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# Scottish Parliament

Tuesday 3 May 2022

*[The Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

### **The Presiding Officer (Alison Johnstone):**

The first item of business this afternoon is time for reflection. Our time for reflection leader today is the Rev Canon Sarah Shaw, from Christ Church in Falkirk.

**The Rev Canon Sarah Shaw (Christ Church, Falkirk):** Presiding Officer and members of the Scottish Parliament, it is a great honour for me to be here today and to be able to address you in person and not remotely or as a hologram or something.

In the Easter season, Christians celebrate that God made us for life, not death. A new and eternal life for all people is made possible through the life, death and resurrection of Jesus Christ. Easter should not be thought of as a one-off or past event, but as a way of understanding our world and God's action in it. The hope of resurrection is God's hope, not to be owned or appropriated by some, but God's will for the whole world. We see signs of it all the time, even in the midst of the horror that we may feel at the darkness of our world and the such troubling times that we are in.

The events of the first Easter were extraordinary, and they tell us all that we need to know about God's will for creation and for all people. God was saying then, and says to us now, "You may be anxious or afraid, but be assured that fear, violence, pain, sickness and even death will not have the last word."

I think of Geoffrey Studdert Kennedy—known as Woodbine Willie—the Anglican priest and poet who was a chaplain to soldiers on the western front during the first world war. He wrote of the terrible things that he saw first hand, but at the same time he knew that through the cross and resurrection of Christ, God had overcome all that.

"These clouds are lies",

he wrote—

"The blue sky is the Truth."

Does that seem like wishful thinking? Perhaps—until we consider that resurrection miracles happen every day: when someone forgives another person and a broken relationship is restored; when people open their homes to refugees who they have never met, because it is the right thing to do; when, in spite of rising

pressure on household bills, people reach out with generosity to others in need; and when those who are in a position of power and influence speak out or take action against the popular or expedient thing. Those are resurrection miracles. Resurrection was not, and is not, a one-off event, but a way of life and a hopeful calling for us all.

## Topical Question Time

14:04

**The Presiding Officer (Alison Johnstone):** The next item of business is topical question time. In order to get in as many people as possible, I would be grateful for short and succinct questions and responses.

### Legal Advice (Independence Referendum)

1. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government what its response is to the ruling of the Scottish Information Commissioner that it should release legal advice that it received regarding a second independence referendum. (S6T-00678)

**The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson):** We have received the decision from the Scottish Information Commissioner, we are considering its terms, and we will respond within the deadlines set by the commissioner.

United Kingdom Governments and Scottish Governments have observed a long-standing convention that the Government does not disclose legal advice—that includes whether law officers have or have not advised on any matter—except in exceptional circumstances. The content of any such advice is confidential and subject to legal professional privilege. That ensures that full and frank legal advice can be given.

**Stephen Kerr:** Yesterday, the First Minister refused to commit the Government to publishing the legal advice in full, despite the Scottish Information Commissioner's ruling. Can the cabinet secretary confirm that the Government will publish that advice in full, as recommended by the commissioner, or does it intend to go to court to prevent that advice from being made available to public scrutiny?

**Angus Robertson:** As I have said, we have received the decision from the commissioner, and we are considering its terms. Any departure from the convention is a significant thing. Legal professional privilege and the law officers convention protect legal advice that is given to all Governments in these islands.

Given that the commissioner's ruling is significant, we want to consider it carefully. We will respond within the deadlines set by the commissioner.

**Stephen Kerr:** I think that that was the answer that we had some moments ago.

The Scottish Government civil servants are secretly working on a referendum prospectus, and

we now learn that public money may be used to cover up legal advice on a second referendum. The Scottish Government is spending hundreds of thousands—maybe millions—of pounds on its referendum obsession and refusing to allow any of it to be open to public scrutiny. Does the cabinet secretary recognise that all of that is an insult to Scottish taxpayers, who are being forced to pay for secret preparations for a referendum next year that they do not want?

**Angus Robertson:** The first thing that I would observe on that political speech, rather than a question, is that we should reflect on the fact that a majority of members of the Parliament were elected to deliver a referendum during this parliamentary session. Mr Kerr finds that fact very difficult to respect or even to acknowledge. It is entirely appropriate for the Government to pursue the policies that it was elected to pursue and to pursue the legal advice in line with the precedent of the UK and Scottish Governments. We will reply to the Scottish Information Commissioner's findings in due course.

**Gillian Martin (Aberdeenshire East) (SNP):** A political party has been voted into government on a manifesto commitment to hold an independence referendum not once but twice since 2014. Can it be judged that that is the will of the people and that it is their democratic right to see it fulfilled?

**The Presiding Officer (Alison Johnstone):** The substantive question was about the response to the Scottish Information Commissioner's ruling. I will therefore move on. I call Sarah Boyack.

**Sarah Boyack (Lothian) (Lab):** There is now a clear pattern of behaviour under the Scottish National Party Government. Advice and documents that have a significant impact on the Government's priorities—whether on ferries, the European convention on human rights or the constitution—are hidden from members of the Scottish Parliament and from the people of Scotland. Does the cabinet secretary agree that the people of Scotland, regardless of their views, have a right to see the legal advice in order to enhance public debate, in line with the Scottish Information Commissioner's ruling? Will he make arrangements for the immediate publication of that legal advice, given its significance to the whole of the population of Scotland? What will he do in his work with MSPs to improve the transparency of information?

**Angus Robertson:** I am here specifically to answer questions in relation to the Scottish Information Commissioner's ruling, and I can only repeat what I have said already. The ruling is significant, it must be considered in the round, and we will reply to it in good time, within the deadlines that have been set.

What I find quite interesting about the tone so far from the Labour Party and the Scottish Conservative Party is that there seems to be a willingness to depart from the established custom and practice in relation to legal advice. It might be helpful in the weeks ahead for both parties to clarify their position on whether they think that Government ministers in Scotland or, indeed, the UK should be able to receive information from their legal advisers with the confidence that has been custom and practice not just for years but for decades.

**Collette Stevenson (East Kilbride) (SNP):** Given that the pro-independence SNP and Greens won a majority of seats in the 2021 election, does the Scottish Government believe that that democratic decision should be respected and that the people of Scotland have the right to choose their own future and to choose to become a fairer, greener, independent European country?

**The Presiding Officer:** I remind members that it is essential that supplementary questions refer to the substantive question on the paper. We will therefore move to question 2.

#### Ukraine (Supersponsor Scheme)

**2. Foysoil Choudhury (Lothian) (Lab):** To ask the Scottish Government what measures it is putting in place to ensure that Ukrainian families understand the conditions of its supersponsor scheme. (S6T-00671)

**The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray):** The Scottish Government is providing funding to JustRight Scotland to support its confidential legal advice line for Ukrainians seeking sanctuary in Scotland. That includes advice about our supersponsor scheme. As soon as the United Kingdom Government issues a visa to anyone naming the Scottish Government as their sponsor, our national contact centre sends that person a welcome message in Ukrainian and Russian. That includes a freephone international contact number for further advice.

Once in the country, the Scottish Refugee Council's integration service, funded by the Scottish Government, can give further advice on issues such as registering for a general practitioner or enrolling children in school.

To raise awareness of Scotland's supersponsor scheme, my officials have been working closely with international organisations and non-governmental organisations such as the United Nations High Commissioner for Refugees, as well as the Polish, Romanian and Moldovan authorities, to provide clear in-country information

to explain how the scheme works and why it offers enhanced protection.

I met the Ukrainian MP Lesia Vasylenko last week and discussed Scotland's offer. I hope to visit Poland in the coming weeks.

**The Presiding Officer:** Mr Choudhury, there was a little break-up in the minister's response. Are you content that you have heard enough?

**Foysoil Choudhury:** Yes.

Last week, my colleague Sarah Boyack invited scothosts, a group representing hosts of Ukrainian refugees, to meet members. Scothosts has produced a thoughtful analysis of the good and bad aspects of the supersponsor scheme. A pressing issue that it highlighted is that the welcome desks at Glasgow and Edinburgh airports, intended to welcome Ukrainians arriving into the scheme, have frequently been left unstaffed during normal working hours, which has meant that refugees, sometimes with a low level of English literacy, have been left to fend for themselves on arrival, particularly when travelling on to other parts of the country. How can the Scottish Government ensure that that important initial part of any warm Scottish welcome is available to refugees?

**Neil Gray:** My officials have been working closely with Gary Gray and scothosts to understand their concerns, and to respond to some of the ideas and other suggestions that have been made.

On the welcome at our airports, I have received no reports of any issues at Edinburgh airport. The one report that I received regarding Glasgow airport was acted upon swiftly by the airport, Renfrewshire Council, Glasgow City Council and volunteer workers from the Ukrainian community, so that the Scottish Refugee Council and others on the ground could ensure that the staffing of the welcome desk was carried out as efficiently as possible. My understanding is that there have been no further reports of anyone arriving and not being able to access that desk.

I will continue to monitor the situation, because ensuring that people get access to clear and consistent information when they first arrive in the country is of the utmost importance to us all.

**Foysoil Choudhury:** Another point raised by scothosts was that the hosting of refugees is not an event but a process, and that the inevitable longer-term needs, not only of refugees but of hosts, will need to be addressed. How will the Scottish Government amend its approach in response to continuing challenges with our Syrian and Afghan refugees? Refugees are the same regardless of where they are from.

**Neil Gray:** I absolutely concur with that point. The Scottish Government's response to situations unfolding around the world has been consistent: we want to provide people with a place of sanctuary and support in Scotland regardless of where they have come from. We have a good system in place, having a true partnership with all 32 local authorities and our third sector partners through the Syrian scheme, which we look to replicate for the Ukrainian scheme.

There have been well-documented issues with the Afghan scheme, which operated using a different approach and was not a true partnership between the UK Government, Scottish Government and Scottish local authorities. We are looking at what can be done to provide as much assistance as possible to Afghan refugees in Scotland who seek further support.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** The harrowing scenes coming out of Ukraine have rightly prompted action on a scale not seen before, including a change in legislation in the UK to enable Ukrainian refugees to access support and to work after fleeing the horrors of the war. My sincere hope is that the outcome of the situation will be a change in the way that we treat everyone who seeks refuge, regardless of where they are from.

What representations has the Scottish Government made to the UK Government to urge it to lift the no recourse to public funds condition and any employment restrictions for all asylum seekers and refugees arriving in Scotland? Does the minister agree that, if the UK Government is not willing to implement such a change, Scotland should be given the powers to enable asylum seekers to live with dignity?

**Neil Gray:** Kaukab Stewart is absolutely right. I concur particularly with the sentiments in the second part of her question. I met Lord Harrington, my ministerial equivalent at Westminster, and Kevin Foster, the minister with responsibility for immigration in the Commons, last week. At that meeting, I raised matters such as the ones that she asks about and my concern to ensure that we communicate effectively across the UK on safeguarding.

I also raised the need to ensure that people who are arriving from Ukraine know that the safest route is through Scotland, where the Scottish Government and Scottish local authorities operate a statutory matching service, and that there is no need for private matching. One of my major concerns about informal, social media matching is that it is often well intentioned but it poses significant risks. I called on the UK Government to implement a UK-wide supersponsor scheme to ensure that substantial safeguarding is put in place across the UK.

**Donald Cameron (Highlands and Islands) (Con):** Those of us who attended the scothosts briefing last Thursday hosted by Sarah Boyack would have been struck by the comments about a perceived lack of co-ordination among local authorities. What is the Scottish Government doing to ensure that councils across Scotland and the Convention of Scottish Local Authorities co-operate, learn from each other and work with each other to ensure that people who apply to the supersponsor scheme can understand it better?

**Neil Gray:** Donald Cameron should be reassured, as should scothosts, that I have regular meetings with COSLA and local authorities, as he would expect. We have issued guidance to all local authorities, which is published on the Scottish Government website for everyone to see, to ensure consistency of application in what people should expect when they arrive and in the longer-term arrangements.

I say to Donald Cameron, as I said to Foysoil Choudhury, that my officials have met Gary Gray and scothosts. Suggestions that have been made are being considered.

### National Grid (Pricing)

**3. Emma Roddick (Highlands and Islands) (SNP):** To ask the Scottish Government what assessment it has made of the potential impact on households and businesses in Scotland of the National Grid's locational pricing system, in light of Scottish Renewables' reported assessment that transmission network use of system charges make projects in Scotland almost 20 per cent more expensive than equivalent projects in the south of England. (S6T-00680)

**The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson):** The issue is reserved to the Westminster Parliament, and any changes to pricing require policy and legislative changes that are not within National Grid's control. However, I am deeply concerned by the proposal to move to a locational pricing system and by the lack of consideration that has been given in that work to Scottish Government targets.

In a net zero world, it is counterproductive in the extreme to care more about where generation is situated than about what type of generation it is. It is vital that we deliver net zero at the lowest cost to consumers and that we do so in a way that does not penalise developers for taking forward projects in the best locations.

**Emma Roddick:** Scotland is a net exporter of energy—we export 18 times more to England than we receive back—and yet there are warnings that National Grid's new locational pricing system could create a postcode pricing system in the middle of a cost of living crisis. Is the cabinet

secretary concerned that the plans could penalise Scotland's renewables sector when Scotland has the ambition to be the green energy capital of Europe?

**Michael Matheson:** At this time, when there is a desire to deliver energy security in a way that is compatible with achieving net zero, it is critical to have a charging regime that does not constrain how developments are taken forward. The existing charging scheme acts as a disincentive to investments here in Scotland and makes some developments less competitive with similar projects in other parts of the United Kingdom, so any tweaking of the system, which is what the potential change would involve, could act as a further disincentive to projects being developed here in Scotland. That would be absolutely counterproductive to reducing energy costs at the same time as meeting our net zero targets.

**Emma Roddick:** Given that we are in the midst of the cost of living crisis and that many households—particularly in my region, which is the Highlands and Islands—are already struggling, does the cabinet secretary agree that the UK Government, which holds the key levers of power on the issue, must urgently step up and do more to help those who are hardest hit by energy grid charges?

**Michael Matheson:** Renewable energy, and wind energy in particular, produces one of the lowest-cost forms of electricity. Alongside the wider benefits that can come from that and alongside developments such as hydrogen energy, we need to capitalise on the position and maximise potential areas of development. That is exactly what the Scottish Government is seeking to do, and it is important that regulators and the UK Government do not introduce any scheme that will constrain the maximisation of potential opportunities here in Scotland.

I assure Emma Roddick that we will continue to press the UK Government on the issue. We have discussed it with National Grid's chief executive and expressed our concerns about the proposal and the lack of consultation and engagement with the Scottish Government, given the direct impact that the proposal could have on our net zero targets and energy policy. I assure members that we will do everything that we can to ensure that Scottish renewable energy projects receive the level playing field that they deserve with projects that are being taken forward across the rest of the UK.

**Maurice Golden (North East Scotland) (Con):** In terms of TNUOS charging, the Scottish National Party has consistently argued that Scottish consumers should pay more to subsidise energy generators—primarily multinational companies. The most recent targeted charging review of

transmission demand residual partially addresses that aspect, which means that every Scottish consumer will pay more.

The floor approach that has been suggested to the forward-looking charge would result in an overall decrease in TNUOS charges for typical domestic customers—apart from those in Scotland. The Office of Gas and Electricity Markets notes that charges in north Scotland will be higher than current charges, given the assistance for areas with high electricity distribution costs scheme.

I have asked this before. Does the cabinet secretary agree with flooring the forward-looking charge at zero—yes or no?

**Michael Matheson:** It is quite interesting listening to Maurice Golden literally setting out the utter failure of the United Kingdom Government to address the transmission charging costs regime that has been penalising Scotland-based projects for an extended period of time. There is no reason why the member should not be able to understand that the industry has been complaining about the issue for many years, but what have we got from the National Grid? A proposed tweaking of the system that is meant to make it appear as though it is dealing with the issue but which could potentially make things even more difficult for Scotland-based projects.

We need a process that ensures that the charging regime is based not on location but on the type of energy that is produced. The systematic failure of the UK Government to address that issue over an extended period of time has continued to disadvantage projects in Scotland. Further, adding in a bit of nuclear has pushed up the costs for taxpayers across the country, who are paying more for their energy as a result.

## Fireworks and Pyrotechnic Articles (Scotland) Bill: Stage 1

### The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-04236, in the name of Ash Regan, on stage 1 of the Fireworks and Pyrotechnic Articles (Scotland) Bill.

14:26

**The Minister for Community Safety (Ash Regan):** I welcome this opportunity to open the debate on the general principles of the bill. My thanks go to the Criminal Justice Committee, and all those who gave evidence, for their work on the bill at stage 1.

The bill is a key part of an overarching package of change that is being progressed through the fireworks action plan, and is the result of several years' work, including widespread public consultations, opinion polls, analytical research and engagement with key stakeholders, including the independent firework review group.

All that work has clearly demonstrated that people want change and that they see the unpredictable use, as well as the misuse, of fireworks and pyrotechnics as antisocial and unwelcome and as causing significant disruption to many people—particularly those with neurodivergent conditions such as autism—animals and communities.

However, we accept that many people enjoy the spectacle of firework and pyrotechnic displays, and that public displays can offer a safe and fun way for communities to enjoy fireworks. It is our job to proportionately address the clear and consistent concerns and calls for change that have been raised, while balancing that against allowing the safe, considerate and appropriate use of fireworks and pyrotechnics for celebrations and other important events. That is what underpins the bill that is before Parliament today. It introduces critical enhancements to Scots criminal law to ensure that it is as robust and effective as possible at regulating the use of fireworks and pyrotechnics.

I will now outline the five key strands of the bill. First, part 2 includes provision for Scottish ministers to establish and operate a fireworks licensing system, which will require members of the public to apply for a licence in order to purchase, possess and use category F2 and F3 fireworks in Scotland.

That provision seeks to move the purchase and use of fireworks to a planned and well-thought-out transaction, rather than a spontaneous occurrence. I consider that a comprehensive

licence system covering supply, possession and use is the most robust way to ensure that the policy objectives of the system are met while mitigating potential unintended consequences, such as the displacement of sales across the border or online.

I am aware of the concerns that were raised by the committee on the level of detail that is included in the bill, but I believe that the bill strikes the right balance. It sets out the core principles and elements of how the licensing system will function and the requirements that will be placed on those wishing to apply for a licence.

**Liam Kerr (North East Scotland) (Con):** Does the minister think that it is appropriate that there seems to have been only one sitting day between the report being published and its being debated today?

**The Presiding Officer:** Before the minister responds, I make members aware that we have time in hand this afternoon for interventions.

