

Fireworks and Pyrotechnic Articles (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 35	Schedule 1
Section 36	Schedule 2
Sections 37 to 51	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Ash Regan

- 11** In section 1, page 1, line 21, at end insert—

<(1A) But, for the purposes of this Act, a projectile, propelling charge or blank ammunition used in a portable firearm, other gun or artillery is not a pyrotechnic article. >

Ash Regan

- 12** In section 1, page 1, line 22, after <modify> insert <—

(a)>

Ash Regan

- 13** In section 1, page 1, line 23, at end insert <, or

(b) subsection (1A) to add, amend or remove articles or descriptions of types of articles that are not to be treated as a pyrotechnic article for the purposes of this Act.>

Section 2

Jamie Greene

Supported by: Russell Findlay

- 58** In section 2, page 2, line 22, leave out <negative> and insert <affirmative>

After section 2

Jamie Greene

Supported by: Russell Findlay

- 59** After section 2, insert—

<PART

REVIEW OF EXISTING LEGISLATION

Review of existing legislation

- (1) Subject to subsection (2), before the Scottish Ministers bring into force any section in Parts 2 to 5 of this Act, they must—
 - (a) conduct a review of the legislation mentioned in subsection (3) in so far as it relates to the supply and use of fireworks and pyrotechnic articles, and
 - (b) determine, as a result of the review whether—
 - (i) any legislation requires to be repealed as a result of bringing into force sections under this Act,
 - (ii) there is a need to bring forward legislation to address any gaps in existing legislation.
- (2) This section does not apply to section 21 of this Act.
- (3) The legislation to be reviewed includes—
 - (a) Explosives Act 1875,
 - (b) Explosives Substances Act 1883,
 - (c) Public Order Act 1986,
 - (d) Fireworks Act 2003,
 - (e) Fireworks Regulations 2004,
 - (f) Fireworks (Scotland) Regulations 2004,
 - (g) Animal Health and Welfare (Scotland) Act 2006,
 - (h) Pyrotechnic Articles (Safety) Regulations 2015,
 - (i) The Fireworks (Scotland) Miscellaneous Amendments Regulations 2021,
 - (j) any other act the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must—
 - (a) prepare and publish a report of the review, and
 - (b) lay a copy of the report before the Scottish Parliament. >

Section 4

Jamie Greene

Supported by: Russell Findlay

- 60** In section 4, page 2, line 35, leave out <without reasonable excuse> and insert <unless explicitly exempt under schedule 1 (exemptions)>

Jamie Greene

Supported by: Russell Findlay

- 61** In section 4, page 2, line 36, at end insert—

<() A person must present the person’s fireworks licence at point of purchase in all instances (both in person and online) and irrespective of location of supplier. >

Russell Findlay

Supported by: Jamie Greene

62 In section 4, page 3, line 2, leave out <6> and insert <12>

Russell Findlay

Supported by: Jamie Greene

63 In section 4, page 3, line 3, after <scale> insert <or £10,000 whichever is the greater>

Katy Clark

46 Leave out section 4

Section 5

Russell Findlay

Supported by: Jamie Greene

64 In section 5, page 3, line 12, leave out <6> and insert <12>

Russell Findlay

Supported by: Jamie Greene

65 In section 5, page 3, line 13, after <scale> insert <or £10,000 whichever is the greater>

Jamie Greene

Supported by: Russell Findlay

66 In section 5, page 3, line 14, leave out <is> and insert <may be>

Section 6

Jamie Greene

Supported by: Russell Findlay

67 In section 6, page 3, line 27, leave out <18> and insert <21>

Jamie Greene

Supported by: Russell Findlay

68 In section 6, page 3, line 28, at end insert—

<() For the purposes of subsection (1), a person may apply to the Scottish Ministers for the grant of a fireworks licence on behalf of a community group or charity.

