

Criminal Justice Committee

**10th Meeting, 2022 (Session 6), Wednesday
16 March 2022**

Fireworks and Pyrotechnic Articles (Scotland) Bill – Oral Evidence

Note by the clerk

Introduction

1. The [Fireworks and Pyrotechnic Articles \(Scotland\) Bill](#), and [its accompanying documents](#), were introduced in the Parliament by the Minister for Community Safety, Ash Regan MSP, on 1 February 2022.
2. The overarching policy objective of the Bill is to address a broad range of concerns around the sale and use of fireworks and pyrotechnic articles in Scotland. The Bill seeks to achieve this by restricting the sale of certain categories of fireworks to the public, as well as creating powers to limit the days and locations where such fireworks can be used.
3. The Bill will establish new powers for local authorities to create Firework Control Zones, as well as establish new stop and search powers for the police in terms of enforcing the provisions of the Bill.
4. The Bill also establishes new controls on the sale and use of pyrotechnic articles, commonly referred to as distress or signal flares.

Written submissions, public engagement and briefings

5. A SPICe Bill Briefing has been included in papers for this meeting as Paper CJ/S6/22/10/2. A link to a published version of this will be provided for future evidence sessions.
6. The Committee's online public call for written views on the Bill closed on Friday 11 March. A link to those submissions published online will be provided for future evidence sessions.
7. The Parliament's Public Engagement Site on the Bill also closed on Friday 11 March. Participation staff are still working to analyse all contributions made. Paper

CJ/S6/22/10/3 contains an interim summary of engagement contributions on one of the eight provisions in the Bill, namely giving police officers powers to stop, search & seize certain fireworks.

8. A full summary of the engagement contributions on all eight provisions in the Bill will be provided for future evidence sessions.

Participants

9. The Committee will undertake a number of oral evidence taking sessions on the Bill throughout March 2022, beginning with today's evidence session.

10. At today's meeting the Committee will hear from two panels of witnesses:

Panel 1

Alasdair Hay, Chair of the Scottish Government's Fireworks Review Group, Assistant Chief Officer Stuart Stevens, Director of Service Delivery with the Scottish Fire and Rescue Service and David Hamilton, Chair of the Scottish Police Federation;

Panel 2

Rob Holland, Acting Director of the National Autistic Society Scotland, Lorraine Gillies, Chief Executive of the Scottish Community Safety Network, and Gilly Mendes-Ferreira, Head of Education, Policy and Research at the Scottish SCPA.

Format

11. Witnesses will be attending the meeting in person along with Members of the Committee. However, some Committee members will be joining the meeting remotely.

Written evidence

12. The following written submissions have been received from those witnesses appearing today, are set out in **Annex A** as follows-

- Scottish Fire and Rescue Service (Page 3)
- Scottish Police Federation (Page 6)
- National Autistic Society Scotland (Page 9)
- Scottish Community Safety Network (Page 12)
- Scottish SPCA (Page 15).

Clerks to the Committee
11 March 2022

ANNEX A – WRITTEN SUBMISSIONS

Name of organisation: Scottish Fire and Rescue Service

Overall views fireworks:

SFRS support the introduction of a fireworks licensing system in Scotland. Misuse of fireworks can cause severe injury. They are extremely dangerous if used incorrectly, or as part of anti-social behaviour activity. SFRS are adversely affected by the misuse of fireworks and deliberate fire setting every year around the 5 November period. This significantly increases operational demand and crews have also been the victims of direct attacks through the misuse of fireworks.

Fireworks bring enjoyment to the public and help to celebrate a range of cultural and religious events. However, if used too often / inappropriately it is recognised they can have negative effects on animal welfare, cause public nuisance and can affect particular individuals (PTSD sufferers, and those with neurological differences such as autism for example) and communities more adversely than others.

