



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART IV

ENFORCEMENT, LICENSING OF VENISON DEALING AND MISCELLANEOUS PROVISIONS

Further powers of [F2SNH]

37 Restrictions on granting of certain authorisations.

- (1) [F1]Except as mentioned in subsection (1A) below, [F2SNH] shall not grant an authorisation under any of sections 5(6) or (7), 18(2) or 19(2) of this Act (in subsections (2) to (5) below referred to as an “authorisation”) unless [F3]it is] satisfied that the person concerned is a fit and competent person to receive an authorisation under that provision.

[F4(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.]

(2) An authorisation shall—

- (a) be in writing; and
- (b) specify the duration of its validity.

[F5(2A) For the purposes of subsection (2) above, an authorisation may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 37. (See end of Document for details)

2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.]

- (3) No authorisation shall be granted under section 18(2) or 19(2) of this Act unless a relevant code of practice has been published under subsection (5) below, and any such authorisation shall contain a condition that the person concerned shall comply with the relevant provisions of any such code.
- (4) An authorisation may contain such conditions, other than that mentioned in subsection (3) above, as [F2SNH]n [F6thinks] fit.
- (5) [F2SNH] shall prepare and publish, and from time to time revise, a code of practice for—
- (a) night shooting; and
 - (b) the use of vehicles for the purposes of deer management, within the meaning of section 19(2) of this Act,
- to which [F7it] shall have regard when exercising [F7its] power under section 18(2) or, as the case may be, section 19(2) of this Act.

Textual Amendments

- F1** Words in s. 37(1) inserted (1.4.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 29(4)(a)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3)
- F2** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 1 para. 6**; S.S.I. 2010/221, art. 3(2), Sch.
- F3** Words in s. 37(1) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 1 para. 22(a)**; S.S.I. 2010/221, art. 3(2), Sch.
- F4** S. 37(1A) inserted (1.4.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 29(4)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3)
- F5** S. 37(2A) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\)](#), arts. 1(1), **3(7)**
- F6** Word in s. 37(4) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 1 para. 22(b)**; S.S.I. 2010/221, art. 3(2), Sch.
- F7** Words in s. 37(5) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 1 para. 22(c)**; S.S.I. 2010/221, art. 3(2), Sch.

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