
STATUTORY INSTRUMENTS

1999 No. 2170

ENVIRONMENTAL PROTECTION, ENGLAND

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

<i>Made</i>	- - - -	<i>29th July 1999</i>
<i>Laid before Parliament</i>		<i>3rd August 1999</i>
<i>Coming into force</i>	- -	<i>1st September 1999</i>

The Secretary of State—

having consulted the committee established⁽¹⁾ under section 140(5) of the Environmental Protection Act 1990⁽²⁾;

having published a notice in the London Gazette as required by section 140(6)(b) of that Act;

having considered the representations made to him in accordance with that notice;

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; in exercise of the powers conferred on him by section 140(3) of the Environmental Protection Act 1990, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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

(1) S.I.1991/1487.

(2) 1990 c. 43.

(3) Section 140(3)(c) was amended by S.I. 1999/1108.

(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(4);

“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 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

29th July 1999

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

SCHEDULE 1

Regulation 3(b)

SITES OF SPECIAL SCIENTIFIC INTEREST

Site of special scientific interest	Date of notification under section 28(1)(c) of the Wildlife and Countryside Act 1981	Location (Ordnance Survey Grid reference. <i>See note below</i>)
Abberton Reservoir	1/11/1988	TL977182
Ainsdale Sand Dunes	1/3/1984	SD287102
Alde-Ore Estuary	1/8/1985	TM442492
Alderfen Broad	1/9/1984	TG354194
Altcar Sand Dunes And Foreshore	1/8/1983	SD283032
Altcar Sand Dunes And Foreshore	1/8/1983	SD283032
Amberley Wild Brooks	19/6/1985	TQ034142
Ant Broads And Marshes	1/5/1989	TG364212
Aqualate Mere	12/1/1987	SJ773204
Arne	30/7/1986	SY963873
Attenborough Gravel Pits	1/11/1982	SK523343
Avon Valley	9/8/1985	SP066476
Avon Valley (Bickton To Christchurch)	15/10/1993	SZ144979
Bagmere	3/12/1998	SJ795644
Barn Elms Reservoir	2/2/1975	TQ228770
Barnby Broad & Marshes	16/5/1990	TM473908
Bassenthwaite Lake	29/3/1994	NY220283
Baston Fen	1/7/1984	TF131169
Belvide Reservoir	4/3/1987	SJ864102
Benfleet And Southend Marshes	1/5/1987	TQ860846
Berrington Pool	15/11/1983	SO509629
Berrington Pool	25/1/1984	SJ524072
Berry Fen	1/3/1984	TL378745
Betley Mere	15/9/1986	SJ745482
Black Firs & Cranberry Bog	15/9/1986	SJ749503

Note: The Ordnance Survey National Grid reference gives a point within the site of special scientific interest.

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Black Hill Heath	15/12/1989	SY836941
Blackwater Estuary	12/1/1993	TL978100
Blagdon Lake	17/12/1984	ST513597
Blenheim Park	25/7/1986	SP437161
Blithfield Reservoir	2/7/1987	SK054243
Blue Pool And Norden Heaths	1/3/1985	SY937831
Bomere, Shomere And Betton Pools	26/10/1983	SJ502080
Bourne Valley	14/3/1995	SZ067927
Bracklesham Bay	21/2/1986	SZ827947
Brighton Meadows	1/4/1986	SE704328
Brenscombe Heath	7/11/1985	SY984831
Brent Reservoir	9/8/1985	TQ219874
Breydon Water	1/6/1987	TG488070
Bridgwater Bay	27/4/1989	ST278483
Broad Fen, Dilham	1/12/1983	TG343253
Brown Moss	12/7/1984	SJ561393
Brownheath Moss	22/4/1987	SJ460301
Buddon Wood And Swithland Reservoir	1/9/1984	SK559145
Bure Broads And Marshes	1/2/1991	TG350155
Burgh Common And Muckfleet Marshes	1/10/1986	TG442126
Butterburn Flow	11/11/1984	NY670762
Calthorpe Broad	1/12/1984	TG411259
Canford Heath	12/6/1985	SZ028958
Cantley Marshes	9/1/1997	TG370037
Catcott Edington And Chilton Moors	24/1/1986	ST395416
Chartley Moss	16/1/1987	SK025282
Cheddar Reservoir	26/4/1983	ST441538
Chesil & The Fleet	22/8/1986	SY597818