**Ash Regan:** I recognise the concerns that the committee raised about timetabling, and I thank it for agreeing to work to a slightly truncated timetable. Scrutiny is vital in that regard—I am sure that everyone agrees with that. However, that needs to be balanced against the consideration that the public is very keen to see action being taken on the matter. For my part, I commit to constructively engage with and address all the concerns that are raised with me as we go through the parliamentary process. If we all work constructively across the chamber, we will end up with a bill that is appropriate, proportionate and effective at the end of the process.

The operational and administrative detail of the licensing system will be set out in regulations to ensure that we develop an agile, future-proofed system that can be updated in a timely manner, should the need arise, to continue to meet society's requirements. The bill sets out a duty to consult before making regulations under part 2, which will ensure that stakeholders have the opportunity to share their views on the details of the operation of the licensing system.

I welcome the recommendation of the Delegated Powers and Law Reform Committee, reinforced by the Criminal Justice Committee, that consideration should be given to whether further provision about the licensing system should be subject to the affirmative procedure rather than the negative procedure, as currently set out in the bill. I confirm that I will lodge an amendment at stage 2 to achieve that, because I recognise that the affirmative procedure would afford Parliament an enhanced level of scrutiny as the detail is developed and put forward.

**Martin Whitfield (South Scotland) (Lab):**

Given the thought that has gone into the licensing system and the additional legislative support that it will need, has any consideration been given to the likely level of fee that will apply to a licence application? More important, will the fee cover only the cost of the licensing system, or will it also be used for the enforcement that will be needed?

**Ash Regan:** We have modelled fee levels. That information has been published and is available for the member to look at if he wants to do so. The modelling has been done around fee levels of £20, £30 and £50. I am keen that the process is not prohibitively expensive, because we want to allow people to do the right thing. I had quite a debate with one of the member's colleagues who is on the committee about the proportionate level of fees. For my part, I am keen that they are proportionate.

In response to the stage 1 report, I have also agreed to provide the committee with a mock user journey to set out the licensing system in more practical terms and how it is planned to work, should the bill be passed by Parliament. Of course, that will be subject to further consultation and the agreement of subsequent regulations by the relevant committee at a later date. I hope that that reassures the committee on the practical operation of the system and on the processes that are in place to ensure that it is developed in a robust and transparent way.

Part 3 of the bill includes a proxy purchase and supply offence in relation to fireworks and other pyrotechnic articles. During our consultations, we heard accounts of adults giving children fireworks in our communities. I am sure that we all agree that that is very worrying; therefore, we need to make it clear that such behaviour is unacceptable.

Although it is illegal under existing legislation to supply fireworks to a person under the age of 18 in a commercial transaction, that does not cover wider settings. In its report, the committee recognised that the loophole must be closed. The scrutiny timetable for the bill will enable that important provision to be in place for the upcoming bonfire season. I will cover the benefits of the timetable in more detail shortly.

Part 3 also includes proposed restrictions on the permitted periods for the supply and use of fireworks. That includes restricting the days on which fireworks can be sold to and used by the general public. The dates that are set out in the bill broadly align with existing firework periods, when fireworks form an important part of celebrating cultural and religious festivals.

**Jamie Greene (West Scotland) (Con):** Who did the minister consult when she came up with those dates?

**Ash Regan:** We consulted all the major faith groups to come up with the dates. I can provide the member with more detail on that in writing if he would like that information.

We have retained provision in the bill so that, if it comes to light that there is a celebration that we have perhaps missed, we will be able potentially to update the legislation to reflect that. I have, of course, been mindful of the need for equality during the development of that provision, which was updated in light of engagement with equalities organisations during last year's consultation.

The measure addresses the concerns that we have heard about the unpredictable use of fireworks being disruptive, and sometimes debilitating, to people and communities as well as to animals. Being aware of when fireworks might be used will enable people to put in place appropriate safeguards while allowing the use of fireworks for celebrations during existing firework periods.

I recognise that restricting the days of supply has the potential to negatively impact specialist firework businesses. Therefore, the bill includes a regulation-making power to enable the introduction of a compensation scheme to address the economic impact of that provision, if that is required.

**Douglas Lumsden (North East Scotland) (Con):** Will the minister explain a bit more about compensation? Will that recur annually or will it be a one-off payment?

**Ash Regan:** I cannot give the member any further detail on that at this stage, but I will endeavour to bring forward more detail, perhaps around the time of stage 2. However, as I said, we recognise that restricting days of supply might have an impact on the very small number of businesses that currently sell all year round. My intention is to engage with the businesses that are affected, to further understand the detail of the financial impact that the provision might have on them. I welcome the Criminal Justice Committee's recommendation that we commence work on the compensation scheme as soon as possible, and an important initial part of that will be engaging with those businesses and understanding the potential financial effects on them.

I note the committee's concern about the potential impact of the provisions in terms of the risk of people purchasing black market fireworks. That risk has been fully considered during the development of the bill. For example, where any part of the supply of fireworks takes place in Scotland, including the delivery of fireworks, suppliers will be required to check the licence status of the recipient receiving a delivery of fireworks to ensure that they do not commit an

offence by supplying to an individual who does not have a fireworks licence.

Of course, the illegal sale and purchase of fireworks will continue to be subject to existing well-established enforcement routes, through trading standards, the police and the courts. The Scottish Government intends to continue to work with those partners to build on and enhance existing processes to tackle black market sales.

Part 4 of the bill provides local authorities with the power to designate firework control zones in which it will be an offence for the general public to use fireworks at any time, including on private property. Communities will have a greater say in the use of fireworks in their local area, with a fair and robust process in place for the consideration of the designation, amendment or revocation of such zones.

Public firework displays will be exempt from firework control zones, as I recognise that such events can and do bring communities together. That will allow people living in such zones to enjoy fireworks in appropriate settings. Professional firework operators are also exempt, in terms of their services in providing both public and private displays.

I note the committee's concerns about the zones and whether it would be preferable to give local authorities the ability to designate complete no-firework zones. I am interested in hearing the views of members on that point today, particularly in respect of the exemption in the bill for professional firework operators whose services can be engaged for private displays.

**John Mason (Glasgow Shettleston) (SNP):** I thank the minister for her openness on that point. The Dogs Trust Glasgow is located in my constituency. I make the point that, whether a fireworks display is organised or not, such displays affect dogs.

**Ash Regan:** I agree with that, and I am keen to hear members' views on that particular point this afternoon.

Part 5 makes it an offence to be in possession of a pyrotechnic article, including all types of fireworks, without reasonable excuse, while at, in the immediate vicinity of or travelling to designated sporting and music venues and events, public processions and public assemblies. A person who is convicted of that offence is liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale, or both.

The bill also extends police powers of stop and search, including of a vehicle, to the ability to stop and search anyone reasonably suspected of committing an offence under the bill. That will, in

particular, enable the proactive and preventative enforcement of the part 5 provisions on possession of pyrotechnics at certain places and events, ensuring that police officers can act early to address that potentially dangerous behaviour.

In drafting the pyrotechnic possession offence, we were conscious of our obligation to consider the least intrusive method of achieving our policy objective and the need to demonstrate that new criminal offences and related search powers are proportionate and necessary.

**Edward Mountain (Highlands and Islands) (Con):** Farmers—of which I am one, as declared in my entry in the register of members' interests—often carry pyrotechnics to frighten birds away from crops, and they could be in possession of those fireworks when they are moving around the countryside. Has the minister given consideration to that? What protection will she give to farmers who are moving around the countryside with exploding rockets—which is what they are—that are used to frighten away geese, for example?

**Ash Regan:** The member is right to raise that issue, because there are a number of reasons why people might legitimately be carrying pyrotechnic devices, which include safety flares and marine flares. That was one of the considerations that the Government took into account when drafting the offence. It has been drafted in a slightly narrower way than had previously been suggested in order not to affect people who carry flares for legitimate reasons. We did not want to put them off. Again, I am interested to hear the views of members on that and whether it is felt that the Government has got the balance right on that provision.

I am aware of concerns raised by the committee, Police Scotland and the Scottish Police Federation about the scope of the pyrotechnic possession provisions and their impact on operational enforcement. I agree that we need to address operational challenges to ensure that the legislation is effective. As I said, I am interested to hear members' views on that. I understand the calls for a wider offence of being in possession of a pyrotechnic article in a public place, but I also recognise the importance of proportionality in creating any new criminal offence, to ensure that individual freedoms and civil liberties are protected and that we achieve our objective in the least intrusive way possible.

I am grateful to Parliament for allowing the bill to proceed at an accelerated pace. Moving forward swiftly is important. We have heard the strong message that people want change and action to be taken on the sustained disturbance and harm that fireworks and pyrotechnics can cause to their lives. The timetable will allow the proxy purchasing offence to be in place for the upcoming bonfire

season, and the importance of that provision cannot be overstated.

As I mentioned, we have heard about the issues that some communities face with adults giving fireworks to children, so we must act to close the loophole in current legislation that allows that to go unpunished. We have also heard from enforcement authorities that a proxy offence is a useful preventative tool, as it makes it clear to all adults that that behaviour is unacceptable and criminal. The purpose of the proxy offence is to protect children and young people from harm, which I am sure all members would agree is an absolute priority.

The timetable also allows the important work to implement other provisions to commence promptly, should the bill be passed by Parliament. That is paramount in ensuring that further positive change can be put in place as soon as possible. There is no question but that there is a strong desire to see a fundamental shift in Scotland's relationship with fireworks and pyrotechnic articles. The bill is just part of our journey towards achieving that, balancing the responsible use and enjoyment of fireworks with the need to protect the public from harm and minimise the disruption and intimidation that such articles can cause.

I move,

That the Parliament agrees to the general principles of the Fireworks and Pyrotechnic Articles (Scotland) Bill.

14:44

**Pauline McNeill (Glasgow) (Lab):** Scottish Labour supports the Scottish Government's intention behind the Fireworks and Pyrotechnic Articles (Scotland) Bill and we applaud the hard work of minister Ash Regan and the stakeholders who created the bill.

We seek, unusually, to amend the motion to agree to the general principles of the bill, as we have serious concerns that the design of the licensing scheme, in particular, might have unforeseen consequences and could unintentionally criminalise individuals, due to its complexity.

One aspect of that is the section of the bill that deals with the days outwith which it will be an offence to use fireworks. That includes the period from 26 December until 2 January, as well as from the three days immediately preceding the first day of Chinese new year until the seventh day after the first day of Chinese new year. Members might know that Chinese new year follows the lunar calendar, so we can see that it will be quite complex for the general public to know on which days they can set off fireworks and when they cannot.

The low number of prosecutions—none in the past year—indicates that there might be a deeper problem with how seriously the issue is taken by the police and the Crown Office. We have simply not had enough time to scrutinise whether the bill will make a difference to that. The lack of time for scrutiny is not justified for an issue that has become so important for Scottish communities.

I agree with the minister that fireworks have become a serious issue across Scotland, with bonfire season often putting the police and emergency workers at risk. Fireworks and pyrotechnics have been used in attacks on officers, and fireworks have been used as weapons in many communities, including mine in Pollokshields in Glasgow. However, it appears as though there might not have been any prosecutions under the existing law, and I question whether the bill will do more to penalise people who misuse fireworks in our communities.

Fireworks distress wildlife, farm animals and pets, particularly dogs, and the Scottish Society for the Prevention of Cruelty to Animals has described the bill as “a win for animals”.

Scottish Labour members are clear that we support the Government's intentions behind the bill. Fireworks are an issue throughout the year, particularly at football matches, where fireworks and flares are regularly smuggled in and let off, which endangers staff, players and spectators. The stated purpose of the bill is to support a cultural shift in how fireworks and pyrotechnics are used in Scotland, while curtailing their antisocial use. However, will people who intend to risk prosecution with their use of fireworks by taking them to football matches or lobbing them at the police be concerned about jumping through all the necessary hoops to purchase them legally? That is a serious question.

What the law will certainly do is make it onerous for people who wish to use fireworks lawfully. The design of the licensing scheme carries risks that we have not had a chance to test due to the lack of time for scrutiny. We need to be careful that the bill does not end up being similar to the repealed Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which was unworkable and inadvertently criminalised great swathes of the public.

Let us consider in more detail what a member of the public will have to do under the proposed fireworks legislation. Anyone wishing to purchase fireworks will have to apply for a licence by taking an online course and paying a fee. I am pleased that the minister has acknowledged that the fee is an important aspect. It might be between £20 and £50 and the licence would be for five years. However, if the fee was close to £50, that would be a barrier and would put fireworks out of reach

for many families. There is quite a difference between £20 and £50.

A person wishing to use fireworks would need to find out on which 37 days of the year it is legal to purchase fireworks, and then find out on which 57 days of the year they are allowed to be used.

It does not stop there. They would then need to find out whether a firework zone in their area is live and check whether it is legal to set off their fireworks. Under section 4, it will be an offence to set off fireworks on the wrong day and, rightly, it will be an offence to set them off without a licence. However, it is easy to see that a normally law-abiding member of the public might inadvertently break the law because they set them off either on the wrong day or in the wrong area. More thought must be given to the complexity of the licensing scheme.

Furthermore, individuals might be tempted to buy fireworks illegally out of a white van, because they cannot afford the licence or they cannot apply for one because they are not online. There are many dangers that we have not had a chance to dig into as part of our scrutiny of the bill.

Rather than going to a shop that would require someone to present their licence, some people might find another way. That is why I am concerned that, in the Government's response to the committee, it was quite dismissive about the potential for the black market to open up, although it rightly says that it is concerned about that. There was strong evidence from the industry on that issue, and we should not dismiss it so easily.

**John Mason:** Does Pauline McNeill accept that with alcohol, tobacco and other items for which there are duty and licence schemes, of course there is a temptation to buy from the black market, but that does not mean that we should not legislate in this way?

**Pauline McNeill:** Of course, but we are setting up such a complex licensing scheme. It has not been tried and tested, but if we look at the main aspects we can see that we may be creating the conditions in which the risk of a black market is something that we need to be live to.

In the Republic of Ireland, the sale, possession and use of fireworks is illegal. Nevertheless, in August last year, the chairperson of Dublin South Central joint policing committee said that fireworks were

"imported illegally and stored in huge quantities in Dublin."

He continued that those illegal fireworks have been

"terrifying local residents across Dublin, particularly the old and the vulnerable".

It would be wrong to dismiss the possibility of a black market.

**Ash Regan:** I understand completely. We are alive to the potential problem of a black market. Does the member accept that the Republic of Ireland is quite different? It has gone down the route of a complete ban. The risk of unintended consequences was one reason for not pursuing such a ban in Scotland.

**Pauline McNeill:** I accept that, but I am saying that such a complicated scheme, especially if the fee is not set at the right level, could amount to or could be seen as a ban. Therefore, we must be alive to the possibility of people going to get fireworks without a licence. We must all be careful of that, particularly because the bill has been rushed and has all the hallmarks of legislation that has not had enough time for scrutiny. Police Scotland has voiced concerns about how to effectively police parts of the bill.

Fireworks-related convictions are very low: in 2020-21, there were 974 fireworks-related complaints to Police Scotland and 29 criminal charges were brought, resulting in no convictions. That is another important point. If we are not using the current law, how can ministers be absolutely certain that this law will be used to bring about more prosecutions? It will be important for the police to feel that the new legislation is enforceable.

The Scottish Police Federation has voiced concerns over the watering down of section 33, which the minister has spoken about. We need serious scrutiny of whether the wording about travelling to

"a designated sporting event, music event, procession or assembly"

is right. The Police Federation pointed out that all the perpetrator would need to say is that they were going somewhere else and then no offence would have been committed. It is not clear how police officers can prove where someone is going.

The bill is one of the first pieces of legislation that will be passed in this session of Parliament and it is important for communities, so we need time to ensure that we get it right. I am really unhappy. I accept that the part of the bill dealing with proxy purchase needed to be rushed, but we should have been given adequate time to scrutinise the rest of it.

**Jamie Greene:** Pauline McNeill may be aware that the deadline for lodging amendments at stage 2 is 19 May, which is only two weeks away. I do not know how members on the Government side feel, but do other members feel confident that we will be able to fix all the problems that the 70-page report identified in only two weeks?

**Pauline McNeill:** When we raised a point of order last week, I listened to the Minister for Parliamentary Business saying that we could fix the bill at stage 2. It is astonishing to find that we will not even have the time to do that at stage 2. As a legislator, I find that totally unacceptable. I will not come to Parliament and stand by, allowing poor legislation to go through, even if I wholeheartedly agree with its intentions, as I do today. That is not what I came here to do. It is not necessary to introduce the rest of the legislation in such a rushed fashion. Had I known that we would be in this position, I would have disagreed at the committee stage.

I plead with the Government to give us time at stage 2 to ensure that the bill is fit for purpose.

I move amendment S6M-04236.1, to insert at end:

“, and, in so doing, expresses reservations in line with paragraph 386 of the Criminal Justice Committee’s 5th Report, 2022 (Session 6), *Fireworks and Pyrotechnic Articles (Scotland) Bill Stage 1 Report* (SP Paper 164).”

**The Deputy Presiding Officer (Liam McArthur):** I call Audrey Nicoll to speak on behalf of the Criminal Justice Committee.

14:54

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** It is my pleasure to speak on behalf of the Criminal Justice Committee in the stage 1 debate on the Fireworks and Pyrotechnic Articles (Scotland) Bill.

I begin by thanking all those who took the time to provide evidence to us. As part of our scrutiny, the committee visited Blackburn in West Lothian to hear about the impressive and innovative approaches to tackling misuse of fireworks in the area. I welcome to the Parliament representatives from the Blackburn bonfire night action group, St Kentigern’s academy and Bathgate academy, who are joining us in the public gallery for the debate. I welcome them all and thank them for assisting the committee. Their successful community approach to finding solutions to misuse of fireworks and related antisocial behaviour has helped to inform some of our recommendations.

I also thank the parliamentary clerks and officials for their excellent support throughout stage 1. Last, but by no means least, I thank my fellow committee members for their constructive approach to scrutinising the bill under an accelerated and very challenging timetable.

The committee fully supports and shares the Scottish Government’s ambition to tackle misuse of fireworks and pyrotechnics. We agree on the need for a culture shift in relation to both availability and use of fireworks and pyrotechnics,

in order to reflect more clearly the serious nature of the injuries that they can cause to the public, the antisocial behaviour that can arise from their misuse, and the impact on emergency service workers.

