

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Deer (Scotland) Act 1959 (c. 40)

- 1 (1) The principal Act shall be amended as follows.
- (2) In section 2 (appointment of panels), subsections (3) and (4) shall cease to have effect.
- (3) In section 3(1) (duty of Commission to advise the Secretary of State), for the words from “red” to “State” there shall be substituted the word “deer”.
- (4) In section 5 (returns as to numbers of deer killed)—
 - (a) in subsection (1)—
 - (i) the words “red deer or sika” shall cease to have effect;
 - (ii) after the word “each”, there shall be inserted the words “species and of each”;
 - (iii) after the word “been” there shall be inserted the words “taken or”;and
 - (b) in subsection (2), for the words “£200”, there shall be substituted the words “level 3 on the standard scale”.
- (5) In section 6 (power of Commission to deal with marauding deer)—
 - (a) in subsection (2), for the words “which appear to be causing damage as aforesaid” there shall be substituted the words “mentioned in subsection (1) above”; and
 - (b) in subsection (8), for the words “to follow and kill deer as aforesaid” there shall be substituted the words “under this section”.
- (6) Section 6A (further power of Commission to deal with marauding deer) shall cease to have effect.
- (7) In section 8 (content of control schemes)—
 - (a) in subsection (1), for paragraphs (b) and (c) there shall be substituted the following paragraphs—
 - “(b) specify the measures which are to be taken in relation to the deer in that area or any part thereof;
 - (c) specify, where the deer are to be reduced in number, the number and, if necessary in the opinion of the Commission, the species, sex and class of the deer to be killed in or taken and removed from the control area or any part thereof, and the limit on the number of deer of each species, sex or class to be allowed to be established in the control area or any part thereof;”;and
 - (b) in subsection (3), the words “red deer or sika” shall cease to have effect.

Status: This is the original version (as it was originally enacted).

- (8) In section 9(2) (penalty for refusal to comply with control scheme), for the words “£500” there shall be substituted the words “level 4 on the standard scale”.
- (9) In section 10 (enforcement of control schemes), at the end there shall be inserted the following words “; and where the carrying out of such a requirement involves the killing or taking of deer the Commission shall have power to dispose by sale or otherwise of any deer so killed or taken.”.
- (10) In section 11 (expenses of control scheme not recouped through sale of carcasses to be recoverable from owner concerned)—
- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) Where any expenses incurred by the Commission in their performance of their duty under section 10 of this Act exceed the amount of the proceeds of the sale of any deer taken or killed in pursuance of that performance, the excess shall be recoverable from the owner or occupier concerned by the Commission.”;
- (b) in subsection (2)—
- (i) for the words “exercise of their functions as aforesaid” there shall be substituted the words “performance of their duty under the said section 10”; and
- (ii) for the word “carcasses” there shall be substituted the word “deer”; and
- (c) subsection (4) shall cease to have effect.
- (11) In section 12(1) (power of Commission to assist in killing or taking of deer)—
- (a) after the word “control” there shall be inserted the words “agreement or”; and
- (b) the words “red deer or sika” shall cease to have effect.
- (12) In section 14 (provision as to game licences), the words “red deer or sika” and the words “the provisions of this Part of” shall cease to have effect.
- (13) In section 15(1)(d) (power to enter on land for purposes of census), the words “red deer or sika” and the word “general” shall cease to have effect.
- (14) In section 16(3) (address for service), for the words “section twenty-six of the Interpretation Act 1889”, there shall be substituted the words “section 7 of the Interpretation Act 1978”.
- (15) In section 17 (penalty for obstructing execution of Act), for the words “£200” there shall be substituted the words “level 3 on the standard scale”.
- (16) In section 19 (saving for rights of compensation), the words “red deer or sika” shall cease to have effect.
- (17) Section 20 shall cease to have effect.
- (18) In section 22 (penalties for poaching)—
- (a) in subsection (1), after the words “legal right” there shall be inserted the words “to take or kill deer”;
- (b) the proviso to subsection (1) shall cease to have effect; and
- (c) for the words “£500” in both places where they occur, there shall be substituted the words “level 4 on the standard scale”.