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Chew Valley Lake	31/1/1985	ST565596
Chichester Harbour	30/7/1985	SU755002
Chingford Reservoirs	9/9/1986	TQ371954
Chippenham Fen And Snailwell Poor's Fen	1/4/1988	TL648694
Christchurch Harbour	8/10/1986	SZ173914
Clarepool Moss	12/7/1983	SJ433342
Cole Mere	14/11/1984	SJ434332
Colne Estuary	10/3/1989	TM096121
Combe Pool	29/10/1986	SP392794
Cop Mere	17/12/1986	SJ801298
Corfe & Barrow Hills	10/3/1986	SZ002971
Cowpen Marsh	1/1/1989	NZ504251
Cranborne Common	23/8/1985	SU098114
Crostwick Marsh	1/12/1985	TG262164
Crouch And Roach Estuaries	11/4/1996	TQ847966
Curry And Hay Moors	5/3/1992	ST319271
Damgate Marshes, Acle	23/2/1993	TG413096
Dawlish Warren	9/1/1984	SX985794
Deben Estuary	18/2/1991	TM293438
Decoy Carr, Acle	1/6/1985	TG404089
Dee Estuary	9/12/1983	SJ216805
Deeping Gravel Pits	1/3/1986	TF178081
Dengie	1/3/1986	TM044031
Dersingham Bog	1/4/1986	TF672286
Derwent Ings	1/1/1983	SE704436
Drigg Coast	2/5/1986	SD074934
Ducan's Marsh, Claxton	1/10/1986	TG339026
Duddon Estuary	27/2/1991	SD143756
Dungeness	31/3/1992	TR065181
Ebblake Bog	30/8/1985	SU105070

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Eccup Reservoir	18/3/1987	SE300417
Eling And Bury Marshes	26/6/1986	SU374120
Esthwaite Water	27/2/1987	SD361962
Exe Estuary	7/10/1986	SX981842
Eye Brook Reservoir	1/7/1983	SP854955
Fairburn And Newton Ings	23/11/1984	SE455277
Fenemere	18/12/1984	SJ445228
Fenn's, Whixall And Bettisfield Mosses (England)	2/12/1983	SJ487364
Ferndown Common	21/9/1984	SZ067998
Flaxmere Moss	25/10/1984	SJ556723
Formby Sand Dunes And Foreshore	1/7/1984	SD268075
Foulness	14/10/1993	TQ998877
Foxcote Reservoir And Wood	23/3/1984	SP710366
Geldeston Meadows	1/8/1988	TM396916
Gibraltar Point	1/7/1988	TF565595
Gilkicker Lagoon	18/12/1984	SZ608977
Grafham Water	1/4/1986	TL140681
Gunton Park Lake	1/10/1986	TG220344
Hall Farm Fen, Hemsby	1/6/1986	TG480169
Halvergate Marshes	21/12/1996	TG448051
Ham Common	11/11/1987	SY982910
Hamford Water	1/7/1987	TM228254
Hanningfield Reservoir	1/5/1985	TQ733983
Hardley Flood	23/11/1990	TM380996
Hartland Moor	2/5/1986	SY953853
Hatch Mere	11/10/1984	SJ551721
Hay-A-Park	15/6/1995	SE362580
Hayle Estuary And Carrack Gladden	1/8/1983	SW542385

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Hencott Pool	4/3/1985	SJ490160
Higham Ferrers Gravel Pits	1/7/1984	SP946688
Hilton Gravel Pits	20/10/1986	SK249314
Holburn Lake And Moss	1/9/1983	NU050364
Holt And West Moors Heaths	10/7/1988	SU060038
Holton Heath	14/11/1986	SY950912
Hornsea Mere	1/12/1983	TA188468
Horton Common	24/2/1984	SU075071
Humber Flats And Marshes: Barton And Barrow Clay Pits	1/7/1985	TA043235
Humber Flats And Marshes: Pyewipe And Cleethorpes Coast	1/3/1988	TA323076
Humber Flats And Marshes: Spurn Head To Saltend Flats	1/3/1985	TA344174
Humber Flats And Marshes: The Grues	1/6/1988	TA125256
Humber Flats And Marshes: Upper Humber	1/8/1987	SE955235
Hurn Common	17/12/1986	SU122000
Hurst Castle And Lymington River Estuary	5/9/1986	SZ334937
Hythe To Calshot Marshes	6/7/1984	SU454055
Inner Marsh Farm	11/2/1998	SJ307735
Inner Thames Marshes	28/10/1986	TQ531801
Kielder Mires	15/12/1995	NY603810
Kings Quay Shore	24/2/1987	SZ540940
Kings Sedgemoor	2/8/1985	ST402328
Lackford Lakes	19/8/1997	TL806707
Langstone Harbour	22/2/1985	SU691039
Langtoft Gravel Pits	1/3/1987	TF113108
Lee-On-The Solent To Itchen Estuary	27/8/1992	SU470085

