

# **Fireworks and Pyrotechnic Articles (Scotland) Bill**

**CRWIA – Stage 3**

**February 2022**

## CRWIA – Stage 3

CRWIA title: Fireworks and Pyrotechnic Articles (Scotland) Bill	
<b>Date of publication:</b>	
<b>Executive summary</b>	<p>This Child Rights and Wellbeing Impact Assessment (CRWIA) considers the impact of the Fireworks and Pyrotechnic Articles (Scotland) Bill on children and young people.</p> <p>The proposals included within the Bill deliver on a commitment made in the <a href="#">Programme for Government 2021-2022</a> to change how fireworks are sold and used in Scotland with the aim of protecting public and community safety and wellbeing by ensuring fireworks do not cause harm, distress or injury; and to address the misuse of pyrotechnics.</p> <p>The components of the Bill will introduce a package of new measures to protect communities and individuals in Scotland from harm, distress or serious injury.</p> <p>The measures within the Bill have the potential to indirectly affect children and young people as members of the wider community, as part of households/communities where fireworks may be used, and as attendees of events where pyrotechnic misuse takes place.</p> <p>The irresponsible or incorrect use of fireworks and pyrotechnic articles poses a risk of harm, including to the individual misusing the item as well as to bystanders. Protecting children, and others, from such harm is why it is already an offence for fireworks to be sold to anyone under the age of 18, or for anyone under 18 to possess fireworks in a public place. Similarly, the minimum age limit for the commercial supply of category P1 and T1 pyrotechnics available to the general public is also 18.<sup>1</sup></p> <p>The creation of a proxy purchase and supply offence for fireworks and pyrotechnics within this Bill, therefore, additionally criminalises the supply of fireworks and pyrotechnic articles to people under the age of 18 outwith a commercial setting. This provides additional protection from harm for children and young people – both in terms of physical risk from firework and pyrotechnic misuse, and in terms of possible manipulation by adults to carry, for example, pyrotechnic articles into crowded events. These provisions also impact on children and young</p>

---

<sup>1</sup> P2 and T2 pyrotechnics are prohibited for use by anyone, except by those who: have undertaken specialised training recognised in the fireworks business, theatrical profession or the industry in question (according to the articles to be supplied), have used the category of article in question; and hold valid liability insurance for the article in question.

people who may wish to take possession of and/or use a pyrotechnic article provided to them by an adult, with the adult no longer being legally able to supply this (with exceptions). The Scottish Government believes the benefits of ensuring children and young people under-18 do not have access to pyrotechnic articles that could cause harm if misused, make these provisions proportionate and necessary.

The creation of new criminal offences also has the potential to impact any child or young person committing one of the new offences.

The specific provisions with the potential to impact children and young people in the ways outlined above are:

- A requirement for the general public and community groups to apply for and obtain a valid fireworks licence before they can purchase, acquire, possess or use fireworks, with licence holders requiring to be age 18 or above;
- Restricting the days fireworks can be sold by retailers to the general public, and the days that fireworks can be used by the general public;
- The power for local authorities to designate an area as a Firework Control Zone, where the general public will not be permitted to use fireworks;
- The creation of an offence for a person, without reasonable excuse, to possess a pyrotechnic article, including a firework, while the person is (a) travelling to, in the immediate vicinity of, or attending a designated venue or event, or (b) travelling to, participating in, or otherwise attending a public procession or a public assembly;
- A proxy purchasing and supply offence to criminalise the supply of fireworks and (without just cause) pyrotechnic articles to people under the age of 18.

These legislative changes aim to promote the safe and appropriate use of fireworks and pyrotechnic articles, and reduce the negative impact they can have. It will do this through the combination of measures to:

- Reduce the volume of fireworks being set off outside of organised firework displays, and their associated noise and disturbance.
- Reduce the burden on emergency services in preparing for and responding to firework related incidents.
- Reduce firework related harm and injury; and ensure fireworks are used safely by the public.

