Deer Act 1991

1991 CHAPTER 54

Offences relating to deer

1 Poaching of deer.

(1) Subject to subsection (3) below, if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of taking, killing or injuring it, he shall be guilty of an offence.

(2) Subject to subsection (3) below, if any person while on any land—

(a) intentionally takes, kills or injures, or attempts to take, kill or injure, any deer,

(b) searches for or pursues any deer with the intention of taking, killing or injuring it, or

(c) removes the carcase of any deer,

without the consent of the owner or occupier of the land or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (1) or subsection (2) above by reason of anything done in the belief that—

(a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it; or

(b) he has other lawful authority to do it.

(4) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under subsection (1) or subsection (2) above on any land, he may require that person—

(a) to give his full name and address; and

(b) to quit that land forthwith;

and any person who fails to comply with a requirement under this subsection shall be guilty of an offence.

(5) In subsection (4) above "authorised person", in relation to any land, means the owner or occupier of the land or any person authorised by the owner or occupier, and includes any person having the right to take or kill deer on the land.

Status: *Point in time view as at 27/03/2002.*
Changes to legislation: *There are currently no known outstanding effects for the Deer Act 1991, Cross Heading: Offences relating to deer. (See end of Document for details)*

2 Taking or killing of certain deer in close season.

(1) Subject to sections 6 to 8 below and to subsection (3) below, if any person takes or intentionally kills any deer of a species and description mentioned in Schedule 1 to this Act during the prescribed close season, he shall be guilty of an offence.

(2) The prescribed close season, in relation to a particular deer, is the close season prescribed by Schedule 1 to this Act in relation to deer of that species and description.

(3) Where—

(a) any person, by way of business, keeps deer on land enclosed by a deer-proof barrier for the production of meat or other foodstuffs or skins or other by-products, or as breeding stock, and

(b) those deer are conspicuously marked in such a way as to identify them as deer kept by that person as mentioned in the preceding paragraph,

the killing of any of those deer by that person, or by any servant or agent of that person authorised by him for the purpose, shall not constitute an offence under this section.

(4) The Secretary of State may by order amend Schedule 1 to this Act by the addition of any species not mentioned in that Schedule and of a close season for any description of deer of that species, or by varying or deleting any such addition.

(5) Before making any order under subsection (4) above the Secretary of State shall consult any organisations that appear to him to represent persons likely to be interested in or affected by the order.

Modifications etc. (not altering text)

C1 S. 2: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

3 Taking or killing of deer at night.

Subject to sections 6 and 8 below, if any person takes or intentionally kills any deer between the expiry of the first hour after sunset and the beginning of the last hour before sunrise, he shall be guilty of an offence.

4 Use of prohibited weapons and other articles.

(1) Subject to sections 6 and 8 below, if any person—

(a) sets in position any article which is a trap, snare, or poisoned or stupefying bait and is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact with it, or

(b) uses for the purpose of taking or killing any deer any trap, snare or poisoned or stupefying bait, or any net,

he shall be guilty of an offence.

(2) Subject to sections 6 to 8 below, if any person uses for the purpose of taking or killing or injuring any deer—

(a) any firearm or ammunition mentioned in Schedule 2 to this Act,

(b) any arrow, spear or similar missile, or

(c) any missile, whether discharged from a firearm or otherwise, carrying or containing any poison, stupefying drug or muscle-relaxing agent,

he shall be guilty of an offence.

(3) The Secretary of State may by order amend Schedule 2 to this Act by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition for the time being mentioned in that Schedule.

(4) Subject to subsection (5) below, if any person—
   (a) discharges any firearm, or projects any missile, from any mechanically propelled vehicle at any deer, or
   (b) uses any mechanically propelled vehicle for the purpose of driving deer,

he shall be guilty of an offence.

(5) An act which, apart from this subsection, would constitute an offence under subsection (4) above shall not constitute such an offence if it is done—
   (a) by, or with the written authority of, the occupier of any enclosed land where deer are usually kept; and
   (b) in relation to any deer on that land.

5 Attempts to commit certain offences, etc.

(1) Any person who attempts to commit an offence under any of sections 2 to 4 above shall be guilty of an offence.

