

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

## **Equality Impact Assessment**

**February 2022**



**Scottish Government**  
Riaghaltas na h-Alba  
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## Equality Impact Assessment Record

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>Fireworks and Pyrotechnic Articles (Scotland) Bill</b>	
<b>Minister</b>	<b>Minister for Community Safety</b>	
<b>Lead official</b>	<b>Scott Boyd</b>	
<b>Officials involved in the EQIA</b>	<b>Name</b>	<b>Team</b>
	<b>Scott Boyd</b> <b>Elinor Findlay</b> <b>Mary Hockenhull</b> <b>David Bell</b> <b>Natalie Stewart</b>  <b>Fran Warren</b> <b>Hannah Davidson</b>	<b>Building Safer Communities</b> <b>Building Safer Communities</b> <b>Community Safety Unit</b> <b>Community Safety Unit</b> <b>Scottish Government Legal Directorate</b> <b>Justice Analytical Services</b> <b>Justice Analytical Services</b>
<b>Directorate: Division: Team</b>	<b>Directorate for Safer Communities / Safer Communities Division / Building Safer Communities team</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>New Policy</b>	

### Screening

#### **Policy Aims**

##### Fireworks

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.

A '[consultation on fireworks in Scotland: Your experiences, your ideas, your views](#)' launched on Sunday 3 February 2019 for a period of 14 weeks to its close on Monday 13 May 2019 and was designed to start a conversation with the people of Scotland on how fireworks are sold and used. The consultation was an important step in gathering valuable evidence on a range of opinions and perspectives and covered organised displays, private use by individuals, and inappropriate use.

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.

A representative omnibus survey “Public attitudes towards fireworks in Scotland” was undertaken in May 2019 with a total sample of 1,002 responses. The results of this survey were [published online](#) in October 2019.

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 outcomes for fireworks to support this including:

- Organised displays provide the opportunity to bring communities together.
- Fireworks are used safely and handled with care.
- Fireworks do not cause harm, distress or serious injury.

The Action Plan sets out activities that have been taken forward immediately, as well as longer term actions that will collectively support a change in how fireworks are used in Scotland.

The independent Firework Review Group<sup>1</sup> was tasked with considering the options available to tighten legislation on fireworks in Scotland. The Group considered the evidence available and made a series of recommendations to Scottish Ministers in November 2020 (report available [online](#)) and 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. These regulations amend 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:

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<sup>1</sup> Membership included: Police Scotland, Scottish Fire and Rescue Service, Scottish Ambulance Service, Local Authority Licensing, CoSLA, Trading Standards, Scottish Community Safety Network, British Pyrotechnics Association, British Fireworks Association, NHS Greater Glasgow and Clyde / Care of Burns in Scotland, Veterans Scotland and Community Representatives.

- Restrict the times of day fireworks can be used by the general public to between 6pm and 11pm, with the exception of 5 November (when they can be used from 6pm until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 6pm until 1am);
- Restrict the times of day fireworks can be supplied to the general public to during the daytime hours between 7am and 6pm, 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, over recent years, the misuse of pyrotechnics<sup>2</sup>, 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, welcoming a recent Police Scotland and Scottish Fire and Rescue Service campaign on this issue ('No Place for Pyro') in January 2020 and reiterated 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

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<sup>2</sup> While all fireworks are pyrotechnic products, the Bill uses the terms "fireworks" and "pyrotechnics" as distinct categories, in line with existing legislation. The Pyrotechnic Articles (Safety) Regulations 2015 sets out which pyrotechnic articles may be made available on the market in the United Kingdom, and how these must be categorised by manufacturers. Fireworks must be categorised as either F1, F2, F3 or F4 products, and it is intended that any pyrotechnic articles intended for entertainment purposes shall be categorised as a firework, including pyrotechnic articles intended for entertainment and another purpose.

search power for this offence, and this was included alongside the proposed fireworks measures in the recent consultation.

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

A Year 1 Fireworks and Pyrotechnics Bill was announced in this year's Programme for Government to progress the remaining recommendations from the Firework Review Group which require primary legislation, and to address the misuse of pyrotechnics.

The Scottish Government undertook a [further 8 week consultation](#) from 20 June to 15 August 2021 seeking views on how, and if, the remaining recommendations from the Firework Review Group are implemented. The consultation also sought views on the misuse of pyrotechnic articles, particularly in relation to proposed provisions to be included within the Bill. The principal policy objectives of the proposed Bill are to protect public and community safety and wellbeing by ensuring fireworks and pyrotechnics do not cause harm, distress or serious injury, and the provisions included within the Bill are intended to support a cultural shift in how fireworks and pyrotechnics are used in Scotland. 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 their purchase, acquisition, possession and use, with new criminal offences to apply where these restrictions are not complied with. It is not intended that the measures included within the Bill will apply to professional firework operators, as well as - for a number of the measures - organisers of public firework displays, therefore enabling organised displays to continue to take place.

