

**Changes to legislation:** Wildlife and Countryside Act 1981, SCHEDULE 7 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 7

#### [<sup>F1</sup> PROTECTION OF CERTAIN MAMMALS][<sup>F1</sup> AMENDMENT OF ACTS IN RELATION TO NIGHT SHOOTING OF HARES AND RABBITS]

##### Textual Amendments

- F1** Sch. 7 heading substituted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **11(4)(a)**, **43(1)** (with s. **41(1)**); S.S.I. 2011/433, art. **2(1)(b)**

##### *The Ground Game Act 1880*

- 1 (1) Notwithstanding the provisions of section 6 of the <sup>M1</sup> Ground Game Act 1880, it shall not be unlawful for the occupier of any land himself, or one other person authorised by him under section 1 of that Act, to use firearms for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise if (except where he has the exclusive right) the occupier has the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.
- (2) In this paragraph “ ground game ” means hares and rabbits.

##### Marginal Citations

- M1** 1880 c. 47 .

##### *The Agriculture (Scotland) Act 1948*

- 2 (1) Notwithstanding the provisions of section 50(1)(a) of the <sup>M2</sup> Agriculture (Scotland) Act 1948, it shall not be unlawful for the owner of the shooting rights on any land or any person holding those rights from him, or subject to sub-paragraph (2) below the occupier of any land, to use a firearm for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise.
- (2) The occupier of any land shall not use a firearm as mentioned in sub-paragraph (1) above unless (except where he has the exclusive right) he has first obtained the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.
- (3) An occupier who is entitled, in terms of this paragraph, to use a firearm for the purpose of killing ground game may, subject to the provisions of section 1 of the Ground Game Act 1880, authorise one other person so to use a firearm.
- (4) In this paragraph “ ground game ” means hares and rabbits.

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**Marginal Citations**

**M2** 1948 c. 45 .

*The Dogs (Protection of Livestock) Act 1953*

- <sup>x1</sup> 3 (1) At the end of subsection (2) of section 1 of the <sup>M3</sup> Dogs (Protection of Livestock) Act 1953 (penalty where dog worries livestock on agricultural land) there shall be inserted the words “or
- (c) being at large (that is to say not on a lead or otherwise under close control) in a field or enclosure in which there are sheep”.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) Subsection (2)(c) of this section shall not apply in relation to—
- (a) a dog owned by, or in charge of, the occupier of the field or enclosure or the owner of the sheep or a person authorised by either of those persons ; or
- (b) a police dog, a guide dog, a trained sheep dog, a working gun dog or a pack of hounds.”

**Editorial Information**

**X1** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M3** 1953 c. 28 .

*The Deer Act 1963*

- <sup>x2</sup><sup>F2</sup> 4 For subsection (3) of section 10 of the <sup>M4</sup> Deer Act 1963 (general exceptions) there shall be substituted the following subsections—
- “(3) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of any smooth-bore gun for the purpose of killing any deer if he shows that the deer had been so seriously injured otherwise than by his unlawful act or was in such a condition that to kill it was an act of mercy.
- (4) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use as a slaughtering instrument, for the purpose of killing any deer, of a smooth-bore gun which—
- (a) is of not less gauge than 12 bore ;
- (b) has a barrel less than 24 inches (609.6 millimetres) in length ; and
- (c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (that is to say, size AAA or any larger size).”]

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#### Editorial Information

**X2** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

**F2** Sch. 7 para. 4 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#), ss. 17(6), 18(3), [Sch.4](#).

#### Marginal Citations

**M4** [1963 c. 36](#).

<sup>x3</sup><sub>F3</sub> 5 (1) After section 10 of that Act there shall be inserted the following section—

#### “ Exceptions for authorised persons.

- (1) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
  - (a) the taking of killing of any deer by means of shooting ; or
  - (b) the injuring of any deer by means of shooting in an attempt to take or kill it,
 on any cultivated land, pasture or enclosed woodland.
- (2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
  - (a) the taking or killing of any deer by means of shooting ; or
  - (b) the injuring of any deer by means of shooting in an attempt to take or kill it,
 on any cultivated land, pasture or enclosed woodland.
- (2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use, for the purpose of taking or killing any deer on any land, of any smooth-bore gun of not less gauge than 12 bore which is loaded with—
  - (a) a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes) ; or
  - (b) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (that is to say, size AAA).
- (3) An authorised person shall not be entitled to rely on the defence provided by subsection (1) or (2) of this section as respects anything done in relation to any deer on any land unless he shows that—
  - (a) he had reasonable grounds for believing that caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land ;
  - (b) it was likely that further damage would be so caused and any such damage was likely to be serious ; and
  - (c) his action was necessary for the purpose of preventing any such damage.