	<ul style="list-style-type: none"> <li>• Enable those negatively affected by fireworks to be better aware of where and when fireworks will be set off, enabling them to take preventative and mitigating action.</li> <li>• Reduce the risk of harm and distress caused by the misuse of pyrotechnics at certain sporting and music events, and at public assemblies.</li> </ul> <p>The Bill contributes to the fulfilment of, or otherwise relates to, 10 articles of the UNCRC.</p>
<p><b>Background</b></p>	<p>Following high profile incidents during bonfire night in 2017, and again in 2018, the Scottish Government undertook work to look at the position of fireworks in Scotland. This included: a review of police and fire service activity linked to fireworks and bonfire night by Her Majesty's Inspectorate of Constabulary in Scotland and Her Majesty's Fire Service Inspectorate in Scotland; and a programme of public consultation, stakeholder engagement and evidence gathering on the sale and use of fireworks in Scotland, to identify what action was required going forward.</p> <p>The 'Consultation on fireworks in Scotland: your experiences, your ideas, your views' launched on Sunday 3 February 2019 for a period of 14 weeks, closing on Monday 13 May 2019.</p> <p>Over the consultation period 29 engagement events were held – 24 open public events, and five events for specific population groups, including young people. A total of 16,420 responses were received from members of the public and stakeholder organisations. The consultation responses were independently analysed and the analysis report was published in October 2019.</p> <p>A representative omnibus survey "Public attitudes towards fireworks in Scotland" was also undertaken in May 2019 with a total sample of 1,002 responses. The results of this survey were published online in October 2019.</p> <p>In October 2019 the Minister for Community Safety published the Fireworks Action Plan which set out how the Scottish Government would address the concerns expressed through the national consultation. The Action Plan supports the Scottish Government National Outcome of "We live in communities that are inclusive, empowered, resilient and safe" and sets out a range of specific outcomes relating to fireworks to support this overarching vision, including:</p> <ul style="list-style-type: none"> <li>• Organised displays provide the opportunity to bring communities together.</li> <li>• Fireworks are used safely and handled with care.</li> <li>• Fireworks do not cause harm, distress or serious injury.</li> </ul>

The Action Plan set out shorter-term activities that were taken forward immediately, as well as longer-term actions, such as reviewing legislation, that will collectively support a change in how fireworks are used in Scotland.

The independent Firework Review Group was tasked with considering the options available to improve legislation relating to fireworks in Scotland. The Group considered the evidence available and, in November 2020, made a series of recommendations to Scottish Ministers.<sup>2</sup> The Group reached a majority consensus that a fundamental shift is required in how fireworks are used and accessed in Scotland through the introduction of a comprehensive set of measures, including:

- The introduction of mandatory conditions before consumers are able to purchase fireworks.
- Restricting the times of day fireworks can be sold.
- Restricting the volume of fireworks that can be purchased.
- Restricting the days and times fireworks can be set off.
- A provision for no fireworks areas to be introduced where it is not permitted for fireworks to be set off, with local communities having a key role in influencing this.
- The introduction of a proxy purchasing offence criminalising the supply of fireworks to people under the age of 18.

A number of these recommendations have been progressed through [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#) made by the Scottish Ministers in February 2021. At this time, a CRWIA was published for the development of policy around promoting the safe and considerate use of fireworks, and this can be found at:

<https://www.gov.scot/publications/promoting-safe-considerate-use-fireworks-scotland-crwia/>.

Those regulations amended the Fireworks (Scotland) Regulations 2004, and the changes implemented by these regulations include three new measures in relation to the way the general public can use and access fireworks as follows:

- Restrict the times of day fireworks can be used by the general public to between 18:00 and 23:00, with the exception of 5 November (when they can be used from 18:00 until midnight), and New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 18:00 until 01:00).
- Restrict the times of day fireworks can be supplied to the general public to between the daytime hours of 07:00 and

<sup>2</sup> <https://www.gov.scot/groups/firework-review-group/>

18:00, alongside existing requirements on retailers around sale and storage licences.

- Limit the quantity of fireworks that can be supplied to the general public to 5kg at any one time.

In addition to this work around fireworks, over recent years the misuse of pyrotechnics, including fireworks, at events in Scotland has become more prevalent. There is evidence of pyrotechnics having been set off in crowded locations with subsequent risk of serious injury or death. This has included incidents at concerts and music festivals, at sporting events, and during public gatherings and protests. In 2018, Police Scotland approached the Scottish Government with significant concerns about the dangers of pyrotechnic misuse and highlighted the work they had been undertaking in relation to it. This included identifying any improvements that might be made around the recording of pyrotechnic incidents, as well as establishing the need for further powers or other legislative change. Police Scotland had identified the need for further work to:

- Establish if legislative change was desirable/possible and how that might best be achieved.
- Implement joint safety messaging by all stakeholders in relation to pyrotechnics.
- Improve recording of incidents involving possession/use of pyrotechnics.

Following engagement with Police Scotland, in May 2019 the Scottish Government hosted a series of stakeholder discussions on the misuse of pyrotechnics to further identify actions that could be taken to tackle the issue and to gather more evidence. Discussions involved representatives from Police Scotland, Scottish Police Federation, British Transport Police, Crown Office and Procurator Fiscal Service and the Scottish Government. The final stakeholder discussion concluded that a dedicated stop and search power for pyrotechnics, not limited exclusively to persons entering or attempting to enter qualifying events, was required.