(2) If any person, for the purpose of committing an offence under any of sections 2 to 4 above, has in his possession—
   (a) any article the use of which is prohibited by section 4(1)(b), section 4(2)(b) or section 4(2)(c) above, or
   (b) any firearm or ammunition,

he shall be guilty of an offence.

6 General exceptions to certain provisions of this Act.

(1) Nothing in section 2 or section 3 above shall make unlawful anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food under section 98 of the [M1]Agriculture Act 1947.

(2) A person shall not be guilty of an offence under section 2 or section 3 above by reason of any act done for the purpose of preventing the suffering of an injured or diseased deer.

(3) A person shall not be guilty of an offence under section 4(1)(a) or section 4(1)(b) above by reason of setting in position, or using, any trap or net for the purpose of preventing the suffering of an injured or diseased deer.

(4) A person shall not be guilty of an offence under section 4(2)(a) above by reason of the use 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.

(5) A person shall not be guilty of an offence under section 4(2)(a) above 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).

Marginal Citations

M1 1947 c. 48.

7 Exceptions for occupiers etc. of land where deer are.

(1) Subject to subsection (3) below, a person to whom this section applies shall not be guilty of an offence under section 2 above 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) below, a person to whom this section applies shall not be guilty of an offence under section 4(2)(a) above 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 22.68 grammes (350 grains); 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) A person to whom this section applies shall not be entitled to rely on the defence provided by subsection (1) or subsection (2) above as respects anything done in relation to any deer on any land unless he shows that—

(a) he had reasonable grounds for believing that deer of the same species were causing, or had 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 persons to whom this section applies are—

(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; and

(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.

(5) 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,—

(a) repeal subsection (2) above or amend it by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition for the time being mentioned in it;

(b) amend subsection (3) above by adding any further conditions which must be satisfied or by varying or deleting any conditions so added.

(6) Before making any order under subsection (5) above 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.

(7) In this section "agriculture Minister" means—

(a) in relation to England, the **[**[F1]Secretary of State**]**; and

(b) in relation to Wales, the Secretary of State.

Textual Amendments

F1 Words in s. 7(7)(a) substituted (27.3.2002) by The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), art. 1(2), **Sch. 1 para. 34** (with arts. 5(3), 6)

Modifications etc. (not altering text)

C2 S. 7: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

8 Exceptions for persons licensed by [[F2]English Nature] or the Countryside Council for Wales.

(1) A licence may be granted to any person by **[**[F3]English Nature**]** exempting that person, and any persons acting with his written authority, from sections 2 to 4 above in respect of any of the acts specified in subsection (3) below which are done in England for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes.

(2) A licence may be granted to any person by the Countryside Council for Wales exempting that person, and any persons acting with his written authority, from sections 2 to 4 above in respect of any of the acts specified in subsection (3) below which are done in Wales for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes.

(3) The acts referred to in subsections (1) and (2) above are—

(a) using any net, trap, stupefying drug or muscle-relaxing agent of a type authorised by the licence;

(b) using any missile carrying or containing such stupefying drug or muscle-relaxing agent and discharging any such missile by any means authorised by the licence.

(4) A licence granted under subsection (1) above may be revoked at any time by **[**[F3]English Nature**]** and a licence granted under subsection (2) above may be revoked at any time by the Countryside Council for Wales; and a licence granted under either of those subsections may be granted subject to conditions.

(5) Without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under subsection (1) or subsection (2) above shall be guilty of an offence.

Textual Amendments

F2 Words in sidenote in s. 8 substituted (30.1.2001) by virtue of 2000 c. 37, ss. 73(4), 103(2), **Sch. 8 para. 1(o)**

F3 Words in s. 8 substituted (30.1.2001) by 2000 c. 37, ss. 73(4), 103(2), **Sch. 8 para. 1(o)**

9 Penalties for offences relating to deer.

(1) Subject to subsection (2) below, a person guilty of an offence under any of the preceding provisions of this Act shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) Where an offence under any of the preceding provisions of this Act was committed in respect of more than one deer the maximum fine which may be imposed under subsection (1) above shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.

Status:
Point in time view as at 27/03/2002.

Changes to legislation:
There are currently no known outstanding effects for the Deer Act 1991, Cross Heading: Offences relating to deer.