



The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

Ash Regan MSP
Minister for Community Safety
The Scottish Government

All correspondence c/o:
Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

By email

Tel: 0131 348 5195
Textphone: 0800 092 7100
justicecommittee@parliament.scot

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Dear Minister,

I am writing to thank you and your officials for giving oral evidence to the Committee today on the provisions in the Fireworks and Pyrotechnic Articles (Scotland) Bill. As mentioned at the meeting, we had further questions on the Bill which we wished to put to you. However, we did not have time to address these during your evidence session.

Therefore, I'd be grateful if you and your officials would respond to the additional questions which are set out in the annex to this letter.

The Committee is scheduled to consider its draft report immediately after the Easter recess. I am anxious that Members should have your response to these questions as they consider their conclusions and recommendations. Could you please provide a response by no later than Tuesday 12 April, to enable the Committee to consider that evidence to inform its Stage 1 report.

I look forward to your response.

Best wishes,

Audrey Nicoll MSP
Convener, Criminal Justice Committee

Questions on various provisions in the Fireworks and Pyrotechnic Articles (Scotland) Bill

Attached are additional questions we are seeking a written response to by Tuesday 12 April.

Proxy purchase provisions

At the meeting, you and your officials indicated that making this particular change to close the perceived loophole required primary legislation if done in Scotland and there were no alternative legislative avenues available to you under the powers available to the Scottish Parliament. Can you confirm that is the case?

Your officials stated though, that such a change could be made by the UK Government (I believe they said by secondary legislation). Have you discussed such a change with the UK Government? If so, what was their response? If not, can you outline the reason there was no engagement?

Delivery and implementation

The Bill will establish a package of detailed systems to address firework and pyrotechnic use and misuse. These will require substantial further guidance and consultation, and involve multiple stakeholders (including the police and fire services, local authorities, the fireworks and pyrotechnic retail industry, trading standards, community safety partnerships).

- How do you plan to effectively coordinate the logistical delivery and implementation of these systems and clearly communicate them to the public? How will Ministers monitor the delivery and implementation and report to Parliament and the wider public?

Firework control zones

- How do you envisage firework control zones contributing to a reduction in the unpredictable use of fireworks? Is there evidence that such zones have been effective in reducing unpredictable use of fireworks in other jurisdictions?
- Similarly, how do you envisage firework control zones contributing to a reduction in the misuse of fireworks?
- Can you expand on the criteria for, and consultation process to be undertaken prior to an area being designated as a firework control zone? For example, who will be consulted and who will make the decision on whether an area is to be designated as a firework control zone?
- The Bill provides that local authorities will be required to review the operation and effectiveness of firework control zones, but it does not specify when such

reviews should be carried out. Could you confirm whether there will be a limit on the length of time that an area can be designated as a firework control zone? Could you also confirm the criteria that will be used to determine whether a firework control zone is still required in a certain area? Will that criteria be uniform across the whole country, or will local authorities be given the power to determine such criteria at a local level?

- Can you set out the Government's timeline for having the necessary regulations in place to allow local authorities to designate areas as firework control zones?

UK Internal Market Act 2020

- Can you confirm if discussions have taken place with counterparts in the UK Government on the possibility of the Bill engaging provisions within the UK Internal Market Act 2020? ('the 2020 Act')
- Has the UK Government raised any concerns with Scottish Ministers about the provisions in the Bill possibly interacting with the 2020 Act, and if so, what are they, and how will they be resolved?
- Are you confident that the provisions in the Bill will not be subject to challenge with regard to the provisions of the 2020 Act?

Financial issues and delegated powers

During our visit to Blackburn the Committee heard of the importance of proper funding for community police and fire liaison officers, community safety partnerships and local community groups to deliver on effective culture change around the misuse of fireworks.

Could you please confirm whether you will be seeking additional funding from Government for the period of implementing and delivering the new fireworks provisions to support these partners in implementing the provisions, or will key partners be expected to find resources from within their existing budgets?

In their [report to the Committee on the Bill](#), the Delegated Powers and Law Reform Committee has recommended that four of the order making powers in the Bill which are subject to negative procedure be amended to affirmative procedure so that they receive a more detailed level of parliamentary scrutiny.

Could you please confirm whether you accept these recommendations and, if so, whether you intend to bring forward the necessary amendments at Stage 2?

The Finance and Public Administration Committee highlighted comments to the Committee which it received from the Scottish Fire and Rescue Service on a factual error in the Financial Memorandum (outlined below).

Could you please confirm whether you intend to amend the Financial Memorandum at Stage 2 to clarify the issue raised?

[From the SFRS to the FPA Committee]: *I wanted to sight you on an error in the documents listed with the financial memorandum. The information is correct within the Policy memorandum but for those reading only the Financial memorandum, it could be determined that SFRS are being misleading, suggesting a far greater rate of fireworks involvement in fires than actually has been recorded.*

The Policy memorandum states a total of 342 incidents over 10 years, the Financial memorandum states an annual average of 342 incidents. Policy memorandum states (p.11) - "For the Scottish Fire and Rescue Service (SFRS), 342 incidents were identified with 'fireworks' as a contributing factor between 2009-10 and 2019- 20" Financial memorandum states (p.19) - "For SFRS, an annual average of 342 incidents with 'fireworks' as a contributing factor were identified between 2009-10 and 2019-20"

Just to confirm the dataset from 2009-10 to 2019-20 provided 342 incidents That was, 342 incidents where crews specifically identified 'fireworks' having an involvement with a fire related incident. So the Policy is accurate but the Financial Memorandum is inaccurate.