() In this section—

“community group” has the meaning under section 4(9) of the Community Empowerment (Scotland) Act 2015,

“charity” means a body entered into the Scottish Charity Register. >

Ash Regan

- 14 In section 6, page 3, line 35, at end insert—
<() specify any supporting documents to be provided by an applicant,>

Pauline McNeill

- 1 In section 6, page 4, line 6, at end insert—
<() may not charge a fee greater than £25 (uprated for inflation).>

Russell Findlay

Supported by: Jamie Greene

- 69 In section 6, page 4, line 6, at end insert—
<() may not exceed the rate of inflation when setting an annual increase. >

Katy Clark

- 47 In section 6, page 4, line 7, leave out <negative> and insert <affirmative>

Section 7

Russell Findlay

Supported by: Jamie Greene

- 70 In section 7, page 4, line 10, leave out <any> and insert <all>

Russell Findlay

Supported by: Jamie Greene

- 71 In section 7, page 4, line 10, leave out <a relevant> and insert <an>

Ash Regan

- 15 In section 7, page 4, line 10, leave out from <(unless> to end of line 11

Ash Regan

- 16 In section 7, page 4, line 14, after <safe> insert <, lawful>

Katy Clark

- 48 In section 7, page 4, line 19, leave out <negative> and insert <affirmative>

Russell Findlay

Supported by: Jamie Greene

- 72 In section 7, page 4, line 20, leave out <relevant>

Russell Findlay

Supported by: Jamie Greene

- 73 In section 7, page 4, line 26, leave out <and> insert—

<() section 1 of the Criminal Damage Act 1971,
() Antisocial Behaviour etc. (Scotland) Act 2004 order or breach of orders, >

Russell Findlay

Supported by: Jamie Greene

74 In section 7, page 4, line 26, at end insert—

<() any other offence of which a person was convicted on indictment,
() any other offence where the misuse of fire has been a factor, >

Section 8

Jamie Greene

Supported by: Russell Findlay

75 In section 8, page 5, line 6, at end insert—

<() The Scottish Ministers in carrying out a regulated procurement for any person providing a fireworks training course must comply with the Procurement Reform (Scotland) Act 2014.
>

Katy Clark

49 In section 8, page 5, line 11, leave out <negative> and insert <affirmative>

Section 9

Jamie Greene

Supported by: Russell Findlay

76 In section 9, page 5, line 15, after <met,> insert—

<() they are satisfied that the information disclosed or provided by the applicant under section 7(1) is accurate,>

Ash Regan

17 In section 9, page 5, line 17, after <safely> insert <, lawfully>

Russell Findlay

Supported by: Jamie Greene

77 In section 9, page 5, line 17, at end insert—

<() In making an assessment under subsection (1)(c), the Scottish Ministers must take into account all disclosed offences. >

Section 10

Jamie Greene

Supported by: Russell Findlay

78 In section 10, page 5, line 23, at end insert—

<() a licence is valid only if it contains information about purchasing history. >

Ash Regan

18 In section 10, page 5, line 26, at end insert—

<() specify the form and content of a fireworks licence,>

Russell Findlay

Supported by: Jamie Greene

79 In section 10, page 5, line 27, at end insert <which may not exceed a period of 2 years,>

Jamie Greene

Supported by: Russell Findlay

80 In section 10, page 5, line 29, at end insert—

<() make provision for how successful completion of a fireworks training course is automatically recorded on a digital licence, >

Jamie Greene

Supported by: Russell Findlay

81 In section 10, page 5, line 29, at end insert—

<() make provision for arrangements to make a paper copy of a person's licence available on demand, >

Katy Clark

50 In section 10, page 5, line 32, leave out <negative> and insert <affirmative>

Section 11

Katy Clark

51 In section 11, page 6, line 7, leave out <negative> and insert <affirmative>

Section 12

Jamie Greene

Supported by: Russell Findlay

82 In section 12, page 6, line 22, at end insert—

<() inform a person who has a digital licence that the licence will cease to have effect on a date specified in the notice,>

Jamie Greene
Supported by: Russell Findlay

- 83 In section 12, page 6, line 24, at the beginning insert <where the person's licence is a paper copy,>

After section 13

Jamie Greene
Supported by: Russell Findlay

- 84 After section 13, insert—

<Appeals: information

The Scottish Ministers must provide information to a person about how the person may appeal—

- (a) at the point of applying for a fireworks licence under section 9,
- (b) when a decision has been made by the Scottish Ministers under section 14(1). >

Section 15

Russell Findlay
Supported by: Jamie Greene

- 85 In section 15, page 8, line 6, leave out <6> and insert <12>

Russell Findlay
Supported by: Jamie Greene

- 86 In section 15, page 8, line 7, after <scale> insert <or £10,000 whichever is the greater>

Section 16

Russell Findlay
Supported by: Jamie Greene

- 87 In section 16, page 8, line 12, leave out <6> and insert <12>

Russell Findlay
Supported by: Jamie Greene

- 88 In section 16, page 8, line 13, after <scale> insert <or £10,000 whichever is the greater>

