



# Deer (Amendment) (Scotland) Act 1982

## 1982 CHAPTER 19

### *Miscellaneous*

#### **6 Unlawful taking, killing and injury of deer, and removal of carcasses**

The said Act of 1959 shall be amended as follows—

- (a) in sections 21(1) and 23(2) after the word " kill " there shall be inserted the words " or injure ";
- (b) for subsection (2) of section 21 there shall be substituted the following subsection—

“(2) The Secretary of State may by order fix a period in each year during which no person shall take or wilfully kill or injure—

- (a) any species of deer named in the order other than red deer; or
- (b) any hybrid of any species of deer named in the order,

and he may fix a different period for males and females of the species or, as the case may be, of the hybrid so named.”;

- (c) in section 22 at the end there shall be added the following new subsection—

“(2) Subject to section 33 of this Act, if any person without legal right to take or kill deer on any land or without permission from a person having such right removes any deer carcass from that land, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 for each carcass in respect of which the offence was committed or to imprisonment for a term not exceeding three months or to both and to the forfeiture of any carcass illegally removed by him or in his possession at the time of the offence.”; and

- (d) in sections 22 and 23(1) after the word " kills " there shall be inserted the words " or injures ".

#### **7 Deer farming**

After subsection (5) of section 21 of the said Act of 1959 there shall be inserted the following new subsection—

“(5A) This section does not apply to the killing of deer by any person who keeps those deer by way of business on land enclosed by a deer-proof barrier for the production of meat or foodstuffs, or skins or other by-products, or as breeding stock (or to such killing of deer by the servant or agent of any such person authorised by him for that purpose) ; provided that the deer are conspicuously marked to demonstrate that they are so kept.”.

## 8 Control of vehicles

(1) After subsection (2) of section 23 of the said Act of 1959 there shall be inserted the following new subsections—

“(2A) Subject to subsection (2B) below and section 33(1) of this Act, if any person—

- (a) discharges any firearm, or discharges or projects any missile, from any aircraft at any deer ; or
- (b) notwithstanding the provisions of section 23(5) of this Act uses any aircraft for the purpose of transporting any live deer other than in the interior of the aircraft,

he shall be guilty of an offence.

(2B) Nothing in subsection (2A) (b) above shall make unlawful anything done by, or under the supervision of, a veterinary surgeon or practitioner.

(2C) In subsection (2B) above " veterinary practitioner " means a person who is for the time being registered in the supplementary register, and " veterinary surgeon " means a person who is for the time being registered in the register of veterinary surgeons”.

(2) In subsection (3) of section 23 of the said Act of 1959 for the words " subsections (1) or (2)" there shall be substituted the words " subsection (1), (2) or (2A) ".

## 9 Use of vehicles to drive deer

After section 23(3) of the said Act of 1959 there shall be inserted the following new subsection—

“(3A) Any person who uses a vehicle to drive deer on unenclosed land with the intention of taking, killing or injuring them shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.”.

## 10 Firearms and ammunition

(1) After section 23 of the said Act of 1959 there shall be inserted the following new section—

### “23A Firearms and ammunition.

(1) The Secretary of State shall have power to make such order as he thinks fit regarding the classes of firearms, ammunition, sights and other equipment which may lawfully be used in connection with killing or taking deer, and the circumstances in which any class of firearms, ammunition, sights or other equipment may be so used.

- (2) Before making an order under subsection (1) above the Secretary of State shall consult any organisations which in his opinion represent persons likely to be interested in or affected by the order.
  - (3) Any person who fails to comply with an order under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 in relation to each deer taken or killed or to imprisonment for a term not exceeding three months, or to both.
  - (4) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
  - (5) If any person uses any firearm or any ammunition for the purpose of wilfully injuring any deer, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 for each deer in respect of which the offence was committed or to imprisonment for a term not exceeding three months, or to both.”.
- (2) In section 24 of the said Act of 1959, for " either of the two " there shall be substituted " any of the three " .