

PARLIAMENTARY BUREAU

REFERRAL OF A BILL AT STAGE 1: FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) BILL

Introduction

1. The Fireworks and Pyrotechnic Articles (Scotland) Bill was introduced in the Parliament on 1 February 2022 by the Cabinet Secretary for Justice and Veterans, Keith Brown MSP.

Discussion

2. The Fireworks and Pyrotechnic Articles (Scotland) Bill makes provision to regulate the supply, possession and use of certain fireworks and pyrotechnic articles.
3. Measures in the Bill include a new licensing system for fireworks. It will be an offence for a person to purchase, acquire, possess or use fireworks without a licence. It will also be an offence for a person to supply fireworks to an unlicensed person. The supply and use of fireworks will be restricted to certain days (associated with holidays and celebrations such as Guy Fawkes Night). Local authorities will be able to designate areas as 'firework control zones', making it an offence to use fireworks within those zones while a designation is in effect. There are some exceptions to these various new restrictions, for example, for professional fireworks operators or organisers of public fireworks displays.
4. In relation to pyrotechnic articles, the Bill creates an offence of supplying a pyrotechnic article to a child. It also creates an offence of possessing a pyrotechnic article when travelling to or at certain places or events. This could include certain sports grounds or music events, as well as public processions and assemblies.
5. The Bill contains enforcement powers for Police Scotland and Trading Standards. The Bill also makes provision in relation to court proceedings for the new offences, as well as the forfeiture and disposal of fireworks or pyrotechnic articles.
6. The Bill falls within the remit of the following committees:

Criminal Justice Committee

The remit of Criminal Justice Committee includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans. The Bill creates new criminal offences relating to the supply, possession and use of fireworks and pyrotechnic articles, alongside enforcement powers for Police Scotland and sentencing powers for the courts. The remit of the Criminal Justice Committee is therefore engaged.

Local Government, Housing
and Planning Committee

The remit of the Local Government, Housing and Planning Committee includes to consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government. As the Bill contains new powers for local authorities to designate firework control zones, as well as enforcement powers for Trading Standards, the remit of the Local Government, Housing and Planning Committee is engaged.

7. It is understood that the Criminal Justice Committee has the main interest in this Bill.

Recommendation

8. It is suggested that the Bureau recommend to the Parliament that the Criminal Justice Committee be designated as the lead committee. We are not aware of any desire on the part of any other committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent any committee from considering the Bill if it so wishes.

Parliamentary Business Team
February 2022

DRAFT MOTION

Designation of Lead Committee: That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the Fireworks and Pyrotechnics (Scotland) Bill at stage 1.