The committee heard first hand about the impact that unpredictable use and misuse of fireworks can have on local communities, particularly for people who find loud and unexpected noises particularly distressing. In response to our call for views, there was overwhelming support for greater controls on sale, purchase and use of fireworks and pyrotechnics; there is clearly a desire among the public for greater restrictions. That is why, in our stage 1 report, we reached the conclusion that Parliament should support the bill’s general principles.

However, the committee has serious concerns about whether the bill, as drafted, will achieve its objectives. We recommend that the Scottish Government make the necessary amendments, as outlined in our report, to ensure that the measures that the bill will introduce will be effective, robust, workable and clearly understood, and that they will have the confidence of the public and key stakeholders.

I thank the minister for providing a detailed written response to the committee’s report. It would be helpful if, in her closing remarks, she could detail exactly what changes she proposes to make to the bill at stage 2, because there are several responses in which the committee’s views are noted but it is unclear whether the Government intends to amend the bill.

It is currently illegal for licensed operators to sell most types of fireworks to people under the age of 18. The committee heard from David MacKenzie, chair of the Society of Chief Officers of Trading Standards in Scotland, that there is, among licensed firework retailers, a high level of compliance on not selling to those who are underage. However, a key aspect of the bill’s provisions, which the Government wants to have in place ahead of this year’s bonfire night, is a new criminal offence that will make it illegal for adults who are not classed as economic operators to buy for, or otherwise to provide fireworks or pyrotechnics to, children. That is the primary reason for the bill’s accelerated timetable.

The committee heard evidence that some parents buy fireworks and give them to their children. Currently, that activity is not illegal. The bill is intended to address that legislative gap; the committee fully supports that. However, it is unclear whether the Scottish Government has asked the UK Government to make the changes via secondary legislation or has asked for the relevant order-making powers to be transferred to

Scotland. I note that a direct approach was not made.

Due to a lack of available statistical data, it is unclear whether the existing law relating to fireworks is being fully enforced. It is essential that we ensure that there is public understanding of the new law. The committee has therefore recommended that the Scottish Government undertake a public education and awareness programme in advance of the new law's coming into effect. The programme must inform adults of the dangers of providing fireworks and pyrotechnics to children, and it must ensure that people are aware of the new criminal offence.

Crucial details on two key proposals in the bill—the fireworks licensing scheme and designation of certain areas by local authorities as firework control zones—are to be provided later, in subordinate legislation. The licensing system will regulate purchase, acquisition, possession, use and supply of category F2 and F3 fireworks by members of the public. The intention is that that will encourage safer use of fireworks and reduce firework-related harm and injury. The proposal is that only people who are aged 18 or over can apply for a licence, and that they must first undertake a mandatory training course and pay an application fee.

The scheme has been welcomed by the fire and police services, as well as by other stakeholders, who see the potential for safer possession and use of fireworks and for a reduction in injuries to the public and to emergency services workers. However, the fireworks industry raised concerns that the introduction of a licence scheme, and its associated costs, might lead people to purchase fireworks online or illegally.

The lack of detail about the scheme means that questions remain about its workability and about whether it will achieve the Scottish Government's intended outcomes. The committee concluded that the scheme will need careful consultation, design, implementation and testing. We also recommended that the Scottish Government take the necessary time to ensure that the scheme is robust and user friendly, and that stakeholders' views are taken on board to inform the detail.

**Martin Whitfield:** Is the committee confident in the Government's response to that call for better consultation on the subsidiary legislation?

**Audrey Nicoll:** I speak on behalf of the committee when it comes to the priorities in the bill—in particular, on consultation. I welcome the fact that the response has been given—as do committee members, I think. Consultation is absolutely critical to our being able to undertake the process so that effective legislation is put in place.

To address the concern that people might not apply for a licence but might instead purchase fireworks illegally, the committee recommended that the licence fee should cover only the costs of administering the scheme.

The second area for which specific details are to follow is the proposal for areas to be designated by local authorities as firework control zones, in which use of fireworks will be restricted. The bill provides for exemptions for commercial operators, community groups and others to use the most powerful and noisiest fireworks in such zones, under certain circumstances.

Rob Holland, from the National Autistic Society Scotland, told the committee:

"If families were able to make the decision to live in an area where there was a no-fireworks guarantee—as far as is possible—I have no doubt that some families would take that initiative."—[*Official Report, Criminal Justice Committee*, 16 March 2022; c 38.]

The committee concluded that the term "firework control zones"—in which firework use is controlled but is still permitted—has the potential to confuse the public. It might also fall short of the public's expectation that the zones will provide protection for vulnerable populations as well as addressing disorder and antisocial behaviour. The committee asked the Scottish Government to reassess whether the firework control zone provision, on its own, is sufficient, and whether local authorities should also be allowed to establish no-firework zones.

The evidence that we received highlighted significant operational, administrative, enforcement and resourcing challenges, which the committee asked to be addressed during Parliament's scrutiny of the bill. The committee is keen to scrutinise the details of the licensing scheme and the firework control zones. We therefore recommended that the superaffirmative procedure be used, which will allow us to consider the draft regulations in advance of their being laid in Parliament.

**Jamie Greene:** Does the convener accept that concerns were raised in committee about the lack of detail on the proposed licensing scheme in the primary legislation that we are being asked to pass, and that we are being asked simply to hope that secondary legislation will address the many concerns that stakeholders have raised?

**The Deputy Presiding Officer:** I can give you time back for both interventions, Ms Nicoll.

**Audrey Nicoll:** Thank you, Presiding Officer.

I thank Jamie Greene for his intervention, and I hope that we have, today, reflected the concerns of all committee members about timescales.

The final area that I wish to cover is the new criminal offence to prohibit possession of pyrotechnic articles, such as distress or signal flares. It is currently legal for people to carry and possess pyrotechnics except when they are in certain venues, including football grounds, or at certain events, such as music festivals. The new offence is included in order to address gaps in the existing law in relation to someone who is travelling to an event being in possession of a pyrotechnic.

The fire and police services support the introduction of the new offence. However, Police Scotland and the Scottish Police Federation have raised concerns about challenges in enforcing the offence as it is drafted. Police Scotland and the SPF both questioned how police officers are to prove that a person is travelling to an event, and asked that the bill be amended to introduce a simpler and more effective possession offence.

Police Scotland also asked for a presumption of contents provision to be included in the bill, in order to address problems that might arise when someone claims that a firework or pyrotechnic that is in their possession is not what the packaging says it is. The committee asked the Scottish Government to address both those issues.

Time does not allow me to cover all the areas that the committee considered. However, it is clear that there is support among members from all sides of the chamber for addressing misuse of fireworks and pyrotechnics. Committee members are very keen to engage and to work constructively with the minister in order that the bill can be improved to enable it to become an effective and workable vehicle to achieve legal, safe and—most of all—enjoyable fireworks and pyrotechnics use in Scotland.

**The Deputy Presiding Officer:** I issue a gentle reminder to members who wish to speak in the debate to press their request-to-speak buttons. We have a fair bit of time in hand, so members are encouraged to offer and take interventions, but they will be required to re-press their button if they make an intervention.

15:07

**Jamie Greene (West Scotland) (Con):** Do not encourage them, Presiding Officer.

I give huge thanks to the Criminal Justice Committee and our clerks, our Scottish Parliament information centre colleagues and everyone who has engaged in the process so far in the preparation of our stage 1 report, including the animal welfare charities, the National Autistic Society Scotland and the communities that have been blighted by firework use, or indeed misuse.

We warmly welcome some of them to the chamber today.

I make one thing clear from the outset: we on the Conservative side of the chamber both accept and acknowledge that the misuse of fireworks and pyrotechnics is, as the convener of the committee stated, a very real problem for communities across Scotland. There is zero justification for using fireworks as a weapon, whether it is against our hard-working emergency service workers, against animals, including pets, or simply to terrorise whole communities with antisocial behaviour. I believe that the Parliament can and will send a strong message that that is simply not acceptable.

That being said, the question that is being put to us today is whether this specific piece of legislation as it is drafted addresses that issue. I will be honest: when I embarked on this journey, I had some reservations, because the so-called ban on fireworks is anything but. Indeed, it initially felt almost intrinsically illiberal, or even overkill. A phrase that the committee alluded to in its report, and which came up regularly in our evidence sessions, was that the bill was a sledgehammer being used to crack the proverbial nut.

As it happens, however, we have all been on a journey. We have come to realise that the bill is technical in nature, complex in its proposals, a little bit controversial and perhaps even unworkable. Over the years, I have worked on a number of bills, and the committee's stage 1 report is, sadly, the least positive and most critical that I have ever drafted. Its 70 pages are littered with critique, concern and consternation about the Government's approach to the problem.

However, before I go into that, I want to get something else off my chest, and it will be no surprise to anyone. The truncated scrutiny that is being asked of us to pass the bill does two things: first, I am afraid that it makes a mockery of how we ought to make and pass law in the Scottish Parliament, because the 70-page stage 1 report came out only last Thursday ahead of a bank holiday weekend, the Government's 36-page response came out only yesterday on said bank holiday, and here we are having the stage 1 debate and being asked to vote on the general principles of the bill tonight.

We are being asked to support the general principles of a bill that is littered with complications and controversy. How many members who are not on the Criminal Justice Committee can say, hand on heart, that they have had enough time to review the report and the Government's response and inform themselves enough to vote on the matter, notwithstanding what their whips tell them to do? It is not on and not good enough.

**Martin Whitfield:** Does Jamie Greene agree that a shorter bill that dealt with the priority element—adults purchasing fireworks or passing them on to those under 18—could have been achieved much quicker, with far less need for concern and without a reduction in time for parliamentary scrutiny?

**Jamie Greene:** Yes, and it should have been. I will come on to the loophole issue, because it is an important point. The Government is asking us to rush the bill through because it wants to close that loophole before bonfire night this year, and I support it in that; that is something that we could have done. The so-called proxy purchasing issue is a live one, which we discussed in the committee, but we are being asked to bypass the well-respected, tried and tested and robust process of parliamentary scrutiny of legislation. We need to make sensible law, but I am afraid that asking members to suspend and breach standing orders is no way to legislate, if that gives the member any comfort. We are being asked to truncate the three-stage process in the next seven weeks.

The bill is far bigger and wider than closing that loophole—why? Because it creates a licensing scheme for the purchase and ownership of fireworks, regulates the sale, purchase and use of fireworks, bans the private use of fireworks outside of permitted days that ministers decide, gives police stop and search powers that they do not currently have and creates firework control zones, whatever on earth those might be. The bill is big in impact but surprisingly scant in detail, which is the problem; so much so that the committee used the phrase “a lack of detail” in its stage 1 report more than five times.

From the brief time that I have had to digest the Government’s 36-page response, I think that it says, “Don’t worry—just pass the bill and we will fix all of this in secondary legislation.” That is great, but we do not rush bills such as this one for a reason, because the devil is in the detail. A stage 2 deadline is being forced on us in only two weeks, which is fine for the minister, who has a team of solicitors sitting up the back of the chamber helping her, but we do not, and I want to make sure that the bill that we pass is fit for purpose.

**Ash Regan:** I am not saying that I do not understand Jamie Greene’s and other members’ concerns—I accept them—but does the member accept that it is entirely normal to set out broad provisions in the primary legislation, because that is the appropriate place to put them, and put the administrative details in secondary legislation, because that allows them to be amended in future and is the appropriate place to put them?

**The Deputy Presiding Officer:** Jamie Greene, I can give you that time back.

**Jamie Greene:** I do not know when the minister last sat as a member of a committee, but she will know that secondary legislation is far from perfect when it comes to scrutiny. The minister will also know that the consultation that is needed to pass primary legislation is far greater. The three-stage process is what it is for a reason. We are a unicameral Parliament, so we need that time for scrutiny. We have all been clear that seven weeks is not enough.

On page 63 of its report, the committee says that it has

“very serious concerns about the Bill achieving its objectives. The Committee is concerned that there will be no time for our concerns to be addressed at stage 2 and 3 because of the fast-track timetable for this Bill.”

That was the collective view of the committee, and I agree with it. This is the weakest and most cautious recommendation for a bill at stage 1 that I have ever worked on. It is no secret that agreeing the general principles at committee was quite a battle. We wanted to keep politics out of it, because we want to demonstrate to the wider public that we as a Parliament want to address nuisance firework use. That agreement was in “good faith”, to use language that we used in the report, but the Government’s response to our many challenges was equally rushed and vague.

Let us go back to the beginning. I want to say why I am not brimming with confidence about the legislation. The overarching principles of the bill will ban the private use, sale and purchase of fireworks for defined periods of time, regulate and restrict the retailers that sell them to the public, and criminalise members of the public for the usage of fireworks outside randomly selected dates. Apparently, that is punishable by six months in prison—not that anyone goes to prison for six months in Scotland as it is.

All that might seem well and good to those who are watching and thinking, “Thank goodness Parliament is doing something about this.” However, the industry has told us that this might have the opposite effect and that an increase in the number of people who use fireworks inappropriately is the exact opposite of what the minister and the communities of Scotland want. Those are the industry’s words, not mine.

At the moment, we tend to associate fireworks with major celebrations, such as bonfire night and Hogmanay. However, the bill as drafted magically encourages their use on 57 days a year. Fifty-seven days is a lot. The chosen days on which we could use fireworks are rather ambiguous and arguably discriminatory. For example, Chinese new year and Diwali are in there, which is great.

The minister told me that there was, of course, widespread, extensive and inclusive consultation, which is well and good, but who in the Muslim community said that they were happy for Eid to be left off the list? Who in the Jewish community said that they were happy for Hanukkah to be left off the list? Who in the secular community said that they were happy for Beltane to be left off the list? If the consultation was true to its value and its point, why are those dates not in the magic list of when people can use fireworks?

**Ash Regan:** I feel that we have already had this exchange, but I confirm to Jamie Greene that there was extensive consultation in order to address the points that he is making and that the dates that are included in the bill reflect the dates that were provided to us on which fireworks are traditionally used as part of the celebration. I have also already explained to Jamie Greene that we have retained a power in the bill so that, should any further dates come to light that are not covered, the bill can be updated.

**Jamie Greene:** That makes my point exactly. It is inevitable that people will challenge the legislation and more and more dates will be added. I take the view that we should not restrict to that extent, but people who want us to tackle fireworks in a more restrictive way will be thinking that the bill simply makes a mockery of its principle by simply adding and adding as people challenge the Government in respect of its discriminatory practice on when people can and cannot use fireworks.

The bill does another thing that overarches the lot of it. There will be the ridiculous situation in which a person cannot let off fireworks in their own garden but, if their neighbour can afford to pay a company to do that, it can do so, because it is exempt from the legislation.

Who will be able to buy fireworks? After we pass the legislation, a person will need a licence, will need to pay a fee, although we do not know how much the fee is, and will need to sit a test, although we do not know what will be in the test or who will administer it. Only then will a person be able to purchase fireworks in the 37 days a year on which they can purchase them. Those 37 days are not the same as the 57 days on which people can use them. Confused? I do not blame a person for being so. None of that is even in the bill itself, of course.

**Pauline McNeill:** Will the member give way?

**Jamie Greene:** I need to make some progress.

We have been asked to hope for the best and told that it will all just work out.

The other point to make is about the impact on the industry. There are 10 small family-owned and

family-run businesses across Scotland that will, in effect, shut their doors. We are killing their market, and we need to be aware of that. It is all very well to say, "Don't worry. There'll be compensation, but don't ask me what it is, because I don't really know yet." They need to know that before we pass the bill at stage 3.

There are very valid questions about the black market. How many substandard or dangerous products will find their way on to our streets, into our homes and into people's hands so that people end up in hospital? How many of the white vans that we know already exist in communities will appear or multiply? How many people will see the legislation as an opportunity to flood the market outside the defined periods in which we can buy fireworks?

Again, I will refer to the committee's own words. It said that it is

"not convinced that the proposed licensing system will achieve the outcomes which the Scottish Government intends"

or about how it will work in practice. That is hardly a ringing endorsement.

I read the Scottish Government's response. It seems to say, "Don't worry. We will consult on this, but we can't do that in the next couple of weeks. Just pass the bill and we'll fix it."

I come to my last point, which is on the thing that bugs me most. It is entirely unclear to the Parliament whether we even need to further legislate to criminalise the use, sale and purchase of fireworks, because we already have laws that do a lot of that. Over the past five years, there have been 6,000 incidents in which fireworks have been recorded by Police Scotland. In those, 518 crimes were recorded under the Explosive Substances Act 1883 and the keeping and supply of explosives legislation. Only 136 charges were brought about under various offences over that time period, of which only 16 resulted in a criminal conviction. That is 16 criminal convictions over five years.

Let us take a snapshot of last year alone. There were 974 firework-related complaints to the police and 29 criminal charges were brought. Guess how many convictions there were—absolutely none.

It is already illegal to use a firework as a weapon, in antisocial behaviour or to attack people, including emergency service workers. It is already illegal to use a firework to vandalise properties. Let us have a think about this. If we used the laws that already exist to their fullest extent, maybe we would think twice about rushing the bill through.

I want something to be done, even as a pet owner, but that something could start now. The

industry presented the Government with a 10-point plan on improving safety and tackling antisocial behaviour, but the plan has largely been ignored. The bill creates so many exclusions, exemptions and permitted uses of fireworks that it is almost pointless. It is half-baked, half-hearted and messy. It does not go as far as a ban and it regulates to the point of confusion. The whole point is that the public want action—there is a palpable sense of frustration, which I share—but maybe that action should be to use the laws that we already have.

I will end where I started. As a committee, we worked hard, positively and constructively together to agree to a report that did the issue justice, but we caveated pretty much every single conclusion of the report, which is shrouded in doubt and suspicion. We want to help the Government to achieve a bill, but the Government needs to help us in return. We will support the general principles of the bill simply to allow it to pass to the next stages of the process, because I want the public to know that we are taking the issue seriously. However, the bill fills no one with confidence and I am afraid that I do not know whether we will be able to fix it in the few short weeks that we have.

The bill is a mess, and it is a mess of the Government's own making. Bad law will help no one. If the Government is serious about the issue, it needs to read the committee's report cover to cover and come back to us with a concrete and detailed response, and detailed proposals for how it will address the issues. We have done our bit; now the minister must do hers. She must do it properly and—goodness—she must do it fast.

15:22

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** As a member of the Criminal Justice Committee, I take great pleasure in speaking in the debate. When I began the process of scrutinising the bill, I believed, like other members, that it was more straightforward than it turned out to be.

