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Fireworks Review Group

Report to the Scottish Government



NOVEMBER 2020

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Foreword

As Chair of the Fireworks Review Group, I am delighted to present our final report.

The Group was established by the Minister for Community Safety, Ash Denham, in 2019 following a public consultation on fireworks: Your experiences, your Ideas, your views.

Results from the consultation clearly showed that the majority of respondents strongly supported action to be taken to prevent the fear, alarm and damage that fireworks can cause, while at the same time enabling the safe enjoyment of fireworks to continue, particularly for organised public displays.

Ms Denham asked the Group to consider options and to develop clear recommendations for tightening regulations on fireworks in Scotland.

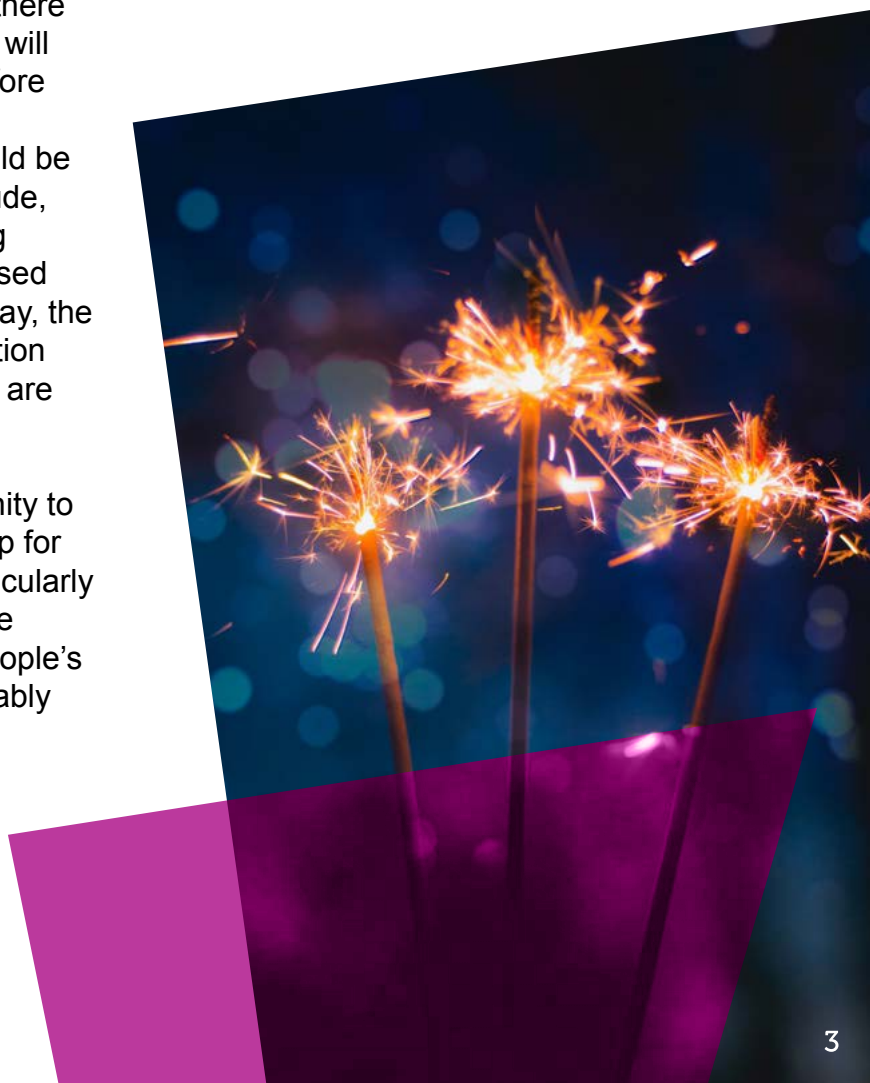
The Group brought together key organisations with a direct interest in fireworks, including representatives from the fireworks industry, NHS, animal welfare, the emergency services and local government, as well as community representatives.

Working collaboratively, the Group developed their recommendations by considering a number of potential changes against the available empirical evidence from across Scotland and internationally. This evidence was both quantitative and qualitative, in the form of the available management information and case studies.

What is clear from the evidence is that there is no single tightening of regulation that will bring about the desired benefits. Therefore the Group has recommended that any approach to changes in regulation should be set alongside other actions. These include, but are not limited to, awareness raising campaigns and the facilitation of organised public events. We believe that, in this way, the desired cultural change and the prevention of unwanted unintended consequences are most likely to be achieved.

Finally, I would like to take this opportunity to thank all members of the Working Group for their hard work and perseverance. Particularly given the background of dealing with the Covid-19 pandemic and the draw on people's time and expertise that this understandably brought about.

Alasdair Hay
CBE QFSM



1. Summary of Recommendations

As a Group, having considered all of the evidence available, and through many months of discussion and deliberation, we have come to the conclusion that a fundamental shift is required in how fireworks are accessed and used through the introduction of a comprehensive set of measures. These are outlined in the recommendations set out below, and we recommend these are implemented as soon as is practically possible.

These recommendations are focussed primarily on the private use of consumer fireworks and are designed to support a step change in how people access and use such fireworks. The purpose is not to prevent adults using fireworks sensibly and safely – instead the recommendations are designed to reduce the unplanned and spontaneous purchase and use of fireworks, moving it towards becoming a more scheduled and planned activity where all safety requirements and

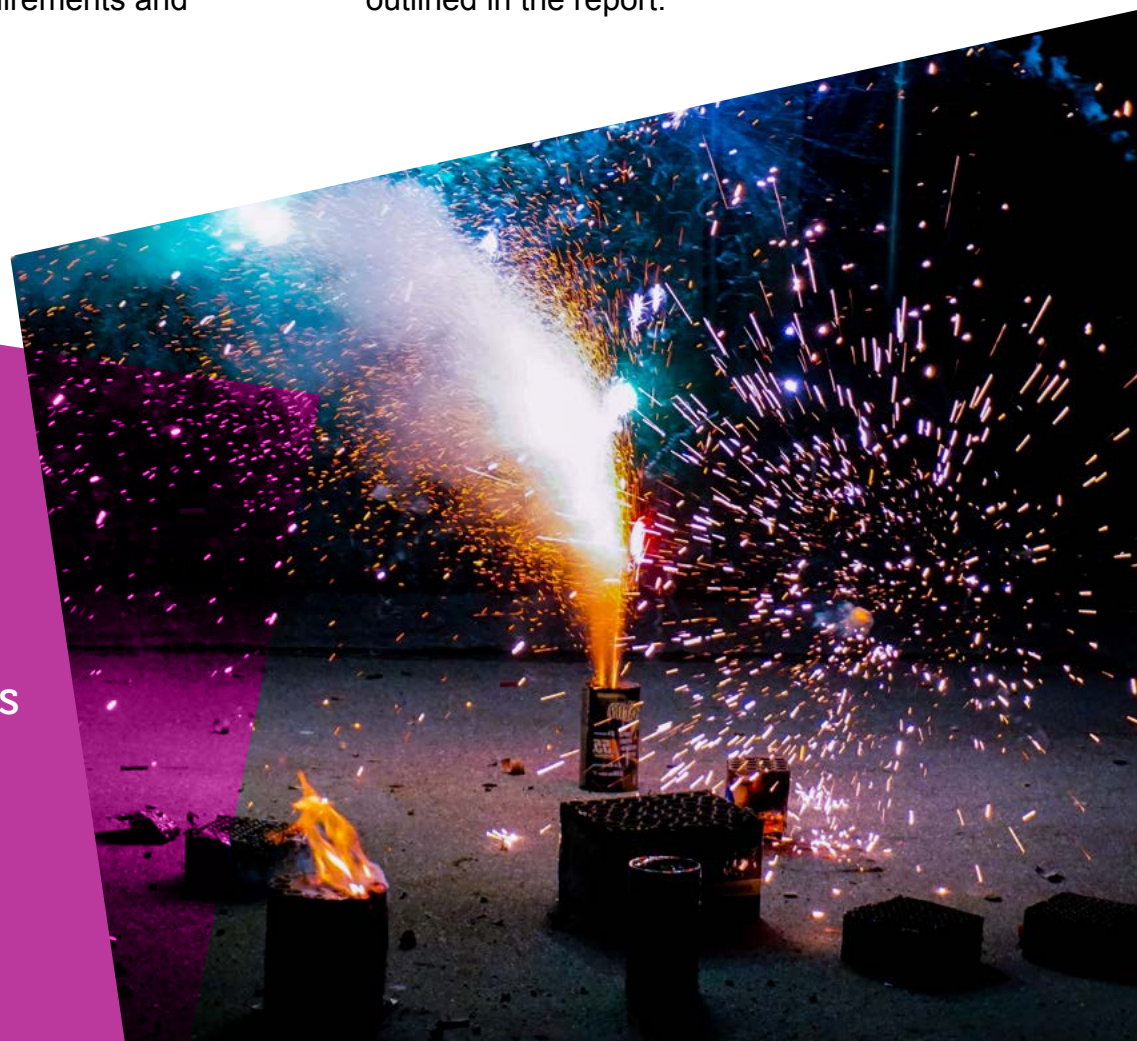
the impact on others has been fully considered.

