

Fireworks – sale to under 18s banned from today

New powers have come into effect today to make it a criminal offence for anyone to supply fireworks or other pyrotechnic articles to anyone under 18. While the move is welcomed, Scottish Labour says the extra powers in the act must come into force soon.

In addition any attacks on emergency workers using fireworks will become “aggravating factors” to be taken into account in sentencing offenders.

Last year steps were taken to restrict the way in which fireworks could be used by restricting the time they are used and when they can be bought. But the licensing system with safety training for those who wish to buy and use fireworks is not yet in place. The government says “Work is progressing” in relation to the extra controls which also include powers for local authorities to designate firework control zones.



Ash Regan SNP MSP and Minister for Community Safety ©2021 The Edinburgh Reporter

Community Safety Minister Ash Regan said: “These important new powers have been delivered at pace and make it a criminal offence for anyone to supply fireworks or other pyrotechnic articles to a child or person under age 18.

“Fireworks in the wrong hands can cause serious, life-changing injuries or even prove lethal. Preventing their supply – in any way – to under 18s is a wholly welcome step which will bring greater public safety across Scotland.

“It’s also extremely important swift work has progressed which will see hard-working and brave 999 crews – who work tirelessly to keep us all safe – better protected.

“Any attack on fire, ambulance and police crews is utterly despicable so ensuring courts are required to take into consideration the use fireworks or pyrotechnics as a possible aggravating factor in any attack on 999 crews is a real deterrent to such vile behaviour.

“Work is now progressing to see other provisions set out in the ground-breaking legislation brought into force. These are essential steps which demonstrate our absolute commitment to improving the safety of communities across Scotland.”

Scottish Labour has called on The Scottish Government to spell out its plans as it emerged that key powers set out in the Fireworks and Pyrotechnics (Scotland) Act have still not been implemented.

Scottish Labour spokesperson for Community Safety, Katy Clark MSP, said: “Scottish Labour voted in favour of the bill because we recognise that serious action is needed to tackle anti-social use of fireworks.”

“However, we were clear that much more detail was needed to ensure the bill would succeed and be effective. We have repeatedly sought clarity on how much licenses will cost as too steep a fee could easily create a new black market in unregulated fireworks.

“Similarly, the Scottish Government refused to accept Scottish Labour’s amendment on control zones, which would have banned all use of fireworks in these areas including by private operators. Their exemption means those operating facilities such as care homes, veterans’ villages and animal shelters will be awaiting the final shape of these zones with bated breath.

“Unfortunately, less than a month from Bonfire Night, these key points are still yet to be addressed. Scottish Labour will continue to scrutinise the workability of these proposals, as this will affect the extent to which we really can bring about a culture shift around fireworks misuse in this country.”

RETAIL UNION WELCOMES LEGISLATION

Retail trade union Usdaw says it welcomes the new legislation

but the union urges support for shopworkers who have to enforce the law, with age-restricted sales accounting for nearly one-fifth of incidents of violence, threats and abuse against shopworkers.

The Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021, promoted by Daniel Johnson MSP (Labour, Edinburgh Southern) provides a new specific offence of assaulting, threatening or abusing a shopworker and a harsher sentence if they were enforcing a statutory age restriction, resulting in a fine with penalties escalating to a prison sentence. The legislation is a result of Usdaw's Freedom From Fear campaign working with Scottish politicians, employers and other organisations.

Tracy Gilbert – Usdaw regional officer for Scotland said: “Restricting the sale of fireworks to over 18s is a welcome step forward for public safety. We have all been horrified by reports of emergency service workers being attacked by people using fireworks as a weapon and there is no doubt that in the wrong hands they are very dangerous.

“Age restricted sales are a real minefield for our members. If they make a mistake they are likely to be prosecuted and fined. If they fail to ask for age identification from somebody who looks under-25, they run the risk of being disciplined for not following company policy and for the sale of alcohol that is a legal requirement here in Scotland.

“Asking for age identification can lead to abuse from frustrated and angry customers and a refusal of a sale can be a real flashpoint. Many of our members feel they are damned if they ask for ID and damned if they don't. Scottish shopworkers deserve far more respect than they receive. Our surveying shows that 9 in 10 are suffering abuse from customers, two-thirds were threatened and 12% assaulted.

“Last year Daniel Johnson MSP successfully brought in ground-

breaking protection of workers legislation; providing stiffer sentences for those who abuse or assault shopworkers, particularly if they are enforcing an age restriction.

“However, we still need employers to make it easier for staff to report attacks and abuse, highlight the legislation to improve confidence, backed up with training, and promote the importance of reporting all incidents. At the same time, we need significant investment in the justice system to ensure victims get the justice they deserve.

“Violence and abuse are not an acceptable part of the job and too many shopworkers suffer all too often. We still need better co-ordination to ensure that retail employers, police and the courts work together to make stores safer and give staff the support and confidence they need, particularly when they are on the frontline of enforcing the law.”

The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 was passed by the Scottish Parliament on 29 June.



Virgin Money Fireworks 2019 – Edinburgh International
Festival. Photo: Martin P. McAdam www.martinmcadam.com