The Minister for Community Safety publicly expressed Scottish Government support for joint actions to tackle the risk of pyrotechnic misuse, welcoming a recent Police Scotland and Scottish Fire and Rescue Service campaign on this issue ('No Place for Pyro') in January 2020 and reiterating that keeping people safe is a priority for the Scottish Government and partner agencies. In September 2020, and in light of stakeholder discussions, the Scottish Government made the decision to consult more widely on the creation of a new offence relating to possession of a pyrotechnic article, and the extension of current police powers to allow a stop and search power for this offence,

	<p>and this was included alongside the proposed fireworks measures in the recent consultation.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>We believe the provisions included in the Bill will have a positive impact on children and young people, and that in bringing forward these legislative changes we strengthen our commitment to the Articles of the UNCRC where the best interests of the child, and their protection from harm, are paramount. Where there is the potential for negative impacts, we believe these have been considered and mitigated for, and that the Bill strikes the right balance to ensure all measures are necessary and proportionate.</p> <p>The available evidence shows that fireworks can have a range of potentially negative impacts on children and young people, particularly in relation to health and wellbeing. All children and young people, therefore, have the potential to benefit from the protective measures in the Bill. However, there may be some groups of children and young people that are more likely to benefit from the changes than others. This includes children with disabilities, children with sensory issues, and autistic children who can be particularly impacted by the noise and disturbance created by fireworks. This also includes children from the most deprived areas of Scotland, as evidence shows that children in these communities are at greatest risk of experiencing adverse health consequences due to fireworks, including sustaining a physical injury. In relation to tackling the misuse of pyrotechnic articles, those with mobility and/or respiratory difficulties could experience serious consequences from the emission of toxic substances in an enclosed space, through the misuse of smoke bombs.</p> <p>The provisions introduced within the Bill have the potential to indirectly affect children and young people as members of the wider community, as part of households/communities where fireworks may be used, and as attendees of events where pyrotechnic misuse takes place.</p> <p>Additionally, it impacts on those children and young people who are currently manipulated into carrying pyrotechnic articles and fireworks for others by prohibiting adults from giving them or making them available to children.</p> <p>The creation of new criminal offences also has the potential to impact any child or young person committing one of the new offences.</p> <p>The <b>evidence base</b> for these conclusions is as follows:</p> <ul style="list-style-type: none"> <li>• Findings from a 2019 international evidence review on fireworks legislation and impact showed that exposure to loud, impulsive noise poses a greater risk to human health</li> </ul>

than exposure to loud, continuous noise and children and young people under 18 years of age may be at particular risk, as the maximum peak sound level limit is set 5 decibels (dB) lower for this age group.<sup>3</sup>

- Additionally, fireworks can raise background noise levels by several dozen decibels (dB), and these high peak sound levels are more harmful to human hearing than increased background noise. Increased noise levels can cause particular distress to those with noise sensitivity and/or sensory issues.
- An evaluation of firework related harm in Scotland, published in October 2020,<sup>4</sup> also highlighted the negative impact that hearing fireworks, particularly when unexpected, can have on potentially vulnerable members of society, including people with sensory issues and autistic people, especially autistic children.
- The evaluation also highlighted increasing concern about the acute and long-term effects of particulate matter and heavy metal pollution from fireworks. Exposure to particulate matter is correlated with conditions including: cardiovascular; respiratory (asthma, bronchitis, lung cancer); developmental (pulmonary and intelligence) and obstetric (pre-term births and low birth weight).
- Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019<sup>5</sup> shows that young people (aged 0-17 years) were disproportionately affected by injuries, with this age group experiencing 51% of injuries while only accounting for 19% of the population. Studies<sup>6</sup> also found that young people, often defined as those under 18 or aged 5-20 years, sustain most firework-related injuries. In addition, studies from America, Australia and international reviews found that males are most likely to suffer fireworks related injuries with the largest difference between genders amongst young people.
- There are also concerns over the over-representation of patients with fireworks related injuries from areas of deprivation and that these inequalities are not moderating over time. This indicates that children and young people from the most deprived areas of Scotland are more at risk of firework-related harm.

<sup>3</sup> <https://www.gov.scot/publications/fireworks-legislation-impacts-international-evidence-review/>

<sup>4</sup> <https://www.cobis.scot.nhs.uk/wp-content/uploads/2020/11/Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf>

<sup>5</sup> [Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf](#)

<sup>6</sup> [Fireworks legislation and impacts: international evidence review - gov.scot \(www.gov.scot\)](#)