We also recommend a number of related actions are progressed to ensure any potential negative or unintended consequences are proactively acknowledged and, as far as possible, mitigated against, along with important recommendations in the areas of enforcement and evaluation.

The British Fireworks Association (BFA) has been represented on the Group and has actively contributed to the discussions we have had and conclusions we have drawn. We hope the report highlights the concerns they have raised during this process, particularly around the potential for unintended consequences which are covered in Section 5. However, the BFA has indicated that they do not feel able to support the recommendations that are outlined in the report.



“A fundamental shift is required in how fireworks are accessed and used.”



Recommendations

- One** A complete ban on the sale of consumer fireworks is not introduced at this time given the risk of unintended consequences.
- Two** Mandatory conditions are introduced before consumers are able to purchase fireworks.
- Three** The times of day fireworks can be sold and the volume of fireworks that can be purchased should be restricted. Full consideration should be given to how different people and groups will be impacted by this, and an equalities impact assessment should be carried out to identify any potential discrimination and opportunities to promote equality.
- Four** The days and times fireworks can be set off should be further restricted.
- Five** A provision should be made for no fireworks areas / zones to be introduced where it is not possible for fireworks to be set off, with local communities having a key role in influencing this.
- Six** The introduction of a proxy purchasing offence to reduce the risk of fireworks being misused by children and young people under the age of 18.
- Seven** Sufficient monitoring processes are put in place alongside these changes to fully understand the impact that these have, and a full review of impact should be carried out 3-5 years following implementation.
- Eight** Full consideration is given to which organisation(s) will be required to enforce these new measures while ensuring this is twinned with full consideration of resourcing requirements. Scottish Government and enforcement agencies to identify, share and promote examples of good practice between local community safety partners.
- Nine** A full business impact assessment of the likely costs, benefits and risks of these proposed changes alongside the identification of measures to, where possible, minimise and mitigate these.
- Ten** Adequate monitoring is put in place to proactively track the illegal sale of fireworks in Scotland, and adequate mitigations are introduced to coincide with the new measures. Scottish Government to keep abreast of work by UK Government working with Local Authority Trading Standards to reduce the flow of unsafe products within the UK.
- Eleven** The commissioning of research by Scottish Government to evaluate the wider health and environmental consequence of firework use in Scotland.

2. Review Group Approach

The Firework Review Group was formed in November 2019 following the Minister's statement in Parliament which announced the launch of the [Fireworks Action Plan: Promoting the safe and appropriate use of fireworks in Scotland](#). A key action in this plan was to establish an inter-disciplinary group that would consider opportunities for legislative change and present recommendations and advice to the Scottish Government on the regulations on fireworks in Scotland.

The Review Group first met on 5 December 2019, with the final meeting expected to be August 2020. However, this was extended to October 2020 due to the impact of the COVID-19 pandemic. The remit and membership of the Group is outlined in [Figure One \(page 8\)](#).

At our first meeting, we reflected on the reasons why this review was required. The [public consultation](#)¹ carried out in 2019 attracted a significant response – one of the largest responses ever to a Scottish Government consultation, highlighting the strength of feeling that people have in relation to fireworks. Taken together with the [nationally representative opinion poll](#)² there is a strong public desire for tighter restrictions on how fireworks are sold and used. A number of 'drivers' for change include:

- Firework related attacks on emergency service workers, some of these with life changing consequences
- Firework related injuries to the general public.
- The noise and disturbance of fireworks, particularly on those with noise sensitivity.
- Animal welfare concerns for pets, wildlife and livestock.
- Anti-social behaviour and misuse of fireworks, and the effect on individuals and communities.
- Additional resourcing of emergency services, local authorities and the NHS in preparing for and responding to the bonfire season.
- Environmental impacts of fireworks use – from discarded material to air pollution.

Central to our approach was the review of evidence from Scotland and internationally to ensure that recommendations were fully informed based on best practice. The evidence was considered and evaluated in the context of professional expertise and experiences that our members brought in relation to the sale, distribution, use and misuse of fireworks and their consequences.

An Options Appraisal approach was utilised to consider potential options for legislative and regulatory change. This method helped provide assurance that all relevant issues were systematically considered. The resultant framework facilitated the framing of potential effects, trade-offs and overall impact of available options and an objective evidence base for decision making.

In January 2020 the Group engaged in a workshop where the members discussed and assigned a score to each option for change. This was followed by a number of sub-group discussions at subsequent meetings.

¹ The public consultation 'Your Experiences, Your Ideas, Your Views' was launched in February 2019 and ran for a period of 14 weeks. Views were sought on the sale of fireworks to the general public, how people use and enjoy fireworks, the impact of fireworks on people, communities and animals, ideas on what actions could be taken to ensure fireworks continue to be enjoyed safely and responsibly. The consultation closed on 13 May 2019, having received a total of 16,420 responses.

² 'Public attitudes towards fireworks in Scotland: representative omnibus survey' SG commissioned Progressive to conduct a study on the use and regulation of fireworks in Scotland. The project objectives were to understand the Scottish public's views on increasing control over the sale of fireworks; banning the sale of fireworks to the public; and introducing more control on how fireworks can be used in Scotland. The research was online with a representative sample of the Scottish population. Fieldwork took place between 9th and 14th May 2019. A total sample of 1,002 responses was achieved.

We progressed our work through four key stages:

Stage One

Identifying and considering the available evidence, including evidence based presentations from members on the Group; and identifying and considering potential options for change through an Options Appraisal approach.

Stage Two

Identifying the preferred option for change.

Stage Three

Mapping the anticipated benefits and outcomes of preferred option for change through a Benefits Mapping process.

Stage Four

Final recommendations.

Our work involved drawing together different forms and quality of evidence, including empirical evidence, available management information data along with qualitative and experiential data to ensure a comprehensive and rounded picture of fireworks in Scotland. In addition to the evidence gathered through the [fireworks consultation in early 2019 and related analytical work](#), this included evidence-based inputs from members of the Group, and this is described in more detail in Section 4.

We also commissioned additional analytical work to look at the evidence available internationally and to draw on evidence on the effectiveness – or otherwise - of tighter measures in place in other countries. Key findings from this are highlighted throughout this report, and the full report is available online [here](#).



Figure One: Membership and Remit of the Firework Review Group

Our Group comprises members from a wide range of key stakeholder organisations with varied knowledge and experiences relating to fireworks in Scotland. Membership organisations represented included:

- British Fireworks Association (Fraser Stevenson)
- British Pyrotechnists Association (Cliff Stonestreet)
- British Veterinary Association (Kathleen Robertson)
- NHS Greater Glasgow and Clyde (GGC) / Care of Burns in Scotland (COBIS) (Eleanor Robertson)
- Scottish Fire and Rescue Service (Alasdair Perry)
- Representative from Blackburn Community Action (Alison Kerr)
- Representative from West Pilton West Granton Community Council (Willie Black)
- Convention of Scottish Local Authorities (Mike Callaghan)
- Police Scotland (Superintendent Tim Ross)
- Scottish Ambulance Service (Donna Baillie)
- Scottish Community Safety Network (Lorraine Gillies)
- Society of Local Authority Lawyers and Administrators in Scotland (Gillian McNaught)
- Scottish SPCA (Society for Prevention of Cruelty to Animals) (Gilly Mendes Ferreira)
- Society of Chief Officers of Trading Standards in Scotland (SCOTSS) (Christopher Bell)
- Veterans Scotland (Jim Wilson).

We are grateful for comments and contributions from Chief Inspector Hazel Scott (Police Scotland, Andy Hubble and Dr Tom Smith (British Pyrotechnists Association; Richard Whetton (Scottish Fire and Rescue Service) and Michelle Kirkbright (West Lothian Council); and to those who presented to the Group, including:

- Superintendent James Royan (Police Scotland)
- Lisa Haggerty (Community Action Blackburn)
- Mr Stuart Watson; Dr Julie Dobbin and Miss Kerry Davis (NHS GGC / COBIS)
- Chris Fitzpatrick (Scottish Fire and Rescue Service).

The Group met eight times between December 2019 and October 2020. The following objectives guided our work:

- Evidence from multiple sources with guidance from knowledge and experiences of group members in the formation of recommendations
- Review of international legislation and regulation in the identification of good practice which may be relevant to Scotland
- Specifically advising on options including, but not limited to, the introduction of:
 - Restrictions on the use of fireworks on private property.
 - Tighter dates and times when fireworks can be set off.
 - A notification system before fireworks can be used.
 - 'No firework' areas or zones.
 - Restrictions on the times fireworks can be sold.
 - Mandatory conditions at point of sale.
- Recommending a timetable to implement change, and any further steps or considerations to be explored.

