

2009 No. 168

ENVIRONMENTAL PROTECTION

**The Environmental Protection (Restriction on Use of Lead Shot)
Regulations (Northern Ireland) 2009**

Made - - - - - *20th April 2009*

Coming into operation - *1st September 2009*

These Regulations are made in exercise of the powers conferred by Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997(a);

In accordance with Article 32(3)(a) of that Order, the Department of the Environment has caused a notice indicating the effect of these regulations to be published and has taken into consideration the representations made to it in accordance with the notice;

Accordingly the Department makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Restriction on Use of Lead Shot) Regulations (Northern Ireland) 2009 and shall come into operation on 1st September 2009.

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;

“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(b);

“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.

(a) S.I. 1997/2778 (N.I. 19)

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

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 or regular basis; and
- (b) “peatlands” 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.

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.

Sealed with the Official Seal of the Department of the Environment on 20th April 2009.



Maggie Smith

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations prohibit the use of lead shot for shooting with a shot gun on or over wetlands (regulation 4).

“Lead shot” means any shot made of lead or of any alloy or compound of lead where lead comprises more than 1% of that alloy or compound (regulation 2).

Regulation 3 defines “wetlands” by reference to Article 1(1) of the Ramsar Convention (the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971), with further explanation of the terms “peatland” and “temporary” wetlands for the purposes of the Regulations. Article 1(1) states:

“For the purposes of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.”

The Ramsar Convention provides a detailed “Classification System for Wetland Types” which provides further guidance as to what constitutes a wetland. A copy of the Convention and the Classification System is available at http://www.ramsar.org/key_conv_e.htm.

Regulation 5 creates the offence of contravention, or causing or permitting the contravention of regulation 4. It makes that offence punishable summarily with a fine not exceeding level 3 on the standard scale.

The powers of enforcement set out in Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997 apply to these Regulations.

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