	<p>The international evidence review also found that:</p> <ul style="list-style-type: none"> <li>• Most fireworks related injuries occur at private displays (e.g. in gardens) or in streets and other public places, not at formally organised displays. Both bystanders and operators are at risk of injury, with young people and males consistently found to be most at risk. Common fireworks related injuries affect hands and heads, with mortars and rockets responsible for the majority of serious eye and hand injuries. However, sparklers, fountains and firecrackers are also frequent causes of injury. Fireworks related injuries often require specialist treatment and surgical intervention, and can sometimes be fatal.</li> <li>• Fireworks pollute the air with gases and particles, which can contain metals and other elements that are potentially harmful to human health. Local air pollution, the frequency of cultural traditions involving fireworks and meteorological factors can all influence the impacts of fireworks on the environment; and the extent of these impacts in Scotland is unknown.</li> </ul> <p>Further evidence about the impact on communities more broadly can be found in the Policy Memorandum and the Equality Impact Assessment (EQIA) developed for the Bill, both published on the Scottish Parliament website.</p>
<p><b>Children and young people’s views and experiences</b></p>	<p>As part of the consultation process in 2019, there was engagement with children and young people through partner agencies and stakeholders:</p> <ul style="list-style-type: none"> <li>• YoungScot</li> <li>• Scottish Youth Parliament</li> <li>• Scottish Children’s Parliament</li> <li>• Education Scotland</li> <li>• Scottish Fire and Rescue Service</li> <li>• Law Society of Scotland</li> </ul> <p>YoungScot and Members of the Scottish Youth Parliament representatives promoted the fireworks consultation on their website and social media platforms.</p> <p>Two focus groups were held to engage with young people. These events provided an opportunity for young people to explore and discuss the use and impact – both positive and negative – of fireworks in Scotland:</p> <ul style="list-style-type: none"> <li>• YoungScot facilitated a focus group with 9 young people aged 17 - 24 years.</li> <li>• Scottish Fire and Rescue Service Fireskills programme facilitated a focus group of 7 young people aged 14 - 15 years.</li> </ul>

We engaged with the Careers & Outreach Coordinator at the Law Society of Scotland to circulate the consultation details nationwide with schools they work with in relation to their outreach work. The consultation was also sent to contacts at Developing the Young Workforce and the law student Street Law trainers who attend a number of universities throughout Scotland.

A range of views and experiences were expressed by the young people during our engagement, including:

- At one of the focus groups, there were mixed opinions on the banning of fireworks with some young people suggesting that a ban would only cause people to buy illicit fireworks, which may be less safe.
- Attendees agreed, however, that there should be stricter controls surrounding the purchase and use of fireworks.
- Experiences that attendees had with fireworks in their communities were mostly positive although this was not the universal experience for all the young people involved in the focus groups.
- Young people who had either used fireworks, or encountered fireworks used by others, discussed what they considered to be responsible or irresponsible use. The latter included experience of using firecrackers to blow up a snowman's head and setting off a naval flare inside the house.
- At another focus group, attendees discussed antisocial behaviour incidents on and around bonfire night. Attendees stated that they had not experienced or been involved in any antisocial incidents with fireworks but when prompted most of the group said they had experienced fireworks being used irresponsibly or unsafely.
- On the issue of the online sale of fireworks, young people agreed that fireworks are very easily available online and can be bought from a variety of websites along with Facebook and other social media channels. A number of the young people commented that they had seen fireworks for sale on social media, and that if they wanted to access them they would know who to go to in their local area to purchase them illicitly. It was noted that fireworks are cheaper to buy online and therefore people would be more inclined to buy them from online sources, even if the products are potentially unregulated or unsafe. Many people would not check the safety standards when buying fireworks online and mainly focus on the cost.

	<p>As part of a nationally representative opinion poll,<sup>7</sup> more young people indicated they were in favour of more controls being introduced in relation to the sale of fireworks than those who did not (45% of 18-24 year olds were in favour, compared to 40% of 18-25 year olds who were not).</p>
<p><b>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</b></p>	<p><b>1. Which UNCRC Articles are relevant to the policy/measure? List all relevant Articles of the UNCRC and Optional Protocols.</b></p> <p>The four general principles of the UNCRC are the guiding principles which underpin each and all of the specific rights outlined in the Convention. These must be considered in every CRWIA. These are:</p> <p><b>Article 2 - Non-discrimination</b> Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).</p> <p><b>Article 3 - Best interests of the child</b> Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.</p> <p><b>Article 6 - Life, survival and development</b> Every child has a right to life and to develop to their full potential.</p> <p><b>Article 12 - Respect for the views of the child</b> Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.</p> <p>Further to these principles, consideration of the following articles is relevant within the context of the Fireworks and Pyrotechnic Articles (Scotland) Bill:</p> <p><b>Article 16 - Right to privacy</b> Every child has the right to privacy. The law should protect the child’s private, family and home life, including protecting children from unlawful attacks that harm their reputation.</p> <p>The Bill contains provisions to enable police officers to stop and search an individual and/or their vehicle, for fireworks or</p>

<sup>7</sup> <https://www.gov.scot/publications/public-attitudes-towards-fireworks-scotland-representative-omnibus-survey/>

pyrotechnic articles, without warrant. This is consistent with enforcement powers within existing fireworks legislation. This is essential to the effective enforcement of the proposed law, to help prevent and detect crime, and, importantly in the context of this Bill, to keep the public safe.