Section 18

Ash Regan

- 19 In section 18, page 8, leave out lines 29 to 31 and insert—

<() about the verification of applications and supporting documents,>

Ash Regan

- 20 In section 18, page 8, leave out line 34

Ash Regan

- 21 In section 18, page 8, line 35, leave out <negative> and insert <affirmative>

Section 19

Jamie Greene

Supported by: Russell Findlay

- 89 In section 19, page 9, line 2, after <consult> insert <—
(a) community groups,
(b) charities,
(c) retail groups,
(d) industry organisations,
(e) trade bodies,
(f) religious groups, and
(g)>

Katy Clark

- 52 In section 19, page 9, line 5, leave out subsection (2)

After section 19

Katy Clark

- 53 After section 19, insert—

<Regulations: pre-laying procedure

- (1) Before laying any regulations to make provision for the purposes of this Part, the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Parliament whose remit includes criminal justice matters for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to make provision for the purposes of this Part before the Parliament, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes. >

Jamie Greene
Supported by: Russell Findlay

90 After section 19, insert—

<Review of licensing scheme

- (1) The Scottish Ministers must carry out a review of the operation and effectiveness of the fireworks licensing scheme.
- (2) A review under this section must include—
 - (a) a review of any fee for a fireworks licensing scheme and its appropriateness,
 - (b) whether there is any evidence that a fee is a deterrent to a person or persons applying for a fireworks licensing scheme,
 - (c) whether there is any evidence that the fireworks licensing scheme is contributing to illegal activity including the illegal supply and purchase of fireworks.
- (3) On completion of a review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review's findings,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) make such proposals in relation to the fireworks licensing scheme as they consider appropriate. >

Section 21

Russell Findlay
Supported by: Jamie Greene

91 In section 21, page 9, line 35, leave out <6> and insert <12>

Russell Findlay
Supported by: Jamie Greene

92 In section 21, page 9, line 36, after <scale> insert <or £10,000 whichever is the greater>

Section 22

Jamie Greene
Supported by: Russell Findlay

93 In section 22, page 10, line 12, leave out <subsection (3)> and insert <regulations under subsection (5A)>

Russell Findlay
Supported by: Jamie Greene

94 In section 22, page 10, line 14, leave out <6> and insert <12>

Russell Findlay
Supported by: Jamie Greene

95 In section 22, page 10, line 15, after <scale> insert <or £10,000 whichever is the greater>

Jamie Greene
Supported by: Russell Findlay

- 96 In section 22, page 10, line 16, leave out subsection (3)

Pauline McNeill

- 2 In section 22, page 10, line 19, leave out <10> and insert <4>

Jamie Greene
Supported by: Russell Findlay

- 97 In section 22, page 10, leave out lines 28 to 35 and insert—

<(5A) Subject to subsection (5B), the Scottish Ministers may make regulations stipulating the period of days it is permitted to supply fireworks.

(5B) The Scottish Ministers may not make regulations under this section unless—

- (a) they have consulted in accordance with subsection (5C),
- (b) following that consultation, they have laid before the Scottish Parliament—
 - (i) draft regulations, and
 - (ii) an explanatory statement prepared in accordance with subsection (5D), and
- (c) the draft regulations have been approved by resolution of the Parliament.

(5C) The Scottish Ministers must consult—

- (a) community groups,
- (b) charities,
- (c) retail groups,
- (d) industry organisations,
- (e) trade bodies,
- (f) religious groups,
- (g) such persons or organisations as appear to them to be substantially interested or affected by the regulations.

(5D) The Scottish Ministers must, when laying regulations under this section, lay an explanatory statement setting out—

- (a) details of the representations received under subsection (5C),
- (b) the changes (if any) they have made to the regulations in response to such representations and the reasons for those changes,
- (c) explaining how the regulations will improve public safety.

(5E) The Scottish Ministers, in laying regulations under subsection (5B), must lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 must be days which the Parliament is not dissolved or in recess.