A total of 1,739 responses were received and, of these, 64 were submitted by groups or organisations including key stakeholders. Twelve online workshop events were also held – 8 open to anyone who wished to attend and 4 for specific groups namely: the community in Pollokshields; specialist firework retailers; sight loss organisations; and Trading Standards.

The Fireworks and Pyrotechnic Articles (Scotland) Bill has been informed by the consultation responses, and by the wider programme of engagement, consultation and evidence gathering as described above, and seeks to alter how the general public can access and use fireworks and pyrotechnics, by making provisions for new restrictions to apply to their purchase, acquisition, possession and use, with new criminal offences to apply where these restrictions are not complied with. The Bill is in 7 parts as follows:

- Part 1: Key concepts, including the meaning of fireworks and pyrotechnic articles and categories.
- Part 2: Fireworks licensing, which includes a mandatory training course for applicants to ensure that individuals who will have the ability to purchase, acquire, possess and use fireworks in Scotland are aware of how to do so in an appropriate, safe and responsible manner.
- Part 3: Restrictions on supply and use of fireworks and pyrotechnic articles including: prohibition on supply to children; days of use and supply of fireworks; and compensation for specialist firework businesses affected by restricted days of supply of fireworks.
- Part 4: Firework control zones.
- Part 5: Pyrotechnic articles at certain places or events.
- Part 6: Exemptions and enforcement.
- Part 7: General provisions, including interpretation, regulations, ancillary provision, Crown application and commencement.

This EQIA takes into account comments received during the most recent consultation exercise.

## **Who will it affect?**

The Policy will affect:

**General Public:** this policy aims to reduce the negative impact that fireworks and pyrotechnics can have and promote their appropriate use; and has the potential to affect how the general public use and experience fireworks and pyrotechnics. It proposes to change the way the general public use and buy fireworks by amending when they can be supplied, the need to comply with mandatory conditions before purchase and their use by restricting the days the general public can set them off and locations they can be used.

The policy seeks to introduce a new proxy purchase and supply offence for any individual who buys, attempts to buy, gives or otherwise makes available, a firework or pyrotechnic article to a child or young person under the age of 18. The policy also proposes to introduce a criminal offence for a person to possess a pyrotechnic, including fireworks, at or in the vicinity of, designated events and venues (which could include an event at a designated sports ground or a music concert/festival) and at a public gathering/assembly or procession. It will also be an offence to possess a pyrotechnic article, including a firework, when travelling to a qualifying event.

**Communities:** for some communities fireworks are associated with celebration and important events that can bring friends, families and communities together. However, through the 2019 public consultation, we heard distressing accounts from some communities of the impact fireworks can have. This theme was also reflected in the 2021 consultation, with the majority of those who responded agreeing to changes on how fireworks are used in Scotland across the policy proposals.

Fireworks misuse is more prominent in deprived communities and urban areas; and incidents attended by the Scottish Fire and Rescue Service over the traditional November fireworks period are more concentrated within deprived areas. There is also a clear link between deprivation and firework injury. The Bill seeks to introduce a fundamental shift in the relationship Scotland has with fireworks, following on from legislative changes implemented in June 2021; and it is intended that the combination of policies will enable the safe and appropriate use of fireworks in communities across Scotland. This will include making the use of fireworks more predictable by specifying the days on which fireworks can be supplied and used; and enabling local authorities to designate areas as firework control zones, where it is not permitted for fireworks to be set off by the general public. This policy will ensure local communities have a key role in influencing the private use of fireworks in their area, offering the potential for targeted localised approaches based on the specific circumstances within different areas. This includes the use of fireworks within set distances of specific locations such as animal shelters, livestock or hospitals to protect those who may be adversely impacted by the noise and disturbance of fireworks.

The proposed policy will affect the ability of community groups to put on local displays where professional firework organisers or operators are not involved in the organisation and running of the display, as they will now have to comply with mandatory conditions before

purchasing fireworks, along with the general public. This is to ensure that the safe and appropriate use of fireworks is carefully considered when holding a fireworks display without the presence of a professional.

The policy will not affect the purchasing of pyrotechnic articles, or their use by professional operators. The policy will also not impact the legitimate use of pyrotechnic articles such as safety flares used by those, for example, going out to sea or hillwalking. Additionally, the policy will not impact on the use of other more common articles, such as air bags in cars. We recognise that such articles save lives and we do not wish to inhibit the appropriate use of these articles in any way.

