



Deer (Amendment) (Scotland) Act 1982

1982 CHAPTER 19

Composition and operation of the Red Deer Commission

2 Observers and research

- (1) At the end of section 2(1) of the said Act of 1959 there shall be inserted the words " , and the Commission may appoint a member of the Commission or a member of the Commission's staff to act as observer to the panel for the purpose of sitting with the panel at any meeting and of taking part in their discussions and of informing the Commission of information arising during and decisions taken at such meetings ; such an observer shall not be a member of the panel. "
- (2) At the end of section 4 of the said Act of 1959 there shall be inserted the words " (c) to support and to engage in research on questions of practical or scientific importance relating to red deer or sika deer or such other deer as may be specified from time to time by direction of the Secretary of State. "

3 Power of Commission to deal with marauding deer

Section 6 of the said Act of 1959 shall be amended as follows—

- (a) for subsection (1) there shall be substituted the following subsection—

“(1) Subject to the following provisions of this section, where the Commission are satisfied—

- (a) that red deer or sika deer are, on any agricultural land, woodland or garden ground—
 - (i) causing serious damage to forestry or to agricultural production, including any crops or foodstuffs ; or
 - (ii) causing injury to farm animals (including serious overgrazing of pastures and competing with them for supplementary feeding); and
- (b) that the killing of the deer is necessary to prevent further such damage or injury,

they shall authorise in writing, subject to such conditions as may be specified in the authorisation, any person who in their opinion is competent to do so to follow and kill on any land mentioned in the authorisation such red deer or sika deer as appear to that person to be causing the damage or injury.”;

- (b) in subsection (4) for the word " fourteen " there shall be substituted the word " 28 " .

4 Further power of Commission to deal with marauding deer

The following section shall be inserted after section 6 of the said Act of 1959—

“6A Further power of Commission to deal with marauding deer.

- (1) Where the Commission are satisfied that deer of species other than red deer or sika deer are causing serious damage to agricultural land or to woodland and that the killing of the deer is necessary for the prevention of further such damage, they shall be entitled by their servants with the consent of the occupier of the agricultural land or woodland to kill such deer as such servants may encounter in the course of their duties.
- (2) The Commission shall give to the owner of the agricultural land or woodland concerned such notice of their intention to kill deer under this section as may be practicable.
- (3) Sections 21 and 23(1) of this Act shall not apply to the power conferred by subsection (1) above.”.

5 Chairman of Commission

In Schedule 1 to the said Act of 1959 there shall be inserted after paragraph 2 the following new paragraphs—

- “2A If the Secretary of State is satisfied that the chairman of the Commission—
- (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract with his creditors;
 - (b) is incapacitated by reason of physical or mental illness ;
 - (c) has been absent from meetings of the Commission for a period of more than 3 consecutive months without the permission of the Commission or of the Secretary of State ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member of the Commission, or is unsuitable to continue as the chairman,
- the Secretary of State shall have power to remove him from his said office.
- 2B Where a person ceases to be chairman of the Commission otherwise than on, the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may, with the approval of the Treasury, determine.

- 2C The Secretary of State may make such provision, if any, as he may, with the approval of the Treasury, determine for the payment of pensions to or in respect of chairmen of the Commission.”.