The time constraints have not been particularly helpful, because further questions arose as we scrutinised the bill. That said, I fully understand the reason for those constraints, which is to have some provisions around proxy purchase in place before the bonfire season. It is important to put on record the concerns about the timescale, but all committee members agreed to the amended timetable, albeit with some reluctance. Some members have perhaps taken a step back from that, for good reason, but it is important to say that the committee agreed to the new timetable, and I think that we should stick to what we agreed.

There are undoubtedly some concerns about the bill, which I will come to. As others have said,

though, at its heart is an attempt by the Government to address the serious threat that fireworks and pyrotechnics pose and, indeed, cause to our communities. Although we do not have all the powers to act in this area, our constituents expect us to do what we can, and it is clear that legislation is needed.

Fireworks are explosives, and there are risks of injury with their use. We heard that the types of injury are wide ranging, with eye and hand injuries the most common, and that the number of injuries tends to spike around festivals and during private displays. This is serious stuff.

As well as causing environmental pollution, fireworks often cause significant levels of noise. That is particularly distressing for anyone with increased noise sensitivity, such as those with post-traumatic stress disorder or autism. Rob Holland, acting director of the National Autistic Society Scotland, outlined to the committee the great distress that fireworks can cause for people with autism. I think that we all agree that that is not acceptable.

Fireworks can also have greatly negative effects on pets and wildlife. Anyone who owns a dog—I do not, but I know lots of people who do—will be all too aware of the stress and anxiety that dogs exhibit on the evening of certain celebrations and holidays in which fireworks are involved.

The bill looks to address those issues by introducing the following restrictions. The bill will introduce a licensing system for buying, processing and using fireworks. The criteria for granting a licence are focused on demonstrating that an individual can use fireworks safely and responsibly. There will also be a requirement to successfully complete a fireworks training course before a licence is granted. It will be a criminal offence to buy, possess or use fireworks without a licence or to supply fireworks to a person without a licence. It will also be an offence to give fireworks or pyrotechnic articles to a child or to buy them on behalf of a child.

**Liam Kerr:** I am not on the committee, and, due to the lack of scrutiny time, I am not over the detail of the bill. Will Fulton MacGregor tell me whether there is a risk that, if we impose such restrictions on retailers and consumers, people will end up buying online and be in the same position as they were before but a load of Scottish businesses will be put out of business?

**Fulton MacGregor:** Liam Kerr will be glad to know that the committee has considered those issues in detail and refers to them in the report. If a person buys online, the online retailer will have to comply with the legislation in the same way as a shop. I will come back to the black market, which is where his question is going, in a wee bit.

As we heard, there are concerns about how effective the scheme will be. Will some people simply not apply for a licence but use fireworks regardless? Will some people be able to afford the fee more easily than others? I urge the Government to continue to consider those questions as we move to stage 2.

The bill also proposes to give our local authorities the power to designate firework control zones, in which areas the use of fireworks would be restricted. That would greatly reduce the risk of firework-related injuries to members of the public and would help to reduce the levels of noise-related stress from which many humans and animals suffer. The committee has recommended that how such zones would work in practice needs to be relayed to the general public. That is an important point.

The bill will make it an offence to be in possession of pyrotechnics while travelling to or attending certain places or events. The minister covered that issue in great detail. It is important, because we are all now familiar with pyrotechnics being used at particular sporting events and elsewhere.

The bill will also restrict the number of days each year when certain fireworks can be supplied in Scotland. As we heard, the Scottish Government engaged with various faith groups to ensure that important festivals would not be overlooked. The reasoning behind that provision is common sense and seems to have wide support from the stakeholders from whom we heard, mainly as it will allow people who are affected by fireworks to take action to mitigate any associated harms. However, as my colleague Jamie Greene articulated, the committee has some concerns about it.

For example, the Government deciding what days are important could be ethically problematic. I am sure that it is not lost on the minister that, if the Government decides which days are important, other people might disagree. Also, with so many days scheduled, it is potentially confusing to the wider public as to when the police may take action on fireworks use. However, it is a difficult question to answer. Perhaps the Government could give more consideration to allowing local authorities more flexibility around locally important dates.

The restriction on the number of days will also affect retailers, as we have heard. The committee acknowledged that. David MacKenzie, who is the chair of the Society of Chief Officers of Trading Standards in Scotland, raised the point that the restrictions will have a significant effect on businesses that sell fireworks all year round, and he noted that the legitimate interest of such businesses should be taken into account. We

need to do that, and we need more information on the compensation scheme.

Concerns were raised about the possibility of a black market growing—that is perhaps where Liam Kerr was going with his intervention—with Ireland cited as an example. However, when the committee asked the Irish Government for a response on that subject, it did not raise any specific concern. That said, the Government must continue to monitor the issue closely.

**Liam Kerr:** It is not the black market that I am concerned about; it is people going online and legitimately buying from a website because they do not need to have any restrictions on them.

**Fulton MacGregor:** If it is a legitimate purchase, online retailers will be subject to the same conditions as anybody else.

The proposed legislation has the clear support of the public, as has been evidenced by a significant number of consultation, opinion polling and engagement opportunities that the Scottish Government has undertaken. Other countries and jurisdictions have taken similar, often stricter actions. It is right that we do what we can within the powers that we have to curb fireworks use.

The bill is not yet the finished article—nobody denies that—but we have the opportunity to make it better and more robust at stage 2, with the Parliament working together to achieve that, as we have done through the committee. The bill is partly about simply taking another step on our journey to changing our relationship with fireworks. As with the introduction of seat belts and the smoking ban, the bill will not change everyone's behaviour overnight, but, through time, it will help to shift behaviour by demonstrating where the Government and Parliament stand on the issue.

With the caveats that are outlined in the committee's report, I support the bill's general principles and encourage the Parliament to vote for them at decision time.

15:30

**Sue Webber (Lothian) (Con):** I welcome the chance to speak in the debate. We can all agree that more action should be taken to tackle antisocial behaviour that involves fireworks misuse, which can cause so much harm to our emergency workers, to people who are sensitive to loud noises and to our pets. I say to those in the chamber who do not know it that I have a lovely puppy who is involved in a competition.

Dogs Trust has contacted us to remind us that

"Dogs generally feel safer and more secure when they can predict and control their environment, so fireworks, which are inherently loud, bright, unpredictable, and difficult to escape from, can cause dogs immense stress and this has

a negative impact on their welfare. Fireworks can elicit undesirable behavioural responses ... such as avoidance (hiding away), not eating, trembling/shaking, panting, not being able to settle, agitation ... These are physical manifestations of"

dogs

"trying to cope with a perceived threat"

that they do not understand. I do not know how Alfie will react to fireworks—he is only four months old—but I will be glad to know that he will not be as stressed in the next period.

However, the fact that we know that something needs to be done does not mean that we should rush the decision-making process. The bill is being rushed through Parliament so that the SNP Government can avoid proper scrutiny.

The consultation showed support for taking tough action on fireworks misuse, and we agree that tough action needs to be taken to tackle antisocial behaviour with fireworks, but the law is being rushed through Parliament and is poorly drafted. Bad law will not fix the problems that the public clearly want to be addressed.

There has not been enough time to scrutinise the bill, which has significant flaws. There has not been a single full sitting day between publication of the Criminal Justice Committee's stage 1 report and Parliament's debating the proposal. Standing orders state that a stage 1 report must be published at least five sitting days before Parliament considers the bill's general principles, and that has not happened in this situation.

The bill's proposed licensing system has not been fleshed out, the firework control zones are confusing and the bill's impact on the growth of a black market and the future of the fireworks industry—online and in person—has not been made clear.

Antisocial behaviour that involves fireworks has been a long-standing issue in Blackburn, which is in the Lothian region. Individuals have misused fireworks at various times of the year, and especially around bonfire night—5 November. Over several years, the antisocial behaviour around bonfire night became more intense and problematic. In 2017 and 2018, police in riot gear were called in to deal with the situation because it got so bad. Because of that, Blackburn bonfire night action group was formed. Some members of that group are not convinced about how firework control zones will be policed and they think that the zones could have the reverse effect to that intended.

It would be good to have measures to tackle antisocial behaviour in place by bonfire night this year, but it is not Parliament's fault that the SNP Government wasted so much time that it could not

introduce the bill earlier. Police have highlighted potential enforcement issues with the bill, and the fire service has pointed out that firework control zones might simply shift the location of antisocial behaviour. Those issues must be addressed before the bill becomes law.

The Scottish Conservatives support doubling the maximum sentence for assaulting an emergency worker. Under current legislation, the maximum sentence for that is 12 months.

**Ash Regan:** Will the member take an intervention?

**Sue Webber:** I am closing, thank you.

**Ash Regan:** There is time in hand.

**Sue Webber:** It is up to me—sorry.

The SNP's ban on prison sentences of 12 months or less means that those who are convicted under the bill will avoid prison.

Although we are broadly supportive of the intentions of the bill, the SNP Government has failed to provide sufficient details of its proposals so far. The SNP Government needs to give Parliament sufficient time to scrutinise the changes that need to be made to the bill, and they must all be addressed before it becomes law.

**The Deputy Presiding Officer:** You are right about interventions, Ms Webber, but purdah rules forbid campaigning on the Holyrood dog of the year elections in the chamber.

15:35

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** As a member of the Criminal Justice Committee, I am pleased to be speaking in today's stage 1 debate. The bill is a complex one, with many moving parts, so I thank the committee clerks and the bill team for turning the stage 1 report around so quickly. It truly was a herculean effort. I also thank the minister for responding to the report in time for today's debate.

We have heard in the opening speeches about the challenges that the bill presented to the committee, and there are challenges surrounding the fast-tracking of the bill. However, in all honesty, I do not believe that the general public care very much about our parliamentary processes; they just want the noise and annoyance of fireworks going off in their neighbourhoods with increasing regularity to stop. We know that to be true from the public consultation that was carried out in 2019, which returned 16,420 responses, 94 per cent of which said that increased control of the use of fireworks would be welcome.

**Liam Kerr:** I do not necessarily disagree with the member's point, but she will presumably accept that what the public really wants is legislation that has been fully scrutinised and which will work, rather than just something that has been put in place for the sake of it.

**Rona Mackay:** Obviously, legislation will have to work, and we will have the chance for scrutiny at stage 2. It is quite clear that the public just want us to take action now. It is clear that something had to be done about the burgeoning use of fireworks, which were, at one time, set off only on 5 November but are now being used regularly throughout the year.

Let us start at the beginning. The purpose of the bill is to protect public and community safety and wellbeing by ensuring that fireworks and pyrotechnics do not cause harm, distress or serious injury, because, unfortunately, that is all too often what they do.

The bill introduces a cultural shift in how fireworks and pyrotechnics are used in Scotland, and it is a cultural shift that the people of Scotland clearly want. Speaking personally, I would have preferred the changes to mean licensing for organised displays only, but it is not within the Scottish Government's powers to ban the purchase of fireworks, as consumer law is not fully devolved to Scotland.

The bill that we are debating today will introduce licensing, restrictions on the supply and use of fireworks and pyrotechnic articles and firework control zones, designate certain venues or events and deal with exemptions and enforcement. There is a lot in there, and six minutes is not long enough for me to go into detail on every aspect.

As we have heard, most provisions will be introduced next year, but the bill is being fast-tracked in order to plug a gap in current legislation and ban the proxy sale of fireworks or pyrotechnics to young people under the age of 18 this year.

It is crucially important for the Scottish Government to respond to the wishes of the public, and this bill is the start of a framework, developed in conjunction with the independent firework review group, that will shift the landscape for the public buying and using fireworks for years to come.

The committee asked why it was not possible to introduce this year's relatively minor provision by secondary legislation, but the Fireworks Act 2003 relates to commercial supply and, again, is reserved to the UK Government. However, as I said earlier, that will be of little or no interest to the general public, who just want us to get on and do something.

The committee heard compelling evidence from Police Scotland, the Scottish Fire and Rescue Service, the SSPCA and the National Autistic Society Scotland, all of which supported restrictions on the sale and use of fireworks, and here is why: neurodiverse people, war veterans, the elderly and, of course, pet owners and livestock owners dread the noise and disruption that fireworks cause. Whole neighbourhoods sound like war zones, and the emergency services are on high alert. I vividly remember the terror that my dogs went through with each ear-splitting bang. Fireworks might be lovely to look at, but why do they need to be so loud and disturbing? Is all that noise and distress really worth it?

That brings me to a line of questioning that my colleague Collette Stevenson articulately pursued around the possibility of the widened use of silent fireworks. I am sure that Collette Stevenson will address that when she speaks, so I will leave her to expand on that.

As we have heard, there is increasing evidence of antisocial behaviour relating to fireworks, which is why the legislation is necessary. On a committee visit to Blackburn in West Lothian, members heard of serious antisocial behaviour relating to fireworks in certain areas. Something had to be done. However, there are aspects of the bill that need clarification and simplification, particularly around licensing, the no-firework zones and enforcement. I am sure that more on all that will come out at stage 2, and the minister has said that she will listen to views on no-firework zones.

As our report says, much of the detail around those aspects, which are planned for next year, was not available to the committee. The committee asked for those provisions to be proposed under the super-affirmative procedure in order to afford proper scrutiny. I am disappointed that the Government chose not to do that; however, the affirmative procedure will allow some scrutiny.

There are issues around avoiding a potential black market, which is just one of the concerns that were highlighted by representatives of the fireworks industry when they gave evidence. The Government has said that trading standards and the new licensing laws will combat that issue, but it still needs careful monitoring.

There might also be issues with public confusion, and I agree with Pauline McNeill's point about when people can buy and set off fireworks. It is also vital that the licence fee is reasonable and affordable, and that the regulations are enforced. I note that the Government is committed to introducing a mock user journey of the licensing system ahead of stage 3, to set out in more practical terms how the system is planned to work,

which I welcome. It is essential that the Government launches a large public awareness campaign so that people understand the new legislation from the outset.

As the convener said, the committee will work with the Government on the next crucial stages of the bill to clarify some of the concerns. The Government wants people to enjoy fireworks safely and to reduce the public nuisance that they are becoming. This is the start of the journey towards making firework use safer and less intrusive for everyone, and I urge members to pass the general principles of the bill at decision time.

15:41

**Martin Whitfield (South Scotland) (Lab):** It is a pleasure to participate in this stage 1 debate and to follow Rona Mackay's contribution. I agree with the bill's intentions, and I compliment the Criminal Justice Committee on its long and excellent report.

Scottish Labour and I recognise that the majority of people want to enjoy fireworks, and we believe that they should be allowed to do so responsibly. However, Scottish Labour also understands the impact that the dangerous misuse of fireworks has on the public, including people who discharge the fireworks, as well as the burden that it puts on the police and emergency workers. I welcome the preventative measures that are aimed at addressing concerns about the misuse of fireworks and, in particular, at keeping people and animals safe. However, in line with the committee, I remain concerned that there are gaps and a lack of clarity in the bill that might undermine the intentions of the legislation.

I take the opportunity to thank Dogs Trust for its briefing on the Fireworks and Pyrotechnic Articles (Scotland) Bill. As a dog welfare charity, it reports the very negative experiences of fireworks. As we have heard, dogs generally feel safer and more secure when they can predict and control their environment. Fireworks can also affect cats and other pets, children, young people and other members of our communities who fear fireworks because of the noise and the unexpected environment that they create. However, the bill will not put that right, because we will still have fireworks. Therefore, there is still a tension between two points of principle: the need to protect the communities of Scotland in the best possible way, and allowing the use of fireworks for the celebration of major cultural events both by particular communities and by Scotland as a whole.

There are some areas of concern, the first of which is the issue of supply to people who are

under 18 years of age. At paragraph 65 of the committee report, the committee stated that

"the Government's decision to use this Bill as the means to address this issue also means the substantial complex new provisions to restrict fireworks receives limited scrutiny, with much of the substantial detail left to be developed in regulations"

that will follow. In its response, the Government was wholly silent on that element, so I would welcome the minister's views on whether and, probably more important, how the Government intends to develop and allow scrutiny of the proposals by both the Parliament and, as I mentioned in my intervention, by stakeholders outside the Parliament. Given the expedited timetable, in the run-up to November 2022, we do not want to end up in the same situation as we did with the census, and have to rush to get elements of the bill passed into legislation.

My second area of concern relates to the proposed licensing system. I note the committee's support for the licensing system, although much of the detail is lacking.

The Government believes that the system will not lead to a black market in fireworks. However, illegal markets have developed elsewhere, and for other products—I am thinking in particular of tobacco. In its response, the Scottish Government said that it

"notes the request of the Committee for an outline of the steps that will be taken to prevent the potential growth of a black market."

It goes on to say that it considers that the licensing system

"strikes the balance between ensuring that necessary safeguards are in place so that fireworks are purchased and used in a safe and appropriate way."

However, the Government has not set out the steps that it will take to prevent the development of an illegal market; it merely reiterates its view that that will not happen. I do not share the Government's confidence in that regard. Therefore, it would be helpful if the Government could set out what steps it will take to identify the development of an illegal market and how it will stop that developing.

At paragraph 194 of its report, the committee says:

"The Scottish Government should consider that the illegal acquisition of fireworks and pyrotechnics may occur. Furthermore, it is unclear how current legal online purchases will work across the UK."

In its response, the Government says at paragraphs 30 to 33—I think that this was mentioned in an intervention—that displacement of firework sales will not happen because of the licence system and that the bill covers the entire supply system. However, illegal markets develop

and operate outside the supply system; that is why they are illegal markets.

Unfortunately, I fear that those with—I will take care in my choice of words—entrepreneurial skills might see an opportunity to make money at the expense of legitimate suppliers. What confidence does the minister have that the policy will not be invalidated by an increased supply of unregulated fireworks? By unregulated, I am not referring to their manufacture but to the whole supply system.

The Government will set up the licensing scheme, but, of course, enforcement will rest with Police Scotland and local trading standards. Given the crisis in recruitment for local trading standards and the cuts that have been applied to local government during the past 14 years, what confidence does the Scottish Government have that local authorities will be in a position to enforce the legislation successfully in this financial year by November 2022?

I am aware from the Government's response that it will continue to discuss the issue with the Convention of Scottish Local Authorities, but I would like assurances that there will be additional funding rather than funding being expected to come from other budgets that are in local authority control.

The proposed licence scheme is complex and lacks key details. It would be helpful to have those details.

If the Presiding Officer will indulge me, I will mention two elements that concern me. The first is about dates and the power that the minister seeks to regulate additional dates. Has any consideration been given to sporting events, including tournaments, where pyrotechnics are used frequently at the start and the end of games? My second concern is about children's galas on the east coast, where fireworks also play a predominant part.