3. Legislation and Regulations

Current Legislation and Regulations

Building on what we heard about the impact of fireworks on the emergency services and local communities, we also considered what options for change exist in relation to current legislation and regulations. We identified and considered the legislation and regulation that currently govern all aspects of the sale and use of fireworks in Scotland. This is a highly regulated area where well established processes are in place covering product safety and standards, imports, storage and existing regulations in relation to the sale and use of fireworks. An overview of existing legislation, regulations and associated enforcement responsibilities was produced and is included in Annex B.

The British Fireworks Association (BFA) provided an update on the work that they do to provide professional advice on keeping the use of consumer fireworks across the UK safe. This includes working with a variety of stakeholders, such as Governments and Trading Standards. The BFA requires its members to adhere to strict code of conduct which aligns with their motto: Safety, Quality, Reliability. Further detail is included in Annex D.

Previous Improvements

We identified and discussed previous interventions which have been noted to reduce firework related injuries, including the banning of certain firework products such as bangers. The Fireworks Industry made clear their desire to ensure all firework products available in the UK are safe and appropriate, and highlighted many examples of their willingness to cooperate with enforcement agencies as part of this process.

The British Pyrotechnists Association (BPA)³, for example, told us of the many working groups and committees they have contributed to considering regulatory change⁴ and outlined the processes they have proactively put in place to establish a code of conduct and accreditation scheme governing organised firework displays which is outlined in Annex C.

We were mindful of the enjoyment that fireworks can bring in many different contexts. It is estimated that there are around 250,000 sales of fireworks every year in Scotland. There is an estimated 500 professional firework displays every year (not including 'big' headline Scottish firework events such as at Edinburgh Castle for Hogmanay, the Royal Military Tattoo or the Virgin Money Concert). Organised firework displays are likely to take place in most local authority areas across Scotland. To inform our discussions on public firework displays in Scotland during bonfire season, a short survey was circulated to the Society of Local Authority Lawyers and Administrators in Scotland (SOLAR) group⁵. The findings indicated that smaller scale displays are more prevalent than larger events. These are often organised by local community groups as part of long-established cultural celebrations which happen at Guy Fawkes or Hogmanay as well as other times throughout the year.

³BPA members represent approximately 90% of the professional display companies in the UK, and approximately 95% of the turnover.

⁴This includes: the Explosives Regulations 2014 working group; the standards for European fireworks; with the Health and Safety Executive on initiatives to promote fireworks classification procedures; and with the department for Business Energy and Industrial Strategy as part of the Pyrotechnic Articles Liaison Group (PALG).

⁵An online survey was carried out in February 2020. 22 Local Authorities responded to the survey, all indicated that organised firework displays take place in their local area.

Enforcement

We discussed in detail whether and how existing legislation and regulations are currently enforced and this was an ongoing theme in many of the discussions that we had.

As part of our work, a short survey was circulated to all Local Authority Trading Standards to understand the number of retail outlets in Scotland selling fireworks and the processes involved in this, and the associated visits and enforcement activity that generally take place. The survey reported around 650 retailers across Scotland who were licenced to sell fireworks in 2019, with the majority likely to be granted a temporary storage licence on a multi-year basis. Large supermarkets or super stores are very likely to make up the bulk of retailers supplying fireworks in Scotland.

This survey also demonstrated the processes that are in place to ensure those selling fireworks are meeting relevant safety standards with warning and improvement notices being issued where needed, and on rare occasions, licences being revoked. Site visits are routinely carried out to retailers who are licenced to store fireworks with much of this inevitably taking place in advance of the traditional selling period in October to November each year.

A key area that was highlighted during these discussions was the **resource constraints on Trading Standards**, who – among other things – play a key role in ensuring fireworks are stored safely and that fireworks are not sold to those under the age of 18.

An area of particular challenge that we identified and discussed is in relation to the **online sale of fireworks** and we note the recommendation of the House of Commons Petitions Committee that the UK Government conduct a review of online sales of fireworks, with a particular focus on sales via social media, with a view to establishing a national, cross-agency strategy to tackle the problem. We are aware that, in response to this, the UK Government are working with Local Authority Trading Standards to lead a pilot project aimed at reducing the flow of unsafe products within the UK to disrupt such activity⁶. **We recommend the Scottish Government keep abreast of this work to ensure any learning can be applied to the issue of fireworks** (recommendation ten).

Incidents and Resource Requirements

Through our discussions we heard about the excellent multi-agency planning that takes place in advance of the bonfire season every year in Scotland through the national 'Operation Moonbeam'. We were pleased to see that this ensures a national public order capability can be deployed where needed in the days around 5 November, while promoting and supporting preventative work in local communities in the weeks and months leading up to the bonfire season.

We heard of positive examples of local operations that take place as part of local planning with Trading Standards, the Scottish Fire and Rescue Service (SFRS), Police Scotland, local authorities and the third sector working in partnership to quickly identify and tackle emerging issues. For example, in 2019 local cooperation in Edinburgh with Trading Standards and Police Scotland identified and tackled fireworks being stored within a domestic property, which were being sold via social media. Intelligence relating to local sales in breach of age restrictions is also shared between agencies to inform activities, cooperate, gather evidence packages and take relevant action. Trading Standards also ensure that the fireworks being sold are 'safe' products - not just in terms of their storage, but in terms not being a banned firework, and their actual construction and adherence to relevant harmonised standards and the associated documentation/labelling.

⁶<https://publications.parliament.uk/pa/cm5801/cmselect/cmpetitions/242/24202.htm>

We recommend that going forward the Scottish Government works closely with enforcement agencies to identify and share examples of good practice across local community safety partners (recommendation eight).

We heard about the considerable amount of preventive work that is undertaken in local authority areas by local partners including SFRS and Police Scotland, in advance of and including 5th November. Common activity included engagement and awareness raising sessions with local schools, visits to retailers selling fireworks and more targeted work with young people previously involved in firework related anti-social behaviour and disruptive behaviour.

The Blackburn Community Action Group presented in detail the impact fireworks misuse has had on their community as well as the work that they have undertaken in recent years to proactively tackle this. The Blackburn Bonfire Night Action Group was established as part of that work, which is a multi-agency group focusing on engagement with the community. The group includes SFRS, Police Scotland, Local Authority Trading Standards, local schools and local residents. The partnership developed a Bonfire/ Firework Action Plan with a number of objectives aimed at educating and raising awareness and preventing disruption associated with fireworks. Some of the key activities within the plan in 2019 were:

- A programme of thematic education initiatives in the run up to Bonfire Night including awareness raising sessions in schools by SFRS, Police Scotland and the West Lothian Council Safer Neighbourhood Team.
- A communications plan including a campaign for parents and carers of young people was designed to raise awareness amongst parents and carers around the dangers and potential consequences of supplying fireworks to young people.
- Engagement with firework retailers by SFRS and Trading Standards to ensure regulations and legislative requirements were being met.
- Community engagement by creating positive relationships and diversionary activities with young people designed to reduce antisocial behaviour and promote community cohesion.

We also considered the resources that are required by the emergency services, both locally and nationally, to adequately prepare and plan for the bonfire season; and to address unacceptable attacks on emergency service workers over this period. We saw disturbing videos of attacks on local police from 2018 in Pollokshields in Glasgow, which reinforced the danger, and at times risk to life, that can be caused by the misuse of fireworks due to the actions of a minority of individuals.

All three emergency services provided data in relation to firework related incidents:

- There is no clear evidence that the number of firework related incidents reported to the police is changing and data from Police Scotland suggests that around 900 'firework' related incidents were reported in the 2019-20 firework period, almost half (45%) of which occurred in the Greater Glasgow Police Division area. As we might expect, the vast majority (around three-quarters) of 'firework' incidents across the year are reported during the firework period.
- For the Scottish Fire and Rescue Service, 342 incidents were identified with 'fireworks' as a contributing factor between 2009-10 and 2019-20⁷. Half of these incidents occurred on the days around bonfire night (4th to 6th November), and these incidents are skewed towards more deprived areas, with almost most half (45%) occurring in Scotland's 20% most deprived areas (based on the Scottish Index of Multiple Deprivation 2016). Twenty-two incidents were reported in 2019-20, the lowest over the period.

⁷This includes incidents where fireworks could be identified through review of information recorded on SFRS systems however this may not capture all incidents as there is no specific fireworks identifier

- There is no clear trend in the number of incidents attended with the chief complaint of burns/ explosion by the Scottish Ambulance Service during the firework period between 2016/17 and 2019/20. The call numbers ranged from 85 in 2018/19 to 106 in 2017/18. Similarly, there is no clear trend in relation to the number of people conveyed to hospital, ranging from 55 in 2016/17 to 76 in 2017/18. The limitations of the data gathered means it is not possible to identify whether these incidents are firework related.

