
STATUTORY INSTRUMENTS

1999 No. 2170

The Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations shall extend to England only.

Interpretation

2. In these Regulations—

“authorised person” means a person authorised under regulation 4(1) below;

“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;

“premises” includes any land, vehicle or vessel, but does not include premises used for residential purposes;

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

“site of special scientific interest” means an area of land notified under section 28(1) of the Wildlife and Countryside Act 1981(1);

“wild bird” means any bird of a kind which is ordinarily resident in or is a visitor to England in a wild state.

Prohibition on use of cartridges containing lead shot

3. No person shall use lead shot for the purpose of shooting with a shot gun—

- (a) on or over any area below high-water mark of ordinary spring tides;
- (b) on or over any site of special scientific interest included in Schedule 1 to these Regulations;
or
- (c) any wild bird included in Schedule 2 to these Regulations.

Powers of entry to determine whether the Regulations are being, or have been, complied with

4.—(1) A person who appears suitable to the Secretary of State may be authorised in writing by the Secretary of State to exercise, in accordance with the terms of the authorisation, any of the

(1) 1981 c. 69.

powers specified in paragraph (2) below for the purpose of determining whether any provision of these Regulations is being, or has been, complied with.

(2) The powers which an authorised person may be authorised to exercise under paragraph (1) above are—

- (a) to enter at any reasonable time any premises which he has reason to believe it is necessary for him to enter;
 - (b) on entering any premises by virtue of sub-paragraph (a) above to take with him—
 - (i) any other authorised person;
 - (ii) if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable; and
 - (iii) any equipment (other than heavy equipment) or materials required for any purpose for which the power of entry is being exercised;
 - (c) to make such examination and investigation as may in any circumstances be necessary;
 - (d) to take any dead or injured wild bird or to take samples, or cause samples to be taken, of any articles or substances found in or on any premises which he has power to enter and to cause any such bird or sample to be analysed or tested;
 - (e) in the case of any such bird or sample as is mentioned in sub-paragraph (d) above, to take possession of it and to retain it for so long as is necessary for all or any of the following purposes, namely—
 - (i) to examine it, or cause it to be examined, and to do, or cause to be done, to it anything which he has power to do under that sub-paragraph;
 - (ii) to ensure that it is not tampered with before examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence.
- (3) Where an authorised person proposes to enter any premises and—
- (a) entry has been refused and he apprehends on reasonable grounds that the use of force may be necessary to effect entry, or
 - (b) he apprehends on reasonable grounds that entry is likely to be refused and that the use of force may be necessary to effect entry, any entry on to those premises by virtue of this regulation shall only be effected under the authority of a warrant by virtue of paragraph (4) below.
- (4) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that there are reasonable grounds for the exercise in relation to any premises of a power under this regulation (including a power exercisable by virtue of a warrant under this paragraph), and
 - (b) that one or more of the conditions specified in paragraph (5) below is fulfilled, the justice may by warrant authorise the Secretary of State to designate a person who shall be authorised to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.
- (5) The conditions mentioned in sub-paragraph (4)(b) above are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
 - (e) that an application for admission to the premises would defeat the object of the proposed entry.

(6) Every warrant under paragraph (4) above shall continue in force until the purposes for which the warrant was issued have been fulfilled.

(7) An authorised person, including a person designated under paragraph (4) above, shall (if so requested) produce evidence of his authority or designation.

(8) An authorised person, including a person designated under paragraph (4) above, who, in exercise of any power conferred by this regulation enters on any premises which are unoccupied or whose occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(9) An authorised person, including a person designated under paragraph (4) above, shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any power conferred by this regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

5.—(1) Any person who contravenes regulation 3 above 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.

(2) Any person who intentionally obstructs a person acting in the exercise of any power under regulation 4 above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Signed by authority of the Secretary of State

29th July 1999

Michael Meacher
Minister of State for the Environment, Transport
and the Regions