Given the nature of the scrutiny at this stage, although the legislation might deliver a culture change in the use of fireworks at private events, it is not clear how that will address firework misuse and antisocial behaviour, which are, I believe, of most concern to the people of Scotland. Those also remain an area of concern for me.

15:48

**Collette Stevenson (East Kilbride) (SNP):** As a member of the Criminal Justice Committee, I am pleased to speak today in support of the general principles of the Fireworks and Pyrotechnic Articles (Scotland) Bill. There is a balance to be struck between the responsible enjoyment of fireworks and tackling misuse and the negative impacts of noise. Many respondents to the

consultation asked for more action on tackling the nuisance element and antisocial behaviour.

The bill will protect public and community safety by ensuring that fireworks and pyrotechnics do not cause harm, distress or injury. Importantly, the bill will also protect wellbeing—for neurodiverse people, for people with PTSD and for animals—which is demonstrated by the support for the bill from stakeholders including the Dogs Trust, the National Autistic Society Scotland and the Scottish SPCA.

Through the introduction of a fireworks licensing system and new criminal offences, the bill will ensure that appropriate action is taken over the sale and use of fireworks, as well as reducing the misuse of flares.

In terms of getting the balance right, many people view organised fireworks displays as fun and an important cultural tradition. Professional displays are popular, particularly at Hogmanay and for Guy Fawkes night and, by their nature, most people in the community are aware of when and where they will be happening and can plan accordingly. For example, people with autism and PTSD, or pet owners, can make plans to minimise the potential impacts.

However, I am sure that other members will also have heard the sentiments of people who say that when fireworks start going off randomly from October onwards the impact of the noise can be distressing, and that antisocial behaviour can be very frightening. From a personal perspective, I know the effects that fireworks can have on dogs; I have had to get in touch with the vet to get medication to settle my dog. I believe that the steps outlined in the bill will help to tackle those issues.

On the theme of noise disturbance, I want to talk a bit about the potential for low-noise fireworks. When I shared the consultation on my Facebook page, a lot of people got in touch to say, "Could we not just have silent or low-noise fireworks?" In committee, I asked the minister whether the legislation could perhaps incentivise people to buy lower-noise fireworks. I appreciate the minister's interest in that suggestion and that there is scope to include it, following further talks with industry.

In an evidence session with representatives from the fireworks industry, we heard that low-noise fireworks are not new and are on the market. I will reiterate the answers of those representatives to my line of questioning, because the issue is important. They said that low-noise fireworks are readily available and cost roughly the same as high-noise fireworks. However, I accept that many consumers do not know that lower-noise fireworks exist and that staff can do only so much to encourage people to try them.

**Jamie Greene:** I appreciate that the member has spoken about the matter a lot in committee. It is an important point, but there is no such thing as a silent firework; they all make a noise to some extent. However, the problem is this. The shop representative who came to give evidence said that people do not know that low-noise fireworks exist, but that they are offered that information when they come into the shop. People in the shop let customers know that they can buy low-noise fireworks, but how will they be able to do that when such shops close their doors?

**Collette Stevenson:** I take that point on board, but there is no certainty that they will close. Having spoken to those representatives, I believe that bigger supermarkets such as Sainsbury's, Asda and Tesco are selling low-noise fireworks, as well. I will come on to that in relation to raising awareness.

I hope that the debate will help to raise awareness of the low-noise alternatives and that retailers will be encouraged to stock more low-noise products. I would like to see more education on that. Perhaps it is something that the Scottish Government, the fireworks industry, Police Scotland and the third sector could work on jointly.

In its briefing for the debate, the Dogs Trust made an interesting point about the labelling of fireworks, requesting that the decibel levels should be on the packaging to help buyers to make informed choices. I hope that retailers could consider that, and I would be interested to know the minister's views on that and whether she could discuss it with the UK Government.

However, we should be aware that noise is not the only issue. Antisocial behaviour surrounding fireworks is a huge problem. Police officers and firefighters are often on the receiving end of attacks that can lead to severe injury. Furthermore, just as the noise can be harmful, seeing fireworks can cause distress for some neurodiverse people. The bill's proposals for licensing and firework control zones will help with that and increase the powers of the police.

The Criminal Justice Committee has signalled its support for the general principles of the bill, and I hope that the Parliament will do the same. As the minister knows, the committee is keen to work with her to develop the proposals and I look forward to continuing that work. There is an opportunity through the bill to improve community safety and protect wellbeing, so I support the motion.

15:55

**Maggie Chapman (North East Scotland) (Green):** I thank the Criminal Justice Committee for all the work that went into its scrutiny of and

report on the bill. I have followed the committee's discussions and deliberations with interest.

I thank, too, all the people who gave evidence to the committee and those who provided briefings and information in advance of the debate, particularly the animal welfare charities. It will not come as a surprise to members that, as a member of the cross-party group on animal welfare and as someone who is totally sappy about animals, I have strong opinions about fireworks and their use.

On behalf of the Scottish Greens, I welcome the bill's introduction to the Parliament and support its general principles. We believe that fireworks ought to be more strongly regulated to ensure that they are used by appropriate people at appropriate times, for the benefit of as many people as possible, while minimising distress as much as possible.

Although regulation of sale is reserved to Westminster, there are steps that can be taken now to achieve stronger regulation in Scotland. The bill takes a step in the right direction by further limiting the sale and use of fireworks and pyrotechnics. We would like it to go further, as our policy is to stop public sales to individuals entirely. However, we will work constructively over the coming weeks to make the legislation as robust as possible.

We have heard already the varied uses of fireworks and pyrotechnics, from the spectacular and celebratory to the functional. Most of us will have encountered and perhaps even enjoyed fireworks around Chinese new year, Diwali and, of course, Hogmanay. Fireworks clearly play an important role in cultural and religious celebrations across Scotland in many different communities.

However, we have also heard about some of the negative impacts of fireworks. Although firework displays are traditional at certain festivals in the year, they are dangerous explosive devices that cause significant amounts of distress to many people, to pets and their owners and to other animals with whom we share our world. Many of us dread certain times of the year that should be celebratory and fun.

There is a wealth of evidence that fireworks can and do cause significant detrimental effects to the health and wellbeing of many people and animals—not just pets but wildlife. Some neurodiverse people and those with stress disorders, panic disorders or sensory disabilities are negatively triggered by fireworks, and the negative impact on pets is well understood. I will not be alone in having personal experience of that: when I was a child, one of our much-loved family pet dogs ran away from home after being terrified by a nearby fireworks display. We were lucky: we

found Roly after only four days and, somehow, he had avoided physical harm. However, others are not so lucky.

The briefings and evidence that have been provided by the Dogs Trust, the Blue Cross, the SSPCA and others outline the grave psychological and physical harms that are experienced by animals as a consequence of the proper and improper use of fireworks. I stress that harm is caused by all use of fireworks.

**Jamie Greene:** I am sorry to hear about Maggie Chapman's personal experience around animal welfare and the use of fireworks. Given everything that she has said in the past three and a half minutes, and given that the Green Party sits in the Scottish Government, why is she not pushing the Government for an outright ban on fireworks, if that is her party's position?

**Maggie Chapman:** We do not have the powers in Scotland to legislate for a full ban as we would see it. That is why I see the bill as a step in the right direction—it is only a step.

I return to the harm that is experienced by animals. We understand that clearly in the case of our companion animals—our pets—so we can also understand that other animals are similarly affected. We should be concerned for their welfare, too.

As we have heard, there are grave concerns about the safe use of fireworks. We have recently seen some of the damage that the misuse of fireworks can cause at mass gatherings, such as sporting events. There are also important health and safety considerations for our emergency services: they should not be put at risk of injury by the misuse or abuse of those explosives. Fireworks should never be used as weapons against any living creature, human or otherwise.

I have heard the concerns that committee members and others have raised about the timescale for the passage of the bill through the parliamentary process. I too would like to see more information on and the detail of the licensing system and fees involved, the definition and allocation of control zones, the training that will be required to qualify to use fireworks and pyrotechnics, and more. There have been some interesting contributions, including from Colette Stevenson, about exploring the use of low-noise fireworks and ensuring that fireworks are clearly labelled with their decibel levels. I hope that the minister will comment on that in closing.

I agree with Rona Mackay and others: there is general agreement that we need to do more to protect public and community safety, and the wellbeing of our pets and other animals, and that people want the anti-social use of fireworks that is becoming more prevalent in our communities to

stop now. I look forward to working with others across the chamber as scrutiny of the bill progresses.

16:01

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I thank the minister for her comments regarding some of the DPLR Committee's recommendations. She said that a stage 2 amendment will be lodged regarding the use of the affirmative procedure, which I am sure that my colleagues on the committee will welcome. I also note what the minister said in paragraph 107 of her response to the Criminal Justice Committee, in relation to the DPLR Committee's recommendation on the power in section 35(2)(b) of the bill to make regulations, in which she indicated that the Government is still considering a stage 2 amendment that would change the procedure for such regulations from the negative to the affirmative procedure.

I welcome the bill, and I know that many of my constituents will, too. Every year, in the lead-up to and the aftermath of Guy Fawkes night, my office is inundated with emails and calls about the impact of the improper use of fireworks. I say "improper" because there will always be people who, for whatever reason, do not like fireworks, even in professionally organised displays. Better regulation of how members of the public can purchase and use fireworks will therefore ensure that those who do not like them, or who fear them, are less likely to be subjected to fireworks being set off at random times of day, often for weeks before and after 5 November.

The real issue is when firework use becomes antisocial behaviour. That can cause huge distress to people, animals and the environment, some of which we have already heard about. Fireworks can raise levels of background noise by several dozen decibels, and increased noise levels can cause distress to those with noise sensitivity, including autistic people, veterans and refugees living with PTSD. I know that from people who have contacted my office in the past few years, especially some of the veterans I have had dealings with.

Having their livestock startled by fireworks can negatively impact farmers, as we have heard, and pet owners know of the sheer panic that firework noise can cause animals to experience. I commend the Dogs Trust for its briefing for the debate, which states that

"fireworks can elicit undesirable behaviour or behavioural responses in dogs such as hiding away, not eating, trembling, panting, not being able to settle, agitation, urination, defecation and trying to escape i.e. scabbling at doors."

For veterans who have PTSD or refugees who have fled conflict zones, fireworks can be a trigger for trauma. At a time when Russia continues to bomb Ukraine daily, and when some of us may have met Ukrainians who have come here to survive, we can only imagine the triggering effect that fireworks might have on people who have fled conflict zones. That is why I welcome the bill, as it will ensure that appropriate action is taken over the sale and use of fireworks, as well as reducing the misuse of pyrotechnic devices such as flares. It has already been said that pyrotechnics have been used at some sporting events. Last weekend, at an event not in Scotland but in England, a footballer picked up a pyrotechnic and threw it back towards the crowd. That incident is being investigated by the relevant authorities.

The bill is an important step towards reducing the burden on emergency services in preparing for and responding to firework-related incidents. In my constituency, sadly, there have been incidents in which large-scale bonfires and ad hoc fireworks displays have wreaked havoc on communities and have occupied huge amounts of emergency services' time. That has a knock-on effect for others in the constituency who may require emergency services' assistance. Let us not forget that if fireworks are not handled responsibly, they can cause serious injury and even prove fatal.

I mentioned the issue of use at sporting events. The Union of European Football Associations regularly fines football clubs in Scotland and elsewhere because of the use of pyrotechnics in football stadia. In my opinion, having pyrotechnics in a football stadium does not make common sense, because they are dangerous. In addition, fireworks can pollute the air with gases and particles that can contain metals and other elements that are potentially harmful to human health. Local air pollution, the frequency of cultural traditions involving fireworks and climatic factors can all influence the impact of fireworks on the environment.

The Scottish Government has already moved quickly to introduce regulations restricting the times of day that fireworks can be sold to the public and the volume that can be supplied, as well as the times that fireworks can be set off. However, it is clear that the public want to see more action: 84 per cent of respondents to the 2021 consultation backed the introduction of a fireworks licensing scheme, which the bill will deliver. The introduction of such a scheme will mean that members of the public will need a licence to buy, possess or use fireworks. Businesses that supply fireworks will need to confirm that people who receive those fireworks either have a licence or do not need one.

The bill also specifies that fireworks can be supplied to, and used by, members of the public only at certain times, including Guy Fawkes day, Hogmanay, Chinese new year and Diwali. Paragraph 157 of the Criminal Justice Committee's report quotes Alasdair Hay's comment:

"I feel that the bill strikes the right balance."—[*Official Report, Criminal Justice Committee*, 16 March 2022; c 16.]

I know that there have been a number of comments about when fireworks can be utilised and sold, particularly for cultural events. However, Alasdair Hay has a huge amount of experience in trying to protect Scotland, and I think that he should be listened to.

16:07

**Siobhian Brown (Ayr) (SNP):** I want to say how welcome the bill is. I was first elected as a councillor in South Ayrshire in 2017. The misuse of fireworks has been a constant concern for all my constituents. That was reflected in the response to the 2019 consultation, in which more than 16,000 people participated. A substantial majority of 94 per cent of respondents thought that there should be more control over the sale of fireworks. Jamie Greene said that the public want progress. Although I do not sit on the Criminal Justice Committee, a lot of questions have been raised today that I hope will be answered at stage 2, so that we can progress the bill, given the appetite for reform.

I grew up in Sydney, Australia, where 26 January is Australia day. We celebrate the day with family, barbecues and, of course, plenty of fireworks. However, in Australia, things are done very differently. For the majority of the country, public possession and use of fireworks are banned in order to reduce the number of accidents, burns, injuries and destruction to property. Only licensed, organised displays are permitted, and plenty of warning is given to allow people to properly prepare themselves.

The bill that is before Parliament takes important steps to make the use of fireworks safer and more enjoyable for everyone across Scotland. It takes a cautious approach, as has been done in other countries throughout the world, to create a cultural shift in how fireworks are used in Scotland. I welcome that the proposal clearly outlines at what times of the year fireworks can be supplied and used by members of the public. That was widely welcomed in the bill's digital engagement study, which commented that that would allow members of the public who might be impacted by fireworks to mitigate disruption by having a better idea of on what dates to expect firework use.

**Jamie Greene:** It is interesting that the member uses the example of Sydney, where members of the public simply cannot set off fireworks unless the displays are organised. I wonder why the Government has not taken that approach. Outside individuals' public use, members of the public can pay a company that would be completely exempt from the licensing scheme to put on a fireworks display on any day of the year. How would that solve the problem of inappropriate firework use?

**Siobhian Brown:** I do not think that Holyrood has the legislative ability to ban fireworks.

**Jamie Greene:** That is not what I am talking about.

**Siobhian Brown:** Sorry?

**The Deputy Presiding Officer (Annabelle Ewing):** Excuse me. If Mr Greene seeks to make another intervention, either take it or do not take it, but there should be no sedentary conversations, please.

**Siobhian Brown:** Thank you. I will address Mr Greene's point further on.

As I have mentioned, since coming into office, I have received many emails from constituents about excessive firework use in the area, and—let us face it—Guy Fawkes night usually turns into Guy Fawkes month.

Over the past couple of years, the pandemic has hit hard on people's mental health. The COVID-19 Recovery Committee has been taking evidence from experts on that. In no way do I doubt that the excessive use of fireworks will exacerbate that for certain individuals, especially our troops. We all know that post-traumatic stress disorder is a real issue for those who return from the horrors of war. That is why Combat Stress urges the public to buy only silent fireworks—although a loud bang might mark a fun night for some people, it could transport others back to scenes that they would rather forget.

Last October, there was a horrifying explosion in a house in Kincaidston in my constituency of Ayr. Six months on, the Kincaidston community still feels the horrors of that night. Only weeks afterwards, some people decided to let off fireworks locally for Guy Fawkes night. That thoughtless act caused deep distress to the local community, which was still coming to terms with the events of that awful night.

As we have heard, it is not just people who are affected by fireworks; our animals are, too. We are a nation of animal lovers, and that is why some people have an issue with fireworks. We have seen how fireworks can impact on animals, especially dogs, and many of my constituents choose to sedate their dogs around November.

Back in 2018, I remember that fireworks were being let off around Christmas time, and a local rescue dog was so terrified that it managed to escape and run to a very large local park called Belleisle. I and other volunteers spent a few very cold days in our cars, guarding the entrances to the park, in case the dog emerged. Thankfully, after three days, the dog was found safe and sound, but it was still shaking from the experience.

The Blue Cross notes that the current system of easy public access to fireworks and poor enforcement of existing legislation is having a detrimental impact on animal welfare. It further believes that, if administered and enforced strictly, the bill will bring about a greater appreciation of animal welfare and will reduce the numbers of pets and wildlife that are injured or even killed by fireworks in Scotland.

The Dogs Trust, along with many other groups and individuals, believes that firework use in Scotland should be limited to licensed, organised public displays at certain times of year, and events such as weddings. I agree with that principle. However, the issue is largely reserved, and the Scottish Government does not possess the powers to implement a full ban on the sale of fireworks to the public. I therefore hope that the Scottish Government will work closely with our counterparts at Westminster to come to a solution on that. In the meantime, I believe that the licensing system that the bill proposes will stop careless individuals from obtaining fireworks and causing distress to our communities.

I am sorry, Presiding Officer—I know that I am running out of time.

Importantly, the Labour amendment takes note of paragraph 386 of the Criminal Justice Committee's report, which expresses concerns about the fast-tracked nature of the bill, which may allow for less time for scrutiny and amendments. However, the bill has been a long time in coming, and it is important that we progress it.

My colleague Rona Mackay has said that the people of Scotland want us just to get on with it, and I agree 100 per cent, given the strong feeling in my constituency. That is why I fully support the bill and agree that it will be an important step towards creating a cultural shift in how fireworks in Scotland are used.

16:13

**Douglas Lumsden (North East Scotland) (Con):** We all should and could work together on the bill. From the consultation, it is clear that the public supports changes to the legislation. However, the way in which the devolved SNP Government is going about its business is a disgrace. Suspending standing orders to rush the

debate through shows complete contempt for the Parliament. The standing orders are in place to ensure good governance and to allow us to follow a proper process. Maybe the minister will take the opportunity, when summing up, to apologise to civil servants who had to work over a bank holiday weekend to prepare reports and so on in order to rush things through for absolutely no apparent reason.

There are many potential unintended consequences of the bill, many of which are discussed in the committee's report, and that is why it should not be rushed. Rushed legislation will lead to bad legislation, and that will take up more time in the long run. The Government needs to take the time that it needs to get it right first time, because the bill has more holes than a sieve.