While being searched does not mean that you are being arrested and does not mean that you will have a criminal record, we understand that stopping and searching members of the public is a significant intrusion into their personal liberty and privacy and that all stop and search activity must be appropriate – that is, lawful, necessary and proportionate.

From 11 May 2017, police in Scotland must follow the Stop and Search Code of Practice. This Code sets out rules for when the police can use stop and search, how the search should be carried out and what information about the search should be recorded. It also covers the information the officer should give you so that you understand what will happen and why.

The code of conduct makes clear that, if the person being stopped is under 18, they should be searched by an officer of the same sex and they should use language the young person can understand.

The Whole System Approach (WSA) is the Scottish Government's programme for addressing the needs of young people involved in offending. We focus on tackling the causes of offending by young people and supporting them to change their behaviour, with the aim of avoiding them entering the criminal justice system.

The intended aim of the creation of an offence of being in possession of a pyrotechnic article, including fireworks, at certain events and venues is to ensure this type of preventative approach, tackling the issue at an earlier stage than is currently possible, by intervening before harm is caused, to the young person themselves, or to others, by the misuse of pyrotechnics and fireworks. When offending is done by children and young people, Police Scotland take a flexible approach, looking to prevent future offending or antisocial behaviour by providing timely and proportionate interventions, and alerting other agencies to concerns about the child or young person's behaviour and well-being.<sup>8</sup>

#### **Article 19 - Protection from all forms of violence**

Children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment,

<sup>8</sup> <https://www.gov.scot/policies/youth-justice/>

maltreatment or exploitation. Governments must do all that they can to ensure this.

Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019<sup>9</sup> shows that young people (aged 0-17 years) were disproportionately affected by injuries, with this age group experiencing 51% of injuries while only accounting for 19% of the population. Studies<sup>10</sup> also found that young people, often defined as those under 18 or aged 5-20 years, sustain most firework-related injuries.

The introduction of a firework licensing scheme with mandatory conditions for the general public and community groups to meet before they are able to purchase fireworks, further restrictions on the days of use and supply of fireworks, and new proportionate and transparent local authority powers to designate an area as a Firework Control Zone where necessary, will all contribute towards a society where fireworks are used safely and with regard to others, reducing harm and distress, including to children and young people.

By creating an offence for a person, without reasonable excuse, to possess a pyrotechnic article, including a firework, in relation to designated venues or events and public assemblies and processions, the Bill reduces the risk of harm and distress to children and young people attending such events who may otherwise be exposed to pyrotechnic misuse.

While it is already an offence for fireworks and the majority of pyrotechnic articles to be sold to anyone under the age of 18, or for anyone under 18 to possess fireworks in a public place, the creation of a proxy purchasing and supply offence to additionally criminalise the supply of fireworks and pyrotechnics to people under the age of 18 outwith a commercial setting will provide additional protection from harm for children and young people. It will do this in terms of reducing physical risk from firework and pyrotechnic misuse by children and young people themselves, and in terms of possible manipulation by adults to carry, for example, pyrotechnic articles into crowded events.

While these provisions also impact on children and young people who may wish to take possession of and/or use a pyrotechnic provided to them by an adult, the Scottish Government believes the benefits are clear. The strong public interest in ensuring children and young people under-18 do not have access to explosive articles that could cause harm if misused is considered

<sup>9</sup> [Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf](#)

<sup>10</sup> [Fireworks legislation and impacts: international evidence review - gov.scot \(www.gov.scot\)](#)

to make these impacts proportionate. The provisions are necessary to achieve these benefits. Furthermore, there are exemptions to this offence to (a) ensure the provision of visual distress signals for appropriate use as intended by the manufacturer is not criminalised and (b) to ensure those under 18 employed by, or in business as, a professional organiser or operator of fireworks or pyrotechnic displays are not unfairly impacted. Additionally, firework and pyrotechnic articles that can be legally sold to those under-18, such as F1 fireworks and percussion caps for toy guns, are excluded from the provisions of the Bill where it is legal for them to be in possession of such items.

### **Article 23 – Children with a disability**

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

An evaluation of firework related harm in Scotland, published in October 2020,<sup>11</sup>, highlighted the negative impact that hearing fireworks, particularly when unexpected, can have on potentially vulnerable members of society, including people with sensory issues and autistic people, especially autistic children.

Engagement with the British Veterinary Association and the Scottish Society for the Prevention of Cruelty to Animals highlighted the negative impact that can be experienced by domestic pets and livestock.

This can be distressing for domestic pets and their families, including the children and young people who care for them, but can cause additional concerns for those children and young people with a disability or who otherwise need assistance who rely on their domestic animals to live actively and independently. During the 2021 consultation, the online event held with those people impacted by sight loss, or working on sight loss issues, heard of the distress that can be experienced by those with sight loss and to guide dogs while fireworks are being used.

