

SUPPLEMENTARY EQUALITY IMPACT ASSESSMENT

<p>Title of policy/ practice/ strategy/ legislation etc.</p>	<p>The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Designation of Events and Incidental Provision) Regulations 2023</p> <p>The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Commencement No 2) Regulations 2023</p> <p>The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Consequential Modifications, Saving and Transitional Provisions) Regulations 2023</p>
<p>Minister</p>	<p>Minister for Community Safety</p>
<p>Lead official</p>	<p>Mary Hockenhill</p>
<p>Directorate: Division: Team</p>	<p>Safer Communities: Safer Communities: Community Safety</p>
<p>Is this new policy or revision to an existing policy?</p>	<p>Commencement of new legislation which includes both replacement of existing offences (pyrotechnic possession within football grounds) and the introduction of new offences (possession of a pyrotechnic at all sporting grounds with a capacity over 1000, possession of a pyrotechnic at music events with a capacity of 1000, possession of a pyrotechnic in a public place).</p> <p>Together these Regulations implement the provisions on possession of pyrotechnic articles within Part 5 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.</p>

Summary

This summary should be read alongside the wider equality assessments carried out in relation to the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.

At that time, the Scottish Government concluded that, taking into account evidence such as the framing exercise itself, public meetings, analysis of the 2021 Bill consultation, the review of existing evidence, and the findings from the Stop and Search code of practice: twelve month review by an independent advisory group, there was no requirement for an in-depth EQIA to be carried out as the impact on protected groups was considered to be equal and/or positive.

The main purpose of carrying out this supplementary equality screening exercise was to identify whether this conclusion should change because of the approach taken to commence and operationalise the pyrotechnic possession legislation.

Again, the Scottish Government has not identified any negative impacts that are likely to occur in relation to protected characteristics because of the approach taken. Any impact remains likely to be equal and/or positive for protected groups.

Key points specifically relating to the pyrotechnic provisions in the Act are reiterated below.

Policy Aim

The overarching policy purpose of these provisions is the prevention of harm. The aim is to deter and prevent misuse of pyrotechnic articles by prohibiting possession of all such articles at certain sporting and music events, places where evidence suggests misuse is most likely to occur, and of most such articles in public places, without reasonable excuse. This will reduce the risk of harm to individuals themselves, members of the public, and those working in and around sporting and music events, such as stewards, event staff, and police officers.

The pyrotechnic provisions within the 2022 Act have been designed to be proportionate, enforceable, and effective in preventing pyrotechnic articles being misused

Who will this effect?

General Public: The criminal offence of being in possession of a pyrotechnic article in a public place, excluding F1 fireworks, will provide the general public with additional protection from the risk of harm due to pyrotechnic misuse in public places. It will allow earlier intervention by police in advance of someone entering a sporting or music event where pyrotechnic possession is suspected, thereby increasing the chance of preventative action against misuse, and providing additional protection to attendees.

The criminal offence of being in possession of any pyrotechnic articles, including F1 fireworks, at designated sporting and music venues and events, will improve the event going experience for the majority of attendees, reducing the risk of physical and mental harm from pyrotechnic misuse, and therefore impacting positively.

Exemptions and the availability of a reasonable excuse defence to the offence means that this will not affect the purchasing of pyrotechnic articles, or their use by professional operators. The policy will also not impact the legitimate use of pyrotechnic articles such as safety flares used by those, for example, going out to sea or hillwalking.

What might prevent the desired outcomes being achieved?

Despite the high level of danger involved in misusing pyrotechnic articles, there are still people who believe that such behaviour is acceptable.

Non-compliance could see individuals carrying a pyrotechnic article to a designated event without reasonable excuse or individuals refusing to submit to a search by a police officer when the officer has stopped them on the reasonable suspicion that an offence has been, or is being, committed.

The impact of these Regulations is to take a preventative approach wherever possible. Any continued misuse of pyrotechnics will be addressed through existing channels of communication and awareness raising, including utilising social media, to highlight the dangers involved in using these articles, as well as the

consequences of non-compliance, such as charges brought and cases prosecuted, to deter others.

Have positive or negative impacts been identified for any of the equality groups?

Yes. Positive impacts have been identified for age, disability, sex and pregnancy and maternity characteristics. No negative impacts have been identified.

Age

The commencement of the legislation is likely to have a positive impact on young people, particularly young men, who are more likely to be harmed through pyrotechnic misuse than other demographics.

The introduction of the new possession offences will have a positive impact on both young and older people who attend sporting and music events. However, again, younger people, from their late teens to their late 30s, are recognised as a key demographic at many such events, and so the positive impact may be more so for this group.

Disability

The commencement of the legislation is likely to have a positive impact on those whose health and development means that they are more sensitive to unexpected loud bangs and flashes in public places. This includes people with mental health conditions and/or neurodivergent conditions.

The smoke generated by pyrotechnics can be particularly problematic for those suffering from health conditions relating to the respiratory system.

Sex

The legislation is likely to have a positive impact on men, who are more likely to be harmed by pyrotechnics.

While whoever is in the audience at an event where there is pyrotechnic misuse has the potential to be the indiscriminate victim, it is recognised that the audiences at sporting events, such as football matches, are often disproportionately male.

2021 Consultation responses from football campaign groups and some individuals indicate a perception or concern of disproportionate and targeted discrimination and criminalisation against football fans (and by extension, young, working-class men). However, we believe the legislation will provide further protection for all attending – and working at - football matches, including those young men more at risk of harm from firework and pyrotechnics misuse.

There are safeguards in place in relation to stop and search activity. All activity must be appropriate – that is, lawful, necessary and proportionate, with a Stop and Search Code of Practice followed. The Scottish Government believes that such checks and balances will ensure the rights of all – including those men attending football matches - are upheld.

Pregnancy and Maternity

The legislation is likely to have a positive impact and benefit to pregnant women attending events where there is a risk of pyrotechnic misuse, as they may be more sensitive to loud bangs and flashes during pregnancy. A reduction in the noise and risk of harm associated with pyrotechnic misuse may have a positive effect.

Monitoring and Review

Throughout the development of policy on pyrotechnic misuse, consultation and engagement with stakeholders has been key. As part of the development of the Bill for the 2022 Act, and as part of the development of these specific regulations, appropriate early engagement has taken place.

We are committed to continuing this engagement at implementation and delivery, and will work with delivery partners to ensure that equality impact is an integral part of monitoring and review.