However, I point out that we agree on so much. Every year, our communities are blighted by antisocial behaviour with regard to fireworks. The greatest impact is probably on our much-loved pets and animals; I see many reports in the local press and on social media about the impact that fireworks can have and the distress that they can cause. It is right that the Government takes action to curb the use of fireworks and to regulate their sale more effectively, but it is not right to overturn the parliamentary process in order to do so.

It is clear that the public supports restrictions on the sale of fireworks, with 94 per cent of those who responded to the consultation agreeing on more controls over their sale. Many called for a full ban, but I feel that more consultation with retailers and suppliers would have to happen before legislation went any further.

One constituent in my North East Scotland region, Norman Donald, who is the owner of NJE Fireworks Displays, said:

"There's nothing in the Bill that addresses the misuse of fireworks ... All it is doing is punishing businesses, putting them out of business, and punishing law abiding citizens who've enjoyed fireworks in their gardens for years."

He went on to say:

"If the public can only buy them for that length of time"—  
as specified in the bill—

"then it's going to encourage hoarding and stockpiling which is going to be very, very dangerous."

The Government must act on the storage of fireworks to prevent that potentially dangerous practice.

Mr Donald also raised legitimate concerns that the use of illegal and unsafe fireworks may become more widespread, which could have a devastating impact.

We need a measured approach in the legislation to ensure that we tackle antisocial behaviour while

protecting the livelihoods of those who depend on the industry. That includes people such as Norman Donald, who has been professionally involved in the industry for his whole life, with his business providing a livelihood for him and his family. That cannot simply be taken away from him with no compensation at all.

There has not been nearly enough time between the committee report on the bill and the stage 1 debate to allow us to consider the implications. To legislate in haste will mean repenting at leisure, and businesses will face the brunt of this rushed legislation. The timetable was also condemned by the committee, which concluded:

"This Bill is being scrutinised to an expedited timetable, to meet the Scottish Government's wish that it be passed before summer recess only in order to bring in the provisions on proxy purchasing and prohibiting the possession of certain pyrotechnic articles in advance of November 2022. The lack of detail, data and evidence has hindered our ability to fully scrutinise some of the key proposals and we therefore have substantive reservations about their workability and effectiveness."

That is not the Opposition speaking, but the committee itself.

The bill is rushed, and I ask the Scottish Government to reconsider the timetable to ensure that we get it right for everyone, including events companies, producers, the public and anyone who enjoys fireworks, as well as animal welfare people and our pets.

We are willing to work with the Government on the issue, but not in this rushed way. In order to develop proposals that work and that we would all wish to support, I ask the minister again today if the Government will withdraw the bill at this time, allow the adequate time that is required for parliamentary scrutiny and meet with Opposition parties to discuss a way forward on which we can all agree.

16:18

**John Mason (Glasgow Shettleston) (SNP):**

This is an important subject for a wide range of people, and I am pleased to take part in the debate today, although I am not a member of the committee. The issue is very relevant for people in my constituency, including those who set off and enjoy fireworks. That includes children and young people, and I confess that I enjoy watching fireworks myself. However, others find them more of a problem, including human victims when they are used against people, and animal owners and rescue centres, including the Dogs Trust centre that is situated between Mount Vernon and Broomhouse in my constituency.

My own feeling is that fireworks are inherently a good thing, and I would not want a complete ban,

or even a ban on sales to the public. I agree with the aim of the bill, but in putting in place further restrictions, we need to get the balance right. I visited the Dogs Trust and spoke to those who work there about the subject more than once. They were finding that fireworks were being set off deliberately, close to their premises, with the intention of frightening the dogs in their care. Many of those dogs suffer from a distressing background, and the Dogs Trust had to spend a considerable amount of money adding additional doors with double glazing to try to reduce the amount of noise coming into the kennels from fireworks.

The Dogs Trust would ideally like a complete ban on the sale of fireworks to the general public, but at the least it would like the days on which fireworks can be sold and used to be further limited, a more robust licensing system, a full ban in firework control zones and clear labelling.

Paragraphs 210 to 269 of the committee report consider part 4 of the bill, which is on firework control zones. I confess that I was surprised that no-firework areas were not proposed. I agree that there would have to be good communication with the public on why any fireworks should be allowed near animal centres, because that seems counterintuitive. I note that the SSPCA has concerns about the exemptions—for example, in relation to its largest care centre in Cardonald.

There is a question about why professionally organised displays should be allowed in a control zone. I take the point that zones with no fireworks at all might move antisocial issues to a different area, but in one sense that is what we are trying to do to protect areas that are more sensitive for a variety of reasons, such as those near animal rescue centres or veterans centres.

In paragraph 253, the committee states that it is not convinced that the right balance has been struck on no-firework areas and makes the point that firework control zones

“may fall well short of the expectation of the general public”.

I agree with the committee’s recommendation in paragraph 257 that local authorities might be able to “establish genuine no-firework zones”, and I welcome the minister’s comments on that.

I will bring us up to date. It was noticeable after Sunday’s Celtic-Rangers game that a fair number of fireworks were set off in the afternoon and evening in the east end of Glasgow. If that is to be restricted in future, I wonder whether we can expect the police to clamp down on firework use all over Glasgow at the same time that they are involved in patrolling major football matches such as cup finals or league deciders. I suspect that the answer to that is no, because the police cannot be everywhere at one time, but we can still hope that

tightening up the law will have some impact on overall behaviour.

That links to the issue of stockpiling, which seems to be happening at present, as we can see when there is a significant football game and fireworks start going off immediately after the final whistle sounds. It is clear that fans are not rushing out to the shops after they know the result, so stockpiling appears to be happening, and I imagine that that will only get worse if sales dates are restricted.

**Martin Whitfield:** Is there also a concern that if someone stockpiles for a period of time, the fireworks start to deteriorate and become dangerous?

**John Mason:** I am sure that Martin Whitfield is right about that. My main argument is that there would be problems along the way, and I am mentioning some of them, although I support the overall aims of the bill. Tightening things up will improve things.

In paragraph 204, the committee suggests that there might be local flexibility for “local celebrations around sporting successes”. To push that to its logical conclusion, in Glasgow, that could mean four old firm league games, a cup game and a league cup game, so it could be at least six times a year that a lot of fans would be stocking up, half of them with blue fireworks and half with green fireworks. Half would get used on each of those occasions and half would be stockpiled, which speaks to Martin Whitfield’s point. I am not sure how workable all that would be, but we need to take action on the issue. All the measures are worth trying, but I remain a little sceptical about the results.

I move on to the noise from fireworks, which my colleague Collette Stevenson talked about. Instinctively, lower noise levels seem like a good compromise. Paragraph 25 of the report says that the F1 category is for fireworks with a “negligible noise level”, F2 is for those with a “low noise level” and F3 is for those with a noise level that is “not harmful to human health”. However, when I read paragraphs 106 to 113, on consideration of the promotion of lower-noise fireworks, it seems that there is no recognised standard specification to identify or distinguish lower-noise fireworks. It is also suggested that by allowing only lower-noise fireworks for sale to the public, people might be driven to making purchases online or through underground and informal markets, which could make matters worse. I confess that I did not find that argument very convincing. No one is forced to buy from illicit or illegal sources any more than they are forced to drive over the speed limit.

Noise appears to be one of the main problems that we need to tackle. Noise complaints are

certainly the complaints that I receive most often from constituents, although I accept that there are other factors as well. More work needs to be done on categorising fireworks and potentially limiting the noise in some way. Educating the public is all very well, but I wonder how much education those who misuse fireworks will want or access.

As the committee has suggested, there is room for amendments from the Government and elsewhere. That is normal with bills. However, I very much hope that Parliament will support the general principles of the bill at stage 1.

16:25

**Katy Clark (West Scotland) (Lab):** Scottish Labour is at one with the Scottish Government in wanting action to be taken on the antisocial misuse of fireworks and on the need for a cultural shift. However, as Pauline McNeill outlined, we have serious concerns about some of the detail—and, indeed, the lack of detail—in the bill, which has been rushed through on a truncated timescale. Many of our concerns are outlined in the Criminal Justice Committee's report, which Audrey Nicoll has spoken about in detail.

The licensing scheme is to be introduced through secondary legislation. Our concern is that there is a real risk that there will not be proper scrutiny at that stage, given that it will not be possible to amend regulations. I would be grateful if the minister could speak not just on the engagement with stakeholders in the consultation on the regulations, but on the involvement of politicians in the chamber, whose role is to ensure that the detail of legislation is correct and that we do not introduce bad law.

Most people who use fireworks do so responsibly, and they will want to comply with the legislation. However, as has been pointed out by more than one member, they could inadvertently fall foul of the legislation. That said, the main problem, as we see it, is the use of fireworks by people who probably will not comply with the licensing system and probably do not comply with the criminal law. The focus needs to be on how the legislation will impact on that group.

We know that there are health and safety concerns about the use of fireworks, even when they are used responsibly, and we know that the misuse of fireworks has a dangerous impact on local communities and specific groups. Many members have spoken about that. Stuart McMillan and Siobhian Brown spoke about the impact on veterans and refugees, in particular, and others spoke about the impact on people with autism. Collette Stevenson spoke about the impact on emergency workers, and others spoke about the impact on the people who discharge the fireworks

themselves. We know that there is a real human health cost in the use of fireworks—indeed, one national health service board put the cost of dealing with firework injuries at £40,000 a year. Members have also spoken about pets, wildlife and farm animals being adversely affected by fireworks.

Scottish Labour supports many aspects of the bill—in particular, the creation of new offences such as that of proxy purchase—which is why we support its general principles. However, we have major concerns that the bill will not necessarily make the situation better, particularly given the lack of enforcement of the legislation that is already in place. A number of members have spoken about that.

Earlier this month, we finally received the Crown Office and Procurator Fiscal Service data on that, and we found out that there were no convictions last year, despite the fact that many hundreds of firework-related incidents are reported each year. There have been very few convictions—a number of members have spoken about that. That must be because Police Scotland and the Crown Office are not giving the enforcement of the existing fireworks legislation the priority that I believe the Parliament would want them to give it. Before the bill was introduced, we should have had far more detailed information on the context of that disparity and on how existing legislation is used. As they stand, the proposals are complex and bureaucratic, and they will confuse the public—in particular, the law-abiding public.

The licensing scheme will require people to take a course, but we do not need a licensing scheme to require that.

**Ash Regan:** Does the member accept that one of the reasons why we have had to come up with a licensing scheme is that we are having to operate within our restricted devolved powers?

**Katy Clark:** I was going to ask the minister about that, because some members have indicated that they believe that it is outwith the scope of this Parliament to ban fireworks. My understanding is that this Parliament could not ban the sale of fireworks but does have powers in relation to banning and restricting the use of fireworks. I fully understand that we do not have the full range of powers that could be used in relation to fireworks.

As I say, the main concern about the bill is that it will bring in complicated rules that, in reality, will not work. John Mason spoke about control zones and argued for having no-firework zones, and I agree that that needs to be considered. My understanding is that the Scottish Parliament could make the whole of Scotland a no-firework zone should it wish to do so. No doubt, the

minister can come back to that legal point in due course.

The licensing scheme must be workable and effective. If the public see it as being confusing, unworkable or unaffordable, they will not comply with it. As Martin Whitfield outlined, there are real risks that a black market in fireworks will emerge as a result of the bill. The minister has said that there is not much evidence of a black market in Scotland at the moment, but we know that one emerged in the Republic of Ireland when it banned fireworks.

**Fulton MacGregor:** Will the member take an intervention?

**Katy Clark:** I would be happy to do so, but I suspect that I do not have time. I apologise.

If a person is really determined to use a firework or pyrotechnic illegally, they will do so. That is the meat of what the Criminal Justice Committee considers regularly. We need to ensure that the Scottish Government produces a bill that has the right details and will not create bad law. Our fear is that the proposals that are before us require substantial amendment and that there simply will not be enough time at the next stage to enable that amendment to take place.

16:33

**Russell Findlay (West Scotland) (Con):** I used to think of law making as painstaking and precise—a meticulous process of gathering evidence, weighing up differing views, seeking legal direction and assessing existing legislation—but my perceptions have gone up in smoke in the past few weeks.

As a member of the Criminal Justice Committee, I have learned more about fireworks than I ever thought likely. The committee clerks and staff have earned our gratitude for their sterling and patient work. The committee's evidence sessions have been enlightening, but the more we heard, the less clear some issues appeared to become. Despite having had the benefit of the committee process, we still do not know nearly enough about the bill.

Some members will be familiar with the committee's stage 1 report on the bill, but not as familiar with it as they deserve to be, because it was published only on Thursday. The Government thinks that it is fair to expect members to digest the report's 70-plus pages, and numerous responses to it, in a truncated timescale that breaches the Parliament's own rule book. It was just before 11 pm on Sunday when we got sight of the Government's 36-page response to our committee's report—I thank the minister for my riveting bedtime reading.

Last week, my colleague Jamie Greene attempted to get ministers to press pause, but without success. So here we are, debating complex legislation that is full of gaps, without knowing what it will mean in practice. As our report states:

“much of the substantial detail”

is

“left to be developed in regulations after the Bill is enacted.”

To put it simply, we are not being given the time to do our jobs properly.

The reason for the Government's haste is that it wants to outlaw the supply of fireworks to under-18s before this year's bonfire night. Although children cannot buy fireworks, they can be given them by an adult, and the committee established that the UK Government could end such so-called proxy purchases in Scotland. However—this might come as a surprise to members—we have been unable to establish the extent to which Scottish ministers pursued that with UK ministers. The committee describes that as “very unsatisfactory”, which typifies much of our frustration.

One thing that is abundantly clear and on which we are all pretty much in agreement is that many people across Scotland want something to be done about fireworks. There are two main issues. The first is their dangerous and reckless misuse, often by younger people, which sometimes involves targeting emergency service workers. The second is the harm that their loud noises cause to animals—both domestic pets and livestock—and some people with sensory issues.

What does the law say now? Anyone aged over 18 can buy fireworks. They are sold only on specific dates including 5 November, Hogmanay and some religious and cultural events. However, there is an exception: licensed retailers can sell them all year round. So, as things stand, there is nothing to prevent anyone from letting off fireworks every night of the year.

The Government's answer to the first problem—the dangerous misuse of fireworks—is to limit their availability via the introduction of a licensing scheme. It is estimated that up to 250,000 people in Scotland buy fireworks each year. How many of them would apply for a licence? In 2016, Northern Ireland issued 515 licences for a population of 1.85 million. If the same ratio was applied to Scotland, we might expect just over 1,500 licences to be issued. As the fireworks industry reasonably asks, what will happen to the tens of thousands of people who currently buy fireworks? The concern is that many will not bother with a licence costing up to £50 but will, instead, turn to a black market. That is the last thing we need. Also, will licensing be a financial barrier for low-income families who

want to enjoy fireworks? The Government has not answered those questions.

The committee visited Blackburn in West Lothian, where the community has worked to counter the dangerous misuse of fireworks. I welcome people from Blackburn to the Parliament today and hope that the debate is not too long and boring. We heard of a white van man selling fireworks to children, and I am concerned that licensing will be a boon to criminals while it shuts down responsible traders.

If licensing and the bill's other restriction are implemented, will supermarkets bother to stock fireworks? At least one—Sainsbury's—has stopped doing so already. Again, that could create a vacuum for a criminal market. However, the Scottish Government has not engaged with the big retailers to establish their position.

The Government's answer to the second key issue—the distress caused by loud bangs—is firework control zones and limiting the number of days on which fireworks can be used. Many people to whom I speak, and large numbers of respondents to the public consultation, would love to see areas in which all fireworks were banned, but firework control zones will not do that. People living in them will be able to hire private companies to stage back-garden shows, and shows will also be allowed at certain events, such as gala days. Not only that, but we do not know the criteria for deciding where the zones should be, their possible size or how long they would last. What is the point?

The bill proposes allowing firework sales only on 37 days of the year, with 57 days on which fireworks could be used. The Government is trying to reduce fireworks by pushing a bill that, in effect, gives a green light by formally defining 57 days on which they can be used. What of countless other religious or cultural dates that are not on the Government's list? It seems inevitable that there will be challenges to add new dates, and it is hard to see on what grounds they could be refused. The net result would be even more firework use.

Another significant question is whether the criminal justice system is making use of the powers that it already has. Katy Clark and Jamie Greene touched on that. Getting basic data about that from the Government has been challenging. My colleague Jamie Greene mentioned that there were zero convictions last year although 974 incidents were reported to the police. Over a five-year period, there were only 16 convictions. When Fraser Stevenson from the British Fireworks Association gave evidence, he told the committee that the association had done research that found that the largest fine to be imposed by a Scottish court was £150. The crime was targeting two

police officers with fireworks in 2019. He asked, reasonably:

“What message does that send to those who misuse fireworks? It certainly does not appear to be a deterrent.”—*[Official Report, Criminal Justice Committee, 23 March 2022; c 3-4.]*

We are being bounced into debating a bill that contains not just the issues that I and others have raised but many other issues. We need a lot more information from ministers. That is why I urge all members to support Labour's amendment. Doing something about fireworks is welcome, but doing the wrong thing could be counterproductive. The bill seems to be the legislative equivalent of lighting the blue touchpaper and hoping for the best.

**The Deputy Presiding Officer:** I call Ash Regan to wind up on the Scottish Government's behalf.

16:41

**Ash Regan:** I thank members for participating in the debate. The need to keep people safe by tackling misuse of fireworks and pyrotechnics is abundantly clear and has come out from across the chamber in the debate. That gives us a solid basis for moving forward together constructively.

It is worth reiterating that the bill is a key part of an overarching package of legislative and non-legislative change that is being progressed through the fireworks action plan and our work on pyrotechnics. That work's purpose is to bring about a cultural shift in Scotland's relationship with fireworks and pyrotechnics by responding to the calls for increased restrictions on the sale and use of fireworks and pyrotechnics, as we have heard through lengthy consultation and engagement.

I accept that the bill is not a panacea, but it is absolutely central to achieving our objectives of protecting communities from the harm and disturbance of fireworks, and from misused pyrotechnics. That is why we are also taking action through education and awareness raising that build on the work that takes place across Scotland each year. Annual Scottish Government campaigns will support the change in the culture of fireworks.

I will address some of the topics that have been raised this afternoon. Many members, including Pauline McNeill and Jamie Greene, expressed concern about parliamentary timetabling. It is important to address the concerns that have been raised about the accelerated scrutiny timetable that the bill is following.