**Fireworks and Pyrotechnic Retailers:** the proposed policy will directly affect fireworks retailers who will need to implement the new measures relating to the days fireworks can be sold to the general public in Scotland along with ensuring the general public and community groups are licensed before supplying them with fireworks. The proposed policy should not have any impact on the legitimate sale of pyrotechnic articles; as noted above, we are not seeking to inhibit this in any way.

**Local Authorities:** the proposed policy will affect Local Authority Trading Standards who have responsibility for ensuring retailers adhere to legislation on the storage and sale of fireworks and will therefore need to update and amend existing processes to take account of the requirement for retailers to adhere to permitted days of sale and to supply to licensed individuals. Responses from the 2021 consultation indicated strongest support for the Scottish Government to maintain and administer the proposed fireworks licensing scheme and this is being adopted, thus Local Authorities will not be required to operate a firework licensing system. The proposed policy will also give Local Authorities the power to designate areas within their local authority area where it is not permitted for the general public to set off fireworks ("Fireworks Control Zones") which will require clear and robust processes for implementation and management. The policy on pyrotechnics will not have an impact on local authorities as the enforcement of the offence created will be carried out by Police Scotland.

**Police Scotland:** The proposed policy will affect Police Scotland who have responsibility for enforcement where an offence may have been committed, including when fireworks are used outside of permitted days, within any area that is designated as a Firework Control Zone, and when someone is in possession of a pyrotechnic article in contravention of the new offence. Police Scotland will have responsibility for enforcing the offences created via the fireworks licensing system, the offence of possessing a pyrotechnic article, including fireworks, when at, in the vicinity of, or travelling to a designated event or venue and the prohibition on providing fireworks or pyrotechnic articles to those under 18, which will criminalise those buying for, attempting to buy for, giving, or otherwise making available fireworks or pyrotechnics to people under the age of 18 without lawful reason. Additionally, a stop and search power has been included for a police officer if they have reasonable grounds for suspecting that a person has committed or is committing one of the proposed offences, which aligns with powers in existing legislation.

### **What might prevent the desired outcomes being achieved?**

- Introducing a robust licensing system will incur financial and resource costs associated with developing, operating, managing and maintaining the system.

Consideration has been given to how the proposed system could be run and administered and cost analysis has been undertaken to inform this.

- Non-compliance or lack of understanding of new legislation by retailers will be addressed by enforcing bodies for the legislation, including Local Authority Trading Standards and Police Scotland. The Scottish Government will communicate any changes through engagement with stakeholders, including retailers and relevant Scottish Government Policy contacts. This will also be addressed through a communications campaign with retailers building on awareness raising campaigns from previous years.
- Non-compliance or lack of understanding of new legislation by the public will be addressed by enforcing bodies for the legislation, including Local Authority Trading Standards and Police Scotland. The Scottish Government will utilise existing annual fireworks awareness raising and communication campaigns that take place ahead of Bonfire night to communicate any changes, as well as engaging with partners and communities that use fireworks to celebrate other dates and events of cultural significance, such as New Year, Chinese New Year and Diwali.
- Despite the high level of danger involved in using a pyrotechnic article, there are still people who believe that setting off such articles at music and sporting events is acceptable. Non-compliance would see individuals carrying a pyrotechnic article to a designated event without reasonable excuse or lawful authority or individuals refusing to submit to a search by a police officer when the officer has stopped them on the reasonable suspicion that an offence has been, or is being, committed. The proposed legislation is fundamentally a preventative approach and it is hoped that any continued misuse of pyrotechnics can be addressed through existing channels of communication and awareness raising, including utilising social media, to highlight the dangers involved in using these articles, as well as the consequences of non-compliance, such as charges brought and cases prosecuted, to deter others.
- Non-compliance or lack of understanding of the new offence of being in possession of a pyrotechnic article at certain events or places will be addressed by the Scottish Government working with Police Scotland and other key stakeholders, using media messaging and all necessary channels of communication. Refusal to be searched in relation to this offence will be dealt with by Police Scotland in the same way as any other refusal to comply with such a request from the police.



