



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART III

#### OFFENCES IN RELATION TO DEER

#### *<sup>F1</sup>Register of persons competent to shoot deer*

#### Textual Amendments

- F1** Ss. 17A, 17B and cross-heading inserted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 30(4), 43(1)** (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

#### **17A Register of persons competent to shoot deer**

- (1) The Scottish Ministers may by regulations—
- (a) make provision for the establishment and operation of a register of persons competent to shoot deer in Scotland;
  - (b) prohibit any person from shooting deer unless the person is—
    - (i) registered; or
    - (ii) supervised by a registered person;
  - (c) provide that being a registered person is sufficient to meet the requirements as to fitness and competence under sections 26(2)(d) and 37(1);
  - (d) require registered persons or owners or occupiers of land to submit cull returns to SNH.
- (2) Regulations under subsection (1) above—
- (a) may make such supplementary, incidental or consequential provision as the Scottish Ministers think fit and may, in particular, make provision (or allow SNH to make provision) in relation to—
    - (i) who is to keep and maintain the register;

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*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Cross Heading: Register of persons competent to shoot deer. (See end of Document for details)*

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- (ii) applications for registration (or for amendment of, or removal from, the register);
  - (iii) the determination of applications for registration (including the criteria to be used to determine whether a person is competent to shoot deer);
  - (iv) the imposition of conditions on the granting of an application (including conditions about compliance with any requirement for a registered person to submit a cull return);
  - (v) the amendment of the register;
  - (vi) the removal of a person from the register (including by revocation of registration);
  - (vii) the charging of fees in connection with registration;
  - (viii) appeals against decisions to—
    - (A) refuse to register a person;
    - (B) impose conditions on the granting of an application;
    - (C) remove a person from the register;
  - (ix) circumstances in which a person shooting deer is to be regarded as being, or not being, supervised by a registered person;
  - (x) the information to be included in cull returns;
  - (xi) the periods in respect of, and within, which cull returns are to be submitted;
  - (xii) the form and manner in which cull returns are to be submitted;
  - (xiii) the repeal of [F<sup>2</sup>sections 40 and 40A]; and
  - (xiv) consequential modification of any of sections 5, 16, 18, 26 or 37 of, or Schedule 3 to, this Act; and
- (b) may make different provision for different purposes.
- (3) Before making regulations under subsection (1) above, the Scottish Ministers (or a person nominated by them) must consult such persons and organisations as they consider (or, as the case may be, the nominated person considers) have an interest in the regulations.
- (4) Any person who shoots a deer on any land in contravention of regulations made under subsection (1)(b) above is guilty of an offence.
- (5) Subsection (4) above does not apply where a person shoots a deer for the purpose mentioned in section 25 of this Act.
- (6) Any person who—
- (a) fails without reasonable cause to submit a cull return [F<sup>3</sup>within the meaning given by subsection (7)(a) or (b)(i)] in accordance with regulations made under subsection (1)(d) above; F<sup>4</sup>...
  - [ F<sup>5</sup>(aa) fails without reasonable cause to submit a cull return within the meaning given by subsection (7)(b)(ii) in accordance with regulations made under subsection (1)(d) above, or]
  - (b) knowingly or recklessly provides any information in a cull return [F<sup>6</sup>referred to in paragraph (a)] which is, in a material particular, false or misleading,
- is guilty of an offence.
- (7) In this section, “cull return”—

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- (a) when required to be submitted by a registered person, means a written statement showing the number of deer of each species and of each sex which to his knowledge has been killed; and
- [<sup>F7</sup>(b) when required to be submitted by an owner or occupier of land, means—
  - (i) a written statement showing the number of deer of each species and of each sex which to his knowledge has been taken or killed on the land, or
  - (ii) a written statement showing the number of deer of each species and of each sex which are planned to be killed on the land in the following year.]

#### Textual Amendments

- F2** Words in s. 17A(2)(a)(xiii) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(a)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F3** Words in s. 17A(6)(a) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(b)(i)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F4** Word in s. 17A(6) repealed (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(b)(ii)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F5** S. 17A(6)(aa) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(b)(iii)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F6** Words in s. 17A(6)(b) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(b)(iv)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F7** S. 17A(7)(b) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. **81(3)(c)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.

#### 17B Review of competence etc. by SNH

- (1) SNH must carry out a review of the following matters if the power in section 17A(1) is not exercised by 1st April 2014—
  - (a) levels of competence among persons who shoot deer in Scotland;
  - (b) the effect of such levels of competence on deer welfare.
- (2) In any such review, the matters SNH must consider include—
  - (a) the extent to which such persons have been trained to shoot deer and the availability and nature of such training;
  - (b) any available evidence as regards any effect of the absence of such training, or the nature of such training, on the welfare of deer which have been shot.
- (3) If SNH carries out a review, it must—
  - (a) when doing so consult such persons and organisations as it considers have an interest in the review; and
  - (b) publish a report of the review.]

**Changes to legislation:**

There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Cross  
Heading: Register of persons competent to shoot deer.