

Net Zero, Energy and Transport Committee
Tuesday 25 November 2025
35th Meeting, 2025 (Session 6)

UK subordinate legislation: consideration of consent notification

Introduction

1. This paper supports the Committee's consideration of a 'type 1' consent notification sent by the Scottish Government relating to the following proposed UK statutory instrument (SI):
 - The REACH (Amendment) Regulations 2026
2. The process for how the Scottish Parliament considers consent notifications is set out in the [SI Protocol](#). See **Annexe A** for further details.

The REACH (Amendment) Regulations 2026

3. On 3 November, the Cabinet Secretary for Climate Action and Energy wrote to the Committee to give notice that the Scottish Government proposed to consent to this SI. Her letter is in **Annexe B** and the formal SI notification is in **Annexe C**. The notification sets out that the UK Government intends to lay the SI on 1 April 2026. The Committee has been asked to respond by **5 December**.
4. UK REACH is the principal chemicals regulatory framework that applies across Great Britain and is a means of controlling the risks of chemicals to people and the environment. It allows restrictions to be put on the use, manufacture or sale of chemicals.
5. This instrument would amend UK REACH to add to the restriction list certain lead ammunition (lead shot or lead bullets) for use in outdoor shooting ranges (with exemptions for outdoor shooting ranges where risk management measures are in place) or for live quarry shooting (with exemptions for elite athletes). There are transition periods for the implementation of the restrictions (of either 2 or 3 years depending on the activity, set out in a table in the notification).
6. The notification outlines the reasons lead ammunition is being restricted, due to its toxicity for wildlife and humans. It states that ingesting lead from ammunition is known to cause excess deaths in wildfowl and poison predatory species that eat contaminated prey or carcasses. It also highlights that humans can be exposed through consuming game meat that has been shot with lead ammunition.
7. The key powers being used here to legislate are only available to the UK Ministers, not Scottish Ministers, but can be used in devolved areas only if the Scottish Ministers consent. The notification sets out that the Scottish Government proposes to consent to the UK SI having previously suggested lead ammunition

as a substance to be investigated and consented to the Secretary of State proposing it for inclusion on the restricted list. This instrument gives effect to that decision. The notification does not specify why a UK SI, rather than Scottish legislation, is the appropriate vehicle to make the change, but the powers being used are only available to UK Ministers so it is likely Scottish legislative options to make this provision are more limited.

Next steps

8. If the Committee wishes to approve the proposal to consent to the SI, it may, in doing so, set out in its letter to the Scottish Government any observations or concerns that it thinks are relevant.
9. If the Committee is not content with the proposal, it should include in its letter to the Scottish Government one of the following recommendations:
 - That the Scottish Government should not consent to the provision being made in a UK SI and that the Scottish Government should instead take forward an alternative Scottish legislative solution. As the particular power being used is available only to UK Ministers, so Scottish Ministers would need to find a different way to make this provision. However, the UK Internal Market Act 2020 may have implications on separate Scottish provision if there were any differences between it and the England/Wales provision as the proposal involves a ban on the sale of types of lead ammunition, which may engage the “market access principles” regarding the sale of goods¹; or
 - That the provision should not be made at all (that is, that the Scottish Government should not consent to the provision being included in a UK SI, nor should the Scottish Government take forward an alternative Scottish legislative solution).

Clerks to the Committee

November 2025

¹ The UK Internal Market Act 2020 could disapply restrictions on the sale of goods in one part of the UK to the extent those restrictions are different to those in the part of the UK that the goods originated.

Annexe A: Process for parliamentary scrutiny of consent notifications in relation to UK statutory instruments