By introducing a licensing system this will help to control the use of fireworks. It will assist in deterring those under 18 from using them, and subsequently help to reduce incident demand for SFRS, violence to crews and injury to members of the public.

Licensing system:

The introduction of a fee will assist to ensure that only those serious about facilitating a safe display (personal or private) will purchase fireworks. This will contribute towards ensuring those using fireworks in private homes are familiar with relevant safety advice and help to deter individuals from buying small quantities, in turn reducing the number being used as part of anti-social behaviour activity.

Similar to the purchasing of alcohol, it is important to try and deter people from buying fireworks on behalf of others. Only those who are licensed should be using them. This increases the safe use of fireworks and in turn will help to reduce injury. This will also assist in understanding where people are buying fireworks, in what quantities and why.

An online safety course will help to ensure people store and use fireworks safely. This will help to reduce injury.

The course can assist to outline the impact fireworks / bonfire period has upon public services and wider stakeholders e.g. animal owners, individuals with sensory conditions.

Overall, it will contribute to people being more considerate and safe when using fireworks.

Restriction periods:

This should tie in with the below proposals. Ideally, fireworks should not be stored at homes / venues for longer than is necessary for safety reasons. Clear guidance should be provided through the licensing process regarding the dangers associated with the storage of fireworks.

The longer fireworks are available for sale the more likely they may be misused and in circulation.

Restriction of use times:

A restriction on the days fireworks can be used will hopefully reduce the number of incidents SFRS attend, reduce anti-social behaviour and reduce the number of injuries caused by fireworks.

Having identified and clearly communicated dates when fireworks can be used will assist people to plan and prepare. Some members of our communities are adversely affected by fireworks e.g. if they have pets that get stressed due to fireworks, or fireworks can “trigger” mental health related issues with individuals. If they know fireworks are likely to be set off over identified dates, then individuals can make adjustments over this period.

Criminal offenses :

Fireworks are extremely dangerous and can cause serious injury. They should be treated with respect and should only be used by an adult.

A proxy purchasing offence would act as a deterrent to those who may purchase for under 18s making it harder for them to access and use fireworks.

Compensation:

This is considered to be out with the scope of the service.

Firework Control Zones:

Consideration is required to ensure members of the public / businesses will know they are in a FCZ. This needs to be clearly communicated, in sufficient time, to avoid fireworks being purchased which cannot then be used, or people are penalised for using fireworks when they were unaware of any restrictions.

FCZs may be beneficial in communities where they have experienced anti-social behaviour due to the misuse of fireworks or where there are individual properties that are affected. For example, animal rescue centres or residential home for veterans. It is important that communities have a strong voice in expressing their concerns and rationale for any FCZs.

In relation to anti-social behaviour, it is important to understand why there may have been previous incidents in an area and try to tackle the underlying issues. The introduction of FCZs may not solve the issue of anti-social behaviour, it could simply move incidents to a different area.

Restrictions at certain designated places or events

SFRS have concerns about the misuse of pyrotechnic devices. Pyrotechnics can reach temperatures of 1200 degrees and can continue to burn when discarded. There have been examples of flares being thrown onto pitches or towards individuals at sporting events. Being struck by such an item can inflict life-threatening injuries. Smoke grenades also propose a threat as they emit toxic substances and can cause respiratory difficulty for people who are in the vicinity.

Being in the possession of a pyrotechnic, without lawful authority, would raise concerns about their safe use.

Consideration should be given to delivering awareness raising campaigns to highlight the dangers of pyrotechnics. Members of the public often see their use as a way of adding atmosphere to a sporting event but may not realise the potential risks they pose.

In addition to the risk of injury and exposure to toxic substances detailed above, the use of pyrotechnics also creates an ignition risk that may lead to fire and the associated risks to public safety and therefore the service would support consideration of further controls.

Delegated Powers Memorandum:

A clear communications strategy and public awareness raising is key for the effective implementation of the matters within the Bill.