The provisions placing further restrictions on the days of use and supply of fireworks, and new proportionate and transparent local authority powers to designate Firework Control Zones where necessary, will contribute towards a society where fireworks are used with regard to others, reducing harm and distress, and allowing those most negatively impacted to be aware of when fireworks are likely to be used, and make plans accordingly.

<sup>11</sup> <https://www.cobis.scot.nhs.uk/wp-content/uploads/2020/11/Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf>

## **Article 24 - Health and health services**

All children have a right to the highest attainable standard of health, and to health care services that help them to attain this. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

The additional resourcing of emergency services, local authorities and the NHS in preparing for and responding to the bonfire season has an impact on the resources that could be used elsewhere within the healthcare sector. The disproportionate number of injuries to children and young people means that pressure on the services available for that demographic may be even more pronounced.

In the evaluation of firework related harm referred to previously, the estimated health expenditure on treating firework injuries over the period 2008-2019 in Greater Glasgow and Clyde was £463,583, a mean cost of £38,632 per annum. The majority of this cost (£438,775) is incurred in treating patients admitted to hospital. There is no evidence of either an upward or downward trend in the costs data. This is likely to be an underestimate as the cause of injury is not always captured in the routine administrative records and certain resource use may not be captured. This data also does not capture those who attend General Practitioners or pharmacies for treatment and advice.

Additionally, firework related attacks on emergency service workers are not only distressing, and in some cases life-changing, for the workers involved, but again, diverts resource away from the provision of healthcare to others in need, including young people and their families.

## **Article 31 - Leisure, play and culture**

Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.

We understand the enjoyment that children and young people in particular can get from watching a firework display, and the deep sense of community that can come from celebrating significant religious and festival days in this way.

The effect of the Bill will be to ensure that the use of fireworks can take place at organised events or when delivered by professional firework operators at any time of the year, and by the general public during specific periods of the year which align with long established traditional fireworks or religious events.

We understand there will be those who disagree with any further restrictions on the supply and use of fireworks, and consider that it disproportionality impacts on those in lower-income families who do not have the means to pay for a professional firework operator to organise a display; or pay for a fireworks licence over and above the cost of the fireworks; or who live in a community where communal organised displays are not provided.

We do believe that the proposals strike the correct balance – ensuring children and young people can safely enjoy the fun of a firework display, while ensuring this enjoyment does not cause significant harm or distress to themselves, their families and others in the community. However, we will ensure that the monitoring and review process, that all the provisions will be subject to, continues to keep the impact on lower-income families in mind.

Requiring members of the public and community groups to apply for and obtain a licence to purchase, acquire, supply, possess and use F2 and F3 fireworks will ensure that the person has successfully completed a training course and demonstrated learning of how to use fireworks in a safe, considerate and responsible manner, and otherwise meets the conditions for the issue of a licence. This will encourage the safe use of fireworks and reduce firework related harm and injury; and ensure that the purchase and use of fireworks is a considered and planned process, reducing spontaneous firework retail transactions and use of fireworks in inappropriate locations.

The powers for Local Authorities to designate Firework Control Zones will form part of the range of preventative and diversionary strategies that local partners currently utilise in planning and preparing for the safe and considerate use of fireworks within our communities. The introduction of Firework Control Zones is intended to target problematic use of fireworks, where this is occurring in an unpredictable way and having a negative effect on communities. This provision will provide an additional means of addressing the unpredictable use of fireworks by members of the public within a local area where, for example, this is considered to be an ongoing problem or to be having particularly significant negative impacts.

#### **Article 40 – the right to get legal help and to be treated fairly if accused of breaking the law**

When offending is done by children and young people, Police Scotland take a flexible approach, looking to prevent future offending or antisocial behaviour by providing timely and proportionate interventions, and alerting other agencies to

	<p>concerns about the child or young person's behaviour and well-being.<sup>12</sup></p> <p>The Whole System Approach (WSA) is the Scottish Government's programme for addressing the needs of young people involved in offending. We focus on tackling the causes of offending by young people and supporting them to change their behaviour, with the aim of avoiding them entering the criminal justice system.</p> <p>The intended aim of the creation of an offence of being in possession of a pyrotechnic article, including fireworks, at certain events and venues is to ensure this type of preventative approach is tackling the issue at an earlier stage than is currently possible, by intervening before harm is caused, to the young person themselves, or to others, by the misuse of pyrotechnics and fireworks.</p>
<p><b>Monitoring and review</b></p>	<p>The Scottish Government has committed to taking forward the Firework Review Group recommendations, which includes ensuring sufficient monitoring processes are put in place alongside the new measures and changes to fully understand the impact that these have, including a full review of impact to be carried out 3-5 years following implementation, subject to parliamentary agreement.</p> <p>The Bill sets out that a local authority must carry out a review of the operation and effectiveness of designated Firework Control Zones to ensure that they are working as intended, remain proportionate and don't cause an unjustifiable interference with a person's right to peaceable enjoyment of their property. The Bill includes an obligation for local authorities to review any designated zones but also a mechanism for the local authority to act on such a review if required by amending or revoking such zones. Similar to the requirements to publish the decision taken following a consultation, the Bill sets out that, following such a review, the local authority must publish a report of the findings from the review and set out its proposals in relation to the zone going forward.</p>