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- (4) The Secretary of State and the agriculture Minister acting jointly may by order, either generally or in relation to any area or any species and description of deer specified in the order, repeal subsection (2) of this section or amend it by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in it, or by adding any further conditions which must be satisfied.
- (5) Before making an order under subsection (4) of this section, the Secretary of State and the agriculture Minister shall consult organisations that appear to them to represent persons likely to be interested in or affected by the order.
- (6) In this section—
- “ agriculture Minister ” means the Minister of Agriculture Fisheries and Food in relation to England and the Secretary of State for Wales in relation to Wales ;
- “ authorised person ” means—
- (a) the occupier of the land on which the action is taken ;
  - (b) any member of the occupier’s household normally resident on the occupier’s land, acting with the written authority of the occupier ;
  - (c) any person in the ordinary service of the occupier on the occupier’s land, acting with the written authority of the occupier ; or
  - (d) any person having the right to take or kill deer on the land on which the action is taken or any person acting with the written authority of a person having that right.”
- (2) In sections 1(1) and 3(1) of that Act for the words “sections 10 and 11” there shall be substituted the words “sections 10, 10A and 11”.
- (3) For subsection (1) of section 12 of that Act (orders) there shall be substituted the following subsections—
- “(1) Any power to make orders under this Act shall be exercisable by statutory instrument.
  - (1A) A statutory instrument containing an order under section 1(2) or 3(4) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (1B) No order under section 10A(4) of this Act shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.”]

#### **Editorial Information**

**X3** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Textual Amendments**

**F3** Sch. 7 para. 5 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#) , [ss. 17\(6\)](#) , [18\(3\)](#) , [Sch.4](#) .

<sup>x4</sup><sub>F4</sub> (1) In paragraph 1 of Schedule 2 to that Act (prohibited firearms and ammunition) the words “of less gauge than 12 bore” shall be omitted.

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- (2) In paragraph 4 of that Schedule the words from “other than” onwards shall be omitted.]

#### Editorial Information

- X4** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F4** Sch. 7 para. 6 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#), ss. 17(6), 18(3), [Sch.4](#).

### *The Conservation of Seals Act 1970*

- <sup>x5</sup> 7 (1) In subsection (1)(c) of section 10 of the <sup>M5</sup> Conservation of Seals Act 1970 (power to grant licences), the word “or” immediately following sub-paragraph (ii) shall be omitted and after sub-paragraph (iii) there shall be inserted the words “or
- (iv) the protection of flora or fauna in an area to which subsection (4) of this section applies.”.
- (2) In subsection (3)(b) of that section for the words from “a nature reserve” onwards there shall substituted the words “an area to which subsection (4) of this section applies”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(4) This subsection applies to any area which—
- (a) is a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949 ;
- (b) has been notified under section 28(1) of the Wildlife and Countryside Act 1981 (areas of special scientific interest) ;
- (c) is an area to which section 29(3) of that Act (special protection for certain areas of special scientific interest) applies ; or
- (d) has been designated as a marine nature reserve under section 36 of that Act.”

#### Editorial Information

- X5** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M5** [1970 c. 30](#).

### *The Badgers Act 1973*

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**Textual Amendments**

**F5** Sch. 7 para. 8 repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#) , **s. 15(2)(3)** ,Sch.

<sup>F6</sup> 9 .....

**Textual Amendments**

**F6** Sch. 7 para. 9 repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#) , **s. 15(2)(3)** ,Sch.

<sup>F7</sup> 10 .....

**Textual Amendments**

**F7** Sch. 7 para. 10 repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#) , **s. 15(2)(3)** ,Sch.

<sup>F8</sup> 11 .....

**Textual Amendments**

**F8** Sch. 7 para. 11 repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#) , **s. 15(2)(3)** ,Sch.

<sup>F9</sup> 12 .....

**Textual Amendments**

**F9** Sch. 7 para. 12 repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#) , **s. 15(2)(3)** ,Sch.

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**Changes and effects yet to be applied to :**

- Sch. 7 word substituted by [2011 asp 6 s. 11\(4\)\(b\)](#) (Effect not applied to legislation.gov.uk. The text of the section reference is not available to edit.)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)