(5F) Regulations under this section are subject to the affirmative procedure. >

After section 22

Ash Regan

22 After section 22, insert—

<Alignment of days when licence required to supply

- (1) The Fireworks Regulations 2004 (S.I. 2004/1836) are modified as follows.
- (2) Regulation 9(2) has effect as if for the days and periods specified in paragraphs (a) to (d) of that regulation (being the days on which certain fireworks may be supplied or exposed for supply without requiring a licence granted under regulation 9(1)), there are substituted the days and periods specified in section 22(3) of this Act.
- (3) The modification in subsection (2) applies only in relation to—
 - (a) category F2 fireworks, and
 - (b) category F3 fireworks.>

Section 23

Jamie Greene

Supported by: Russell Findlay

98 In section 23, page 11, line 3, leave out <subsection (3)> and insert <regulations under subsection (4A)>

Russell Findlay

Supported by: Jamie Greene

99 In section 23, page 11, line 5, leave out <6> and insert <12>

Russell Findlay

Supported by: Jamie Greene

100 In section 23, page 11, line 6, after <scale> insert <or £10,000 whichever is the greater>

Jamie Greene

Supported by: Russell Findlay

101 In section 23, page 11, line 8, leave out subsection (3)

Pauline McNeill

3 In section 23, page 11, line 10, leave out <27 October to 12> and insert <30 October to 6>

Pauline McNeill

4 In section 23, page 11, line 11, leave out <26> and insert <31>

Jamie Greene

Supported by: Russell Findlay

102 In section 23, page 11, line 16, leave out subsection (4) and insert—

- <(4A) Subject to subsection (4B), the Scottish Ministers may make regulations stipulating the period of days it is permitted to use fireworks.
- (4B) The Scottish Ministers may not make regulations under this section unless—
- (a) they have consulted in accordance with subsection (4C),
 - (b) following that consultation, they have laid before the Scottish Parliament—
 - (i) draft regulations, and
 - (ii) an explanatory statement prepared in accordance with subsection (4D), and
 - (c) the draft regulations have been approved by resolution of the Parliament.
- (4C) If the Scottish Ministers make regulations under this section, they must consult—
- (a) community groups,
 - (b) charities,
 - (c) retail groups,
 - (d) industry organisations,
 - (e) trade bodies,
 - (f) religious groups,
 - (g) such persons or organisations as appear to them to be substantially interested or affected by the regulations.
- (4D) The Scottish Ministers must, when laying regulations under this section, lay an explanatory statement setting out—
- (a) details of the representations received under subsection (4C),
 - (b) the changes (if any) they have made to the regulations in response to such representations and the reasons for those changes,
 - (c) explaining how the regulations will improve public safety.
- (4E) The Scottish Ministers, in laying regulations under subsection (4B), must lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 must be days which the Parliament is not dissolved or in recess. >

Jamie Greene

Supported by: Russell Findlay

103 In section 23, page 11, line 18, leave out <(4)> and insert <(4A)>

After section 23

Pauline McNeill

5 After section 23, insert—

<Duties of the Scottish Ministers in respect of restrictions

- (1) It is the duty of the Scottish Ministers to promote information and awareness about the days it is permitted to use fireworks.
- (2) The duty under this section must be carried out at least once every calendar year and sufficiently in advance of any days specified in section 23.

- (3) The Scottish Ministers must, in carrying out the duty under this section, have regard to the need to provide information to the public about—
- (a) the restriction on days to purchase and use fireworks,
 - (b) the relevant offences under sections 21 and 23. >

Section 24

Ash Regan

- 23** In section 24, page 11, line 39, leave out <negative> and insert <affirmative>

Section 26

Russell Findlay

Supported by: Jamie Greene

- 104** In section 26, page 12, line 13, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 105** In section 26, page 12, line 16, at end insert—
- <() specify the persons which are exempt in relation to a no fireworks zone. >

Russell Findlay

Supported by: Jamie Greene

- 106** In section 26, page 12, line 18, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 107** In section 26, page 12, line 20, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 108** In section 26, page 12, line 22, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 109** In section 26, page 12, line 23, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 110** In section 26, page 12, line 27, leave out <6> and insert <12>

Russell Findlay
Supported by: Jamie Greene

- 111 In section 26, page 12, line 28, after <scale> insert <or £10,000 whichever is the greater>

Katy Clark

- 54 In section 26, page 12, line 29, leave out subsection (5)

Katy Clark

- 55 In section 26, page 12, line 29, leave out subsection (5) and insert—
- <() A local authority when designating a place within its area as a firework control zone, may—
- (a) specify which persons are exempt from committing an offence under subsection (2), or
 - (b) specify that no persons are exempt in relation to that firework control zone. >

