

**EXPLANATORY MEMORANDUM TO**  
**THE ENVIRONMENTAL PROTECTION (ANGLERS' LEAD WEIGHTS) (ENGLAND)**  
**REGULATIONS 2015**

**2015 No. 815**

1. This Explanatory Memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 The Regulations prohibit, subject to certain exceptions, the supply of lead in the form of lead weights for the purpose of weighting anglers' fishing lines. The purpose of the Regulations is to protect animals, particularly swans, from accidental poisoning and death through ingestion of accidentally discarded anglers' lead weights.
  - 2.2 The Regulations consolidate The Control of Pollution (Anglers' Lead Weights) Regulations 1986 (S.I. 1986/1992) and The Control of Pollution (Anglers' Lead Weights) (Amendment) Regulations 1993 (S.I. 1993/49).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The consolidation of the 1986 Regulations is being undertaken as part of the Government's Red Tape Challenge, to reduce and simplify the regulatory landscape in England.
  - 4.2 The Control of Pollution (Anglers' Lead Weights) Regulations 1986, made under sections 100 and 104(1) of the Control of Pollution Act 1974, made it illegal to import and sell lead weights (including any alloy or compound of lead) for the purpose of weighting anglers' fishing lines. The 1986 Regulations defined 'lead weights' as split shot or any other thing suitable for weighting fishing lines unless it was incorporated in the core of the line, or in the construction of swim feeders, self-cocking floats or fishing lines. The prohibition on supply and importation of such weights did not apply to weights of 0.06 grams or less, or more than 28.35 grams.
  - 4.3 The 1986 Regulations were amended by The Control of Pollution (Anglers' Lead Weights) (Amendment) Regulations 1993, which removed the prohibition on the

importation of lead weights as a result of internal market provisions of the Treaty which established the European Economic Community<sup>1</sup>.

- 4.4 These Regulations consolidate and revoke the 1986 and 1993 Regulations in England. The Regulations make it illegal to supply lead weights between 0.06 grams and 28.35 grams for the purpose of weighting fishing lines. The Regulations create a rebuttable presumption that a person that supplies split shot does so for the purpose of weighting lines.
- 4.5 A draft of the Regulations was notified to the European Commission under the Technical Standards Directive (see 8.2 below). After notification a 3 month standstill period had to be observed before the Regulations could be made and no amendments could be made without notifying the provisions again. As a result, when the Regulations were prepared it was not known whether section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 would be in force when these Regulations were made. For this reason the alternative penalty drafting in regulation 5 was included.

## **5. Territorial Extent and Application**

- 5.1 The Regulations extend to England and Wales and apply in relation to England only.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 Lead poisoning of birds, particularly Mute Swans (*Cygnus olor*) has been well documented since the late 1970s (Simpson *et al.* 1979, Birkhead 1982, 1983, Sears 1988). Historically the poisoning has mainly been caused by lead splitshot used in angling to weight fishing lines. When these lead weights are accidentally discarded by anglers they can be ingested by birds with their food and grit.
- 7.2 In 1981 the Nature Conservancy Council's Working Group published a report on the issue and recommended that nontoxic weights should be developed and that the supply of lead weights should be phased out so as to protect birds from accidental poisoning. Alternatives to lead weights have been developed and since at least 1984 there has been a range of products available to anglers that do not incorporate lead.

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<sup>1</sup> The Treaty of Rome dated 25th March 1957, as amended by the Single European Act

- 7.3 In 1985 a voluntary ban on the use of lead was introduced but this was found to be relatively ineffective. Since the introduction of The Control of Pollution (Anglers' Lead Weights) Regulations 1986 there has been a substantial reduction in incidences of lead poisoning of swans<sup>2</sup>. It is believed that the prohibition on the supply of lead weights should remain in order to continue to protect the health of animals.
- 7.4 These Regulations consolidate the 1986 Regulations with the subsequent amendment made in 1993, as referred to above. They do not change the policy approach regarding the supply of anglers' lead weights. The consolidation of the 1986 Regulations is being undertaken as part of the Government's Red Tape Challenge, to reduce and simplify the regulatory landscape in England.

## **8. Consultation outcome**

- 8.1 A notice was published in the London Gazette, in accordance with section 140(6)(b) of the Environmental Protection Act 1990 describing the nature of the Regulations, indicating the date on which they are likely to come into force and advising where a copy of the Regulations could be inspected, free of charge during normal office hours. The notice also invited any person to make representation to the Secretary of State about the Regulations for a period of 14 days; no representations were received.
- 8.2 A draft of the Regulations was sent to the European Commission in accordance with the Technical Standards Directive<sup>3</sup> as they prohibit the supply of a product. A three month standstill period was observed before the Regulations were made.
- 8.3 Key stakeholders, such as the Angling Trust, British Ornithologists Club, Wildfowl and Wetlands Trust and Canal and River Trust were consulted on the Regulations.

## **9. Guidance**

- 9.1 Guidance on the type of lead weight which can be used is available on the Government's website at:  
<https://www.gov.uk/freshwater-rod-fishing-rules/tackle-you-can-use>

## **10. Impact**

- 10.1 An Impact Assessment has not been prepared as the impact on the private, public and voluntary sector is considered to be minimal.

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<sup>2</sup> See Sears; Wildfowl 40 (1989): 151-152.

<sup>3</sup> Directive 98/34/EC (as amended)

## **11. Regulating small business**

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on small firms employing up to 20 people, the approach taken is to do no more than consolidate the existing regulations and to add no new or additional requirements.

11.3 No impact on individuals or businesses is anticipated as a result of these Regulations; they only consolidate existing provisions which after the Regulations come into force will be revoked. Due to this small businesses were not consulted.

## **12. Monitoring review**

12.1 The previous Regulations are well established and, as this consolidation will make no change to their content, a further review is not needed at this stage.

## **13. Contact**

Kate Fouracre at Defra Tel: 0117 372 3661 or e-mail: [Kate.Fouracre@defra.gsi.gov.uk](mailto:Kate.Fouracre@defra.gsi.gov.uk) can answer any queries regarding the instrument.