



Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

PART 3

DEER

29 Deer: close seasons etc.

- (1) The 1996 Act is amended as follows.
- (2) In section 5 (close season authorisations)—
 - (a) in subsection (6)—
 - (i) the words from the beginning to “and” where it first occurs are repealed,
 - (ii) for paragraphs (a) and (b) substitute—
 - “(a) the taking or killing is necessary—
 - (i) to prevent damage to any crops, pasture or human or animal foodstuffs on any agricultural land which forms part of that land; or
 - (ii) to prevent damage to any enclosed woodland which forms part of that land; or
 - (b) the taking or killing is necessary—
 - (i) to prevent damage to any unenclosed woodland which forms part of that land; or
 - (ii) to prevent damage, whether directly or indirectly, to the natural heritage generally; or
 - (iii) in the interests of public safety, and no other means of control which might reasonably be adopted in the circumstances would be adequate.”,
 - (b) after subsection (7), add—

Status: This is the original version (as it was originally enacted).

- “(8) An authorisation under subsection (6) or (7) above—
- (a) may be, to any degree, general or specific (including as regards the land in relation to which it is granted);
 - (b) may be granted to a particular person or to a category of persons.”.
- (3) In section 26 (right of occupier in respect of deer causing serious damage)—
- (a) in the title, the word “serious” is repealed,
 - (b) in subsection (1)—
 - (i) the words from “Notwithstanding” to “Act,” are repealed,
 - (ii) the word “serious” is repealed,
 - (c) after that subsection insert—
- “(1A) Subsection (1) above does not apply during any period fixed by order under section 5(1) of this Act in relation to the sex and species of the deer concerned.”.
- (4) In section 37 (restrictions on granting of certain authorisations)—
- (a) in subsection (1), at the beginning insert “Except as mentioned in subsection (1A) below,”,
 - (b) after that subsection, insert—
- “(1A) Subsection (1) above does not apply to an authorisation under section 5(6) of this Act to any of the following persons to take or kill, for the purpose of preventing any damage mentioned in section 5(6) (a), any deer found on land falling within section 26(1)(a) or (b) of this Act (“section 26 land”)—
- (a) the occupier of the section 26 land; or
 - (b) if authorised by the occupier—
 - (i) the owner of the section 26 land;
 - (ii) an employee of the owner; or
 - (iii) an employee of the occupier, or any other person normally resident on, the section 26 land.”.