Since 2002/03 the most common anti-social behaviour related charge reported to the Crown Office and Procurator Fiscal Service (COPFS) has been throwing, casting or firing of fireworks in a public place, with 655 charges over this period. Around four in ten of these charges, 284, were dealt with through direct measures (e.g. fixed penalty notice) and a third, 217, through summary measures (less serious case heard in front of a Sheriff or Justice of the Peace without a Jury). Over that same period there were 322 charges relating to the second most common anti-social behaviour charge, possession of an adult firework by a person under 18 years of age. The majority of these (205) were dealt with through direct measures. Both of these charges and the related incidents have resulted in significant public service time and resource to police incidents and enforce regulations.

The data available in relation to attacks on emergency service workers shows that:

- Between 2013-14 and 2019-20, there has been a 12% increase in the number of assaults on police officers⁸ during the firework period. And while this is concerning and unacceptable, this increase is in line with the figures across the whole year (up 11%). It is also not possible to distinguish if assaults during the firework period were firework related. There has been year-to-year fluctuations in the number of assaults during the firework period with the highest number being recorded in 2017-18 (508) and the lowest in 2015-16 (413).
- Two-fifths (40%) of the Acts of Violence directed against firefighters (physical abuse, verbal abuse, objects thrown at firefighters/appliances and other acts of aggression) which take place over the course of a year are recorded during the months of October and November, which only represents around 17% of the year. Again, we are mindful that not all Acts of Violence during the firework period are firework related.

Whilst it has not been possible to develop a full, comprehensive list of cost and resource implications, it is clear there is a considerable financial cost and resource requirement for Police Scotland, SFRS and local authorities in order to plan and prepare for 5th November and the period running up to it each year.

Firework Related Injuries

We are aware that there is a spike in firework related injuries around festival periods where fireworks are traditionally used, and that most firework related injuries occur at private firework displays at homes, and in streets or other public places⁹.

To help develop a more comprehensive picture of firework related injuries in Scotland, a data collection exercise was undertaken in 2019¹⁰ of attendance at Scottish Minor Injury Units (MIU) and Emergency Departments (ED) from firework injuries.¹¹ This data collection exercise showed:

- There would appear to be a clear link between deprivation and firework injury, with eight times as many patients presenting from the lowest SIMD decile than the highest.

- A total of 41 patients presented at MIU or ED in Scotland between 15 October to 12 November 2019. Of those attending, 26 (63%) were male and 23 (56%) were under 16 years of age. Most patients presented to MIU and ED in November, with 18 patients (44%) attending on the 5th November 2019; the highest of any given day.
- The majority of patients were discharged following assessment and treatment. However, 15 patients (37%) required follow-up in hospital outpatients and 3 patients required admission by plastic surgery.
- The most common geographical location for an injury to occur was on private property (19 patients with injuries), with casual/street incidents (9 patients with injuries) being the next most common location.
- Only 2 patients sustained injuries at a large public display (one due to sparklers and the other due to a banger, which is an illegal firework product in the UK). Of the 41 patients with injuries, 14 were caused by sparklers and 11 were caused by unknown fireworks.

Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area was also collated, covering 2008-2019¹². As with the national data, there would appear to be a clear correlation between increased area deprivation and firework injury, with those living in SIMD decile 1 (Scotland's 10% most deprived areas) being twice as likely to present for treatment of firework related injuries than those living in SIMD decile 2. Between 2008-2019, 198 patients attended MIU and ED in the NHS GGC area for management of 251 firework-related injuries to different parts of the body.¹³

The most commonly injured body part was the hand and wrist (103 injuries) with the head, face and neck the next most common (64) followed by the eye (35). Males were disproportionately affected by injuries in comparison to females, with 200 (80%) of the 251 injuries being sustained by a male. Around half (49%) of injuries to males occurred in the over 18 age group, meaning 51% were distributed between children. The two younger male age groups with the highest number of injuries were 11-15 year olds (21%) and 16-17 year olds (14%).

The estimated total 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.

⁸ Does not include information from Highland and Islands Division as data on assaults on police officers cannot be separately identified for this area.

⁹ <https://www.gov.scot/publications/fireworks-legislation-impacts-international-evidence-review/pages/4/>

¹⁰ Data collection took place between 15.10 – 12.11.2019 to coincide with traditional selling period.

¹¹ Eighty-four Minor Injury Units and Emergency Departments from 15 NHS Health Boards were invited to submit firework injury attendance data, and a total of 41 forms were returned from 23 Units from 15.10.19 – 12.11.19. There were no attendances in 59 ED and MIU. A total of 41 forms were returned from 23 ED and MIU

¹² NHS Greater Glasgow and Clyde (GGC) NHS Health Board provide medical care for the population of 1.2 million people. The Canniesburn department of plastic surgery serves 3 million patients in the west of Scotland, over half of the estimated 5.4 million Scottish population. A request was made to NHS GGC for coded admission and procedure data from 2008-2019. Permissions were granted and a query was developed using: WHO ICD-10 diagnosis code W39: 'discharge of fireworks' (World Health Organization 1993). Patient care episodes were exported from Trak (ICD-10 diagnosis codes) and OPERA (OPCS-4 procedure codes). Analysis was undertaken to investigate: patient demographic information; injury pattern, treatment modalities and health economic evaluation. Episodes of care were extracted from Scottish Morbidity Records where fireworks were mentioned as a cause of injury or firework injury included as a diagnostic code. Costs per episode of care were applied using hospital level speciality costs for the year 2018-19 (which are the latest data available).

¹³ The number of injuries exceed the number of patients as some patients sustained more than one injury

Impact of Fireworks

We also heard about the impact that fireworks can have on those who suffer from noise sensitivity, on animals and the environment.

- The increased noise levels caused by fireworks can cause particular distress to those with noise sensitivity, such as people with autism or PTSD.
- The loud and high-pitched noises made by fireworks can cause animals to suffer distress, fear or develop phobia responses and we heard from the British Veterinary Association (BVA) and Scottish Society for the Prevention of Cruelty to Animals (SSPCA) of the impact fireworks can have on animals (see Annex C). A survey of vets found that around 7% of respondents had seen animals with firework injuries, which were most commonly self-injuries caused by firework related anxiety, such as horses that have bolted or dogs from chewing furniture¹⁴. The Scottish SPCA sees an increase in firework related calls to its animal helpline in the weeks leading up to 5 November. These calls are from members of the public either seeking advice, showing concern for a distressed animal that they have seen (including their own pets) or the reporting of an incident where an animal has become injured (with some of these reports linked to an animal trying to flee the noise of a firework). Animal welfare concerns was also a strong theme to emerge from responses to the public consultation.
- Fireworks can pollute the air with gases and particles, is harmful to human health, although the evidence from Scotland on this is limited. **The environmental impact of fireworks is an area we recommend is explored further going forward, and we recommend research is commissioned by the Scottish Government to evaluate the wider health and environmental consequences of firework use** (recommendation eleven).

We therefore considered a **list of potential options for change** as part of our deliberations, including:

- Restricting the use of fireworks on private property
- Restricting the days and times fireworks can be set off
- Introducing a notification system before fireworks can be used
- Introducing no firework areas / zones
- Introducing a proxy purchasing offence
- Restricting the times fireworks can be sold
- Restricting the volume of fireworks that can be purchased
- Introducing mandatory conditions at point of sale.

These are described in more detail in **Section 4**.

We are also aware of the work by the House of Commons Petitions Committee¹⁵ in relation to fireworks which sets out their top three recommendations for the UK Government including: the introduction of a mandatory permit system for firework displays to limit the number of displays where local evidence suggests this is necessary; the funding and coordination of a national awareness campaign on the responsible use of fireworks; and steps being taken to ensure fireworks are not packaged in a way which is designed to appeal to children.

¹⁴British Veterinary Association, 2018. Autumn 2018 2018 Voice of the Veterinary Profession survey (base 473 vets).

¹⁵<https://houseofcommons.shorthandstories.com/petitionsfireworks/index.html>



“The environmental impact of fireworks is an area we recommend is explored further going forward, and we recommend research is commissioned by the Scottish Government to evaluate the wider health and environmental consequences of firework use.”

4. Appraisal of Options

A core element of our approach was ensuring a comprehensive and rounded picture of fireworks in Scotland, drawing on all of the evidence and information available. We were keen to build on the evidence that had already been gathered, including:

- The analysis of responses to the 2019 public consultation.
- The nationally representative opinion poll of people's views on increasing control over the sale and use of fireworks, 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.

The public consultation and nationally representative opinion poll provided us with a very clear indication of the public expectation in relation to future change – outlined in Figure Two - and we worked hard to ensure this premise remained central to our considerations. We challenged ourselves throughout the process to consider whether the direction we were moving towards reflected the expectations of the people of Scotland.