To support the introduction of the licensing of the purchase and use of fireworks the application process should be easy to understand and use.

Name of organisation: The Scottish Police Federation (SPF)

Fireworks and Pyrotechnic Articles (Scotland) Bill

Thank you for the opportunity to comment on the above legislation.

The Scottish Police Federation (SPF) are very supportive of the intent of this bill and are grateful for the adoption of many of our suggestions into it. We would however make the following observations.

Fireworks

Firework misuse has become increasingly prevalent and dangerous and in recent years has seen officers attacked with Fireworks including 'bangers' and 'rockets'. We have had a number of injuries and on one occasion an officer was badly burned by a firework that lodged in her body armour.

In the last few years this has required a significant national policing operation including the deployment of Specialist Public Order resources. The concept of licensing is therefore one we support, however given the dependency on police officers to enforce the legislation, it is essential that they have access to live licensing systems.

For it to be effective and deterring we also believe the Financial Memorandum understates the costs of this legislation as unless people know there is a reasonable chance that they will be caught, there is less likelihood of them complying. The Financial memorandum should capture proactive costs, not just reactive ones. This is a problem that will hamstring all new legislation given the chronic shortage of uniformed resources working in local policing.

We also believe that a "presumption of contents" clause would be an appropriate cost saving measure so that an offence can be progressed on the presumption that a firework (or pyrotechnic) is what the packaging says it is. Should that be challenged then appropriate forensic examination can then be made.

In terms of practical policing, we believe Section 30 regulations should also specify communication and signage (including illumination thereof).

Pyrotechnics

This is legislation that Police officers desperately need. At many football games we see fan "corteos" (processions) where pyrotechnics are indiscriminately thrown within the crowd. Police officers have had to remove ignited pyrotechnics from hoods of other supporters and from the gardens of residents where childrens' play equipment sits. We have also seen people losing fingers from pyrotechnics and are aware of photographers, stewards and football players who have been injured. In short many believe these are toys and despite repeated communications, continue to treat them as such.

A recent UEFA report¹ concluded:

“there are significant health and safety risks arising from their use in close proximity to other people and in contravention of the safety distances which are specified on the pyrotechnic articles themselves”.

We are also aware that smoke from pyrotechnics causes its own health challenges to those with respiratory conditions and are concerned that some (imported) pyrotechnics may not meet UK standards in relation to toxicity or safety. We have had scores of officers injured, burnt, permanently deafened and maimed by pyrotechnics in public places.

We also know of a UK incident where the detonation of pyrotechnics in a crowded public space was mistaken as a gunfire by members of the public, giving rise to panic and alarm.

The driver for the SPFs request to Government for this legislation was to allow Police Officers to take earlier preventative action. By example, there was a match commander who had intelligence that a known risk supporter was likely to be bring pyrotechnics to a match. He wished to intercept the male before he met up with others to prevent a public order situation developing, but couldn't.

Whilst we understand the theory behind the watering down of the Section 33 offence from “public place” to (travelling to) a designated sporting event, music event, procession or assembly, it is not practical and will result in poor legislation. All a perpetrator need say is that they were going somewhere else and no offence would be committed. It is not clear how Police Officers can prove where somebody is going.

The omission of a “traveling from” clause is odd and really limits the opportunities to deal with people who we believe may have been using pyrotechnics. We can't think of a legitimate reason for anybody having a pyrotechnic on their possession in a city centre, leaving an event.

We also note that pyrotechnic use is not limited to these scenarios. We are aware of them being held or thrown from cars. Some can be propelled some distance away from an event, or assembly, without the perpetrator being in the immediate vicinity of or travelling to a designated event.

We find the concern that this legislation may deter sailors or hillwalkers from carrying pyrotechnics for safety reasons exaggerated. Police officers have powers to search and even arrest people in possession of large knives and axes. If that person is camping in the wild that is a reasonable excuse, if that person is in a city centre street on a Friday night then it is not. There is no evidence to suggest that Campers are deterred from carrying knives and no evidence that legitimate users would be deterred from carrying flares.