Section 27

Russell Findlay
Supported by: Jamie Greene

- 112 In section 27, page 12, line 31, leave out <firework control> and insert <no fireworks>

Russell Findlay
Supported by: Jamie Greene

- 113 In section 27, page 13, line 4, leave out <firework control> and insert <no fireworks>

Section 28

Ash Regan

- 24 In section 28, page 13, line 22, at beginning insert <where a decision has been made to proceed with the proposal,>

After section 28

Pauline McNeill

- 6 After section 28, insert—

<Notification of firework control zone

- (1) A local authority must publish information in such a manner as it considers appropriate to ensure that it is brought to the attention of persons who live and work in the place to which a relevant firework control zone relates when—
- (a) a place within its area is designated as a firework control zone,
 - (b) the local authority amends a zone, or
 - (c) the local authority revokes a zone. >

Pauline McNeill

7 After section 28, insert—

<Notification of firework control zone

- (1) Before each period of days specified in section 23(3), a local authority must publish information in such a manner as it considers appropriate to ensure that it is brought to the attention of the persons who live or work in the place—
 - (a) about any firework control zones designated during the period of days, or
 - (b) that no firework control zones have been designated during the period of days. >

Pauline McNeill

8 After section 28, insert—

<Notification of firework control zone

- (1) A local authority must publish information in such a manner as it considers appropriate to ensure that it is brought to the attention of the persons who live and work in a designated firework control zone—
 - (a) the boundaries of the zone,
 - (b) the date from which the designation is to have effect and the date on which the designation ceases to have effect,
 - (c) the persons who may ignite a firework in the designated firework control zone and the persons who may not ignite a firework,
 - (d) an explanation of the offences under section 26(2). >

Pauline McNeill

9 After section 28, insert—

<Firework control zones: further designation

- (1) A relevant person may make representation to a local authority that a place within its area be designated a firework control zone where the person can demonstrate—
 - (a) evidence of anti-social behaviour in the place within which the zone would apply, and
 - (b) the anti-social behaviour relates to the use of fireworks.
- (2) Sections 27, 28 and 29 apply to this section.
- (3) On receipt of a representation under subsection (1), the local authority must respond to the relevant person.
- (4) The Scottish Ministers may by regulations make provision about—
 - (a) the form and content in which a representation under subsection (1) is to be made,
 - (b) the procedure by which a local authority is to determine a representation under subsection (1),
 - (c) how a local authority is to discharge its functions for the purposes of this section,
 - (d) any other matters as the Scottish Ministers consider appropriate.
- (5) Regulations under this section are subject to the affirmative procedure.

- (6) In this section, a “relevant person” means—
- (a) a community body within the meaning of section 4(9) of the Community Empowerment (Scotland) Act 2015,
 - (b) a group of residents or persons who work in the place in which the zone would apply.
- >

Section 29

Russell Findlay

Supported by: Jamie Greene

- 114 In section 29, page 13, line 24, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 115 In section 29, page 13, line 27, leave out <firework control> and insert <no fireworks>

Section 30

Russell Findlay

Supported by: Jamie Greene

- 116 In section 30, page 13, line 35, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 117 In section 30, page 14, line 4, leave out <firework control> and insert <no fireworks>

Section 31

Pauline McNeill

- 10 In section 31, page 14, line 18, at end insert—

<() The Scottish Minister must issue guidance to local authorities about notifying the public about firework control zones. >

Section 32

Ash Regan

- 25 In section 32, page 14, line 24, leave out subsection (1) and insert—

<() In this Part—

- (a) section (*Prohibition of pyrotechnic articles in public places*) applies to all pyrotechnic articles except category F1 fireworks, and
- (b) section 33 applies to all pyrotechnic articles.>

After section 32

Ash Regan

26 After section 32, insert—

<Prohibition of pyrotechnic articles in public places

- (1) It is an offence for a person, without reasonable excuse, to possess a pyrotechnic article to which this section applies in a public place.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) It is not an offence under subsection (1) for a person to possess a pyrotechnic article if the possession of the pyrotechnic article—
 - (a) is in connection with the person’s employment, or
 - (b) is in connection with the person undertaking an activity where it is appropriate to possess the article for use as a visual distress signal.
- (4) In this section, “public place” means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).
- (5) This section—
 - (a) does not apply to a designated venue or a place where a designated event is occurring (see section 33), and
 - (b) is also subject to section 35 and schedule 1 (exemptions).>

