delays you have referred to in your letter, are you concerned such delays will further confuse the public, or undermine their confidence in the workability of these provisions? How will the delay in the implementation of these provisions impact those groups preparing for religious/cultural events and expecting various provisions of the act to be in force?