I accept that the bill is moving at pace and I understand why members have concerns, but I make it clear that the bill follows several years of

work—of evidence gathering, multiple consultations and engagement with the public and stakeholders—and it allows us to maintain momentum for the public. Rona Mackay and Stuart McMillan, among others, reminded us that this is what the public want—they want action.

**Douglas Lumsden:** The minister is right that the public want something, but what they will be given is bad legislation that will probably be overturned in a few years. Surely the best thing to do is follow the proper process that is set out in standing orders and do this correctly.

**Ash Regan:** I disagree with Douglas Lumsden. We consulted on the proposals that are in the bill, and all of them received overwhelming support from the people who responded.

**Edward Mountain:** Will the minister take an intervention?

**Ash Regan:** I have already taken one intervention on that point.

Progressing at an accelerated pace allows the important work to implement the bill's provisions to commence promptly, should the bill be passed. That is paramount to ensuring that further positive change is in place for the people and communities whom we all represent, and who, I am sure, have all made representations to their elected members to say that they have a problem with fireworks, as has been discussed this afternoon.

I will move on to the black market, which was mentioned by a number of members, including Jamie Greene, Pauline McNeill and Katy Clark. It is an important issue, but we considered it fully during the development of the bill by—among other things—looking at other countries that have similar schemes. There is little evidence to suggest that the provisions will lead to an increase in black-market activity. There are established enforcement routes in relation to illegal sales—working with partners including trading standards officers, Police Scotland and the Crown Office and Procurator Fiscal Service—and in relation to importation of dangerous goods, which is a matter for the UK Government. I will write to the UK Government to set out what we are doing and to urge it to play its part with regard to regulation. I assure members that the situation will be carefully monitored; I hope that members hear what I say on that point.

**Edward Mountain:** Will the minister take an intervention?

**Ash Regan:** I would like to make some progress.

In response to the point that Martin Whitfield made about displacement and the steps that we will take in that regard, I will see what further detail

I can share with the committee on that point ahead of stage 2.

**Jamie Greene:** It is not only members who have expressed reservations about the potential growth of a black market. Similar concerns are contained in the responses to the Scottish Government's consultation from organisations including the fire council, the Chartered Trading Standards Institute, the National Fire Chiefs Council and the National Police Chiefs Council. If it transpires that the legislation, once passed, is a boon to the black market and results in its growth, what will the minister do about it?

**Ash Regan:** Concerns about displacement are not a reason to not do anything. I have said that we will carefully monitor the situation; that is what we will do. It is entirely reasonable for members to raise the point, but I do not see it as a reason not to act.

The licensing scheme was mentioned by many members. I accept that there is a level of interest in that provision. It is an important part of the bill and it is key to the aim of changing purchasing of fireworks from something that is spontaneous to something that is more planned. Of course, it was a recommendation of the firework review group that we consider mandatory conditions on the point of sale.

**Pauline McNeill:** I want to understand the Government's response on that point. In the licensing scheme, there are 57 days on which fireworks can be used, and they cannot be used outwith those days. Someone setting off a firework outwith those days—whether it is for a football celebration, to use John Mason's example, or just a back-garden display—would be committing an offence.

Can the minister assure Parliament that she would expect Police Scotland to enforce that? Would there be any distinction between someone setting off fireworks in a football setting and someone doing it in their back garden? On the face of it, there should not be. What is the minister expecting from Police Scotland? It is quite important that we understand that.

**Ash Regan:** That would be an offence, and I would expect the police to enforce all the offences in the bill. However, the police will exercise judgment in how they go about that. Operational police matters are for Police Scotland.

The bill sets out the core principles about how the licensing scheme will function—it is quite normal to have that in primary legislation—and the administrative details, again quite normally, will be set out in regulations. In order to aid further scrutiny, I have accepted the spirit of what the committees have said to me, and have said that I will change the regulations from negative

instruments to affirmative instruments, in order to aid scrutiny and allow members more input to the process. I hope that that will be accepted with good will by members.

For illustrative purposes, the Scottish Government will provide the committee with a mock user journey in advance of stage 2. I hope that that will aid understanding of how the process will work.

**Martin Whitfield:** I thank the minister for her undertaking in relation to the steps that the Government will take. On the fee for the licence, can she clarify whether it is expected to cover the cost of only the licensing or the cost of licensing and enforcement?

**Ash Regan:** The fee is to cover the administration cost of the licence. We intend to consult further on the level of the fee to ensure that we have engaged thoroughly on the issue. The member and I had a conversation earlier about my view that the fee should be set at a proportionate level, to make sure that that is clear.

As we continue with development of the licensing system, I am committed to engaging with stakeholders, as members would expect. Pauline McNeill said that the bill is too complex and that the public cannot be expected to get to grips with it. I do not agree with her assessment of what the public can cope with, and I do not think that we should underestimate the public's ability to understand what is required of them. After all, the public must adhere to the laws on driving, for example: those laws can change, but the public manages to get to grips with that. It is not beyond people's ability to understand what we are proposing.

However, I agree that the law needs to be as simple as possible. We need to ensure that people are able to apply for a licence and that they understand what is expected of them. Therefore, I also agree with the committee that awareness-raising campaigns are crucial. We need to help the public to understand the changes to the law, so I commit to doing that.

Countries approach the matter in different ways. It was helpful to hear from Siobhian Brown about the experience in Sydney, and about how having tighter controls on fireworks is quite routine.

Collette Stevenson mentioned low-noise fireworks, which are an interesting development. They have the potential to address some of the issues, particularly around noise disturbance, so I confirm that I will keep the matter under review. If a standard definition is developed, I will be happy to incorporate it in the legislation by regulation, in the future.

On firework control zones, I confess that I thought that they would take up more time in the debate than they did. I will reflect on the points that were raised by John Mason and others. The decisions that were made around firework control zones were an attempt to balance conflicting interests. We thought that community events are generally well regarded and are a good focus for bonfire night activity, so having them in communities was an attempt to balance interests. The provisions about private displays are an attempt to balance industry interests. Ahead of stage 2, I will reflect on what members have said today.

During the debate, we heard about the significant issues with fireworks that communities and stakeholders, including the emergency services, face each year during the bonfire season. Those issues include unacceptable instances of emergency services workers on the front line, who are trying to protect communities and vulnerable people, being attacked and subjected to public disorder and wider antisocial behaviour. I take the opportunity to reiterate that that is not acceptable and cannot be allowed to continue. The fear, alarm and distress that such behaviour causes have no place in a modern and forward-looking society.

**Jamie Greene:** Last year, there were nearly 1,000 fireworks-related incidents recorded by Police Scotland, but not a single criminal conviction resulted. The question that we are all asking is this: before we legislate for new criminalisation of misuse of fireworks, why are we not using the laws that already exist to protect the public and the emergency services?

**Ash Regan:** The member is making my point for me: enforcement is challenging. As a country, along with our partners, we spend an awful lot of money on preventative and early intervention work to mitigate the impact of bonfire season. Therefore, this is the point at which we must consider supply of fireworks, and ensure that fireworks are not getting into the wrong hands.

The bill seeks to put in place robust checks and balances in the supply process to make it more difficult for people who might wish to deliberately misuse fireworks—in the way that Jamie Greene has just described—to access them. Those checks include the licensing system, which will ensure that people demonstrate knowledge of how to use fireworks safely and appropriately. That will prevent fireworks from landing in the wrong hands to begin with.

We have discussed the potential for unintended consequences. That has been carefully considered throughout the development of the bill. I understand that placing restrictions on restricted products can lead to a minority of people

deliberately trying to circumvent the restrictions. However, it is my firm view that that is not a justification for not introducing measures to promote public safety.

In conclusion, stakeholders have widely welcomed the bill. The Scottish Fire and Rescue Service has said that the new legislation is hugely welcome. Police Scotland has said that it welcomes the introduction of the bill. The Scottish Police Federation, in relation to the firework elements, said:

“We absolutely welcome the legislation and the controls that are proposed.”—[*Official Report, Criminal Justice Committee*, 16 March 2022; c 3.]

Blue Cross has also said it welcomes the introduction of the bill.

The impact of the measures in the bill will be closely monitored to ensure that they are working effectively and as required.

I reiterate my strong belief that introducing the actions that are set out in the bill will support the delivery of positive change in Scotland’s relationship with fireworks and pyrotechnics, while enabling people to continue to enjoy them in a safe, responsible and considerate way.

I invite Parliament to approve the general principles of the Fireworks and Pyrotechnic Articles (Scotland) Bill.

## Fireworks and Pyrotechnic Articles (Scotland) Bill: Financial Resolution

16:56

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of motion S6M-03944, in the name of Kate Forbes, on a financial resolution for the Fireworks and Pyrotechnic Articles (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Fireworks and Pyrotechnic Articles (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament’s Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament’s Standing Orders applies arising in consequence of the Act.—[*Ash Regan*]

**The Presiding Officer:** The question on the motion will be put at decision time. I am minded to accept a motion without notice under rule 11.2.4 of standing orders to bring forward decision time to now.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.56 pm.—[*George Adam*]

*Motion agreed to.*

## Decision Time

16:56

**The Presiding Officer (Alison Johnstone):**

There are three questions to be put as a result of today's business. The first question is, that amendment S6M-04236.1, in the name of Pauline McNeill, which seeks to amend motion S6M-04236, in the name of Ash Regan, on the Fireworks and Pyrotechnic Articles (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a short suspension to allow members to access the digital voting system.

16:57

*Meeting suspended.*

17:01

*On resuming—*

**The Presiding Officer:** The question is, that amendment S6M-04236.1, in the name of Pauline McNeill, which seeks to amend motion S6M-04236, in the name of Ash Regan, on the Fireworks and Pyrotechnic Articles (Scotland) Bill, be agreed to. Members should cast their votes now.

The vote is now closed.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)

McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-04236.1, in the name of Pauline McNeill, is: For 47, Against 62, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-04236, in the name of Ash Regan, on the Fireworks and Pyrotechnic Articles (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Fireworks and Pyrotechnic Articles (Scotland) Bill.

**The Presiding Officer:** The final question is, that motion S6M-03944, in the name of Kate Forbes, on a financial resolution for the Fireworks and Pyrotechnic Articles (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Fireworks and Pyrotechnic Articles (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament's Standing Orders applies arising in consequence of the Act.

**The Presiding Officer:** That concludes decision time.

## World Press Freedom Day 2022

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-04002, in the name of Russell Findlay, on world press freedom day. The debate will be concluded without any question being put. I ask members who wish to speak in the debate to press their request-to-speak button now or as soon as possible or to place an R in the chat function.

*Motion debated.*

That the Parliament recognises that 3 May is World Press Freedom Day, as proclaimed by the United Nations General Assembly in 1993; considers this to be an important opportunity to celebrate the fundamental principles of press freedom and to defend the world's media from attacks on their independence; understands that this day is also one of remembrance of the 1,516 journalists who have been killed worldwide, with seven of those in Britain, according to the UNESCO observatory of killed journalists; believes that World Press Freedom Day serves as a reminder that, in countries around the world, newspapers and other media organisations are subject to censorship, with journalists harassed, unjustly imprisoned, attacked and murdered, and considers it to be a date to encourage support in favour of press freedom.

17:06

**Russell Findlay (West Scotland) (Con):** It is a privilege to bring my first members' debate to Parliament. There are few subjects—certainly not fireworks—that mean as much to me as journalism. I thank all members who supported the motion and I look forward to hearing today's contributions.

I spent decades working as a newspaper hack. If you cut me, I bleed ink. I want to begin by looking back to April 1999, when this Parliament came into being. Mark Zuckerberg was just 14 years old, Facebook did not exist for another five years, with Twitter coming two years after that. Scotland's newspaper industry was profitable, powerful and influential. Editors were big beasts on the civic landscape. The *Daily Record* sold 700,000 copies every single day and today it sells one tenth of that. Plunging sales and revenues lead to relentless and brutal cuts to budgets. Other proud, historic titles such as *The Herald* and *The Scotsman* have suffered similar dramatic decline.

The theme of this year's world press freedom day is "Journalism under digital siege". Following the era of death by a thousand newspaper cuts, most people now get their news on phones. The experience can be noisy, fractious and relentless. Fake news, confected outrage, cancel culture and angry echo-chamber opinions dominate. Social media fuels an ugly mob culture of ignorance and intolerance. Many abusers lurk in cowardly anonymity. Governments and tech billionaires

such as Zuckerberg must do more to tackle disinformation and to champion the cherished rights of free expression.

The demise of newspapers has also triggered an exodus of experienced and often exhausted journalists. Many find refuge in public relations, peddling sanitised stories on behalf of their paymasters. I strongly suspect that Scotland's myriad public bodies employ many times more former journalists than the entire Scottish press does. Local newspapers—the beating heart of our communities—are on life support.

Fewer journalists have time to do journalism, to forge relationships with people, build trust, chap doors, sit in courts, trawl archives. Diligent new journalists are chained to their desks and put under pressure to produce clickbait, while profits from online news largely remain a holy grail. Far too many wealthy people use expensive lawyers to bully newspapers into silent surrender.

Thank goodness, then, for people like Marion Scott, chief reporter of the *Sunday Post* newspaper. Marion was in Parliament last week with the family of Louise Aitchison, who was murdered in circumstances that raise serious questions about the authorities. Marion embodies the best of journalism. It is compassionate, fearless and gives voice to the marginalised. It challenges the powerful. The hard truths that she uncovers can be awkward and uncomfortable, which is just as it should be. Marion does not seek praise and will likely give me an absolute doing for embarrassing her—anyone who has ever met her will know I am not joking. However, her extraordinary track record of exposing rapists, paedophiles and child killers, of fighting gross injustice and of pursuing medical scandals, including the devastation of mesh surgery, has changed countless lives. Today it is being recognised in Holyrood but, frankly, it is worthy of Hollywood.

Christine Grahame, who we are due to hear from, has already issued me with a stern warning against any Scottish National Party bashing this afternoon. I gave her my word—I am not daft—but I will say that Scotland's public authorities should accept that a vibrant and pluralistic newspaper industry is good for democracy and good for Scotland.

Despite my mournful take on the newspaper industry, we should be grateful to live in a society where the media is still free to be obtuse and to prod the powerful. Can you imagine the fate of a Russian journalist if they pursued Putin into the Kremlin canteen? Despotic regimes such as Russia and China crush, silence or kill their Marion Scotts. Their state propaganda knows no shame. The sheer scale and creativity of their lies is infinite and obscene. Any comparisons between

the BBC and Putin's media puppets only confirms the ignorance of those who attempt to make them.

I will conclude by paying tribute to journalists who have lost their lives while doing their jobs. One of those is Veronica Guerin, who was shot dead in 1996 for her work on exposing Irish drugs gangs. Last week, I had the privilege of talking with another Irish female journalist who is equally fearless: Nicola Tallant, who reports on society's seedy underbelly and the malignant, far-reaching influence of organised crime. It is dangerous and dirty work that few have the stomach for. Last year, Dutch journalist Peter de Vries was murdered in Amsterdam by a drugs gang that has connections with Scottish organised criminals. Following his murder, his family told how he lived by the maxim, "On bended knee is no way to be free".

Last month, around the time that I lodged this motion, UNESCO recorded that 1,516 journalists had been killed since 1993. That figure now stands at 1,519. Many are being murdered by Putin's forces in Ukraine. While Putin unleashes industrial-scale terror on the people of Ukraine, he is also engaged in a war on media freedom and the truth. Those who bravely put themselves in danger while reporting from conflict zones, or indeed their own countries, are deserving of gratitude and respect.

We are truly blessed in this country to have a strong and independent media. Recognising that is the starting point. Protecting it is in all our interests.

17:13

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I thank Russell Findlay for bringing this important debate to the chamber today. As a fellow former journalist, this is a subject that is very close to my heart, too.

Freedom of the press is the foundation of any democracy. Speaking truth to power and exposing injustice would not be possible without that basic right for journalists working throughout the world. On world press freedom day, it is entirely right that we should pay tribute to the 1,516 journalists who have been killed in the line of duty working to bring truth to the public. Those men and women put themselves on the front line in the pursuit of truth and they paid with their lives. We must also remember, among many, Lyra McKee, a young journalist from Northern Ireland, cruelly shot and killed in 2019 during rioting in Derry. It was a senseless death, in her home town, of a remarkable young woman with a commitment to peace and a will to end the strife and tension in her troubled country.

The war in Ukraine is the starkest illustration of just how necessary media freedom is. At the end of last month, at least 14 journalists and media workers had been killed in the line of duty in Ukraine, and I fear that that figure will rise until that horrible conflict is over. With the gagging of the press in Russia, the people there are being hoodwinked and manipulated by a deranged despot who is exercising complete power over the media, and thousands of civilians are dying as a result. That is what happens when the media lose their freedom to tell the truth.

We are fortunate in the United Kingdom to have outstanding journalists covering the conflict. We watch them in their protective gear every night from the comfort of our homes, and I think that we all owe them a huge debt of gratitude for their bravery and commitment to the work they do. Of course, we have excellent journalists in Scotland who get to the heart of vital issues in the public interest, with outstanding investigative journalism on a huge range of issues—Mark Daly, Marion Scott, Shelley Jofre, Sam Poling, Alan Little, to name just a few. *The Ferret* is an award-winning investigative journalism platform for Scotland and beyond, and we have superb writers such as Joyce McMillan, Dani Garavelli and David Pratt, who is also a photo-journalist of outstanding ability. I could go on and on, but time will not allow.

My 25-year journalistic career was in newspapers, and I look back on that with huge fondness, while realising that I was fortunate to work at a time when newspaper circulation was high and good-quality journalism and editing was valued and rewarded with realistic salaries and good terms and conditions. I agree with everything that Russell Findlay said about this issue. I thought he articulated it very well and summed it up exactly as it is now, sadly. I only hope that the new generation of journalists are not corrupted by values that are held by certain so-called newspapers, such as the *Daily Mail*, which seems to believe that, in 2022, it is acceptable to produce misogynistic, offensive nonsense that demeans the profession and women. Freedom of the press should never mean the freedom to abuse and offend people in public life, such as Angela Rayner, or any other citizen, by any means at all.

In conclusion, I thank Russell Findlay again for bringing this debate to the chamber. Our hard-working and brave journalists should be proud of their profession and their commitment to bringing truth in the public interest. The world is a better place for their work, and freedom of the press should never be compromised in a civilised society.