## **Stage 1: Framing**

### **Results of framing exercise**

The proposed measures included in the 2021 consultation were informed by a programme of consultation, engagement and evidence gathering which included:

- An Internal Reference Group on fireworks with key Scottish Government policy areas including Consumer Protection, Animal Welfare, Antisocial Behaviour, Environmental Quality, Police Communications, Fire and Rescue, Emergency Workers, Public Events Licensing, Veterans, Older People and Autism, to coincide with the 2019 national 'consultation on fireworks in Scotland: Your experiences, your ideas, your views' which met five times throughout 2019.
- An External Review Group on fireworks with key stakeholders including Police Scotland, Scottish Fire and Rescue Service, Scottish Ambulance Service, Edinburgh City Council, Scottish Community Safety Network, CoSLA, Trading Standards, and the Scottish SPCA, to coincide with the 2019 consultation which met five times throughout 2019.
- A range of meetings with Scottish Government policy leads including on Veterans, Autism and Older People to discuss the 2019 consultation and specific groups likely to be impacted.
- A Ministerial Roundtable on 7 November 2019 with stakeholders including Local Authorities, Police Scotland, Scottish SPCA, Fireworks industry, NHS and the Scottish Fire and Rescue Service to discuss the results of the 2019 consultation and next steps.
- Two focus groups with young people to hear their views in March 2019.
- Regular meetings with Scottish Government Justice Analytical Services to discuss the impact of fireworks, including collecting relevant data throughout the 2019 consultation, implementing the Action Plan and providing evidence to the Firework Review Group.
- Regular meetings with Justice Analytical Services to discuss monitoring the effectiveness of the Fireworks Action Plan, and to understand and track the impact of the amendments to the Fireworks (Scotland) Regulations 2004 through the Fireworks (Scotland) Miscellaneous Amendments Regulations 2021.
- The Firework Review Group - an independent Review Group of key stakeholders - met eight times between November 2019 and October 2020 to consider the legislative and regulatory options for change that emerged from the 2019 consultation, scrutinise the evidence available and, alongside their professional judgement and expertise, set out clear recommendations on the changes required to current legislation and regulations.
- A Scottish Government-led group looking at the illegal use of pyrotechnics to identify possible actions to tackle the issues identified based on gathered evidence. The Group included representatives from Police Scotland, Scottish Police Federation, British Transport Police, Crown Office and Procurator Fiscal Service and Scottish Government (Scottish Government Legal Directorate and the Safer Communities, Police and Active Scotland Divisions).
- Stakeholder engagement to inform the fireworks provisions in the consultation, including: Police Scotland; Scottish Community Safety Network; Trading Standards; CoSLA; Society of Local Authority Lawyers and Administrators in Scotland; and the

Scottish Fire and Rescue Service. Engagement with internal policy leads also took place including: Veterans; Autism; Consumer Protection; Ambulance/Emergency Services; Animal Welfare; Community Safety; and Community empowerment/Local Government.

From these discussions and engagement on fireworks and pyrotechnics, it was concluded that individuals with the following protected characteristics could be affected by the new measures and therefore should be included within the EQIA:

- Disability
- Age
- Pregnancy and maternity
- Sex
- Religion or Belief.

## Conclusions

Considering the needs of people with protected characteristics, for both the fireworks and pyrotechnics proposals, we looked at the evidence gathered from: the framing exercise, analysis of the consultation, public meetings, a nationally representative opinion poll<sup>3</sup>, and the review of existing evidence<sup>4</sup>. On the basis of the evidence available there does not appear to be an impact on protected characteristics including gender reassignment and sexual orientation.

For other protected characteristics, we consider that for:

**Disability:** There are potential benefits for people who have mental health conditions and/or Neurodivergent conditions which make them more sensitive to loud noises and sudden flashes. This includes, for example, people suffering from post-traumatic stress disorder (PTSD). People with autism can also be sensitive to the noise and disturbance from fireworks use. There are also potential benefits in tackling the misuse of pyrotechnics for those with mobility and/or respiratory difficulties: the emission of toxic substances in an enclosed space, through the misuse of smoke bombs, for example, could have more serious consequences for those individuals.

**Age:** There are potential benefits for young people who are more likely to be harmed and/or cause harm through misuse of fireworks and pyrotechnics. This is specifically prevalent in the introduction of a proxy purchasing offence which will criminalise the supply of fireworks and (without just cause) pyrotechnics to people under the age of 18. Reducing the misuse of pyrotechnics in public spaces will have a particular benefit to older people who may find it difficult to quickly move away from the dangerous fumes emitted by some of these articles.

Similarly there is potential for greater control over the misuse of pyrotechnics to have a positive impact on both young people, who may be more likely to be harmed when these

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<sup>3</sup> A [nationally representative opinion poll](#) of people's views on increasing control over the sale and use of fireworks was carried out in 2019, providing findings that are representative of adults across Scotland

<sup>4</sup> A [rapid review of the existing evidence](#) that considers the impact of fireworks in the context of international legislation and regulations, including evidence relating to injury, pollution, noise and animal welfare was undertaken

articles are set off within the audiences at concerts and festivals, and older people, who may be more negatively impacted by noise disturbance and smoke emissions from the misuse of pyrotechnics.

**Pregnancy and maternity:** There are potential benefits to pregnant women who may be more sensitive to loud bangs during their pregnancy.

