

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

11th February 2021

Our ref: 110221FS1410

Dear Minister,

Re: FORMAL OBJECTION:

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

Further to our recent correspondence, dated 5th February 2021. Having looked further at the proposed legislative changes and consider the legalities of the legislation, we would also lodge an additional formal objection to the legislation on the grounds that Scottish based retailers will be at a commercial disadvantage to those in the rest of the UK for the following reasons: -

1. The Firework Act 2003 defines supply as: -

“(3)References in this Act to supplying fireworks include—

(a) selling them,

(b) exchanging them for any consideration other than money, and

(c) giving them as a prize or otherwise making a gift of them,

but do not include supplying them otherwise than in the course of a business.”

Therefore, based on this definition, an online retailer based outside Scotland will NOT have to abide by amendments 3A (periods of supply) and 3B (quantity of supply) when supplying product to a consumer in Scotland, as the sale will have occurred outwith Scotland. This puts a Scottish based retailer at a commercial disadvantage when supplying to consumers within Scotland.

2. The Firework Act 2003 defines supply as: -

“(3)References in this Act to supplying fireworks include—

(a)selling them,

(b)exchanging them for any consideration other than money, and

(c)giving them as a prize or otherwise making a gift of them,

but do not include supplying them otherwise than in the course of a business.”

Therefore, a retailer based in Scotland WILL have to abide by amendments 3A (periods of supply) and 3B (quantity of supply) when supplying product to consumers anywhere (including outside Scotland) as the sale will have occurred inside Scotland. This is an unfair restriction on selling to consumers outside of Scotland.

In conclusion, SSI 2021 No. 14 - The Fireworks (Scotland) Amendment Regulations 2021 puts Scottish based retailers at a significant commercial disadvantage when compared with other retailers (outside Scotland) for supplying both inside and outside of Scotland.

These points (along with our previous comments in our letter dated 5th February 2021) have not been considered as part of the published **Business and Regulatory Impact Assessment**.

We look forward to your comments.

Yours sincerely



Lawrence Black
Secretary BFA



Steve Raper
Chairman BFA



Fraser Stevenson
Vice Chairman BFA