



Ash Denham
Minister for Community Safety
The Scottish Parliament
Edinburgh
EH99 1SP

5th February 2021

Our ref: 020221FS1258

Dear Minister,

FORMAL OBJECTION:

SSI 2021 No. 14 - The Fireworks (Scotland) Amendment Regulations 2021

I write to you on behalf of the British Fireworks Association, to state our formal objection to the Scottish Government proposals with regards to **SSI 2021 No. 14 - The Fireworks (Scotland) Amendment Regulations 2021**. The proposed legislation and the Business and Regulatory Impact Assessment (BRIA) strongly imply that the British Fireworks Association is in agreement with the BRIA and the proposed legislative changes: This is not the case.

The industry has not been consulted with details of the proposed legislation (in accordance with requirements of the Fireworks Act 2003) and the industry does not agree with the contents of the BRIA, specifically, the following points noted below: -

Section 2.2 states that the Firework Action Plan has been developed based on evidence from “...*a variety of sources, including from the emergency services and the fireworks industry*”. The evidence presented by the British Fireworks Association was that any legislative change was not appropriate and would have a detrimental effect on business and public safety.

Section 10.3 states that in relation to the Working Group Report, “*Sustained engagement with the firework industry, through the British Firework Association[1] and British Pyrotechnists Association[2], has been undertaken throughout this work.*” The British Fireworks Association did not agree with the recommendations of the Working Group for various reasons, including that the recommendations would have a detrimental effect on business. Furthermore, the British Fireworks Association was not consulted (as implied in the BRIA) with regard to the BRIA or the proposed legislation.

Section 10.4 states that ***“In October 2019, the Minister for Community Safety hosted a roundtable discussion with key stakeholders to discuss the findings and share ideas on potential ways forward.”*** The meeting in question was not regarding the Working Group recommendations or the BRIA. The meeting did not discuss any specific topics in great detail and the British Fireworks Association stated at the meeting that the current legislative framework was more than adequate and that greater enforcement and education is what was required.

Section 18.2 states that ***“The two main representative bodies for the firework industry in the UK, the British Fireworks Association and the British Pyrotechnists Association, have been engaged throughout this work with their views and concerns fully considered as the proposed regulations have been developed.”*** The British Fireworks Association did not agree with the recommendations of the Working Group and therefore we cannot agree with the proposed legislative changes, as it will impact legitimate business activity.

In addition to being a burden on business, the proposed changes will not address the problem of anti-social behaviour. Instead, the legislation will restrict the lawful sale, lawful purchase and lawful use of tested and approved fireworks. Furthermore, it is the view of industry (and others) that in placing greater restrictions on lawful sale, purchase and use, the proposed legislation will create a more favourable environment for a black market to develop. This is something the National Police Chiefs Council warned when giving evidence to the Westminster Firework Enquiry in 2019. Assistant Chief Constable (ACC) Andy Prophet, the anti-social behaviour lead of the National Police Chiefs Council, told the 2019 enquiry that,

“If a black market became available, it would be even more difficult to police than the situation we currently have, which would be a really unhelpful unintended consequence.”

During the same enquiry, when asked about greater restrictions on fireworks and the risks of illegal imports, Chris Kemp of the National Fire Chiefs Council stated,

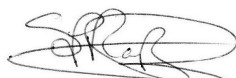
“I am sure that there would be unintended consequences.”

The above comments are a clear demonstration that senior police and fire officers agree with industry stance, that the wrong legislation will have unintended consequences. Their views and those of industry should not be ignored. We would reiterate that the British Fireworks Association will happily work with the Government to reach the common aim of reducing anti-social firework use.

Yours sincerely



Lawrence Black
Secretary BFA



Steve Raper
Chairman BFA



Fraser Stevenson
Vice Chairman BFA