**Sex:** There are potential benefits for young men, who are more likely to be harmed and/or to cause harm through firework misuse. Requiring applicants to successfully complete a fireworks training course is a core element of the licensing system with the purpose of ensuring that individuals who will have the ability to purchase, acquire, possess and use fireworks in Scotland are aware of how to do so in an appropriate, safe and responsible manner. Similarly, it is believed that most pyrotechnic misuse is caused by young men who put themselves in danger when using these articles. The offence allows earlier intervention to tackle the misuse of pyrotechnics before the article is set off, thus reducing the risk of serious harm to the young men handling the article, and those who would otherwise be in the vicinity of where it would be set off. It also acts as a deterrent, dissuading anyone from carrying pyrotechnics with the intent of misuse and sends a clear signal as to what behaviour is criminal so that this can be avoided.

**Race and Religion or Belief:** The consultation document highlighted celebrations and festivals which may be associated with firework use, including Diwali and Chinese New Year. Neither the 2019 consultation nor the accompanying evidence review identified any potential impacts with regards to religious belief characteristics. This remained the case in the 2021 survey and the Scottish Government has engaged with communities and organisations that use fireworks to celebrate events of cultural and religious significance to understand the impact new measures have on these events. Following engagement, the Sikh festival of Vaisakhi has been added to the permitted days of sale and use.

### **Extent/Level of EQIA required**

Evidence on the impact of the new measures on the protected characteristics was gathered and considered from: the framing exercise, analysis of the 2019 consultation, public meetings, the nationally representative opinion poll, analysis of the 2021 consultation, and the review of existing evidence. Consideration was also given to the findings from the [Stop and Search code of practice: twelve month review by independent advisory group](#) which covered concerns about the use of police stop and search with regards to individuals with protected characteristics.

On that basis we do not believe that there is sufficient evidence or requirement for an in depth EQIA as the impact on protected groups will be equal and/or positive.

### **Stage 2: Data and evidence gathering, involvement and consultation**

- The public consultation held in 2019 was a key step in gathering evidence on a range of opinions and perspectives on the use of fireworks and covered organised displays, individual private use and inappropriate use. A [full analysis of responses to the consultation](#) was published in 2019; and the consultation was supported by a programme of analytical work to enable the outcomes of the consultation to be considered alongside other forms of evidence (listed below).

- A summary report of the key messages from the 24 public consultation events held across Scotland in: Aberdeen, Ayr, Dumfries and Galloway, Dundee, Edinburgh, Elgin, Inverness, Glasgow, Paisley, Perth, Stirling and Stornoway; along with an additional five events for specific population groups.
- A [nationally representative opinion poll](#) of people's views on increasing control over the sale and use of fireworks was carried out in 2019, providing findings that are representative of adults across Scotland.
- A [rapid review of the existing evidence](#) that considers the impact of fireworks in the context of international legislation and regulations, including evidence relating to injury, pollution, noise and animal welfare was undertaken.
- An analytical report on [Fireworks Regulations – Impact: Case Studies](#) looking at the evidence available internationally on the effectiveness - or otherwise - of tighter measures in place in other countries.
- The [Firework Review Group Final Report](#) setting out recommendations to Scottish Ministers on tightening legislation on fireworks in Scotland.
- An [Evaluation of Firework-related harm in Scotland](#), published in October 2020, which includes an evaluation of data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019.
- A public consultation held in 2021 on the proposed measures to be included within the Bill. The consultation was supported by 12 online workshop engagement events. Eight of these events were open to anyone who wished to attend and four were for specific groups, namely: the community in Pollokshields; specialist firework retailers; sight loss organisations; and Trading Standards. A [full analysis of responses to the consultation](#) was published in December 2021.

## **Fireworks Consultation 2019 – Engagement with Equality Groups**

Five events for specific population groups were held as part of the 2019 consultation including one for the South Asian community in Pollokshields and four for young people, one each through: Young Scot; Scottish Fire and Rescue Service Youth Fireskills Programme; Citadel Youth Centre; and 6UT Youth Centre.

### **Race and Religion or Belief**

The engagement event with the South Asian community in Pollokshields was attended by 13 women. For a number of women English was not their first language and two of the women who attended provided translation. This discussion led to a request for a copy of the fireworks consultation document in Urdu, which was provided to enable engagement through local Mosques.

Additionally, officials contacted CEMVO Scotland and BEMIS to discuss sharing the consultation and events information with their networks. Contacts in CEMVO spoke with officials and detailed that the Sikh community may want to engage with the consultation due to celebratory events involving fireworks. We contacted members of the Glasgow Gurdwara who shared information regarding the consultation and events in Glasgow. CEMVO also circulated information on the consultation through their networks.

