SCOTTISH STATUTORY INSTRUMENTS

2004 No. 358

ENVIRONMENTAL PROTECTION

The Environmental Protection (Restriction on Use of Lead Shot) (Scotland) (No. 2) Regulations 2004

Made - - - - 26th August 2004
Laid before the Scottish Parliament - - - - 27th August 2004

Coming into force in accordance with regulation 1(2)

The Scottish Ministers, having consulted the committee established under section 140(5) of the Environmental Protection Act 1990(**1**); having published notices in the London Gazette and in the Edinburgh Gazette; having considered representations made to them in accordance with those notices, all as required by section 140(6) of that Act; considering it appropriate for the purpose of preventing the substance or articles specified from causing pollution of the environment and harm to the health of animals; in exercise of the powers conferred by section 140 of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Protection (Restriction on Use of Lead Shot) (Scotland) (No. 2) Regulations 2004.

(2) Regulation 7 shall come into force on 31st August 2004 and the remaining provisions of these Regulations shall come into force on 31st March 2005.

(3) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"lead shot" means any shot made of–

(a) lead; or

(b) any alloy or compound of lead where lead comprises more than 1% of that alloy or compound;

(**1**) 1990 c. 43. The Advisory Committee on Hazardous Substances was established by S.I.1991/1487. Section 140(3)(c) was amended by S.I. 1999/1108. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

"the Ramsar Convention" means the Convention on Wetlands of International Importance, especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by–

(a) the Protocol known as the Paris Protocol done at Paris on 3rd December 1982; and

(b) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting parties held at Regina, Saskatchewan, Canada between 28th May and 3rd June 1987(**2**);

"shot gun" means a smooth bore gun but does not include any shot gun chambered for 9 millimetre or smaller rim fire cartridges;

"wetlands" shall be construed in accordance with regulation 3.

Wetlands

3.—(1) Subject to paragraph (2), "wetlands" has the meaning given in Article 1(1) of the Ramsar Convention.

(2) For the purposes of these Regulations only the reference in that Article to–

(a) "temporary" in relation to wetlands means wetlands which are covered with water on a seasonal, intermittent or regular basis; and

(b) "peatlands" means only peatlands with visible water.

Prohibition on use of lead shot

4. No person shall use lead shot for the purpose of shooting with a shot gun on or over wetlands.

Offences

5. Any person who contravenes regulation 4, or causes or permits another person to contravene that regulation, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences by bodies corporate etc.

6.—(1) Where an offence under regulation 5 committed–

(a) by a body corporate, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who–

(i) is a director, manager or secretary of the body corporate; or

(ii) purports to act in any such capacity;

(b) by a Scottish partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who–

(i) is a partner; or

(ii) purports to act in that capacity;

(c) by an unincorporated association, other than a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who–

(i) is concerned in the management or control of the association; or

(ii) purports to act in the capacity of a person so concerned,

(**2**) Cmnd 6465. The Paris Protocol and Regina Amendments are published in Cmnd 9113 and 3053 respectively.