¹ Pyrotechnics in Stadia: Health and Safety issues relating to the use of pyrotechnics (uefa.com)

Police officers exercise discretion every hour of the day and simply having the 'reasonable excuse' defence will address any concerns, discretion is about context and outcome.

We would remind the Committee that 77% of respondents supported the unrestricted 'public place' definition that was consulted upon.

The pyrotechnics sections as currently laid have become so convoluted, it is a defence lawyers dream. Many points of appeal would make it quite unworkable. We are in dialogue with Scottish Government to clarify some of their definitions which are at best ambiguous and at worst flawed but for example haven't at the time of writing had clarification as to what number constitutes a public assembly.

Whilst we can deal with an offender who is using a pyrotechnic, preventative powers that allow us to prevent that offender (where insufficient evidence exists to prove previous use), from continuing to use pyrotechnics is necessary. The restricted powers just don't go far enough.

The narrowing down of the legislation to the specific circumstances listed undermines the objective of the legislation and will lead to numerous defences, complaints and unnecessary aggravation between police officers and those responsible. We cannot afford to have bad legislation, especially with regard to sporting events and this risks doing exactly that. Ministers risk designing out a problem that doesn't exist and, in the process make the legislation less usable.

Name of organisation: National Autistic Society Scotland

About NAS Scotland

The National Autistic Society Scotland is a leading charity for autistic people in Scotland, and their families. There are around 56,000 autistic people in Scotland, both children and adults, plus an estimated 225,000 family members and carers. We provide local specialist help, information and care across Scotland to children, adults and families affected by autism. We offer a wide range of personalised quality support at home and in the community, both in groups and with 'one-to-one'. Our branches in Scotland offer families and autistic people help and mutual support, and our employment team supports autistic people in work and their employers.

Proposed Bill

The National Autistic Society Scotland is grateful for this opportunity to respond to the Scottish Parliament's Call for Views on the proposed Government Bill, '*Fireworks and Pyrotechnic Articles (Scotland) Bill*', and to have the chance to deliver oral evidence to this Committee later in March this year. The distressing, and often highly debilitating, impact of fireworks or pyrotechnics on many autistic people and families is of significant concern to us; thus, we are hugely supportive of attempts by the Scottish Government to tighten regulations on the sale and use of fireworks, and to further control the usage of pyrotechnics. It is imperative that the voice of autistic people is heard in this process, both in Committee and as this Bill moves through the Scottish Parliament.

Fireworks, Pyrotechnics: Autistic Experiences

Autism is a lifelong neuro-developmental disability affecting how autistic people communicate or interact with the world around. Sensory issues, of varying intensity, often accompany autism; indeed, sensory sensitivities are frequently the symptoms used to assist with the diagnosing of autistic people. Sensory sensitivities can involve either an over-responsiveness (known as *hyper*-sensitivity) or an under-responsiveness (*hypo*-sensitivity), with one, more or all of the body senses affected – sight, balance, sound, touch, etc. Sometimes, sensory issues can mean that autistic people experience profound discomfort, heightened anxiety and distress, or even 'meltdowns', when events become overwhelming.

It is always important to consider how, in practical terms, stress / anxiety can manifest for autistic people, and any potential impact this may have on support networks. While stress / anxiety for autistic people may often be 'uncomfortable yet manageable', some scenarios may bring a 'meltdown' – an intense response to an overwhelming situation – for some autistic people, with the individual (temporarily) losing control of their own behaviour. The losses of control may be expressed verbally or, sometimes, physically, which can put the autistic person, and those around, at risk.

When we try to understand this, it becomes obvious why fireworks and pyrotechnics can often be such an issue for autistic people and their families. We regularly hear from autistic adults, and parents to autistic children, who tell us that they choose not

to celebrate in November and on Hogmanay, owing to noisy, volatile, and therefore unsettling events. In addition to these sensory issues mentioned, the *unpredictability* of disorganised firework / pyrotechnic use may cause great distress.