Figure Two: Public Consultation Headline Findings

The consultation, which had 16,420 responses, demonstrates strong support for a change in how fireworks are sold and used in Scotland:

- Almost all of those who responded to the consultation (94%) said they would welcome increased controls on the sale of fireworks.
- Over three-quarters of those who responded to the consultation (87%) said they would welcome a ban on the sale of fireworks.
- Most of those who responded to the consultation (92%) felt there should be more control on how they can be used.

This message is backed up by findings from a nationally representative opinion poll (with a total sample of 1,002 responses) that provides findings representative of people across Scotland:

- A majority of adults in Scotland (71%) feel there should be more controls over the sale of fireworks.
- Over half of adults in Scotland (58%) would support a ban on the sale of fireworks.
- A majority of adults in Scotland (68%) feel there should be more control on how fireworks can be used in Scotland.

It is clear that the **evidence available does not point to one obvious solution** or action that will improve the range of issues identified through the public consultation, and to meet the outcomes identified in the subsequent Fireworks Action Plan. However, considered alongside professional judgement and the range of expertise within the Group, it has been possible for the Group to reach consensus on the range of measures that should be introduced that reflect the multiple drivers for change.

Drawing on the experiences of all members of the Group, and on the evidence available, we **assessed the long list of potential options** for change identifying the pros and cons and assigning a high level score to each. This enabled us to identify which of these options were emerging as preferred. During this process, we also identified that further work was needed to consider the approaches that are in place internationally to, where possible, identifying the actual benefits and drawbacks experienced by other countries with similar measures in place. In particular, we were keen to fully understand the experiences of the Republic of Ireland and Northern Ireland which were often raised as comparative examples to Scotland during our discussions.

We therefore commissioned the development of seven **international case studies**, and the full report from this is available [online](#). This analysis confirmed to us that the evidence available on the implementation and impact of fireworks regulations is imperfect and incomplete. However, these case studies very helpfully move us beyond a reliance on only anecdotal evidence. And when considered alongside the evidence described above and professional judgements of Group members, provide us with a sound basis on which to ground our recommendations.

We considered **restricting the use of fireworks on private property** and the possibility of introducing a **notification system before fireworks can be used**. We could see value in both of these options and their potential to improve the noise and disturbance of fireworks and impact on the emergency services and animal welfare. However, being mindful of the role fireworks currently play for many people who enjoy fireworks safely and sensibly, many members of the Group felt restricting fireworks on private property was too drastic a measure to take without exhausting all other options first. While we would, in principle, be in support of a notification system for fireworks, questions were raised around the costs to set up and administer this. An appropriate notification body with sufficient powers and resources to manage and enforce the system would be required. For both of these options, we were not able to identify any international examples of similar approaches, and both of these options were therefore discounted from further consideration.

We discussed the introduction of a set of mandatory conditions before the general public are able to purchase fireworks from retailers, and broadly agreed that this has the potential to positively impact on both the safe and appropriate use of fireworks going forward. The international case studies highlighted the experiences in Northern Ireland where the introduction of a licencing system in 2002 was followed by marked reduction in the number of people sustaining injuries caused by fireworks.

It is therefore recommended that mandatory conditions are introduced before consumer fireworks are purchased from retailers (recommendation two. We recommend that this involves those who wish to buy fireworks being required to meet a set of conditions before they are able to purchase, including the successful completion of an online safety training course, the payment of a fee, and providing details of where and when fireworks purchased will be used.

We considered whether there would be benefit in restricting the times fireworks can be sold as well as the volume of fireworks that can be purchased at any one time/ transaction. We discussed similar processes that are already in place for other products and, given fireworks are potentially dangerous, felt it is reasonable that there should be limits on when they can be purchased and the volume that can be bought. The international case studies were helpful in highlighting evidence from Australia (Northern Territory) and New Zealand of a reduction in firework related injuries and incidents attended by Fire and Emergency Services with the introduction of a reduced sales window. On balance we **recommend that restrictions are introduced on the times fireworks can be sold and volume of fireworks that can be purchased at any one time and that full consideration is given to how this will impact different people and groups** (recommendation three). We recommend that this involves restricting the time of day fireworks can be purchased to be – at the very least - in line with when they can be used. We also recommend limiting the volume of fireworks that can be purchased to a set amount below the current 50kg. The changes seen in Australia and New Zealand were introduced as part of a package of measures and there appears to be potential challenges around sustaining this over the longer term. As a Group we are mindful that it will not be one single measure that leads us to an improvement and sustained change, but through the combination of measures we are recommending working together alongside other actions to promote the safe and appropriate use of fireworks. We discuss this in more detail in Section 6.

Building on the experiences we heard from the emergency services, we discussed the potential to restrict the days and times when fireworks can be set off. We recognised that this has the potential to ease the burden on the emergency services and reduce the noise and disturbance that fireworks cause. It would also allow those responsible for animals to have that advanced notice of when to expect fireworks to be going off and therefore enable them to put the right safeguarding measures in place. We were mindful in our discussions of the potential implications of limiting the use of fireworks too drastically and risk that this could lead to an unmanageable volume being set off in a short period of time. The international case studies highlighted evidence from Finland where there was marked decline in the number of bystanders and firework users sustaining fireworks-related eye injuries following the enactment of a set measures in 2010 which included time restrictions on when fireworks can be used on New Year's Eve. Similarly, the number of people sustaining fireworks-related injuries has been consistently lower in the Netherlands following the 2015 reduction in the usage period on 31 December from 16 hours to 8 hours, with the decline most pronounced amongst bystanders. **It is therefore recommended that restrictions are introduced on the days and time when fireworks can be set off** (recommendation four). There are currently no restrictions on the days fireworks can be used, and during most the year they can be used between 7am and 11pm. On 5 November, fireworks can be used until midnight, and on the nights of Chinese New Year, Diwali and New Year's Eve fireworks can be used until 1am. We recommend that these restrictions focus on the private use of consumer fireworks and include reducing the days fireworks can be used to a smaller window, potentially to coincide with these traditional selling periods.

Being mindful of the issues that some communities experience over the bonfire period, we discussed the introduction of areas or zones where fireworks cannot be used. We recognised this as offering significant potential for a targeted approach to be adopted based on the characteristics of different areas, focussing on those areas where fireworks are not appropriate while allowing other areas to continue to use them. However, we also discussed the potential for this to displace any potential problems from one area to another, and anecdotal evidence from the Dutch Police suggests that introduction of firework free zones resulted in a shift in hot spots for firework use. The international case studies highlighted examples in Berlin and Munich where authorities have reflected positively on the introduction of firework free zones for New Year's Eve, notwithstanding the additional resources required to enforce them; and the zones are to remain in force going forward. **It is therefore recommended that “no firework” areas or zones are introduced** (recommendation five) where it is not permitted for fireworks to be set off, ideally by providing local authorities with the power to introduce community level no firework areas/zones. While we recognise further consideration will be required in terms of how this will work in practice and in relation to monitoring and enforcement, we recommend this is **informed by a local community consultation process** where there are clear systems in place for communities to have a say in where these firework free zones should be.

The final option that we considered was the introduction of a ‘proxy purchasing’ offence in relation to fireworks to criminalise the supply of adult fireworks to young people under the age of 18. There was general consensus that there was value in making the existing legislation clearer on adults giving or supplying fireworks to those under the age of 18¹⁶. A recurring theme in our discussions was the misuse of fireworks and impact this can have on individuals and communities and **it is recommended that a proxy purchasing offence is introduced criminalising the supply of adult fireworks to people under the age of 18** (recommendation six).

The international case studies also included the experiences of the Republic of Ireland and many Australian states where there has been a complete **ban on the public sale of consumer fireworks** for a number of years although there is not enough evidence to say definitively what impact this has had. While there is some data that points to a potential reduction in firework related injury and offences, concerns have been raised around the availability of fireworks on the internet and in relation to a fireworks black market being created.

While we were not asked specifically to consider the potential of a complete ban on the consumer use of fireworks in Scotland, we have discussed this during our deliberations. We have reached a broad consensus that there is not sufficient evidence to proceed on this basis, given associated concerns with the potential unintended consequences that could result from an outright ban on sale.

Given the challenges identified in the case studies with establishing the effects of these measures over the longer term, and the lack of sufficient data in many cases, **we recommend that sufficient monitoring processes are put in place to coincide with any future changes to legislation in Scotland to fully understand the impact of these recommendations** (recommendation seven).

¹⁶ Adult fireworks are category 2 and 3 fireworks. Category 4 fireworks can only be used by professionals.

5. Unintended Consequences

As a Group, we identified and discussed a number of potential issues that are central to our recommendations. We are clear that these need to be fully considered alongside the development and introduction of the measures we are recommending.