Section 33

Ash Regan

27 In section 33, page 14, line 31, leave out from <Part> to end of line 36 and insert <section applies while the person is in a designated venue or while at a designated event.>

Russell Findlay

Supported by: Jamie Greene

118 In section 33, page 15, line 2, leave out <6> and insert <12>

Russell Findlay

Supported by: Jamie Greene

119 In section 33, page 15, line 3, after <scale> insert <or £10,000 whichever is the greater>

Ash Regan

28 In section 33, page 15, line 5, leave out <venue or event” means a venue or> and insert <venue” or “designated event” means a venue or, as the case may be,>

Ash Regan

- 29 In section 33, page 15, leave out lines 7 to 17

Section 34

Ash Regan

- 30 In section 34, page 15, line 20, leave out <this Part> and insert <section 33>

Section 35

Ash Regan

- 31 In section 35, page 16, line 6, leave out subsection (3) and insert—
<() Regulations under subsection (2) are subject to the affirmative procedure.>

Schedule 1

Ash Regan

- 32 In schedule 1, page 23, line 8, leave out <or acquire> and insert <, acquire, possess or use>

Ash Regan

- 33 In schedule 1, page 23, line 10, leave out from <for> to end of line 11

Ash Regan

- 34 In schedule 1, page 23, line 15, after <by> insert <, or acting under the direction of,>

Ash Regan

- 35 In schedule 1, page 23, line 17, leave out <also employed by> and insert <employed by, or acting under the direction of,>

Jamie Greene

Supported by: Russell Findlay

- 120 In schedule 1, page 23, line 24, leave out paragraph 5

Ash Regan

- 36 In schedule 1, page 23, line 30, leave out from <the> to <subsection> in line 31 and insert <a designated venue or while at a designated event>

Jamie Greene

Supported by: Russell Findlay

- 121 In schedule 1, page 24, line 23, leave out paragraph 12

Ash Regan

- 37 In schedule 1, page 24, line 27, after <a> insert <public>

Ash Regan

- 38 In schedule 1, page 24, line 30, leave out from <the> to <subsection> in line 31 and insert <a designated venue or while at a designated event>

Ash Regan

- 39 In schedule 1, page 25, line 9, leave out paragraph 16

Jamie Greene

Supported by: Russell Findlay

- 122 In schedule 1, page 25, line 31, leave out paragraph 19

Ash Regan

- 40 In schedule 1, page 25, line 40, leave out from <the> to <subsection> in line 41 and insert <a designated venue or while at a designated event>

Jamie Greene

Supported by: Russell Findlay

- 123 In schedule 1, page 26, line 14, leave out paragraph 23

Ash Regan

- 41 In schedule 1, page 26, line 20, at end insert—

<It is not an offence under section (*Prohibition of pyrotechnic articles in public places*)(1) for a person to possess a pyrotechnic article in a public place if—

- (a) the person is the organiser of a public fireworks display or is assisting such an organiser, and
- (b) the pyrotechnic article is possessed for the purposes of putting on a public fireworks display on behalf of a charitable, religious, youth, recreational, community, political or similar organisation. >

Ash Regan

- 42 In schedule 1, page 26, line 28, at end insert—

<*Persons under 18 in education, training or employment*

It is not an offence under section 21(1) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to buy, attempt to buy, give or otherwise make available a firework or pyrotechnic article to a person under the age of 18 if—

- (a) the person under the age of 18 is undertaking education or training, or is in employment,
- (b) the possession or use of a firework or pyrotechnic article is necessary in connection with that education, training or employment, and

- (c) the person buying, attempting to buy, giving or otherwise making available the firework or pyrotechnic article intends that the person under the age of 18 will possess or use the firework or pyrotechnic article only in connection with that education, training or employment. >

Ash Regan

43 In schedule 1, page 26, line 37, at end insert—

<Public servants and volunteers in similar roles

27 It is not an offence under section 21(1) (prohibition on providing fireworks or pyrotechnic articles to children) for a person to give or otherwise make available a pyrotechnic article to a person under the age of 18 if—

- (a) the person who is under the age of 18 is—
 - (i) a member of the armed forces of Her Majesty,
 - (ii) a member of the armed forces of another country when that member is serving with the armed forces of Her Majesty,
 - (iii) a member of a cadet force listed in paragraph 29(2),
 - (iv) a member of a cadet force of another country when that member is undertaking activities with a cadet force listed in paragraph 29(2) or the armed forces of Her Majesty,
 - (v) a member of a service or organisation whose functions (whether as an officer, employee or volunteer) include law enforcement, search and rescue services or the preservation of life, and
- (b) the pyrotechnic article is given or made available to the person under the age of 18 in connection with activities the person is undertaking as a member of such a force, service or organisation.

