

Criminal Justice Committee

**7th Meeting, 2023 (Session 6), Wednesday 1
March 2023**

Fireworks and Pyrotechnic Articles (Scotland) Act 2022 – Revised Implementation Timetable

Note by the clerk

1. On 14 February 2023, the Minister for Community Safety, Elena Whitham MSP, wrote to the Committee setting out a revised implementation timetable for various provisions of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. This letter is attached in the annex of this paper, for information.

Background

2. In June 2022, the Scottish Parliament enacted the [Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022](#). The Act provides restrictions to the access and use by the public of various categories of ‘consumer’ fireworks in Scotland. These restrictions include the establishment of a public licencing system. The Act provides restrictions for the possession and use of some other forms of specialist pyrotechnics, commonly known as distress flares.
3. The Act also prevents the supply of certain fireworks and pyrotechnic articles to persons under the age of 18 by addressing so called ‘proxy purchasing’. It limits the public supply of certain consumer fireworks by retailers to certain times of the year, as well as providing financial compensation for those specialist firework retailers whose business would be significantly impacted by the sale restrictions.
4. The Act also limits the use of certain fireworks by the public to particular days of the year, and it empowers local authorities to establish firework control zones in their area, if they so wish.

Action/Decision

5. **Members are asked to consider the correspondence set out in the annex and decide what, if any, action they wish to take.**

**Clerks to the Committee
February 2023**

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Convener
Criminal Justice Committee
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14 February 2023

Dear Convener

Fireworks and Pyrotechnic Articles (Scotland) Act 2022 – Implementation Timetable

I am writing to update you on the implementation of provisions within the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (“the Act”) that was passed by the Scottish Parliament on 29 June 2022.

As you will be aware, work has progressed at pace to implement the measures in the Act, which enabled the key proxy purchase and emergency worker aggravation measures to be in force for bonfire night 2022. The implementation of the remaining measures will be phased due to the work required to commence them – such as regulations, developing guidance and IT development of a firework licensing system.

The ongoing unprecedented challenging financial context is impacting our ability to implement the remaining measures within the originally anticipated timescales. To ensure that we continue to build on the good progress that has been made to implement the measures within the Act, and introduce further positive change for communities, the timing of the phased implementation will be extended.

While full implementation of the Act will take place over a longer period of time, the revised timings will continue to deliver clear, tangible progress and mean that, subject to parliamentary process:

- Firework Control Zone provisions will commence in advance of bonfire night 2023 as planned;
- The pyrotechnic possession offence provisions will commence in summer 2023 as planned;
- A slight delay to implementation of the licensing system, meaning it will commence mid-2024 at the earliest;

- The implementation of the restricted days of supply and use provisions will be paused to a future financial year. This includes the compensation regulation making power, which is attached specifically to restricted days of supply.

We will undertake a programme of public awareness raising to ensure that businesses, stakeholders, and the general public are aware of new measures as they are implemented, and what this means for their interests and responsibilities in terms of how fireworks are supplied and used in Scotland. I will also be writing to our key stakeholders to make them aware of the revised anticipated implementation timescales.

I would like to reassure the committee that I am committed to the implementation of the remaining measures within the Act, and working towards a cultural shift in the relationship that Scotland has with fireworks. I consider this phased approach through a revised timetable to be the best route forward to achieve this and ensure that progress continues to be made, while adapting the timescales given the unprecedented challenges faced.

I hope that this update is helpful.

ELENA WHITHAM