When events are well-planned, and are organised by professionals, we recognise that some firework displays may be a positive experience for some autistic people. Our charity has produced guidance, collaborating with the autistic people we support, for individuals / families wishing to attend events:

<https://www.autism.org.uk/advice-and-guidance/topics/leisure/bonfire-night/all-audiences>

Proposed Licensing System

The National Autistic Society Scotland strongly supports this Bill's proposed creation of a licensing system for the purchase, sale, or use of fireworks in Scotland. We know that it is the unpredictability of their use, alongside sensory triggers, which can cause great distress; therefore, all attempts to regulate, and ultimately discourage individuals from handling fireworks in an inconsiderate and haphazard manner, will likely provide reassurance to autistic people and their families.

With regarding to obtaining such a license, it would seem reasonable that (considering the negative impact of fireworks or pyrotechnics on our communities) this process will involve a registration fee – we have no position on what could constitute an appropriate amount. Furthermore, we would urge the Committee to look seriously at the Bill's ideas on firework safety qualifications, and to back the inclusion of robust autism awareness training in any such course.

'Firework Control Zones'

Whilst the National Autistic Society Scotland, and of course a great many of the people with whom we work, support the principles of this Bill, we recognise that some autistic people and their families do choose to mark holidays and religious / cultural events by making use of fireworks – often at professionally-managed events. This will still involve a considerable degree of planning on the part of those involved (particularly for those parenting autistic children) including distraction, reassurance, or sometimes using ear defenders.

Again, however, this raise issues around unpredictability, since these mechanisms for managing an evening with fireworks require forward-thinking and managed schedules. We all know that, in Scotland, fireworks / pyrotechnics are 'let off' throughout the year, and that the holidays that many of us associate with their use often don't tally with the wishes of people who seek to use them on a consistent basis – often with anti-social motivations and disregard for the kinds of families we support.

We strongly support the Bill's inclusion of wide-ranging restrictions on the days during which fireworks may be used by the general public. The measure would make planning one's time around the public's use of fireworks far easier, meaning that 5th November, 31st December, etc., and the dates around them, also, should no longer be a time for unpredictability and distress. Similarly, restrictions on the days during

which fireworks may be sold to the general public have our endorsement, for they would likely help in reducing the overall number of pyrotechnics being purchased in Scotland, and signal that Scotland is not a 'fireworks nation'.

On the proposals for controlled 'Zones' for firework / pyrotechnic prohibition, this would be welcomed by the National Autistic Society Scotland. We would anticipate that these proposals are an aspect of the Bill which would enjoy great support from the public at-large, and certainly from autistic people and families. The security of knowing that your neighbourhood is within such a Zone would provide great reassurance, and would be year-round 'buffers' against sensory anxieties arising from potential misuse. Moreover, this should afford households greater access to legal recourse when these restrictions are violated. We believe that Scotland's local authorities, in particular in urban areas, should combine community feedback, alongside knowledge of local geography, when they are considering implementing these Zones.

'Proxy Purchasing' & Pyrotechnic Misuse

Owing to the explosive potential of pyrotechnics, it seems only appropriate, and in line with both governmental policy and societal norms elsewhere, that the proposed 'proxy purchasing' offence – to criminalise the supply of fireworks to those under the age of 18 – should be introduced within a Bill.

Additionally, the National Autistic Society Scotland backs the Bill's ambitious approach on tackling the inappropriate use of such devices in public spaces, and the provisions it makes on adequate stop & search powers being conferred on police officers.

