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Audrey Nicoll MSP  
Convener, Criminal Justice Committee

By email:

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15 March 2022

**FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) BILL –  
ADDITIONAL INFORMATION FOLLOWING SESSION WITH OFFICIALS**

Dear Criminal Justice Committee Convener and Committee Members,

During the informal evidence session with Scottish Government officials on Wednesday 2 March, I advised that I would follow up with additional information to a question from Jamie Greene MSP regarding exemptions to the proposed permitted days of supply and use of fireworks for individuals with a fireworks licence.

Mr Greene asked if consideration had been given to whether the Bill could include a power for local authorities to exempt individuals with a fireworks licence to enable them to purchase and use fireworks outside the permitted days of supply and use, over and above those proposed within the Bill.

The Bill, as introduced, currently includes an exemption for licensed individuals to the proposed restricted days of supply and use of fireworks if they are purchasing and using fireworks as the organiser of a public firework display. This includes individuals organising a public firework display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation. Public fireworks displays must also comply with any regulations made under section 6 of the Fireworks Act 2003. These individuals are still required to apply for and obtain a fireworks licence, as it is recognised that there is value in requiring these individuals to complete the training course, which sets out how to use fireworks in a safe and responsible manner, as they are often members of the public with no specialist fireworks training or knowledge. This exemption has been included as it is recognised that well organised, public firework displays can provide a fun and safe environment for people to enjoy fireworks and an opportunity to bring communities together. Including this exemption means that these kinds of displays can continue to be organised and take place outwith the proposed permitted days of supply and use, but limits wider sporadic use of fireworks by members of the public throughout

the year. This is in addition to the exemption from the proposed restricted days of supply and use of fireworks by professional organisers or operators of fireworks displays.

Providing local authorities with the power to exempt fireworks licence holders from the limitations on the dates of purchase and use could render those proposals of no real effect in tackling the issues caused by sporadic and unpredictable displays. It will already be unlawful for a member of the public to use fireworks at any time if they do not hold a licence, so enabling local authorities to exempt those persons who hold a licence from the proposed restrictions on dates of use, would significantly dilute the intended policy effect.

Further, the potential to provide local authorities with a power to exempt firework licence holders, outwith those organising public firework displays, has not been explored with local authorities. The approach that has been taken within the Bill seeks to strike the balance between including exemptions to allow organised public displays to take place, while developing provisions to seek to address the strong message that came from the 2019 and 2021 consultations that the unpredictable use of fireworks can cause significant disruption and distress to people, communities and animals. It is also understood that including an additional power for local authorities to process exemptions for licensed individuals in their area would incur a substantial administrative and resource burden. While the proposed licensing system received strong support in the 2021 consultation, with 84% of respondents agreeing that there should be a licensing system, and the proposed restricted days of supply and use receiving support (64% agreed with the proposed restrictions on the days fireworks can be sold to the general public; 67% agreed with the proposed restrictions on the days fireworks can be used by the general public), including an exemption for licensed individuals to the restrictions on permitted days of supply and use of fireworks was not a theme to emerge from the consultation responses.

I hope that this information is helpful. If there is any additional information that the Committee would find useful, I would be happy to provide a further response.

**Hollie Gibson**  
Safer Communities Division  
Scottish Government