### **Age**

As part of the 2019 consultation process, we focused on youth engagement and engaged with the following stakeholders:

- YoungScot
- Scottish Youth Parliament
- Scottish Children's Parliament
- Education Scotland
- Scottish Fire and Rescue Service
- Law Society of Scotland

YoungScot and Scottish Youth Parliament (SYP) representatives promoted the fireworks consultation on their website and social media platforms.

### Focus Groups

Two focus groups were held to specifically engage with young people in May 2019. These events provided the opportunity for young people to explore and discuss the use and impact – both positive and negative – of fireworks in Scotland:

- YoungScot facilitated a focus group with 9 young people aged between 17 and 24 years to discuss the consultation and gain their views on fireworks.
- Scottish Fire and Rescue Service Fireskills programme's focus group discussed the Fireworks consultation. The group was made up of 7 young people aged between 14 and 15 years.

Officials engaged with the Careers and Outreach Coordinator at the Law Society of Scotland, as part of their remit to coordinate outreach programmes, who circulated the 2019 consultation nationwide with schools. This also included those attending Street Law Debating and careers events. The consultation details were also sent to contacts at Developing the Young Workforce and also the law students at Street Law.

### **Fireworks and Pyrotechnics Consultation 2021 – Engagement with Equality Groups**

The 2021 consultation included an online event specifically for the sight loss community. This event was hosted virtually by Guide Dog Scotland and was attended by representatives from the organisation, a representative from Sight Scotland and a number of guide dog owners and campaigners.

The consultation was also promoted to younger age groups via YoungScot, the Scottish Youth Parliament and together Scotland.

In relation to the proposed days of supply and use of fireworks, engagement was undertaken with the following groups to ensure adequate provision was included for religious holidays or events that are traditionally celebrated with fireworks:

- Muslim Council of Britain
- Sikhs in Scotland
- Hindi Forum.

### **Fireworks and Pyrotechnics Consultation 2021 – Draft EQIA**

The 2021 consultation presented draft versions of the Business and Regulatory Impact Assessment (BRIA) and Equality Impact Assessment (EQIA) and invited comments or evidence related to these assessments in respect of both fireworks and pyrotechnics separately.

### **Fireworks**

Around 135 respondents offered comments in relation to the draft EQIA, with the majority of comments being that the EQIA appeared to cover the required issues, that it was comprehensive or that the respondent supported it. Other comments offered that the use of fireworks is not at all an equalities issue and / or that the safety and well-being of everyone is most important.

Respondents opposed to the proposals offered comments that suggested the proposals were discriminatory against people who use fireworks and in particular who use fireworks in a safe and responsible manner. There were comments that the proposed legislation must take account of customs based on religion or culture and seek to accommodate these customs.

Comments on the EQIA also highlighted a risk of income inequality, where the ability to pay for professional firework services or a fireworks licence would be a barrier for those unable to afford either.

### **Pyrotechnics**

Around 90 respondents offered comments in relation to the draft EQIA, mostly raising or continuing themes already captured in the consultation questions. While there were several comments that felt the draft EQIA was fair there were also views that the proposed powers could be used in a discriminatory way, in particular against people from ethnic minority communities and young people.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>5</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
Age	<ul style="list-style-type: none"> <li>Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019 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 during this time<sup>6</sup>.</li> <li>Studies also find that young people, often defined as those under 18 or aged 5-20 years, sustain most fireworks related injuries.</li> <li>Both bystanders and operators are at risk of injury, with young people and males consistently found to be most at risk.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Fireworks legislation and impacts: international evidence review.</a></li> <li><a href="#">Evaluation of Firework-Related Harm in Scotland</a></li> </ul>	<ul style="list-style-type: none"> <li>A gap in key data has been identified regarding accurate NHS data on attendance at A&amp;E and Minor Injury Units in relation to firework related injuries. Work is ongoing with NHS and Public Health Scotland to address this and adequately monitor and track injury levels on a regular basis.</li> </ul>
	<ul style="list-style-type: none"> <li>Exposure to loud, impulsive noise poses a greater risk to human health than exposure to loud, continuous noise. Young people, under 18 years, may be particularly at risk, as the maximum peak sound level limit is set 5 dB lower for this group.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Fireworks legislation and impacts: international evidence review.</a></li> </ul>	
	<ul style="list-style-type: none"> <li>A little under half (45%) of young people (18-24 year olds) indicated they are in favour of more controls being introduced in relation to the sale of fireworks.</li> <li>Younger respondents (18-24 year olds) are most likely to say they would not welcome greater controls over the sale of fireworks (40% vs 14-21% for other age groups).</li> <li>Younger respondents are also most likely to say that there shouldn't be greater controls over the use of fireworks: 38% vs. 22%-25% for other age groups.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Nationally representative opinion poll</a></li> </ul>	

