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## Delegated Powers and Law Reform Committee

# Fireworks and Pyrotechnic Articles (Scotland) Bill as amended at Stage 2



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# Delegated Powers and Law Reform Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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# Committee Membership



**Convener**  
**Stuart McMillan**  
Scottish National Party



**Deputy Convener**  
**Bill Kidd**  
Scottish National Party



**Paul Sweeney**  
Scottish Labour



**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 14 June 2022, the Delegated Powers and Law Reform Committee ("the Committee") considered the revised delegated powers provisions in the Fireworks and Pyrotechnic Articles (Scotland) Bill ("the Bill") as amended at Stage 2.<sup>i</sup>
  2. The Committee submits this report to the Parliament under Rule 9.7.9(b) of the Standing Orders.
2. The Bill was introduced by the Cabinet Secretary for Justice and Veterans, Keith Brown MSP on 1 February 2022. The Criminal Justice Committee is the lead committee for the Bill.
3. The Committee considered 24 delegated powers in the Bill at Stage 1 at its meetings on 8 and 22 March 2022. After considering further information requested from the Scottish Government the Committee was content with all but three of the powers. The Committee made recommendations on the powers conferred under sections 18(1), 24(1) and 35(2)(b) in its Stage 1 report.<sup>ii</sup> In each case, the Committee recommended that each of the three powers should be subject to the affirmative procedure rather than the negative procedure so that there can be an enhanced level of parliamentary scrutiny.
4. The Scottish Government lodged a Revised Delegated Powers Memorandum after Stage 2.<sup>iii</sup>

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<sup>i</sup> The Bill as amended at Stage 2 is available [here](#) .

<sup>ii</sup> Delegated Powers and Law Reform Committee, 21st Report, 2022 (Session 6), is available [here](#) .

<sup>iii</sup> The Revised Delegated Powers Memorandum is available [here](#) .

# Delegated powers provisions in the Bill as amended at Stage 2

## Amendments to Delegated Powers - Parliamentary Procedure

5. Firstly, the three provisions where the Committee had recommended a change in procedure at Stage 1 were:
  - section 18(1) – Power to make further provision for the purposes of the operation of the licensing system;
  - section 24(1) – Power to make provision for compensation for specialist firework businesses affected by section 22; and
  - section 35(2)(b) – Power to make further provision as to requirements to determine whether a person may be treated as within an exempt category for the purposes of schedule 1.
6. In each case, the Scottish Government lodged amendments at Stage 2 to give effect to the Committee's recommendations at Stage 1. Each amendment was subsequently agreed by the lead committee.

7. The Committee welcomes the Scottish Government's amendments to the Bill at Stage 2 to take account of the Committee's recommendations at Stage 1. The Committee is therefore content that the affirmative procedure rather than the negative procedure applies to each of the powers listed above.

## Amendments to Delegated Powers – Scope of Powers

8. The scope of three separate powers, which the Committee was content with at Stage 1, were also amended at Stage 2, namely:
  - section 6(3) – Power to provide for general requirements relating to the fireworks licence application process;
  - section 10(3) – Power to make provision in respect of licence conditions; and
  - section 32(2) – Power to modify section 32(1A) in respect of the application of Part 5 of the Bill.

9. The Committee was content with the amendments to the scope of each of these delegated powers at Stage 2.

## New Delegated Power

10. Finally, the following power was added to the Bill at Stage 2:
  - section 1(2)(b) – Power to modify section 1(1A) of the Bill to add, amend or

remove articles or descriptions of types of articles that are not to be treated as a pyrotechnic article for the purposes of the Bill.

11. The Committee accepted this power in principle and was content that the exercise of the power will be subject to the affirmative procedure.