Conclusion

The National Autistic Society Scotland has no desire to wholly extinguish that fun and excitement which many, including some autistic people, might have on Hogmanay, for example, or on any festival day, connected to fireworks. We recognise that there may be a very limited place in our society for fireworks, and that the overwhelming majority of users are responsible and considerate. Nevertheless, we would urge the MSPs on this Committee to see the 'bigger picture': enjoyment for some is causing considerable harm to others, especially autistic people.

It is unacceptable that, in 2022, autistic people and their families should simply content themselves with the *status quo* on fireworks and pyrotechnic use. The unpredictable, often frequent, and sorely under-regulated discharge of explosives in the community, through the year, is not fitting of any modern Scotland.

As a result, the National Autistic Society wholeheartedly endorses both the ambition and the contents of this Bill, and urges the Committee to do similar.

Thank you again for affording NAS an opportunity to contribute to the development of this important Bill.

Name of organisation: Scottish Community Safety Network

Information about your organisation:

SCSN is a registered Scottish Charity (SC357649) and Company Limited by Guarantee in Scotland (SC040464). We are primarily a membership organisation that brings together representatives from across the community safety sector to achieve a shared vision. We also host Home Safety Scotland (a forum of home safety organisations and professionals).

We are the strategic voice for community safety in Scotland and through working collaboratively with our members and partner agencies aim to:

Provide leadership and be a centre of excellence for the community safety sector
Champion community safety and influence the shaping and development of national policy and local delivery

Be a collaborative learning, developing and sustainable network.

Overall views fireworks:

SCSN agree that a licensing system could help reduce illegitimate, irresponsible purchasing of fireworks, and improve general awareness of the risks through completion of mandatory course for members of the public who wish to buy and use CAT F2 and CAT F3 fireworks in Scotland. However, there are several issues that might be considered too:

ANTI-SOCIAL BEHAVIOUR

The proposed changes seem like a response – in large part – to ASB. A more effective response might be to address the root causes of ASB; focus on education, prevention and culture change, instead of tightening regulation, restrictions and punishment.

EXISTING RESTRICTIONS

New restrictions - which came into force, 30 June 2021 - specify limits to the quantities of fireworks that can be sold, the times of sale, and times of use. Therefore, we suggest these measures are given adequate time to bed-in and take effect. This might help government, local authorities and industry measure the impact and inform which – if any – of the additional proposed restrictions are needed.

OVERREACH

Citizens may perceive this type of regulation as overreach by central government. Therefore, we suggest the evidence in support of licensing is published and unambiguous, to help demonstrate the need, and win the approval of the public and the industry, vital for uptake and success. This could be anticipated positive impacts in relation to number of hospital visits due to fireworks etc. and the savings to the public purse.

PARTICIPATION

Obtaining license should take effort but not become such an obstacle that it deters people from purchasing fireworks legitimately. The online course should highlight the dangers and risks, but be straightforward and simple to complete.

UNDERSTANDING

Some local authorities report few or no issues with fireworks. A national, one-size-fits-all approach could be viewed as unnecessary in parts of the country that don't relate to fireworks as a problem. Therefore, clear public messaging, to explain new national measures - and engage communities - will help build broad understanding and acceptance.

Licensing system:

The course and licensing is an opportunity to engage with the public and alert citizens to the dangers of fireworks and explosives. A safety course could further improve understanding of the risks and positively influence behaviours, concerning sale and use of fireworks. In terms of overseeing the online course, robust infrastructure would need to be put in place to ensure that those completing the course are actually those applying for a license. In addition, how they members of the public evidence their license using physical and digital versions (i.e. an app). In terms of the cost of the course and the license, this seems appropriate and fair and in line with other licensing costs.

Restriction periods:

This could help to prevent the misuse of fireworks throughout the year, however, SCSN has identified two important issues which may need addressed before these restrictions on use can be realised:

DATE DISCRIMINATION

The exceptions stated, for Chinese New Year and Diwali may not take account of Scotland's numerous other religions and beliefs, potentially missing the Jewish Community, Pakistani community etc (although unsure of specific dates for set celebrations).