28 It is not an offence under section (*Prohibition of pyrotechnic articles in public places*)(1) or section 33(1) (prohibition on pyrotechnic articles at certain places or events) for a person to possess a pyrotechnic article in the circumstances described in that subsection if—

- (a) the person is—
 - (i) a member of the armed forces of Her Majesty,
 - (ii) a member of the armed forces of another country when that member is serving with the armed forces of Her Majesty, or
 - (iii) a member of a cadet force listed in paragraph 29(2),
 - (iv) a member of a cadet force of another country when that member is undertaking activities with a cadet force listed in paragraph 29(2) or the armed forces of Her Majesty,
 - (v) a member of a service or organisation whose functions (whether as an officer, employee or volunteer) include law enforcement, search and rescue services or the preservation of life, and
- (b) the pyrotechnic article is possessed by the person in connection with activities the person is undertaking as a member of such a force, service or organisation.

29 (1) In paragraphs 27 and 28, “armed forces” means naval, military or air forces (and includes reserve forces).

- (2) For the purposes of paragraphs 27(a)(iii) and 28(a)(iii), the cadet forces are—
- (a) the Combined Cadet Force,
 - (b) the Sea Cadet Corps,
 - (c) the Volunteer Cadet Corps,
 - (d) the Army Cadet Force,
 - (e) the Air Training Corps.>

Section 39

Russell Findlay

Supported by: Jamie Greene

- 124** In section 39, page 17, line 31, leave out <6> and insert <12>

Russell Findlay

Supported by: Jamie Greene

- 125** In section 39, page 17, line 32, after <scale> insert <or £10,000 whichever is the greater>

Section 41

Russell Findlay

Supported by: Jamie Greene

- 126** In section 41, page 18, line 5, at end insert—

<() For the avoidance of doubt, the period of 12 months mentioned in subsection (1) is subject to any other legislation altering that time limit. >

After section 41

Ash Regan

- 44** After section 41, insert—

<Presumptions in proceedings under this Act

- (1) This section applies for the purposes of a trial in proceedings for an alleged offence under this Act.
- (2) Where an item—
 - (a) is labelled as a firework or other pyrotechnic article, or
 - (b) is not so labelled but is found within a container which is labelled as containing fireworks or other pyrotechnic articles,the item is presumed to be a firework or pyrotechnic article as described on the label or, as the case may be, container.
- (3) At the trial, a party to the proceedings may rebut the presumption mentioned in subsection (2) by proving that, at the time the offence is alleged to have been committed, the item was not a firework or other pyrotechnic article of the description on the item or the container.

- (4) A party may lead evidence for the purpose of rebutting the presumption only if the party has given notice of the intention to do so to the other parties—
- (a) not less than 7 days before the intermediate diet, or
 - (b) if there is no intermediate diet, not less than 28 days before the date of the trial.>

Section 42

Ash Regan

- 45 In section 42, page 18, line 10, column 2, leave out from beginning to end of line 16 in column 3 and insert—

<Sections 4(1) and 5(1)	A person authorised to do so by the Scottish Ministers	In relation to a person identified in the certificate, that on the date specified in the certificate the person had, or as the case may be, did not have, a fireworks licence (within the meaning of Part 2 of that Act).
Sections 4(1), 5(1), 21(1), 22(1), 23(1) and 26(2)	A person authorised to do so by the Scottish Ministers	That the particular item identified in the certificate is— (a) a firework within the meaning of section 1(1) of that Act, and (b) of such category of firework (construed in accordance with section 2(1) of that Act) as is specified in the certificate.
Sections 21(1), (<i>Prohibition of pyrotechnic articles in public places</i>)(1) and 33(1)	A person authorised to do so by the Scottish Ministers	That the particular item identified in the certificate is a pyrotechnic article within the meaning of section 1(1) and (1A) of that Act.”.>

After section 44

Jamie Greene

Supported by: Russell Findlay

- 127 After section 44, insert—

<PART

IMPROVEMENT OF FIREWORK SAFETY

Improvement of firework safety plan

- (1) The Scottish Minister must—
- (a) publish, and
 - (b) lay before the Scottish Parliament,
- an improvement of firework safety plan.