1. The Protocol provides for the Scottish Parliament to scrutinise the Scottish Government's decisions to consent to certain subordinate legislation made by the UK Government: specifically, UK Government subordinate legislation on matters within devolved competence in areas formerly governed by EU law. It sets out a proportionate scrutiny approach and categorises SI notifications as 'type 1' or 'type 2'.
2. Type 2 applies where all aspects of the proposed instrument are clearly technical (e.g., they merely update references in legislation that are no longer appropriate following EU exit) or do not involve a policy decision. These are notified retrospectively, after the Scottish Government has given its consent.
3. All other proposals are type 1. In this case, the Scottish Parliament's agreement is sought before the Scottish Government gives consent to the UK Government making subordinate legislation in this way. Each type 1 notification must be considered by the relevant Committee.
4. **The Committee's role in relation to type 1 notifications is to decide whether it agrees with the Scottish Government's proposal to consent to the UK Government making Regulations within devolved competence, in the manner that the UK Government has indicated to the Scottish Government.**
5. If Members are content for consent to be given, the Committee will write to the Scottish Government accordingly. The Committee may also wish to note any issues in its response or request that it be kept up to date on any relevant developments.
6. If the Committee is not content with the proposal, however, it may recommend that the Scottish Government should not give its consent. In that event, the Scottish Ministers have 14 days under the Protocol to respond to the Committee's recommendation. They could—
 - Agree. If so, the Scottish Ministers would then withhold their consent.
 - Not agree. If so, the Parliament will debate the issue.
7. If the Parliament agrees to the Committee's recommendation that the Scottish Ministers should not consent, the Protocol provides that the Scottish Ministers should "normally not consent" to the UK SI. However, the Protocol also provides that if the Scottish Ministers consider that the Committee's proposed alternative cannot be achieved, they may consent to the UK SI. If so, they must explain why they are doing so to the Scottish Parliament.

Annexe B: Correspondence from the Cabinet Secretary for Climate Action and Energy

3 November 2025

Dear Edward,

2026 No. xx CONSUMER PROTECTION ENVIRONMENTAL PROTECTION HEALTH AND SAFETY The REACH (Amendment) Regulations 2026 - EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and then Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, the final SI is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The purpose of this instrument is to amend Regulation (EU) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) ("the UK REACH Regulation" which is now assimilated law) to add lead in ammunition to Annex XVII in accordance with provisions in Article 69, 73, and 132A of the Regulation, to restrict most uses of lead in ammunition.

The UK Government has set a laying date for this SI as the 1 April 2026. If possible, consent from Scottish Ministers and agreement from Scottish Parliament is required by 5 December 2025.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you before 5 December 2025.

Yours sincerely,

GILLIAN MARTIN

Annexe C: Notification to the Scottish Parliament

Name of the SI(s)

2026 No. xx CONSUMER PROTECTION ENVIRONMENTAL PROTECTION
HEALTH AND SAFETY The REACH (Amendment) Regulations 2026

Is the notification Type 1 or Type 2

Type 1

Brief overview of the SI (including reserved provision)

The purpose of this amendment is to add lead in ammunition to the UK REACH Regulation Restriction list. UK REACH is one of the main chemicals regulations in the UK and is a means of controlling the risks of chemicals to people and the environment where more specific, sector driven regulation doesn't exist. One of the mechanisms of UK REACH is restriction, which can prohibit or set conditions on the use, manufacture, or sale of a particular substance or substances.

The scope of this restriction covers certain lead ammunition (lead shot and bullets) which is used in both live quarry shooting (use during hunting outdoors) and outdoor target shooting (use at outdoor shooting ranges).

An overview of the restriction is as follows:

- a. the sale and use of lead shot in both outdoor target shooting (with a derogation for elite athletes) and live quarry shooting, both with a phase-out period of 3 years;
- b. restriction of use of lead bullets for outdoor target shooting (with a derogation for shooting ranges with risk management measures in place), with a phase-out period of 2 years and;
- c. use of lead bullets above a certain calibre for live quarry shooting, with a phase-out period of 3 years.

This SI is made in exercise of powers within Article 68(1) and 73(2) and 132A of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ("UK REACH") which is now assimilated law (formerly known as retained EU law).

There have been previous amendments to UK REACH since EU exit, to enable the function of UK REACH regulation within UK law, including the necessary extension of the registration deadlines for UK REACH registrants:

1. The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/758);
2. The REACH etc. (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/858);
3. The REACH etc. (Amendment etc.) (EU Exit) (No. 3) Regulations 2019 (S.I. 2019/1144);
4. The REACH etc. (Amendment etc.) (EU Exit) (No. 4) Regulations 2020 (S.I. 2020/1577).
5. The REACH etc. (Amendment) Regulations 2021 (S.I. 2021/904).
6. The REACH (Amendment) Regulations 2023 (S.I. 2023/722)

Previous notifications were made to the Scottish Parliament Environment Climate Change and Land Reform Committee on 27 November 2018, 2 April 2019, 18 June 2019 and 28 September 2020 and 26 February 2021, and the Net Zero, Energy and Transport Committee on 3 March 2023 respectively. The Scottish Parliament agreed with Scottish Ministers' intention to consent to the listed regulations.