ENFORCEMENT

Limiting the day's fireworks can be used, to a small window of dates each calendar year will present opportunity and challenge. Namely, Police Scotland will be able to plan deployments, ahead of time to help enforce these restrictions. However, competing, large scale events will stretch and perhaps undermine policing plans. Therefore, perhaps the Scottish Government might consider increased, dedicated and ring-fenced police deployments to communities, to ensure support to enforce is always available.

Restriction of use times:

SCSN sees this as a positive change in relation to improving animal welfare as well as minimising risk of inappropriate and dangerous firework use.

Criminal offenses:

Although proposed fines and sentencing will help to mitigate illegal purchasing and use of fireworks, we know that short prison sentences aren't useful all the time and can be the beginning of a revolving door through the criminal justice system for some people. We also know that a lot of people who engage in ASB are likely to be from more disadvantaged communities and so £5000 is likely to have crippling effects and potentially lead to people committing crime to stay afloat and keep a roof over their head. Clear messaging and discretion will be required in the early stages of introducing new legislation to ensure a period of adjustment that doesn't unintentionally push genuinely unknowing people into destitution.

Compensation:

If this scheme were to go ahead, calculation of how much compensation would need to depend on historic sales of fireworks and require robust and transparent monitoring and evaluation methods. In addition, an internal evaluation from Scottish Government could help to calculate the savings that are potentially made due to the new legislation, for example (anticipated) reduced hospital visits due to firework injury, reduced number of prison sentences due to anti-social behaviour, reduced number of vet visits from distressed or injured animals. This could potentially demonstrate to the public the overall savings of the bill, despite outgoing compensation payments to businesses.

Firework Control Zones:

It's a positive move. However, work would need to be done alongside councils to ensure that their community engagement processes were fair, open and inclusive so as the proposed zones were not discriminatory, inflammatory or offensive to certain communities in any shape or form.

Restrictions at certain designated places or events:

This is a positive change and SCSN fully endorse this, from the perspective of helping reduce anti-social behaviour as well as decreasing fire risks / accidental injury at events.

Name of organisation: Scottish SPCA

Information about your organisation:

We are Scotland's animal welfare charity. We have enforcement powers to report directly to the Procurator Fiscal. An average of 200,000 calls are made to our animal helpline each year and we attend around 90,000 incidents across Scotland.

Overall views fireworks:

The overall views of the Scottish SPCA is that the proposals set out by the Scottish Government will ensure further protections from the suffering caused by fireworks and pyrotechnic articles for animals and people across Scotland.

We are pleased to see that the use of fireworks will need to be licensed as this will ensure that sale, supply and use will be better regulated and will discourage irresponsible use.

Restrictions around the days fireworks and pyrotechnics can be sold and set off by licensed persons will also help people to implement safeguarding measures for people or animals who may be adversely affected by the sight and sound of fireworks. The biggest challenge for animal owners, for example, is the unpredictability of when fireworks are set off.

Firework control zones will be beneficial in proximity to hospitals, care homes, animal shelters, zoos, animal collections, housed livestock, grazing animals or anywhere animals and people may suffer stress or injury due to the negative effects of fireworks. Sites of special scientific interest or endangered species' habitats should also be considered as firework control zones.

At present the Scottish SPCA is not calling for a full ban on the use of fireworks. We want to see the impact of the new restrictions being imposed and continue to identify methods with partners that would minimise the impact on animal welfare (such as clearer labelling and reduction in permitted noise level of the fireworks themselves that individuals are able to purchase for private use). We would also like to see further research into unintended consequences if a full ban was being considered in the future.

The restrictions as set out in the Bill will encourage people to experience fireworks responsibly.

The Scottish SPCA would like to draw attention to the exemptions where a professional person can be hired to carry out a private fireworks display in firework control zones and outside of the days fireworks can be used. We believe these exemptions negate the restrictions in the Bill that would stop animals and people suffering and would recommend review of these exemptions.

