SCOTTISH STATUTORY INSTRUMENTS

2004 No. 289

ENVIRONMENTAL PROTECTION

The Environmental Protection (Restriction on Use of Lead Shot) (Scotland) Regulations 2004

Made - - - -	*10th June 2004*
Laid before the Scottish Parliament - - - -	*11th June 2004*
Coming into force - -	*1st September 2004*

The Scottish Ministers in exercise of the powers conferred by section 140 of the Environmental Protection Act 1990(**1**) and of all other powers enabling them in that behalf, having consulted the committee established under section 140(5) of that Act(**2**) in accordance with section 140(6)(a) of that Act, having published a notice in the Edinburgh Gazette and any other publication which they consider appropriate in accordance with section 140(6)(b) of that Act and having considered the representations made to them in respect of that notice in accordance with section 140(6)(c) of that Act; considering it appropriate to make these Regulations for the purpose of preventing the substance or articles specified in them from causing pollution of the environment and harm to the health of animals; 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) Regulations 2004 and shall come into force on 1st September 2004.

(2) 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. 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).

(**2**) The Advisory Committee on Hazardous Substances was established by S.I. 1991/1487.

"the Ramsar Convention" means the Convention of Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971(**3**);

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

"wetlands" has the meaning given in 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" wetlands means areas which are covered with water on a seasonal, intermittent or regular basis;

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

Prohibition on use of cartridges containing lead shot

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

Powers of investigation etc: police

5.—(1) A constable who suspects with reasonable cause that any person is committing or has committed an offence under these Regulations may without warrant–

(a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;

(b) search for, search or examine any thing which that person may then be using or may have used, or may have or have had in the person's possession, if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found in or on that thing;

(c) seize and detain for the purposes of proceedings under these Regulations any thing which may be evidence of the commission of the offence.

(2) A constable who suspects with reasonable cause that any person is committing or has committed an offence under these Regulations may, for the purpose of exercising the powers conferred by paragraph (1), enter any land other than a dwelling or lockfast premises.

(3) If a sheriff or justice of the peace is satisfied, by evidence on oath, that there are reasonable grounds for suspecting that an offence under these Regulations has been committed and that evidence of the offence may be found on any premises other than a dwelling, the sheriff or justice may grant a warrant authorising a constable to enter those premises, if necessary using reasonable force, and search them for the purposes of obtaining that evidence.

(4) A warrant under paragraph (3) continues in force until the purpose for which the entry is required has been satisfied, or, if earlier, the expiry of such period as the warrant may specify.

(5) A constable who enters any land in the exercise of a power conferred by this regulation–

(a) may–

(i) be accompanied by any other persons; and

(ii) take any machinery, other equipment or materials on to the land,

(**3**) As amended by the Protocol known as the Paris Protocol done at Paris on 3rd December 1982 and 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.