17:17

**Pam Gosal (West Scotland) (Con):** I am delighted to be contributing to today's debate, which was secured by my colleague Russell Findlay. Journalism is the best antidote to disinformation. However, it is completely blocked, seriously impeded or restrained in 73 per cent of the countries evaluated. Despite a notable reduction in freedom of the media across the globe, when push comes to shove, we see the importance of the media, not just for democracy but for influencing our response to humanitarian crises.

I express my gratitude to the journalists out there on the front line in war-torn countries such as Ukraine and Afghanistan, who are putting their lives on the line to play an instrumental role in influencing the international community's response to the plight of others, to the cause, to the hard facts and to the action on the ground. Without their bravery, we would be in the dark about the world around us. Recent wars in Syria and Iraq marked a key turning point in the safety of journalists, with some Governments now viewing journalists as a target that can be used to send a message to those who challenge the incumbents—at least 16 journalists have been killed since the beginning of this year. The situation has not been helped by the fact that the evolution of modern technology has seen the increasing use of malware and spyware against journalists.

Understandably, with many journalists now unwilling or unable to enter conflict zones, we are seeing a rise in the use of social media activists, citizen journalists and bloggers, but that, too, makes it easier for either side to control the narrative, so the reduction in foreign correspondents is increasingly problematic. A recent study by the International Committee of the Red Cross showed that immediate access to news on smart phones is significantly reducing audiences' deep engagement with the conflicts, leading to reduced empathy for victims of war. The ICRC is advocating for the deeper engagement that is brought to us by the traditional press.

I am sure that all of us across the chamber are thankful to be living in the UK and to be unencumbered by conflict. It is welcome news that the UK's score on the world press freedom index has improved notably from 33 in 2021 to 24 in 2022. However, there is still room for improvement.

In conclusion, press freedoms are essential for building public trust and ensuring that Governments do not abuse the powers that they hold, but it is also a vital mechanism in a healthy, functioning democracy. Although here in the United Kingdom we boast comparatively strong press freedom, still more can be done to improve

accountability and ensure that the press is able to carry out the job of holding Government to account as effectively as possible.

17:21

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate the member on securing the debate and in particular congratulate him on heeding my words earlier today. I wish the whips had the same reaction when I speak to them.

I recognise, as narrated in the motion, the courage of journalists killed in the line of duty, without whose bravery and professionalism we would often be unaware of the evils in this world through war, poverty and oppression in all its forms. I add the courage of the support teams they may have—the drivers, the photographers, the camera men and women, often unseen and unrecognised. In particular there are those who defy oppressive control in their own countries and pay for it with their freedom and their lives. Are we in the public worthy of their sacrifices? I hope so.

Today with the demise of the printed press and with 24-hour rolling news, the internet and Twitter, are we at risk of news fatigue at the very least? Has it become devalued by its very relentless accessibility and how it is delivered? If so, we do not deserve those journalists out in the field, whether at home or abroad, who try to tell us it as it is. The paper press has its agenda particularly in home affairs, but that has always been the case. The *Daily Mail* stands up for Boris; the *Daily Record* does not. *The Daily Telegraph* is his mouthpiece; *The National* supports independence. We each source our domestic news on paper or online from where it reflects our own values.

Where can we source news that at best can be objective and perhaps challenge our values? I turn to public broadcasting such as the BBC and Channel 4. They are not perfect. In my view, the Beeb bows too often to the establishment, be it on news of royal events—where does it reflect republican views?—or during wartime, when it can become jingoistic. I recall reporting during the Falklands war that turned my stomach with its smatterings of propaganda. It too frequently reports an English domestic agenda with only a nod in its UK slot to the devolved Governments. However, all in all it does not too bad a job.

Channel 4 is my news channel of choice. I watch to contrast with the reporting on the BBC, but then I am a bit of a news addict. It is interesting to see the distinction, not only in the choice of lead story but in the commentary. In my view, it is edgier, although I confess that I also like Tom Bradby's style as an occasional news presenter on ITV. His facial expressions and

asides may cross the reporting line for some but not for me.

However, we politicians are not normal folk when it comes to following or trying to make and influence the news. The old line is still a truth about the relationship between a reporter and a politician being that of the dog to the lamp post, although which is the lamp post is out for debate. I exclude from that local press such as the *Peeblesshire News*, *The Southern Reporter*, the *Border Telegraph*, the *Midlothian View* and the *Midlothian Advertiser*, all in my patch and all at risk. They are pretty even-handed towards their political representatives locally, whoever they are.

However, is the press as we know it on its last legs? Advertising, which sustains both the local and national paper press, has shifted to the internet, where it is cheaper and has a much broader reach, but if we rely on an unregulated Twitter, we end up with a Trump. If we lose press independence, qualified though it may be, look east to Russia. Back to public broadcasting, then, and the need for Channel 4 at the very least to remain in public hands. The cost of losing that independence of reporting is at a cost to our democracy.

17:25

**Sarah Boyack (Lothian) (Lab):** I join colleagues in thanking Russell Findlay for lodging the motion, because it enables us to come and put on record the importance of journalism for us as a country.

Journalism must be both fierce and fearless. If done right, it unveils the truth about our world and our place in it, truth that may be uncomfortable for some and inconvenient for others but truth all the same. Good journalism challenges the status quo, can become a voice of the voiceless and a force for change but, as colleagues across the chamber have said, press freedom is a core part of who we are as a democracy and in recent years we have seen what happens when that is undermined.

Six years ago, an unprecedented leak of 11.5 million files from the database of the world's fourth biggest offshore law firm shed light on the Panama papers. Was it a surprise to learn that the rich and powerful transfer their wealth to offshore companies to avoid paying taxes? Hardly, but the facts were revealed and the evidence was there. In relation to oligarchs, in 2016 we first heard about a scheme in which money from Russian state banks was heading offshore, and it is almost unnerving to see how long it has taken for action to acknowledge and address the issue of money flowing with no transparency or accountability.

Two years after that revelation, we learned about a firm harvesting 50 million Facebook

profiles of US voters, using them for targeted political adverts and its connection to the vote leave campaign, including the operation in the run-up to the Brexit referendum. We have known about those difficulties and this week we have seen the private decision from the US Supreme Court on abortion rights highlighted.

Closer to home, as has been mentioned, we have *The Ferret*, a media platform that has adopted a co-operative, crowd-funded model of operations, exposing that nearly a third of Scotland's biggest wind farms have links to offshore tax havens and revealed the truth about newspaper ownership in Scotland, which is that 10 of our major national newspapers are owned by three billionaires.

Truth can be uncomfortable, and Russell Findlay is right to point out the impact of social media on our press, already under pressure from declining income and dramatically impacted by the pandemic. Local newspapers, which are, as Christine Grahame said, a pillar of our communities, are more and more threatened with closure; 33 local newspapers closed in one year, 2019-20, and, although more print titles were launched, we have seen a loss. Since 2005, we have lost 265 local newspapers.

As others have talked about, during our public health crisis and the war in Europe, impartial information is needed more than ever. It is vital to our democracy. That is why, as others have said, we need to keep the BBC and Channel 4 public and properly funded. Channel 4's remit is to deliver content to underserved and excluded audiences. It also invests £10 billion in the UK production industry and creates thousands of jobs. That is why many of us believe that Channel 4's journalism must remain publicly owned and be a voice for those who are underrepresented in today's media landscape.

As today's motion reminds all of us, independent journalism is not guaranteed. If we look abroad, Russian President Putin signed a law that criminalises factual news reporting, with many independent journalists being forced to flee the country or, worse, being detained, arrested, fined or imprisoned. Earlier this year, a Turkish journalist was sentenced to more than two years in prison for insulting the President. Wan Yiu-sing, an independent radio host and commentator who covers political issues in mainland China and Hong Kong, has been detained since February 2021. The list goes on and on but, as others have said, in Ukraine today journalists are demonstrating bravery every day that they send us their reports.

As the motion states, journalists are being threatened, prosecuted, imprisoned or even killed for simply seeking the truth. That is not acceptable

and until it is no longer the case, it is vital that we mark world press freedom day and thank journalists across the world and in Scotland for their vital work.

17:30

**Ruth Maguire (Cunninghame South) (SNP):** I congratulate Russell Findlay on bringing his first members' business debate to the chamber of the Scottish Parliament on world press freedom day.

World press freedom day on 3 May acts as a reminder to Governments of the need to respect their commitment to press freedom and is also a day of reflection among media professionals about issues of press freedom and professional ethics. Just as importantly, world press freedom day is a day of support for media that are targets for the restraint or abolition of press freedom.

It is also a day of remembrance for those journalists who have lost their lives in the pursuit of a story. April saw the fourth anniversary of the death of Palestinian journalist Ahmed Abu Hussein, who was fatally wounded by an Israeli sniper's bullet as he covered one of the great march of return protests near the Israeli border in the Gaza strip. Reporters Without Borders announced in April that it had registered more than 140 Israeli violations against Palestinian journalists since those weekly protests began in March 2018. Mr Hussein died in hospital on 25 April 2018 from the gunshot injury that he sustained while covering the protest on 13 April. Another Palestinian journalist, Yasser Mortaja, was killed on the spot by an Israeli military sniper's bullet while covering the protest on 6 April 2018.

According to a tally of Reporters Without Borders, at least 144 Palestinian journalists have been at the receiving end of live rounds, rubber bullets, stun grenades or tear gas fired by Israeli soldiers or police—or their baton blows—in the Gaza strip, the West Bank and East Jerusalem during the past four years of great march of return protests. Israel is ranked 86th out of 180 countries in the world press freedom index, while Palestine is ranked 132nd.

I have spoken before about PEN International's day of the imprisoned writer, so I will take some time to talk about its call to action on this press freedom day. Ismail al-Iskandrani is an award-winning writer, investigative journalist and sociopolitical researcher who is best known for his research and writings on militant groups operating in Egypt's Sinai peninsula. He was arrested on 29 November 2015 at the airport on his return from Berlin in Germany. The authorities seized his laptop, mobile phone and personal belongings, and later presented them as evidence against him. He was held in arbitrary pre-trial detention for over

two years before being referred to a military court under the pretext of revealing military secrets.

In May 2018, al-Iskandrani was sentenced to 10 years' imprisonment for "leaking military secrets" and "membership of a terrorist group". On 24 December 2018, an Egyptian military court upheld the 10-year prison sentence against him. He is currently held in Mazraa prison in the Tora prison complex, where he is reportedly denied access to in-person visits with his family, as well as access to reading and writing materials. PEN believes that al-Iskandrani's detention and conviction are linked to his work, which challenges the Government's narrative on its counterterrorism operations. I will be joining its call to action and writing to the Egyptian authorities, and colleagues may wish to join me.

Freedom of expression is a fundamental right and, of course, the need to fight for fundamental rights is not new. It has always been important to protect people around the world from the threat of violence or state suppression but, as with so many things over the past few years, now, with on-going conflicts in Ukraine, Yemen, Afghanistan, in the shadows of a global pandemic and operating in a digital era that brings as many challenges as it does opportunities, that need feels even sharper.

I want to conclude by recognising the contribution that journalists all over the world make to the crucial foundations of democracy and dialogue. Press freedom and freedom of expression support the protection and promotion of all other human rights. It is in all our interests to ensure that both here and around the world journalists can do their work freely and safely.

17:34

**Stephen Kerr (Central Scotland) (Con):** I thank my good friend Russell Findlay for securing today's important debate. I put on record my thanks to him for all the work that he has done to help someone I know personally. Jess Insall had her drink spiked while on a night out a few weeks ago and had a traumatic experience, and I know that Russell has been an enormous support to her and was also the means by which her story has become better known through the pages of the *Sunday Mail*.

I pay tribute to Russell Findlay as one of the most courageous people I know. He is the living embodiment of the values and virtues of sound journalism. I know that he will be slightly embarrassed by what I have just said because I am his chief whip, but that is genuinely how I feel about him.

Before I continue with my speech, I declare an interest as a trustee of the Freedom Declared Foundation, a charity that aims to defend and

champion freedom of religion or belief in the United Kingdom.

Our freedoms, as laid out in the Universal Declaration of Human Rights and the European convention on human rights, are collective. We cannot pick and choose which freedoms we want to defend, nor can we prioritise certain freedoms over others. We must defend them collectively. Often, when one freedom is infringed, so are many others. That is particularly the case when it comes to the infringement of freedom of religion or belief, which is often associated with the infringement of freedom of speech, freedom to protest and freedom of the press. It is that relationship between freedom of religion or belief and a free press that I wish to explore briefly in my speech today.

The Chinese Communist Party is cracking down on press freedom throughout China, particularly in Hong Kong. It is doing that to cover up, among other things, its increasing levels of religious persecution. Last year, the Chinese Communist Party strengthened its censorship laws, particularly over religious publications, with only those permitted by the state allowed to be distributed. According to ChinaAid, a Christian non-governmental organisation that focuses on freedom of religion or belief in China, that has resulted in words such as "Jesus" and "Christ" being removed from texts before distribution. Sadly, the crackdown on religious publications is not surprising, given the reports of the destruction of churches and crosses in China.

The Chinese Communist Party is not just cracking down on Christianity and the Christian press. Reports show that it has destroyed mosques, and an independent tribunal concluded that the Chinese Communist Party is committing genocide against the Uyghur population. Reports from brave journalists have shown how the Chinese Communist Party is determined to cover up that genocide. It regularly burns documents and destroys evidence, and then has the nerve to take international journalists on perverse "nothing to see here" guided tours.

The Chinese Community Party is not the only Government in the world that censors the free press to try to suppress freedom of religion or belief. Violating countries include North Korea, Myanmar and Russia, among others. We have spoken quite a bit about Russia in the chamber. Ironically, I am one of the 250-odd politicians in Britain who were sanctioned by the Kremlin last week for the reason of stirring up Russophobia. I am not guilty of stirring up Russophobia, but I am definitely guilty of prodding a sharp stick in the direction of Putin and his gang, which he calls a regime or Government.

We are very fortunate to live in a country where freedoms such as freedom of the press are defended, but sometimes I feel that we take our freedoms too much for granted. We cannot afford to be complacent. All of us in the chamber, regardless of political party, must continuously defend and champion our freedoms, including freedom of the press. We must ensure that those freedoms are upheld in our law and that their benefits are felt at a societal level. Our collective vision should be that the United Kingdom is seen as the global standard on how to implement and safeguard those fundamental freedoms. We should and must work together to ensure that that vision becomes a reality.

17:39

**The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson):** I am delighted to have the opportunity to close this debate on the pertinent issue of press freedom and to join members in celebrating world press freedom day. I begin by thanking in particular Russell Findlay for lodging this important motion. As the many strong contributions that we have heard today emphasise, this is a critical discussion, and we must take the time to acknowledge the crucial work of journalists at home and abroad in providing us with high-quality news and information.

I have a clear interest in press freedom as the cabinet secretary for culture with portfolio responsibility for media policy in Scotland. In addition, like Russell Findlay, I am a former journalist, so the subject matter is close to my heart. I am incredibly proud of my decade as a broadcast foreign affairs correspondent, which included reporting from the former Yugoslavia during the civil war there. That taught me how important it is to report facts and for the public to be able to learn the truth.

I whole-heartedly acknowledge the important role that a free, independent and strong press plays in upholding a democratic society. It is important that we heard excellent contributions from all corners of the chamber—from all the main political parties. Rona Mackay, Pam Gosal, Christine Grahame, Sarah Boyack, Ruth Maguire and Stephen Kerr all had important things to put on the record. I associate myself entirely with the points that were made about the importance of Channel 4 remaining in the public sector.

On world press freedom day, I want to take a moment to recognise the importance of article 10 of the Human Rights Act 1998 embedding in law our right to freedom of expression. That right belongs to all of us, but today I highlight its particular relevance to journalists and news

publishers. Our press must be able to be independent so that journalists have the freedom to criticise Governments and hold elected representatives to account.

A free and independent press is also an essential guarantor of human rights. Without press freedom, it is not only our right to free speech that is put at risk. Journalists play a critically important role in challenging and exposing human rights abuses of all kinds. That is true at a global level, and it is one of the reasons why repressive regimes around the world go to such lengths to intimidate and silence the press. As we know, that is one of the reasons why investigative journalists who challenge the official narrative—and we have heard about a number of them today—are so regularly exposed to threats and violence. Indeed, far too many have paid the ultimate price for speaking out. Today, we remember those journalists.

I take this opportunity to condemn, in particular, the actions of the authorities of the Russian Federation in closing down the few remaining independent media outlets that dared to challenge the lies and delusions of the Putin dictatorship. I also recognise the bravery of those who continue to expose the truth about Putin's illegal war of aggression in Ukraine. Sadly, it is necessary also to pay tribute to the growing number of journalists who have been killed or abducted by Russian forces in Ukraine. Nor should we forget the repression of the Lukashenko dictatorship in neighbouring Belarus, and its long record of intimidating and jailing journalists and civil society activists. In fact, Belarus is one of the five worst states in the world for jailing and intimidating journalists, according to figures compiled by the Committee to Protect Journalists.

Of course, the vital role played by journalists in exposing injustice and upholding human rights is not confined to action that confronts repressive regimes such as those in Russia. It is an essential feature of every healthy, successful democracy. One need only think of the award-winning investigative journalism of Amelia Gentleman in exposing the Windrush scandal—one of the most shameful examples of human rights being disregarded and violated by the UK Government. Such journalism serves a very clear public interest purpose.

For Scotland to prosper, we must respect and genuinely value the diversity of Scottish society. We must commit to sharing and debating our different views and opinions in a spirit of openness and mutual respect, and dedication to shared values and pursuit of the common good. A strong and sustainable public interest journalism sector is essential for preserving media plurality. That is why my predecessor Fiona Hyslop established the

short-life public interest journalism working group to consider ways to ensure the on-going resilience and relevance of the sector. I am carefully considering the working group's recommendations and will respond to them shortly. The work of the working group is essential in ensuring that journalism in Scotland remains transparent and strong as a key element of Scottish democracy.

Today, I join others in celebrating the work of journalists in Scotland and around the world in keeping us informed about current affairs. It is only because of journalists reporting cutting-edge stories, from local news to global events, that we can stay up to date with fast-moving situations and develop informed opinions based on facts.

In closing the debate, I will take a moment to express thanks to all those who work in the press industry in Scotland. It is essential that the news media strive to reflect the plurality of views and opinion in the country as a whole, and I am pleased that we continue to have a vibrant news publishing sector in Scotland. I am committed to helping ensure its longevity, independence and freedom.

**The Deputy Presiding Officer:** Thank you very much indeed, cabinet secretary. That concludes the debate, and I close this meeting of Parliament.

*Meeting closed at 17:45.*

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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