Licensing system:

We are supportive of a licensing system for CAT F2 and CAT F3 fireworks in Scotland with an online training course. This will help to educate the public and operators about the dangers of fireworks and help to encourage responsible use.

A fee will also ensure that those buying or using fireworks are willing to be recorded and registered which will help to safeguard against impulsive and anti-social use.

The Scottish SPCA would support a licence condition being the maximum permitted noise level. We would recommend this be 97 decibels with a 15 metre safety distance.

We would like to see guidance about the safe disposal of fireworks added to the online training course. Fireworks can still have a detrimental impact on animals once they have been used. Animals may ingest or become caught in debris which can injure them or become a choking hazard. It is also important that the online training course is not a tick box exercise and has clear learning objectives.

Restriction periods:

We are pleased to see proposed restricted periods when fireworks can be purchased by the public in the Bill. We know that one of the biggest concerns to pet owners and those who care for animals, or affected people, is the unpredictability of when fireworks will be set off and these measures will allow people to better prepare.

We recognise that the reason for the duration that fireworks can be sold over each specific time period is due to concerns raised around people potentially stockpiling fireworks. We agree that it is in the best interest of the public and animals that fireworks are not stockpiled. Storing a high volume of fireworks could be dangerous, especially if any animals or people are in the vicinity of the fireworks.

The online sale of fireworks may be an issue in terms of sale during restricted periods, especially if those sites are based outside of Scotland. The Scottish SPCA would like to see efforts to be made to restrict the online sale of fireworks to coincide with the new guidance in the Bill around the days that fireworks can and cannot be sold.

Restriction of use times:

Restricting the days on which fireworks can be used will ease any suffering or stress caused to people and animals when no safeguarding measures have been put in place due to not knowing when fireworks will be set off.

Criminal offences:

We are supportive of these new criminal offences and penalties which will hopefully act as a strong deterrent for anyone considering acting unlawfully.

Compensation:

We would agree that a compensation scheme should be put in place for those losing out on business due to the new restrictions.

Firework Control Zones:

Firework control zones will be beneficial in proximity to hospitals, care homes, animal shelters, zoos, animal collections, housed livestock, grazing animals or anywhere animals and people may suffer stress or injury due to the negative effects of fireworks. Sites of special scientific interest or endangered species habitat should also be considered as firework control zones.

Local communities should be actively involved in considering the feasibility and introduction of FCZs. 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 which includes local veterinary practices and animal welfare organisations. 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.

We would like to highlight one of the exemptions in the Bill,

‘It is not an offence under section 26(2)(a) (firework control zones) for a person to ignite a firework in a firework control zone if—

the person is employed by, or in business as, a professional organiser or operator of fireworks displays, and

the firework is used for the purposes of putting on a fireworks display for the person’s employer or in the course of the person’s business (as the case may be).’

We would like to see FCZs where there are year round restrictions on the use of fireworks in areas where humans or animals may suffer with no exemptions.

Restrictions at certain designated places or events:

The Scottish SPCA supports restrictions on the use of fireworks and pyrotechnic articles at certain locations and events. The use of these items at sports grounds, music festivals or public marches or processions can pose a danger to the public and any nearby farm, domestic or wild animals.

We agree with number 52 in the Policy memorandum around enforcement of online commercial supply.

The restrictions on the sale of fireworks are a positive step. The online sale of fireworks may be difficult to enforce, especially if those sites are based outside of

Scotland. The Scottish SPCA would like to see the online sale of fireworks as well regulated as in-store retail with licence details being required to complete a sale.

Other issues:

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.

The Scottish SPCA believes that clear labelling of fireworks at point of sale to indicate their noise level to the consumer e.g. 'low noise firework' or 'loud firework – risk to animal welfare'; should be considered by the industry.

The Scottish SPCA will seek 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.