MEMORANDUM

FIREWORKS BILL

Motion

1. The motion to be put to the Parliament is:

Fireworks Bill: "That the Parliament endorses the principle of enabling regulations to be made for the supply and use of fireworks as set out in the Fireworks Bill and agrees that those provisions in the Bill that relate to devolved matters should be considered by the UK Parliament."

Background

2. The Fireworks Bill, which is due to complete its passage in the first House at Westminster (House of Commons) on 13 June, makes provision for the Secretary of State to make regulations for the supply and use of fireworks. This is necessary because the existing powers of the Secretary of State to make regulations under section 11 of the Consumer Protection Act 1987 are not adequate to deal with fireworks as those powers are limited to the supply, as opposed to the use, of consumer goods.

3. This is a Private Member's Bill, introduced by Bill Tynan, MP for Hamilton South. It has the support of the UK Government.

Content of the Bill

4. The Bill deals with a range of issues related to fireworks. Some aspects of the Bill are clearly reserved, such as sale and supply of fireworks which falls under the reservation of consumer protection. However there are other aspects of the Bill where the boundary between reserved and devolved areas are not clearly separable.

5. The Bill would allow the Secretary of State to make regulations in the following areas:

- prohibition of supply to or possession by young people;
- prohibition of supply, possession or use during certain hours, in certain places or in certain circumstances;
- prohibition of supply of certain fireworks;
- public fireworks displays;
- licensing of suppliers;
- information about fireworks;
- prohibition of importation etc of fireworks;
- training courses.

Proposal

6. The Executive believes that it would make sense to use the opportunity offered by the Bill to introduce comprehensive regulation making powers covering the sale and use of fireworks across Great Britain. Therefore it believes the Bill should be extended to Scotland.

7. The Bill does not make provision for Executive Ministers to exercise powers in devolved areas. Accordingly an Order is to be made under section 63(1)(b) of the Scotland Act 1998 to allow Scottish Ministers to exercise powers concurrently with the Secretary of State in certain sections of the Bill which have a devolved element. It is intended that this would allow Scottish Ministers to introduce regulations prohibiting the use of fireworks in specified circumstances, and also in regard to the operating of public fireworks displays.

SCOTTISH EXECUTIVE
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