

From: [redacted - section 38(1)(b)]

Sent: 03 November 2021 16:59

To: Minister for Parliamentary Business <MinisterPB@gov.scot>

Cc: Minister for Community Safety <MinisterCS@gov.scot>; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; Solicitor General <SolicitorGeneral@gov.scot>; DG Education & Justice <dgej@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Chief Parliamentary Counsel <ChiefParliamentaryCounsel@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; Wilkinson W (Wendy) <Wendy.Wilkinson@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>; J[redacted - section 38(1)(b)]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McFarlane J (John) (Special Adviser) <John.McFarlane@gov.scot>; Gollan J (Jennie) <Jennie.Gollan@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>; Brown JG (Jonathan) (Parliamentary Counsel) <Jonathan.Brown3@gov.scot>; [redacted - section 38(1)(b)]@gov.scot>

Subject: IMMEDIATE Fireworks and Pyrotechnics Bill - Request to delay introduction

Minister for Parliamentary Business,

Copy list as above.

Please find attached a submission requesting a delay to introducing the Fireworks and Pyrotechnics Bill, currently scheduled for 7 December. The submission sets out the reasons for requesting the delay and related implications.

Please let me know if further information would be helpful.

Many thanks

[redacted - section 38(1)(b)]

Please note that I am now working from home. I am available via email, phone or skype.

[redacted - section 38(1)(b)]

Building Safer Communities | Safer Communities Division | Scottish Government

1 West | St Andrew's House | Edinburgh | EH1 3DG

[redacted - section 38(1)(b)]

Don't forget to check out our Unintentional Harm and Injury prevention online hub: www.harmandinjuryhub.scot

Minister for Parliamentary Business

FIREWORKS AND PYROTECHNICS (SCOTLAND) BILL: DELAY IN INTRODUCTION

Purpose

1. To seek your agreement to a delay to the introduction of the Fireworks and Pyrotechnics (Scotland) [redacted – s36]

Priority

2. **Immediate. The policy to be included within the Bill is due to be sent to Cabinet Sub Committee on Legislation for approval this week in order to meet the revised pre-introduction timetable if, of course, you are content to approve.**

Background

3. The measures to be included within the Bill are intended to protect public and community safety and wellbeing by ensuring fireworks and pyrotechnics do not cause harm, distress or serious injury. This will be achieved by altering how the general public can access and use fireworks and pyrotechnics, by making provisions for new restrictions to apply to the sale, possession and use of fireworks and pyrotechnics, with new criminal offences to apply where these restrictions are not complied with.

4. The Bill was publicly announced to be brought forward, in Year One of this Parliamentary Term, in this year's Programme for Government to progress the remaining recommendations from the independent Fireworks Review Group which require primary legislation, and to address the misuse of pyrotechnics. There are four main policies to be included within the Bill: the introduction of a fireworks licensing system; restrictions on supply and use of fireworks and pyrotechnics (covering prohibition on supply of fireworks and pyrotechnics to children; and restricting the days of use and supply of fireworks); devolving power to Local Authorities to designate Firework Control Zones; and [redacted – s29(1)(a)]

5. [redacted – s29(1)(a)] The remaining provisions, including the licensing system, will require secondary legislation before they can commence; and will therefore not be in place until late 2023 at the earliest, although pyrotechnic provisions could potentially be in place more quickly if this was felt necessary given the public safety implications of delay.

Progress towards introduction

6. The Bill was due to have been introduced on 7 December 2021 as part of the Year 1 legislative programme. The Bill Team continues to work rigorously towards introduction, although there are areas of the Bill that are still being worked on. [redacted – s29(1)(a)] although there is likely to be reliance on amendments at Stage 2 to deal with any issues of refinement or operational details that are required post-introduction.

7. Other than [redacted – s36] the accompanying documents and impact assessments are well advanced.

[redacted -s36]

8. [redacted -s36]

9. [redacted -s36]

10. [redacted -s36]

[redacted -s36]

11. [redacted -s36]

12. [redacted -s36]

13. [redacted -s36]

14. At this stage we are therefore requesting a delay to the timetable for introduction from the current date of 7 December to a revised date of 16 December. The Bill Team will continue to monitor, and mitigate as far as possible, the issues identified above. If it becomes clear that it will not be possible to work through these to meet the proposed new introduction date we will, of course, alert you to this and the associated implications for introduction.

Stakeholders

15. Although stakeholders are aware that the Bill was included in the Programme for Government announced in September, and for this to be brought forward in Year 1, no definite date for introduction has been announced. There is therefore unlikely to be any criticism of a delay in introduction.

Effect of delay

16. PLU advise that the Criminal Justice Committee is expected to be considering the Year 1 Bail and Release from Custody Bill due for introduction in May 2022. Any significant slippage on Fireworks & Pyrotechnics Bill will have knock-on impact on the overlap of Bills at this Committee.

17. The Lead Minister for the Bill, Ms Regan, is keen for the Bill to be progressed as quickly as possible to ensure that positive tangible change is in place for individuals and communities in advance of the bonfire period next year. In order for the Bill to have sufficient time to progress through Parliament this would require a pre-Christmas introduction date.

18. The current Bill timetable for Stages 1 – 3 already follows a shorter than normal time period of 4.5 months for Stage 1, and one month for Stage 2 and Stage 3 respectively. A pre-Christmas introduction date is therefore required to ensure no knock-on change to the Bill's end date – although this will of course be subject to how long the committee decides to take for Stage 1. Given the potential public and stakeholder interest in the Bill (the 2019 consultation received over 16,000 responses) the Committee may well require more than the 4.5 months currently anticipated for stage 1.

Recommendation

19. It is recommended that you:

- Agree to a delay to the timetable for introduction of the Fireworks and Pyrotechnics (Scotland) Bill from 7 December to 16 December; and
 - [redacted -s36]

[redacted - section 38(1)(b)]

Safer Communities Division

3 November 2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice and Veterans Minister for Community Safety Lord Advocate Solicitor General			X X X X		

DG Education and Justice Solicitor to the Scottish Government Legal Secretariat to the Lord Advocate Chief Parliamentary Counsel Director for Safer Communities Director for Cabinet [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] Wendy Wilkinson, DD Safer Communities [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] [redacted - section 38(1)(b)] Craig French, Solicitor John McFarlane, Special Adviser Jennie Gollan, Special Adviser Andy Beattie, Chief Parliamentary Counsel Jonathan Brown, Parliamentary Counsel [redacted - section 38(1)(b)]
