Deer Act 1991

1991 CHAPTER 54

Offences relating to deer

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)

C1 S. 7: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

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, Section 7.