This instrument is subject to negative procedure and is proposed to be laid in draft at Westminster on 1 April 2026.

Details of the provisions that Scottish Ministers are being asked to consent to.

Summary of the proposals

Under UK REACH, if an appropriate authority (Scottish or Welsh Ministers, or the UK Secretary of State) considers that the manufacture, placing on the market or use of a substance (on its own, in a mixture or in an article) poses a risk to human health or the environment that is not adequately controlled, it can be put forward as a candidate for restriction.

This instrument will amend Annex XVII (the Restriction List) of UK REACH to include lead in ammunition (lead shot or lead bullets) for use in outdoor shooting ranges (with exemptions for outdoor shooting ranges where risk management measures are in place) or for live quarry shooting (with exemptions for elite athletes).

Lead is toxic for wildlife and humans. Spent lead shot is responsible for a very large number of excess deaths in wildfowl that accidentally ingest it from soils or watercourses. Lead ammunition, both shot and bullets, can also cause poisoning in

predatory species that eat contaminated prey or carcasses, and people can be exposed through the consumption of lead-shot game meat.

The restriction process under UK REACH is a rigorous, evidence-based process which begins with a request by the appropriate authorities to Health and Safety Executive (“the Agency”) to prepare a restriction dossier. After several years of evidence gathering through research, independent expert advice, and two public consultations to put together risk assessment and socio-economic analysis, the Agency produces a final Opinion with recommendations for restriction. UK REACH states that the recommended restriction must be effective, practical and monitorable.

The Opinion on lead in ammunition was published in December 2024, and the UK Secretary of State along with the Scottish and Welsh Ministers agreed with the majority of the recommendations laid out by the Agency to restrict most uses of lead in ammunition in GB. Scottish and Welsh Ministers consented to a decision on the restriction in June 2025, which was published on the Defra website thereafter. An overview of the restriction is laid out in the table below.

| Type of shooting | Ammunition use | Restriction | Transition Period |
|-------------------------|----------------|---|-------------------|
| Live Quarry Shooting | Lead shot | A restriction on placing on the market | 3 years |
| | Lead bullets | Large calibre bullets ($\geq 6.17\text{mm}$): A restriction is proposed on the placing on the market and use of large calibre lead bullets | 3 years |
| | | Small calibre bullets ($\leq 6.17\text{mm}$): No restriction is proposed at this time on the placing on the market or use of small calibre lead bullets | n/a |
| Outdoor target shooting | Lead shot | A restriction on placing on the market with a derogation in place for use by competitive athletes. | 3 years |
| | Lead bullets | A restriction on the use of lead bullets for outdoor target shooting with a derogation for use at ranges with appropriate risk management measures in place | 2 years |

Article 73 of UK REACH outlines that any divergence in the Ministerial decision from the recommendations made in the Agency's Opinion, must be accompanied with a detailed explanation of the reasons for the differences. The decision made by the UK Secretary of State with the consent of Scottish and Welsh Ministers follows the

recommendations of the Agency Opinion except in the case of the transition period for lead shot. The Agency recommended a transition period of 5 years due to time pressures and supply chain issue caused by the Covid-19 pandemic. However, these concerns have abated in the time since then and therefore Ministers decided to reduce the transition period to 3 years, as this would cause a reduction in lead emissions into the environment by an estimated 13,500 tonnes.

Scottish Ministers have proposed to give their consent to this UK SI to enact the above decision as it will significantly reduce the risk to vulnerable waterbird and predatory bird species which can accidentally ingest lead through feeding, leading to slow and painful deaths, and it will also ensure that gamebird meat and venison from wild-shot animals in Scotland is free from lead contamination.

A voluntary phaseout by 2025 on the use of lead shot that was led by UK shooting organisations has been shown to be largely ineffective at minimising the use of lead ammunition, and therefore effective regulation is required in this case. Stakeholders both in the shooting industry and NGOs and charities have highlighted the need for a consistent approach across the UK, and therefore restriction under UK REACH is an effective way to legislate on this ban. The Agency only considered a restriction where appropriate alternatives were available, therefore small calibre bullets ($\leq 6.17\text{mm}$) for live quarry shooting have not been included in the restriction as there was insufficient evidence that viable alternatives were available.

Several uses of lead ammunition are considered out of scope for this proposal including military and police use, use in indoor shooting, and historical collections of ammunition.