- (2) The plan must set out the Scottish Ministers' policies and proposals for improving firework safety, including in particular—
 - (a) the development of an annual national safety campaign and its funding,
 - (b) addressing the sale of illegal fireworks through social media,
 - (c) the provision of additional, seasonal funding to help tackle any increase in illegal fireworks,
 - (d) the provision of enhanced training in detection and apprehension of illegal fireworks,
 - (e) the provision of a central point of contact for reporting misuse of fireworks,
 - (f) the development of standardised reporting for injuries caused solely by fireworks,
 - (g) the co-operation at border control for the prevention of illegal fireworks entering Scotland,
 - (h) co-operation with retailers about their continued supply of fireworks,
 - (i) such other matters as the Scottish Ministers consider appropriate.
- (3) In preparing the improvement of firework safety plan, the Scottish Ministers must—
 - (a) publish, and consult on, a draft of the plan, and
 - (b) have regard to any responses to the consultation. >

Jamie Greene

Supported by: Russell Findlay

128 After section 44, insert—

<PART

EMERGENCY WORKERS: AGGRAVATION

Offence in relation to emergency workers: aggravation

- (1) The Emergency Workers (Scotland) Act 2005 is amended as follows.
- (2) After section 6, insert—

“6A Aggravation: use of firework or pyrotechnic article

 - (1) This section applies where a court is considering the seriousness of an offence listed in section 1(1).
 - (2) If the offence was committed against a person listed in section 1(3) by use of a firework or pyrotechnic article, the court must—
 - (a) treat the fact as an aggravating factor,
 - (b) state in open court that the offence is so aggravated,
 - (c) take the aggravation into account in determining the appropriate sentence, and
 - (d) state—
 - (i) where the sentence in respect of the offence is different from what which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

- (ii) otherwise, the reasons for there being no such difference.”>

Before section 45

Collette Stevenson

56 Before section 45, insert—

<Report on operation of Act

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay before the Scottish Parliament a report on the operation of this Act during the reporting period.
- (2) The report must, in particular, include information about—
 - (a) proceedings and convictions in respect of relevant offences during the reporting period,
 - (b) the number of incidents connected to fireworks and other pyrotechnic articles which occurred during the reporting period, and
 - (c) the views and experiences of persons in relation to the use of fireworks in their communities during the relevant period.
- (3) The reporting period is the period of 5 years beginning with the day on which this Act receives Royal Assent.
- (4) In this section, “relevant offence” means an offence under this Act or listed in sections 7(4)(b).>

Jamie Greene

Supported by: Russell Findlay

129 Before section 45, insert—

<Review of legislation

- (1) The Scottish Ministers must, during the review period, review the operation and effectiveness of this Act, including any proposed changes to the legislation.
- (2) The Scottish Ministers must—
 - (a) prepare and publish a report on that review, and
 - (b) lay a copy of the report before the Scottish Parliament.
- (3) In carrying out the review, the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The report on the review must be prepared, published and laid before the Scottish Parliament no later than 12 months after the end of the review period.
- (5) The “review period” is—
 - (a) no later than 3 years after the commencement of all Parts of this Act, and
 - (b) at least once in every period of 3 years thereafter. >

Section 45

Russell Findlay

Supported by: Jamie Greene

- 130 In section 45, page 20, line 8, leave out <firework control> and insert <no fireworks>

Russell Findlay

Supported by: Jamie Greene

- 131 In section 45, page 20, line 9, leave out <firework control> and insert <no fireworks>

Section 50

Collette Stevenson

- 57 In section 50, page 22, line 12, after <sections> insert <(Report on operation of Act),>

Jamie Greene

Supported by: Russell Findlay

- 132 In section 50, page 22, line 14, at beginning insert <Subject to subsection (2A),>

Jamie Greene

Supported by: Russell Findlay

- 133 In section 50, page 22, line 15, at end insert—

<(2A) Regulations under subsection (2) may not appoint a day for section 22 to come into force until regulations under section 24 have been laid. >

Long Title

Russell Findlay

Supported by: Jamie Greene

- 134 In the long title, page 1, line 4, leave out <firework control> and insert <no fireworks>

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