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Leighton Moss	29/2/1984	SD485753
Limpenhoe Meadows	1/8/1985	TG398031
Lincegrove And Hackett's Marshes	26/10/1984	SU487088
Lindisfarne	10/3/1989	NU105422
Lions Hill	3/5/1985	SU104037
Little Paxton Wood	1/6/1989	TL169635
Lower Test Valley	2/12/1986	SU365145
Ludham – Potter Heigham Marshes	7/3/1990	TG404177
Lune Estuary	19/1/1990	SD390533
Lymington River	25/7/1997	SU290041
Lymington River Reedbeds	26/10/1984	SZ322969
Malham-Arncliffe	28/3/1988	SD902682
Martin Mere, Burscough	17/12/1984	SD419145
Marton Pool. Chirbury	26/10/1983	SJ295027
Matchams	26/4/1988	SU123005
Medina Estuary	18/7/1985	SZ508921
Medway Estuary And Marshes	24/12/1991	TQ853709
Melbourne And Thornton Ings	1/8/1985	SE736453
Mersey Estuary	15/8/1985	SJ434793
Mickletown Ings	9/11/1984	SE403275
Mid Colne Valley	1/8/1985	TQ044894
Minsmere-Walberswick Heaths And Marshes	1/5/1989	TM477734
Moorlinch	1/3/1985	ST388359
Morden Bog And Hyde Heath	19/2/1996	SY915911
Morecambe Bay	28/3/1990	SD383701
Morton Pool And Pasture	12/7/1984	SJ301239
Mucking Flats And Marshes	18/9/1991	TQ706811
Nene Washes (Whittlesey)	1/11/1983	TL302995

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Newton Marsh	26/11/1986	SD450291
Newton Mask	1/5/1986	SE706496
Newtown Harbour	23/2/1995	SZ417910
Norden	29/9/1986	SY950831
North Lincolnshire Coast	23/3/1995	TA424009
North Norfolk Coast	1/2/1986	TF744446
North Solent	27/9/1990	SZ428982
Oakers Bog	29/6/1988	SY811919
Ogston Reservoir	20/10/1986	SK375602
Orwell Estuary	1/8/1985	TM231377
Oss Mere	12/7/1983	SJ564438
Ouse Washes	21/5/1984	TL474856
Pagham Harbour	30/9/1986	SZ868961
Parley Common	24/2/1984	SZ091992
Pitsford Reservoir	1/5/1984	SP778699
Poole Harbour	7/12/1990	SY988878
Poplar Farm Meadows, Langley	1/7/1985	TG370020
Portsmouth Harbour	29/10/1992	SU619001
Povington And Grange Heaths	26/3/1986	SY883834
Pulborough Brooks	1/7/1998	TQ052169
Quoisley Meres	4/2/1987	SJ548455
Redcar Rocks	1/11/1984	NZ610252
Redgrave And Lopham Fens	1/3/1985	TM048797
Rempstone Heaths	20/2/1987	SY991845
Ribble Estuary	17/12/1984	SD376257
River Derwent	1/5/1986	SE704474
River Derwent And Tributaries	11/9/1997	NY159239
Rostherne Mere	11/10/1984	SJ745841
Roudsea Wood & Mosses	28/7/1989	SD342812
Roydon Common	1/10/1984	TF685224

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Rutland Water	1/4/1984	SK904081
Ryde Sands And Wootton Creek	23/3/1995	SZ610928
Rye Meads	1/1/1989	TL387101
Salcombe To Kingsbridge Estuary	6/2/1987	SX744406
Saltfleetby – Theddlethorpe Dunes	1/5/1988	TF484903
Sandford Heath	14/8/1987	SY938902
Sandwich Bay To Hacklinge Marsh	28/6/1993	TR354592
Seal Sands	1/7/1983	NZ526261
Seaton Dunes & Common	1/8/1985	NZ534281
Sevenoaks Gravel Pits	25/1/1989	TQ522569
Severn Estuary	2/2/1989	ST468836
Shallam Dyke Marshes, Thurne	1/9/1986	TG400168
Shapwick Heath	23/6/1995	ST421405
Slop Bog And Uddens Heath	23/8/1985	SU077017
Smallburgh Fen	1/8/1985	TG326245
South Gare & Coatham Sands	1/10/1988	NZ576260
South Thames Estuary And Marshes	24/12/1991	TQ724750
South Walney And Piel Channel Flats	12/12/1997	SD214647
Southlake Moor	5/2/1985	ST369301
Southport Sand Dunes And Foreshore	1/11/1983	SD302148
Sowley Pond	26/10/1984	SZ374967
Sprat's Water And Marshes, Carlton Colville	1/8/1986	TM507922
Staines Moor	2/7/1984	TQ037733
Stanley And Alder Carrs, Aldeby	1/7/1986	TM433927

