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Briefing for the Public Petitions Committee on PE2266: Ban the release of helium balloons and sky lanterns across Scotland

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to legislate for the prevention of intended releases of helium balloons and sky lanterns by passing a dedicated Helium Balloon and Sky Lantern Prohibition Act, creating regulations under existing environmental laws, or issuing statutory guidance that councils and the Scottish Environment Protection Agency (SEPA) must enforce.

Brief overview of issues raised by the petition

- **Relevance of littering offence**: There is no specific legislation banning the release of helium balloons and sky lanterns in Scotland. The petitioner states that "The release of helium balloons and sky lanterns is an act of sending litter into the sky which can land anywhere." It is unclear if balloon or lantern releases have been treated as littering offences by enforcement authorities in Scotland. The offence of 'leaving litter' is defined in section 87 of the Environmental Protection Act 1990 as where "any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies". No offence is committed where "the depositing and leaving of the thing" was authorised by law, or done with the consent of the owner or occupier of the place where the thing was deposited. Littering can be addressed through a Fixed Penalty Notice (FPN) – currently £80 - from an authorised body (the police, local authorities, and Loch Lomond and the Trossachs National Park Authority), or if prosecuted, an up to £2,500 fine. In practice, FPNs are prioritised.

- **Parliamentary activity:** On 1 September 2026, David Barratt MSP asked the Scottish Government (S7O-00139) "what measures it is taking to prevent the release of sky lanterns and helium balloons into the environment, including whether it supports legislation prohibiting their sale, supply and release to reduce litter and protect wildlife, livestock and marine animals". The Minister for Agriculture, Marine and the Islands, Jim Fairlie MSP, responded:

  > "The Scottish Government has no plans to bring in legislation to prevent the release of sky lanterns and helium balloons. There is not currently enough evidence to support such an outright ban. However, the Government is aware of the risks that those items can pose, and it will continue to work with Keep Scotland Beautiful and other partners through the delivery of the national litter and fly-tipping strategy to prevent all sources of litter, raise awareness of their environmental

impacts and encourage responsible behaviours that will help to protect Scotland's natural environment."

- The Member said that Keep Scotland Beautiful, the Marine Conservation Society, Animal Concern (the petitioner) and NFU Scotland, were "united around the principle of a ban on the deliberate release of helium balloons and sky lanterns" and further asked if the Scottish Government would focus only on awareness-raising. The Minister responded that "the Scottish Government is committed to monitoring and considering all options that are available to us".

- **Wildfires debate:** On 18 September 2025, during a debate in the Scottish Parliament on wildfires, the (then) Minister for Agriculture and Connectivity, Jim Fairlie MSP, said that "unfortunately" the use of sky lanterns was becoming fashionable again and called on people not to use them. The Minister said that "Not only do they choke livestock; they have the potential to burn areas, which could then lead to wildfires".

- **Litter policies:** The Scottish Government published a National Litter and Flytipping Strategy in 2023, and has published subsequent action plans. There is also a Marine Litter Strategy (2022). Whilst those strategies do not include specific policies on balloon or lantern releases, some policies may have indirect relevance, e.g. commitments to improve monitoring of litter and to encourage a move away from single-use disposable items.

- **Stakeholder views:** Keep Scotland Beautiful (a Scottish charity) advises against releasing balloons and lanterns outdoors and recommends alternative ways of marking events e.g. banners, lights, bubbles. The Marine Conservation Society (MCS) campaigns for the outdoor release of balloons and lanterns to be banned. It states that balloon litter can be eaten by marine life, entangle turtles or seabirds and may result in premature death. The National Farmers Union Scotland (NFUS) has previously called for a ban on sky lanterns, citing them as a fire risk for farmland and farm buildings, as well as a risk to animal health.

- **Local authority policies:** A number of local authorities in Scotland have published policies stating they prohibit or do not support the outdoor release of balloons and lanterns on Council land, or as part of events licensed by the Council. It is unclear what the mechanism for achieving this is in each local authority.

- **Powers to restrict the use of 'injurious substances or articles':** Scottish Ministers can introduce regulations under section 140 of the Environmental Protection Act 1990 to prohibit or restrict the importation, use for any purpose, supply for any purpose, or storage of a substance or article "for the purpose of preventing the substance or article from causing pollution of the environment or harm to human health or to the health of animals or plants". These powers have previously been used for example to restrict the sale of single-use plastics, and to ban single-use vapes.

- New product restrictions in Scotland may engage the market access principles in the UK Internal Market Act 2020 (UKIMA). In this case, certain measures require either a UK-wide approach or an agreed 'exclusion' from UKIMA principles in order for restrictions in Scotland to be effective in practice (see Table 1 of an Institute for Government briefing for more information). However, it is worth noting that the petitioner is calling for restriction on a specified *use* of a product, rather than a ban on sale. As an example, the Wildlife Management and Muirburn (Scotland) Act 2024 introduced new offences in Scotland of the use of a glue trap (section 1 of that Act) and of supplying a glue trap. An exclusion was only considered to be necessary in respect of the ban on sale, as reflected in the agreed exclusion. It may be, however, also be worth considering a ban on use would be communicated or enforced with regard to UKIMA e.g. as labelling or packaging requirements could trigger the market access principles, which, as set out above, may require an exclusion or UK-wide approach.

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The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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