

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: The Deer Act 1963 is up to date with all changes known to be in force on or before 17 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

[^{F1} PROTECTION OF CERTAIN MAMMALS][^{F1} 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 Deer Act 1963

- ^{x1}[^{F1} 4 For subsection (3) of section 10 of the ^{M1} 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).”]

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- X1** The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F1** Sch. 7 para. 4 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#) , ss.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

- M1** 1963 c. 36 .

- ^{x2}[^{F2} 5 (1) After section 10 of that Act there shall be inserted the following section—

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“ 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.
- (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 ;

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“ 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

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. 5 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#) , ss. 17(6) , 18(3) , [Sch.4](#) .

^{x3}[^{F3} 6 (1) In paragraph 1 of Schedule 2 to that Act (prohibited firearms and ammunition) the words “of less guage than 12 bore” shall be omitted.

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

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. 6 repealed (E.W.) (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#) , ss. 17(6) , 18(3) , [Sch.4](#) .

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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](#)