Enforcement

The enforcement of the additional measures we are recommending has been a central theme in our discussions. We feel strongly that enforcement needs to underpin the introduction of these measures and **we recommend that full consideration is given to which organisation(s) would be required to enforce these while ensuring additional enforcement responsibility is twinned with adequate resourcing** (recommendation eight).

Negative and Unintended Consequences

The potential for the measures we are recommending to have some **negative and counterproductive impacts** and to lead to **unintended consequences** was raised and discussed throughout our deliberations.

It has been put forward that there are sufficient regulations already in place, and that a **greater emphasis should be directed towards fully and thoroughly enforcing these**. As outlined in section 2, while resource constraints for Trading Standards, and the complexity of adequately enforcing online sales, have been raised, it is clear well established processes are in place covering product safety and standards, imports, storage and existing regulations in relation to sale and use. The national multi-agency planning that is carried out every year by enforcement agencies including Police Scotland, the Scottish Fire and Rescue Service and Trading Standards came across strongly and we heard numerous examples of this working well locally to tackle emerging issues around inappropriate storage and illegal sales.

There is also some concern that any additional measures could **affect those who currently enjoy fireworks in a safe and responsible manner**, without impacting on those who choose to misuse fireworks. As a Group we have been mindful of the need to strike the right balance between ensuring those who wish to use and enjoy fireworks sensibly still have the opportunity to do so, while addressing the very real concerns and issues that arise from the legitimate use of fireworks and from fireworks misuse. Our discussions have centred primarily on the private use of consumer fireworks and full definitions will be required going forward. Our working definition of organised firework displays includes displays where professional firework operators are involved in the organisation and running of the display, and which typically require a temporary/public entertainment licence from the local authority. This includes large displays organised by local authorities, charities, and organisations as well as smaller displays organised by local groups or clubs. The private use of consumer fireworks refers to all other firework related activity.

We have been mindful of the need for our recommendations to strike the right balance between addressing the drivers behind this review, and the potential negative unintended consequences described above. Our primary objective therefore has been to ensure an approach that does not prevent people being able to enjoy well organised firework displays and adults using fireworks sensibly and safely, but one that can reduce the unplanned and spontaneous purchase and use of fireworks and move it towards a scheduled and planned activity.

The fireworks industry has cautioned that the introduction of tighter restrictions in relation to the sale of fireworks can drive the sale of firework underground and lead to the creation of a black market of dangerous firework products, potentially leading to greater levels of injury. While the international case studies did not highlight this as a consequence with the introduction of additional regulations – with the exception of a complete ban on the sale of fireworks – it will be important for this to be proactively monitored and mitigated against going forward. We therefore recommend that adequate monitoring is put in place to proactively track the illegal sale of fireworks in Scotland, and ensure adequate mitigations are put in place to coincide with the introduction of new measures (recommendation ten).

We are also mindful of the potential impact on the established fireworks industry in Scotland and of those who are employed in this area. It is estimated that around 334 people are employed in the retail of consumer fireworks in Scotland, with the vast majority (251) being seasonal employees; and that the organised display industry employs around 73 people in Scotland. We therefore recommend that a full business impact assessment of the recommended changes is carried out to identify the likely costs, benefits and risks of these changes alongside the identification of measures to, where possible, minimise and mitigate these (recommendation nine).

6. Benefits and Outcomes

From as early as our first meeting in December 2019, we recognised that it was very unlikely we would identify one single legislative option that would on its own support the outcomes highlighted in the Fireworks Action Plan and the overall aim of supporting a culture change in how we use fireworks in Scotland.

We recognise that sustainable change will only be achieved through action and effort in a broad range of areas. We therefore **centre our recommendations for change alongside the range of other actions that are set out in the Fireworks Action Plan** and work that is underway by partners across Scotland.

We have developed a benefits map that brings together the work of the Group alongside the range of other work that is underway. This highlights the clear interdependencies across the range of actions that are underway, and how they collectively contribute towards achieving substantial and sustainable change.

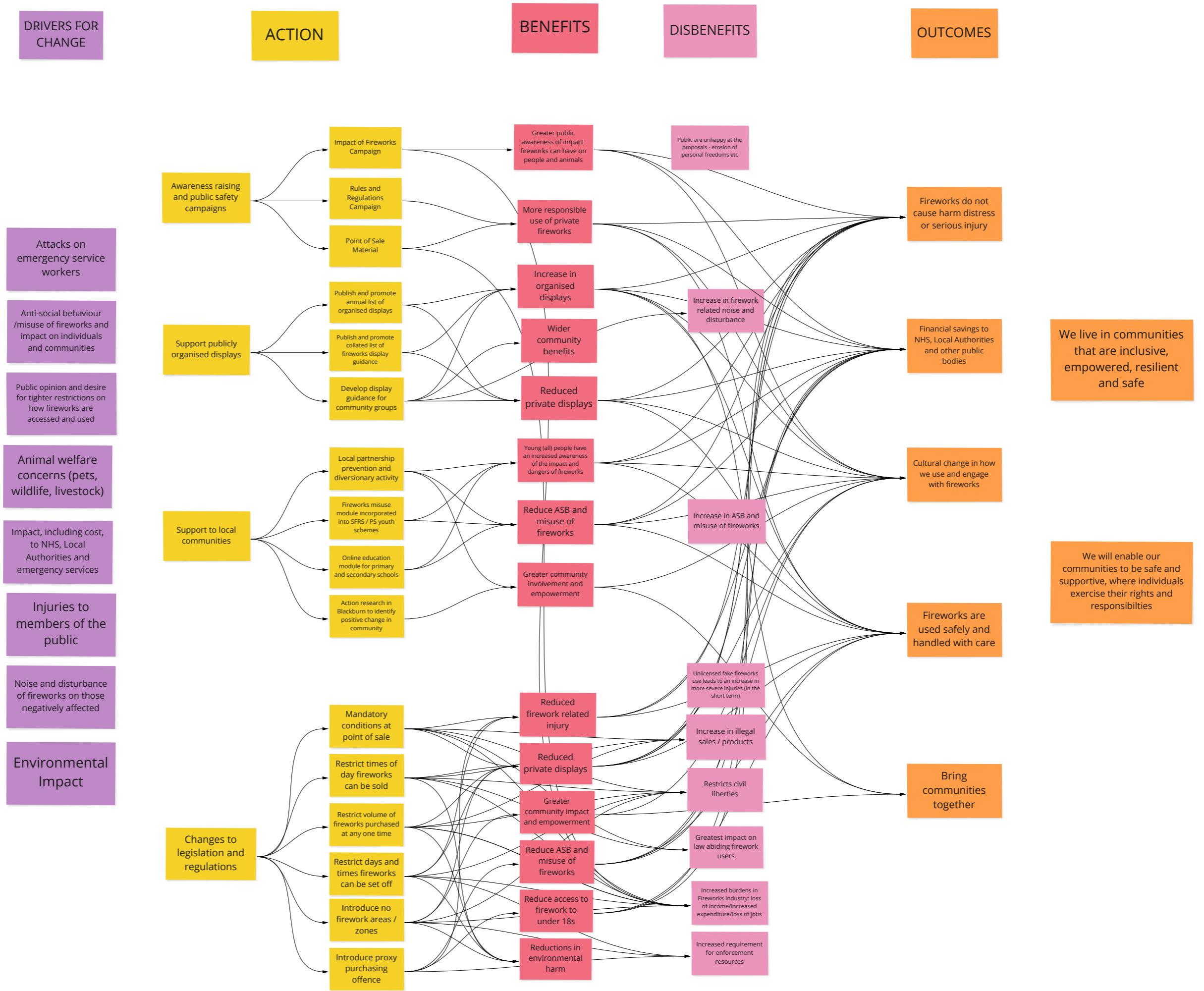
The map highlights the context behind the changes that we recommend, the benefits we anticipate as a result of the proposed changes; as well as potential resulting dis-benefits of the proposed change, including outcomes from change that are perceived by one or more stakeholders as negative.



"We centre our recommendations for change alongside the range of other actions that are set out in the Fireworks Action Plan."



Benefits Map



Annex A – Remit of Review Group

The 'Fireworks Action Plan: Promoting the Safe and Appropriate Use of Fireworks in Scotland' committed to establishing a Firework Review Group to provide recommendations to Scottish Ministers on tightening devolved legislation on fireworks in Scotland.

The Group will consider the feasibility of available options within current devolved legislation, and present recommendations for change. Legislation on where and when fireworks can be used is devolved to Scottish Ministers; and there are some options available on the sale of fireworks. The Group will fully consider all of these options with the aim of making a series of evidence-based recommendations to Scottish Ministers in October 2020 to ensure fireworks are used safely and handled with care, and do not cause harm, distress or serious injury.

The work of the Group will progress in parallel with on-going discussions with the UK Government regarding the legislation governing the sale of fireworks in Scotland.