<sup>5</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<sup>6</sup> [NRS Population Estimates Time Series Data](#)

	<ul style="list-style-type: none"> <li>The nationally representative opinion poll identified that older people are less likely to oppose further restrictions on the use and sale of fireworks in Scotland, compared to younger people.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Nationally representative opinion poll</a></li> </ul>	
<b>Disability</b>	<ul style="list-style-type: none"> <li>The 2019 consultation highlighted the impact that hearing fireworks, particularly when unexpected, can have on people, particularly more vulnerable members of society, including: people suffering from PTSD, with frequent reference to those who have served in the armed forces; refugees and asylum seekers, and especially those who have lived in war zones; older people; people with dementia; people with mental health problems and suffering from anxiety; people with sensory issues; people with autism especially children with autism.</li> <li>During the 2021 consultation the online event with those impacted by or working in sight loss heard of the distress that can be experienced by those with sight loss and on guide dogs during firework use.</li> <li>Similarly, 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.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Consultation analysis Report</a></li> <li>A child with autism attended one of the 2019 consultation events to provide their views.</li> <li>2021 consultation engagement event with sight loss community.</li> </ul>	
	<ul style="list-style-type: none"> <li>The empirical evidence demonstrates that the noise from fireworks causes upset to those with life-long hypersensitivity conditions such as autism, or acquired such as PTSD</li> <li>According to Scottish Government research (2018), more than 1 in 100 people in Scotland are autistic. A common symptom of Autism is extreme noise sensitivity, which can lead children to develop avoidance reactions, such as leaving noisy places to find quieter ones. This may lead them to miss out on social opportunities at festivals that involve loud fireworks. Additionally, the noise from fireworks may induce panic in children with autism, leading them to leave their home, get lost, or even suffer a serious accident<sup>7</sup>.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Evaluation of Firework-Related Harm in Scotland</a></li> <li><a href="#">Fireworks legislation and impacts: international evidence review</a></li> </ul>	

<sup>7</sup> Valentinuzzi, M. E. (2018). Fireworks, Autism, and Animals What "fun" noises do to sensitive humans and our beloved pets. IEEE Pulse, 9(5), 37-39. DOI: 10.1109/MPUL.2018.2856961



<b>Sex</b>	<ul style="list-style-type: none"> <li>Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019 shows that males were disproportionately affected by injuries in comparison to females, with 200 of the 251 injuries (80%) being sustained by males, whilst accounting for 48% of the population during this time<sup>8</sup>.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Fireworks legislation and impacts: international evidence review</a></li> </ul>	<ul style="list-style-type: none"> <li>A gap in key data has been identified regarding accurate NHS data on attendance at A&amp;E and Minor Injury Units in relation to firework related injuries, including disaggregation by sex. Work is ongoing with NHS and Public Health Scotland to address this and adequately monitor and track injury levels on a regular basis.</li> </ul>
	<ul style="list-style-type: none"> <li>Studies from America, Australia and international reviews find that males are most likely to suffer fireworks related injuries with the largest difference between genders amongst young people.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Fireworks legislation and impacts: international evidence review</a></li> </ul>	
	<ul style="list-style-type: none"> <li>Some sub-groups in the population are more likely than others to welcome an increase in control over the sale of fireworks. This includes: women compared with men (79% vs. 63%)</li> <li>Women are also more likely than men to say that there should be more control on how fireworks can be used (75% vs. 59%).</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Nationally representative opinion poll</a></li> </ul>	
<b>Pregnancy and Maternity</b>	<ul style="list-style-type: none"> <li>Exposure to loud, impulsive noise poses a greater risk to human health than exposure to loud, continuous noise. Pregnant women may be particularly at risk, as the maximum peak sound level limit is set 5 dB lower for this group.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Fireworks legislation and impacts: international evidence review</a></li> </ul>	
<b>Gender Reassignment</b>	<ul style="list-style-type: none"> <li>No information is available on the gender reassignment status of people likely to be affected by fireworks policy.</li> </ul>		
<b>Sexual Orientation</b>	<ul style="list-style-type: none"> <li>No information is available on the sexual orientation status of people likely to be affected by fireworks policy.</li> </ul>		
<b>Race</b>	<ul style="list-style-type: none"> <li>Use of fireworks by the Chinese community to celebrate their new year has been accommodated within the proposals</li> </ul>		
<b>Religion Or Belief</b>	<ul style="list-style-type: none"> <li>The 2019 consultation highlighted that, as well as Bonfire Night, fireworks can play an important part of cultural celebrations including Diwali, Chinese New year and Hogmanay.</li> <li>The 2021 consultation further highlighted that fireworks can play an important part of cultural celebrations for the Sikh</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Consultation analysis report</a></li> <li><a href="#">Consultation analysis report</a></li> </ul>	