<sup>12</sup> <https://www.gov.scot/policies/youth-justice/>

Bill Provision	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
<p>Introduction of requirement for the general public and community groups to hold a licence before they are able to purchase, acquire, possess, and use F2 and F3 fireworks</p>	<p>The aim of the licensing system is to ensure that:</p> <ul style="list-style-type: none"> <li>• Members of the public who purchase, acquire, possess, and use fireworks have a good understanding of the essential safety elements;</li> <li>• The purchase of fireworks is a well thought out and planned transaction rather than a spontaneous decision with no consideration given to safety or impact on others;</li> <li>• There is a reduction in the physical and mental health harms caused by inappropriate use of fireworks.</li> </ul> <p>Offences will be created (subject to any</p>	<p>Children and young people who view fireworks that are not handled by professionals. E.g. as part of a family celebration or informal display in the garden.</p> <p>Also those who may use fireworks in a way that would be considered antisocial behavior, or who are subject to harm caused by antisocial use of fireworks.</p>	<p>Most directly advances Articles 3, 6, 19 and 31.</p> <p>Articles 12 and 24 may also be relevant.</p>	<p>This provision should have a positive effect on wellbeing indicators.</p> <p>It seeks to safeguard children and young people by reducing the risk of physical and mental health harms caused by the inappropriate use of fireworks.</p>

	exemption) to enforce the licensing system.			
Restrictions on supply and use of fireworks and pyrotechnics: restrictions on the days F2 and F3 fireworks can be sold by retailers and used by the general public	<p>The aim of this measure is to:</p> <ul style="list-style-type: none"> <li>• Reduce the volume of fireworks that are set off outside of traditional firework periods;</li> <li>• Reduce the negative impacts of noise and disturbance, including for people with noise sensitivity and for animals;</li> <li>• Enable those negatively affected by fireworks to be better able to take preventative action to mitigate such impacts.</li> </ul> <p>Offences will be created (subject to any exemption) to enforce the restrictions on the supply and use of fireworks.</p>	<p>Children and young people as spectators of firework displays not organised or handled by professionals. For example, as part of a family celebration or informal display in the garden outwith traditional firework periods.</p> <p>Children and young people who get caught up in antisocial firework misuse, either as perpetrators or subjects of the harm this causes.</p>	<p>Most directly advances Articles 3, 6, 19 and 31.</p> <p>Articles 12 and 24 may also be relevant.</p>	<p>This provision should have a positive effect on wellbeing indicators.</p> <p>Reducing the volume and negative impacts of firework use, and making the dates they are used more predictable, will reduce the risk of physical and mental health harms caused to children and young people by the inappropriate use of fireworks.</p>
Restrictions on supply and use of fireworks and pyrotechnics: prohibition on supply to children	The main aim of this provision is to increase the protection of	All children and young people at risk of harm from	Most directly advances Articles 3, 6, 19.	This provision should have a positive effect on

	<p>children and young people from the harms caused by inappropriate use of age-restricted fireworks and pyrotechnics by ensuring such articles cannot be accessed by them.</p> <p>An offence will be created (subject to any exemption) for supplying fireworks or pyrotechnics to people under 18.</p>	<p>inappropriate use of fireworks and pyrotechnics.</p> <p>Children and young people who attend sporting and music events, and public assemblies and processions where pyrotechnic misuse might take place.</p> <p>Children and young people who are currently manipulated into carrying pyrotechnic articles and fireworks for others.</p> <p>Children and young people who may wish to take possession of and/or use a pyrotechnic provided to them by an adult, with the adult no longer being legally able to do so (with exceptions).</p>	<p>Articles 12, 24 and 31 are also relevant.</p>	<p>wellbeing indicators.</p> <p>It seeks to safeguard children and young people by reducing the risk of physical and mental health harms caused by the inappropriate supply of fireworks and pyrotechnics.</p> <p>There is an exemption to ensure that young people can still be provided with pyrotechnic articles if (a) the manufacturer of the pyrotechnic article designed it to be used as a visual distress signal, and (b) the person intends that the person under the age of 18 will use the pyrotechnic article only in appropriate circumstances. This ensures there are no unintended consequences for the use of potentially life-saving devices.</p>
<p>Introduction of powers for local authorities to designate 'Firework Control Zones (FCZs),</p>	<p>The introduction of powers for local authorities to designate</p>	<p>Children and young people who live in a designated</p>	<p>Most directly advances Articles 3, 6, 19 and 31.</p>	<p>This provision should have a positive effect on</p>