EU Alignment

UK REACH is assimilated law, and the EU has equivalent legislation known as EU REACH. As of the date notifying Scottish Parliament, the EU has not amended EU REACH to include lead in ammunition in Annex XVII (the restriction list), however a draft amendment was published in early 2025 to amend Annex XVII regarding lead in ammunition and fishing tackle. While there are some slight differences between the UK REACH proposal and the published EU draft amendment (size cut-off between large and small bullets and differences in transition times), officials consider consenting to this decision will bring the UK into alignment with the EU once the change has been enacted in the EU (note fishing tackle was excluded from the scope of the UK REACH restriction because effective national regulation is already in place for these uses)

Does the SI relate to a common framework or other scheme?

Yes, UK REACH forms part of the relevant regulations set out within the scope of the provisional Chemicals and Pesticides Common Framework.

Summary of stakeholder engagement/consultation

UK REACH outlines the process by which a restriction can be made following the appropriate authorities' decision to put forward a substance for which there is a risk to human health and/or the environment. This includes calls for evidence and two public consultations following the publication of the UK REACH Annex XV dossier (risk assessment) and subsequent socioeconomic analysis. The publication of the Agency opinion is the culmination of several years of evidence gathering and public consultations.

Scottish Government also engaged with Scottish landowner, gamekeeper and country sports associations, as well as Scottish representatives from charities, public bodies, and members of the academic community to understand how the decision to restrict lead in ammunition would affect Scottish wildlife and both recreational and professional Scottish shooting communities.

This engagement highlighted that overall stakeholder groups understood the need for this ban given the harmful impacts of lead on wildlife and to humans in lead-shot game meat. Although there were some concerns highlighted in discussions, Scottish Ministers were satisfied that these were fully considered as part decision-making and so considered consenting the restriction decision in June 2025 to be appropriate.

A note of other impact assessments, (if available)

The impact of the restriction was considered during the production of the Opinion by the Agency. As this covered Great Britain as a whole, it included potential impacts in Scotland.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

Scottish Ministers, in agreement with UK and Welsh Ministers, put forward lead in ammunition as a candidate for restriction under UK REACH in 2021, to investigate whether there was undue risk to human health and the environment. The Agency Opinion published in December 2024, was the culmination of several years of a call for evidence, independent scientific advice, and 2 public consultations with >10,000 stakeholder responses. This Opinion recommended restricting the majority of types of lead ammunition after designated phase-out periods.

In June 2025, Scottish Ministers gave consent to the UK Secretary of State's decision to propose lead in ammunition as a new entry into the REACH restriction list and therefore Scottish Ministers consider that consenting to the UK REACH (Amendment) 2026 Regulation to enact this decision is the appropriate course of action to protect the environment and human health.

Intended laying date (if known) of instruments likely to arise

This instrument is subject to the negative procedure and is proposed to be laid in draft at Westminster on 1 April 2026.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?

N/A

Information about any time dependency associated with the proposal

N/A

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

The Regulatory authorities for UK REACH, the Health and Safety Executive and (in Scotland) the Scottish Environment Protection Agency, will be responsible for monitoring compliance and enforcing this restriction in Scotland. Scottish Ministers have highlighted the need to monitor the long-term impact of this restriction.

Any significant financial implications?

None.

SI NOTIFICATION: SUMMARY

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|---|
| Title of Instrument |
| 2026 No. xx CONSUMER PROTECTION ENVIRONMENTAL PROTECTION HEALTH AND SAFETY The REACH (Amendment) Regulations 2026 |
| Proposed laying date at Westminster |
| 1 April 2026 |
| Date by which Committee has been asked to respond |
| 5 December 2025 |
| Power(s) under which SI is to be made |
| This SI is subject to negative procedure and is made in exercise of powers in Article 68(1), 73(2) and 132A of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ("UK REACH") which is assimilated law. |
| Categorisation under SI Protocol |
| Type 1 |
| Purpose |
| The purpose of this instrument is to amend UK REACH to add the majority of types of lead ammunition to the UK REACH restriction list, under which the sale, manufacture and use will be prohibited (with certain exemptions) after specified phase-out periods. |
| Other information |
| Scottish Ministers, along with Welsh Ministers, consented to a decision by the Secretary of State in June 2025 on a draft restriction for lead in ammunition under UK REACH. The instrument enacts that decision. A similar restriction has been agreed in the EU but is yet to become law. |