Purpose

The purpose of the Firework Review Group is to present recommendations and advice to Scottish Ministers, both by request and proactively, on appropriate moves to tighten the devolved legislation on fireworks in Scotland.

Remit

To achieve this purpose, the remit of the Group is to:

- Use evidence from a number of sources, and draw on the knowledge and experiences of group members, to provide evidence-based recommendations to Scottish Ministers.
- Consider, and where appropriate draw on, international legislation and regulation to identify examples of practice that may be appropriate to apply in Scotland.
- Specifically advise on options identified including, but not limited to the introduction of:
 - Restrictions on the use of fireworks on private property.
 - Tighter dates and times when fireworks can be set off.
 - A notification system before fireworks can be used.
 - 'No firework' areas or zones.
 - Restrictions on the times fireworks can be sold.
 - Mandatory conditions at point of sale.
- Recommend a timetable to implement change, and any further steps or considerations to be explored.

Timing

The Group will operate for a period extended to 11 months, starting in December 2019. The Group will meet up to 8 times during this period, and it is anticipated work will be progressed out with formal meetings of the group. Any matters which need to be decided on out with the schedule of meetings may be dealt with by correspondence.

The amended schedule of meetings is as follows:

1. Thursday 5 December 2019, 10:30 to 12:30.
2. Thursday 16 January 2020, 10.00 to 14:00
3. Thursday 5 March 2020, 13.30 to 16.00.
4. Thursday 13th August, 10:00 to 13:00
5. Thursday 27th August, 10:00 to 13:00
6. Thursday 17th September, 10:00 to 13:00
7. Thursday 8th October, 10:00 to 13:00
8. Tuesday 27th October, 10:00 to 13:00



Annex B – Summary Of Legislation And Enforcement

Fireworks Legislation and Regulations			
Legislation	Enforcement Responsibility	Description	Practical considerations
Product Safety and Standards			
Pyrotechnic Articles (Safety) Regulations 2015	Trading Standards	<ul style="list-style-type: none"> Construction and markings/ packaging of fireworks. 	<ul style="list-style-type: none"> Trading Standards services are involved with importers and manufacturers of fireworks, and generally inspect stock in licensed retail premises for compliance with requirements on construction, marking and technical compliance with relevant standards. There are a very limited number of such producers/importers in Scotland, and anecdotally Trading Standards do not see significant numbers of non-compliant stock being retailed in traditional premises.
Imports			
<p>The Explosives Regulation 2014</p> <p>The Pyrotechnic Articles (Safety) Regulations 2015</p> <p>Regulation on Accreditation and Market Surveillance (RAMS) 765/2008</p>	Trading Standards	<ul style="list-style-type: none"> Trading Standards are responsible for broader market surveillance (i.e. ensuring compliance with safety requirements on all consumer goods) at Scottish ports to ensure compliance where this is from a 3rd country. This will not cover 'imports' from EU countries at present as these are not controlled at point of import through free circulation rules. 	<ul style="list-style-type: none"> Trading Standards have run the available data relating to Pyrotechnics importation from 2018 to 2020 and are unable to find any importers of known concern, especially coming directly into Scotland. This is not to say that these are not being brought into the country, but would seem to indicate that their importation routes exist out with Scotland (or that they are being mis-declared/brought in in small quantities). The bulk of this is coordinated by Suffolk Trading Standards Team (Felixstowe) as a single point of contact. Trading Standards has indicated that some intelligence exists relating to the self-importation from other EU countries, but this would be substantially the remit of Border Force.

Fireworks Legislation and Regulations

Legislation	Enforcement Responsibility	Description	Practical considerations
Fireworks Storage			
<p>Fireworks Regulations 2004</p> <p>And</p> <p>Explosives Regulations 2014 (ER14)</p>	Local Authority Trading Standards	<ul style="list-style-type: none"> Under Fireworks Regulations, retailers wishing to sell fireworks must hold an All Year Sales Licences storage licence. Otherwise ER14 licence is required. Requires retailer to meet strict criteria for storage of fireworks. Local authorities deal with up to 2 tonnes net explosive content. 	<ul style="list-style-type: none"> Premises generally inspected by Trading Standards Officers each year to ensure measures are adequate to ensure safe storage. Under ER14 Reg 20(2) Trading Standards can refuse or revoke a licence based on unsuitable storage and have the power to revoke a licence if they deem the person unfit to hold an explosives licence. There is HSE guidance on refusals and revocations including Explosives Licences since September 2019- https://www.hse.gov.uk/explosives/licensing/refusals-revocations.htm House of Commons Petitions Cttee recommended the Government take action as soon as possible, and at the latest by April 2020, to clarify the 5kg storage rule by amending the relevant Regulations to explicitly state it applies to low hazard category F1 fireworks only. The UKG responded that the Government believes that the exemption set out in Regulation 7 of ER2014 is appropriate as it enables limited, reasonable storage of small quantities of consumer fireworks and explosives for legitimate use. HSE will continue to provide guidance to support safe practices. HSE also publishes guidance on its website to support the safe storage of fireworks.
Sale of Fireworks			
<p>Fireworks Regulations 2004</p> <p>And</p> <p>Explosives Regulations 2014 (ER14)</p>	Local Authority Trading Standards / Licencing	<ul style="list-style-type: none"> Regulation 9 requires suppliers of adult fireworks to hold a licence, except at traditional selling periods. Licences are granted by the appropriate local authority, which must refuse a licence unless the applicant complies with relevant statutory requirements concerning the keeping of fireworks which regulated under ER14. Trading Standards are responsible for the unlicensed sale of fireworks and the supply of fireworks out with the permitted periods. 	<ul style="list-style-type: none"> Some Trading Standards services will administer the licencing / registration regime themselves. Others will do this via a centralised licencing department.

Sale of Fireworks			
<p>Pyrotechnic Articles (Safety) Regulations 2015</p> <p>Regulation 31</p>	<p>Trading Standards</p>	<ul style="list-style-type: none"> Makes it an offence for an economic operator to make fireworks available on the market to anyone under 18 years. (Sale/Supply) 	<ul style="list-style-type: none"> Trading Standards have the power to carry out test purchasing for underage sales in line with identified concerns. Many authorities will attempt test purchases for age restricted compliance where there is sufficient intelligence relating to specific premises. Proactive work in the area of Age Restricted Sales ensures that existing retailers are aware that spot checks are being made, which drives higher compliance. There is no uniform approach to these matters as they are substantially locally managed according to local priorities. The level of proactive enforcement activity in these areas has reduced in recent years as a natural consequence of the resource constraints placed upon local authority Trading Standards Services.
Sale of Fireworks			
<p>Fireworks Regulations 2004</p>	<p>Trading Standards</p>	<ul style="list-style-type: none"> Online sale of fireworks are regulated by Trading Standards in the same way as conventional sales. All supplies of fireworks irrespective of the medium of the supply, are governed by the relevant legislation. 	<ul style="list-style-type: none"> The nature of online sales makes enforcement challenging. Online purchase of fireworks is an area which could pose some challenges in the future but the scale of this is currently unknown. Online sales are substantially uncontrolled, although these may be dealt with by Border Force if these are identified. Smaller individual packages would require an enormous resource to monitor and police, which is unlikely to be proportionate. Trading Standards do not currently have an intelligence picture which would allow 'illegal importation' to be linked to antisocial behaviour. Trading Standards participate at a national and local level in Operation Moonbeam (and associated Ops) and Trading Standards locally may also become involved in controlling the illicit supply of fireworks e.g. via social media working in conjunction with colleagues in partner agencies. These arrangements are substantially locally managed. House of Commons Petitions Cttee recommended the Government conduct a review of online sales of fireworks, with a particular focus on sales via social media, with a view to establishing a national, cross-agency strategy to tackle the problem. The UKG responded that OPSS is working with Local Authority Trading Standards to lead a pilot project aimed at reducing the flow of unsafe products through fulfilment houses within the UK. The project includes capturing more data on fulfilment activity within the UK and disrupting the activity of any fulfilment houses supplying unsafe products. While the project does not focus on fireworks, the lessons learned can be applied more widely to other sectors as necessary.

Explosives Regulations 2014 (Reg 9)	Trading Standards	<ul style="list-style-type: none"> Not permitted to have more than 50 kilograms of fireworks unless person holds a valid licence for the storage of those fireworks. Not permitted to sell or otherwise transfer to any person more than 50 kilograms of fireworks unless that person shows to the person selling or otherwise transferring the fireworks a valid licence for the storage by Person B of those fireworks. 	
Explosives Act 1875, Section 30	Local Authorities/ Trading Standards	<ul style="list-style-type: none"> Fireworks shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or road or in any public place. 	