<p>where the use of F2, F3 and F4 fireworks by the general public can be restricted.</p>	<p>Firework Control Zones is intended to help tackle the unpredictable and potentially harmful use of fireworks by members of the public within a local area, where, for example, the use of fireworks is considered to be an ongoing problem for the community or to be having particularly significant negative impacts.</p> <p>Offences will be created (subject to any exemption) for a breach of restrictions imposed as a result of an area being designated as a 'firework control zone'.</p>	<p>Firework Control Zone, as spectators of firework displays not organised or handled by professionals. For example, as part of a family celebration or informal display in the garden outwith traditional firework periods.</p> <p>Children and young people who get caught up in antisocial firework misuse, either as perpetrators or subjects, of the harm this causes.</p>	<p>Articles 12 and 24 are also relevant.</p>	<p>wellbeing indicators.</p> <p>It provides the means for local authorities to take targeted action to safeguard children and young people where there is particular risk of physical and mental health harms caused by the inappropriate use of fireworks.</p>
<p>The creation of an offence for a person, without reasonable excuse, to possess a pyrotechnic article while travelling to, in the immediate vicinity of, or attending a designated venue or event, or public procession, or public assembly.</p>	<p>The intended aim of this provision is to ensure a preventative and interventionist approach can be taken where needed to tackle pyrotechnic misuse before harm is caused</p>	<p>All children and young people.</p> <p>Children and young people in attendance at or travelling to designated events where the possession of a pyrotechnic,</p>	<p>Most directly advances Articles 3, 6, 19, 31 and 40.</p>	<p>This provision should have a positive effect on wellbeing indicators.</p> <p>It provides the means for Police Scotland to take a proactive approach to the misuse of pyrotechnics,</p>

	<p>to the young person themselves, or to others, by the misuse of pyrotechnics and fireworks. When offending is done by children and young people, Police Scotland take a flexible approach, looking to prevent future offending or antisocial behaviour by providing timely and proportionate interventions, and alerting other agencies to concerns about the child or young person's behaviour and well-being.</p>	<p>including fireworks, will be prohibited,</p> <p>Children and young people carrying pyrotechnics, including fireworks, into sport and music events, and to public assemblies and gatherings.</p>		<p>including fireworks, at certain events and places, thereby safeguarding children and young people at risk of the harm this can cause.</p> <p>When offending is done by children and young people, Police Scotland take a flexible approach, looking to prevent future offending or antisocial behaviour by providing timely and proportionate interventions, and alerting other agencies to concerns about the child or young person's behaviour and well-being</p>
<p>Powers to search individuals and their vehicles for fireworks and pyrotechnic articles without warrant in relation to the offences created in the Bill.</p>	<p>This provision aligns Police powers to existing fireworks legislation and with other parts of the UK.</p> <p>It is an essential power for the effective enforcement of the proposed offences, to help prevent and detect the</p>	<p>Children and young people involved with antisocial firework and pyrotechnic misuse, either as perpetrators or subjects of the harm this causes.</p> <p>Children and young people in attendance or travelling to</p>	<p>Most directly advances Articles 3, 6, 19, 31 and 40.</p>	<p>This provision should have a positive effect on wellbeing indicators.</p> <p>It seeks to safeguard children and young people by deterring and detecting offences and thereby reducing the risk of physical and mental health</p>

	<p>offences and keep the public safe.</p>	<p>designated events where the possession of a pyrotechnic, including fireworks, will be prohibited, and who may be subject to stop and search proceedings, or who is accompanying someone who may be.</p>	<p>harms caused by the inappropriate use of fireworks and pyrotechnics.</p> <p>It enables children and young people to attend events without fear for their safety.</p> <p>There are safeguards in place in relation to stop and search activity. All activity must be appropriate – that is, lawful, necessary and proportionate, with a Stop and Search Code of Practice followed.</p> <p>Where that activity involves children and young people, the code outlines the practice that must be followed to safeguard the human rights and wellbeing of the children and young people involved.</p>
--	---	--	---

**CRWIA Declaration**

**Authorisation**

<p><b>Policy lead</b></p> <p>Mary Hockenhill</p>	<p><b>Date</b></p> <p>28 January 2022</p>
--	---

<b>Deputy Director or equivalent</b> Wendy Wilkinson, Deputy Director, Safer Communities	<b>Date</b> 28 January 2022



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2022

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80201-996-4 (web only)

Published by The Scottish Government, February 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1017378 (02/22)

W W W . g o v . s c o t