<sup>8</sup> [NRS Population Estimates Time Series Data](#)

	festival of Vaisakhi and dates supporting this have been added to the proposals		
<b>Marriage and Civil Partnership</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	N/A		

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			The introduction of the proposed measures is likely to have a positive impact on young people, particularly young men, who are more likely to be harmed through fireworks and pyrotechnics. The introduction of a new offence for being in possession of a pyrotechnic, including fireworks, at a qualifying event (or travelling to such an event) may have a positive impact on both young and older people who attend sporting and music events, however, it is recognised that the demographic for these events is generally people ranging from their late teens to their late 30's.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations among and between different age groups			X	The proposed measures are not expected to impact on this characteristic.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			The introduction of the proposed measures is likely to have a positive impact on those whose health and development means that they are more sensitive to loud bangs and flashes. This includes people with mental health conditions and/or neurodivergent conditions as the use of fireworks becomes more predictable enabling people to put mitigation measures in place. However there may be people with disabilities who may need support in understanding and engaging with the measures.

				The smoke generated by pyrotechnics can be particularly troublesome for people suffering from health conditions relating to the respiratory system.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations among and between disabled and non-disabled people			X	The proposed measures are not expected to impact on this characteristic.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	X			<p>The introduction of the proposed measures is likely to have a positive impact on men, who are more likely to be harmed by 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 is likely to have a positive impact on men and women attending such venues or events. Whoever is in the audience has the potential to be the indiscriminate victim of pyrotechnic misuse. However, it is recognised that the audiences at sporting events, such as football matches, are often largely male. Consultation responses from football campaign groups and some individuals indicate a perception or concern of disproportionate and targeted discrimination and criminalisation against football fans (and by extension, young, working-class men). We do not accept this criticism and believe the legislation will provide further protection for all attending – and working at - football matches, including those young men more at risk of harm from firework and pyrotechnics misuse. In communicating the impacts of the proposed legislation, the Scottish Government will aim to reassure those with concerns.</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. The Scottish Government believes that such checks and balances will ensure the rights of all – including those men attending football matches - are upheld.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations between men and women			X	The proposed measures are not expected to impact on this characteristic.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	X			The introduction of the proposed measures is likely to have a positive impact and benefit to pregnant women as they may be more sensitive to loud bangs and flashes, as there should be a reduction in the noise associated with fireworks and pyrotechnics.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations			X	The proposed measures are not expected to impact on this characteristic.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The proposed measures are not expected to impact on this characteristic.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.

Promoting good relations			X	The proposed measures are not expected to impact on this characteristic..
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**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The proposed measures are not expected to impact on this characteristic.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations			X	The proposed measures are not expected to impact on this characteristic.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The proposed measures are not expected to impact on this characteristic.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good race relations			X	The proposed measures are not expected to impact on this characteristic.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The proposed measures are expected to have a neutral impact on this characteristic. It is recognised that fireworks are used in a variety of cultural celebrations, however the proposed

				measures will not disproportionately impact on the use of fireworks at those celebrations.
Advancing equality of opportunity			X	The proposed measures are not expected to impact on this characteristic.
Promoting good relations			X	The proposed measures are not expected to impact on this characteristic.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>9</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The proposed measures are not expected to impact on this characteristic.

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<sup>9</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Yes. Positive impacts have been identified for age, disability, pregnancy and maternity and sex characteristics.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>10</sup> ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	No
If not justified, what mitigating action will be undertaken?	No

### Describing how Equality Impact analysis has shaped the policy making process

The EQIA process has helped to strengthen our commitment to reduce the negative impact of firework use and to ensure that fireworks are used safely and appropriately. We focused on evidence and analysis from the consultations held in 2019 and 2021, and related analytical work, which found that groups most likely to be positively affected from safer use of fireworks and pyrotechnics include:

- people with mental health conditions and/or neurodivergent conditions who are more sensitive to loud bangs and flashes.
- Pregnant women who are more sensitive to loud bangs during their pregnancy.
- Young people who are more likely to be harmed, or to cause harm by fireworks.
- Men who are more likely to be harmed, or to cause harm by fireworks and pyrotechnics.

This EQIA will be published alongside any legislation that is introduced into the Scottish Parliament in relation to the policy proposals described above.

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<sup>10</sup> See EQIA – Setting the Scene for further information on the legislation.





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Any enquiries regarding this publication should be sent to us at

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