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Steep Holm	16/6/1983	ST228606
Stoborough & Creech Heaths	7/2/1986	SY926842
Stodmarsh	18/7/1984	TR209610
Stour Estuary	23/12/1985	TM171329
Studland & Godlingston Heaths	7/10/1986	SZ031849
Swanholme Lakes	1/10/1985	SK943685
Sweat Mere And Crose Mere	8/11/1994	SJ432304
Tabley Mere	4/2/1985	SJ724768
Talbot Pit	21/9/1984	SZ062930
Tatton Meres	24/1/1986	SJ755802
Tealham And Tadham Moors	6/2/1985	ST422448
Thanet Coast	18/4/1990	TR308687
The Lagoons	23/3/1990	TA411176
The Mere, Mere	18/10/1985	SJ732818
The Moors	7/6/1985	SY947868
The New Forest	28/2/1996	SU224075
The Swale	20/2/1990	TQ976663
The Wash	1/5/1984	TF537411
Thorness Bay	23/2/1995	SZ458936
Thrasher's Heath	31/3/1984	SY970838
Titchfield Haven	30/11/1983	SU541036
Tophill Low	8/12/1989	TA072484
Town Common	31/3/1994	SZ132974
Tring Reservoirs	30/3/1987	SP904130
Turbary And Kinson Commons	8/7/1988	SZ063946
Turners Puddle Heath	15/6/1990	SY831903
Turnford And Cheshunt Pits	20/4/1995	TL371024
Tweed Estuary	1/3/1988	NT993531

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Upper Hamble Estuary And Woods	1/10/1987	SU505111
Upper Severn Estuary	10/2/1987	SO716062
Upper Solway Flats And Marshes	6/6/1988	NY141646
Upper Thurne Broads And Marshes	1/11/1988	TG438209
Upton Broad & Marshes	1/7/1986	TG391137
Upton Heath	12/4/1990	SY986943
Verwood Heaths	8/5/1985	SU092093
Walland Marsh	28/11/1986	TQ969252
Walmore Common	24/2/1984	SO744150
Waltham Brooks	7/5/1987	TQ026158
Walthamstow Reservoirs	1/10/1986	TQ351888
Wareham Meadows	3/12/1987	SY929874
Warmwell Heath	12/6/1987	SY755871
West Moor	12/8/1985	ST422219
West Sedgemoor	21/1/1983	ST360258
Westhay Heath	27/7/1990	ST416421
Westhay Moor	17/12/1985	ST453444
Weston Turville Reservoir	14/11/1986	SP862095
Wet Moor	20/8/1985	ST449243
White Mere	9/10/1986	SJ414329
Whitecliffe Bay And Bembridge Ledges	14/7/1986	SZ658872
Wicken Fen	1/12/1983	TL554702
Winfrith Heath	5/12/1996	SY804874
Woodwalton Fen	1/12/1985	TL231848
Woolston Eyes	18/10/1985	SJ664885
Worgret Heath	18/11/1987	SY894870
Wraysbury & Hythe End Gravel Pits	3/7/1992	TQ010737

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Wretham Park Meres	1/1/1984	TL908918
Wybunbury Moss	13/6/1986	SJ697501
Wyre Estuary	27/1/1995	SD317499
Yar Estuary	18/7/1985	SZ352883
Yare Broads And Marshes	1/10/1988	TG325067

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SCHEDULE 2

Regulation 3(c)

WILD BIRDS IN RESPECT OF WHICH THE PROHIBITION ON SHOOTING WITH LEAD SHOT APPLIES

<i>Common name</i>	<i>Scientific name</i>
Coot	<i>Fulica atra</i>
Ducks, Geese and Swans (all species of each)	Anatidae
Moorhen	<i>Gallinula chloropus</i>
Plover, Golden	<i>Pluvialis apricaria</i>
Snipe, Common	<i>Gallinago gallinago</i>

NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (“the Regulations”), which apply to England only, prohibit the use of lead shot for shooting with a shot gun—

- (a) on or over any area below the high-water mark;
- (b) on or over the sites of special scientific interest included in Schedule 1 to the Regulations;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) any wild bird included in Schedule 2 to the Regulations. These birds are ducks, geese and swans (all species of each); coot; moorhen; golden plover and common snipe (regulation 3).

“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 4 provides for powers of entry and inspection, a power to take samples, and a power to take any dead or injured wild birds, to determine whether any provision of the Regulations is being, or has been, complied with.

Regulation 5 provides that breach of regulation 3, or obstruction of a person exercising any power under regulation 4, is a criminal offence punishable with a fine not exceeding level 3 on the standard scale.

Notifications under section 28(1) of the Wildlife and Countryside Act 1981 of sites of special scientific interest in England are registered as local land charges (section 28(11) of the 1981 Act).

Details of the area covered by the sites of special scientific interest listed in Schedule 1 to the Regulations can be obtained from English Nature at Northminster House, City Road, Peterborough, PE1 1UA.