Use of Fireworks

The Fireworks (Scotland) Regulation 2004	Police Scotland	<ul style="list-style-type: none"> Sets a curfew on adult firework use between 11pm – 7am with the exceptions: Until 0100hrs on the nights of Chinese new Year/Diwali/New Year's Eve Until 2400hrs on 5 November Local Authority employees running local authority firework displays, national public celebrations or national commemorative events can be granted dispensations by a local authority to hold displays out with the restriction times detailed above. 	
The Fireworks (Scotland) Regulation 2004	Local Authorities	<ul style="list-style-type: none"> Local authorities are able to grant dispensations for special events such as local festivals or celebrations. 	

Misuse of Fireworks

Explosives Act 1875 (section 80)	Police Scotland	<ul style="list-style-type: none"> Makes it an offence to let off a firework in a public place This offence is punishable by fine. 	<ul style="list-style-type: none"> Potential absence of dedicated power of search for fireworks based on reasonable grounds, where person aged 18 years or over is suspected of being in possession of fireworks for use in public contrary to legislation or common law. However there is a lack of a basic 'possession charge' for over 18s therefore, the offence is not complete until the firework has been set off in public – this could be an offence under the Explosives Act or a Culpable and Reckless common law charge.
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Legislation	Enforcement Responsibility	Description	Practical considerations
Misuse of Fireworks			
Environmental Protection Act 1990	Local Authorities	<ul style="list-style-type: none"> Excessive and persistent noise from fireworks could potentially constitute a 'statutory nuisance' under this legislation. 	
The Pyrotechnic Articles (Safety) Regulations 2015	Police Scotland	<ul style="list-style-type: none"> Regulation 31 of the Pyrotechnic Articles (Safety) Regulations 2015: An offence to expose adult firework for supply / supply adult fireworks to under 18's An economic operator (i.e. retailer) must not sell category F1 fireworks to anyone under the age of 16; F2 and F3 category fireworks must not be sold to anyone under 18. The most powerful F4 category fireworks (display fireworks) must not be sold to members of the public; they can only be supplied to a person with specialist knowledge. 	
Fireworks Regulations 2004 Fireworks Act 2003 (S.11A – Power of Search)	Police Scotland	<ul style="list-style-type: none"> An offence of possession of an adult firework by a person under 18 years in a public place. 	<ul style="list-style-type: none"> Section 11a gives the power of search for this offence Reg 6 Fireworks Regs 2004 provides the exemption for a retailer to possess and sell category 4 fireworks – this could be an area for a gap re a power of search. However, it would only be for category 4 fireworks. Over the past few years Police Scotland has received intelligence regarding the sale of illegal fireworks, and selling fireworks to children - this is via online, at shops or within vehicles. All intelligence is explored further and tasked where appropriate.
Public Displays			
Civic Government (Scotland) Act 1982 (section 41)	Licensing/Authorities	<ul style="list-style-type: none"> Licensing authorities may require organised firework displays to be licensed by way of a Public Entertainment License under section 41 of the 1982 Act. 	



Annex C – British Pyrotechnists Association

To achieve their objective of maintaining the highest standards in terms of safety, on-site practice and performance, the BPA has a very specific membership criteria to ensure that members are reputable and responsible companies. This includes: a minimum turnover on professionally fired displays (£72,000 + VAT); a minimum of £10m Public Liability insurance; a requirement to undertake BPA training; proof of licensed storage and preparation spaces; and payment of a membership fee.

The training scheme that members must undertake is delivered by the BPA and has been in operation since 2003. This is for firers and senior firers of pyrotechnics . The training courses are accredited by City and Guilds and are open to everyone in the industry, as well as the BPA members who must complete it. The names of all individuals who have completed the training can be checked online, as well as the names of all of the companies that are BPA members. Qualifications are required to be renewed every five years through additional training and a further exam.

As well as membership criteria, the BPA have established a code of conduct which sets out requirements for its members in order to maintain the highest standards of professionalism in all aspects of their work. This includes to: meet all legal requirements in respect of manufacture, importation, transport, storage and use of display fireworks; maintain adequate legal storage for Category F4 fireworks; maintain adequate insurance to cover their activities; carry out transport activities in suitable vehicles and with appropriate packaging and classifications; carry out all relevant risk assessments and safety procedures in accordance with the BPA training; fire outdoor displays before 11pm in the UK except in special circumstances as allowed by Regulations or local exemptions; and have sufficient staff qualified to firer or senior Firer level of the BPA course commensurate with the number of displays staged.



Annex D – British Fireworks Association

The BFA was established in 2002 and represents and guides the majority of the UK's importers of consumer fireworks. The BFA consists of 16 members, who import over 95% of the legal consumer fireworks in the UK and supply retailers and wholesalers ranging from small corner shops to large multiples (such as supermarkets or chains).

Operating in a heavily regulated and heavily monitored industry with strong laws in place controlling the sale and use of fireworks, the BFA insist all members adhere to a strict Code of Conduct, which includes:

- Full compliance with current legislation, including product testing.
- Having adequate, licensed storage.
- Acting in a responsible manner.
- Reporting of illegal activity to the authorities.

The BFA work with a variety of stakeholders including Government, Local Authorities, Trading Standards and the Fire Service to provide support such as professional advice on legislation, provide expert witness services and advice to various enforcement authorities, in order to work towards the BFA priorities, which include:

- Promoting the safe and sensible use of fireworks that are manufactured and tested to the highest standards.
- Actively supporting the strong laws already in place controlling the sale and use of fireworks, including encouraging an increase in police enforcement.
- Making recommendations to Government decision makers, to help ensure that changes in the law do not create a black market for fireworks or opportunities for rogue traders.
- Promoting the responsible enjoyment of fireworks and actively opposing the anti-social or misuse of fireworks.
- Supporting steps to increase the penalties associated with firework misuse.



Annex E – Species Specific Fear Or Stress Reactions To Fireworks – Examples

Examples, provided by the British Veterinary Association and Scottish Society for the Prevention of Cruelty to Animals, of species-specific fear or stress reactions to fireworks across species include:

Dogs

- Behaviours such as avoidance (e.g. hiding away, not eating and agitation) and overt behaviours (e.g. barking, spinning, tail-chewing) that occur as dogs try to cope with the perceived threat.
- Dogs exhibiting a strong ‘flight response’, may injure themselves or others.
- Damage to furnishings and carpets as dogs may try to chew or dig their way out of rooms when shut in to get away from the noise.
- These behaviours can be extremely challenging for owners to address because fireworks remain out of their control and therefore they are unable to remove the triggers for their dog’s fearful behaviour

Cats

- Cats can associate sudden loud noises and flashes of light with danger and an imminent threat to their physical safety, so their natural response is to vacate the area quickly. However, as cats struggle to locate the source of noise, this often means that they will bolt in an unfavourable direction which may not provide protection.
- Cats which have access to outdoor areas are in danger of running into traffic, or becoming lost in an unknown territory. As many cats are not microchipped, this can make it very difficult for them to be returned to their original owners or to obtain owner consent for treatment if the cat has been injured.
- It is recognised that when cats experience chronic stress this often has negative effects over time on their behaviour and physical health such as cystitis, or behavioural problems such as house soiling, redirected aggression to owners and destructive behaviour around the household.

Horses

- As prey animals, horses often respond to threat with flight behaviours and are known to be reactive to loud noises and flashing lights. Horses experience physiological and behavioural changes in response to perceived danger. Sweating, trembling, bucking/rearing, weaving and decreased appetite are commonly described fearful and stress behaviours.
- In response to the perceived danger of fireworks, horses can exhibit ‘flight’ responses which result in horses running away and/or trying to escape their enclosures. The implications of this includes compromised health and welfare for the horse, people and damage to surrounding property and vehicles. Examples include: horses escaping onto roads in front of traffic; breaking through their enclosure both stabled or outside, resulting in injuries including lacerations, strains/sprains, broken limbs.

Livestock

- Livestock who are startled by the loud noises from fireworks are at risk of injuring themselves on fencing, farm equipment or fixtures and fittings within their housing if startled.
- Debris and remnants of fireworks can also be a risk to the health and welfare of livestock if found on the land. Users of fireworks have a duty of care to dispose of debris and remnants of fireworks responsibly.
- Abortion may occur in pregnant livestock who are frightened or stressed by loud noises from fireworks.
- Poultry are especially at risk of 'smother', where in a fear response birds huddle together, which can result in death for some.
- The use of fireworks can cause deliberate or accidental farm fires that can result in serious injury or death for both livestock and humans. In addition, if the use of fireworks results in a fire, livestock housed on the land run the risk of lead poisoning from burn sites.

Wildlife

- Loud noises may cause distress or injury to the wildlife depending on proximity to the display and the reach of the noise.
- The smell of fire and burning will cause distress to many wildlife species.
- Debris and remnants of fireworks can also be a risk to the health and welfare of wildlife.
- Where bonfires accompany firework displays there is a risk to wild animals who may seek shelter in the bonfire before it is lit.





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