Status: This is the original version (as it was originally enacted).

- (19) In section 23 (offences connected with deer)—
- (a) in subsection (1), after the words “section thirty-three”, there shall be inserted the words “or 33A”;
 - (b) in subsection (2)—
 - (i) for the words “to take or wilfully” there shall be substituted the words “wilfully to”; and
 - (ii) for the words from “as” to the end of that subsection there shall be substituted the words “of a class prescribed in an order under section 23A(1) of this Act”;
 - (c) in subsection (2A)—
 - (i) in paragraph (a), for the word “aircraft” there shall be substituted the words “moving vehicle”; and
 - (ii) in paragraph (b), for the words “section 23(5) of this Act”, there shall be substituted the words “subsection (5) below”;
 - (d) in subsection (3), for the words “£500” there shall be substituted the words “level 4 on the standard scale”; and
 - (e) in subsection (3A)—
 - (i) at the beginning there shall be inserted the words “Subject to section 33A of this Act,”;
 - (ii) for the word “unenclosed” there shall be substituted the word “any”; and
 - (iii) for the words “£500” there shall be substituted the words “level 4 on the standard scale”; and
 - (f) in subsection (5), the word “alive” shall cease to have effect.
- (20) In section 23A(3) and (5) (penalties for offences in respect of firearms and ammunition), for the words “£500” there shall be substituted the words “level 4 on the standard scale”.
- (21) In section 24 (unlawful killing or taking of deer by more than one person), in paragraph (a), for the words “section 289B(6) of the Criminal Procedure (Scotland) Act 1975”, there shall be substituted the words “section 225(8) of the Criminal Procedure (Scotland) Act 1995”.
- (22) In section 25D (offences and penalties under Part IIIA)—
- (a) in subsection (2), for the words “£200”, there shall be substituted the words “level 3 on the standard scale”;
 - (b) in subsection (4), for the words “£500”, there shall be substituted the words “level 4 on the standard scale”;
 - (c) in subsection (5), for the words “£50”, there shall be substituted the words “level 2 on the standard scale”; and
 - (d) in subsection (6), for the words “£200”, there shall be substituted the words “level 3 on the standard scale”.
- (23) Section 25E shall cease to have effect.
- (24) In section 25F, for the definition of “deer” there shall be substituted the following definition—
- ““deer” means deer of any species, whether or not deer within the meaning of section 35A(1) of this Act, and includes farmed deer;”.

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- (25) In section 26 (attempts to commit offences)—
- (a) for the words from “section”, where it first occurs, to the words “1954” there shall be substituted the words “section 294 of, and paragraph 10 of Schedule 3 to, the Criminal Procedure (Scotland) Act 1995”;
 - (b) for the words “Part II or any order made thereunder”, there shall be substituted the words “section 21(5) of this Act”; and
 - (c) for the words “£500”, there shall be substituted the words “level 4 on the standard scale”.
- (26) In section 27(1) (powers of search and seizure) the words “firearm or ammunition, vehicle or boat” shall cease to have effect.
- (27) In section 28A(2)(c) (penalty for failure to surrender cancelled certificate), for the words “£50”, there shall be substituted the words “level 2 on the standard scale”.
- (28) Section 31(2) shall cease to have effect.
- (29) Section 32 shall cease to have effect.
- (30) In section 33 (exemptions for certain acts)—
- (a) in subsection (1), after the word “deprived” there shall be inserted the words “, or about to be deprived,”;
 - (b) in subsection (2)—
 - (i) after the word “control”, in both places where it occurs, there shall be inserted the words “agreement or”; and
 - (ii) at the end there shall be inserted the words “; and for the purposes of paragraphs (a) and (b) above “officer or servant of the Commission” includes any person engaged by the Commission under a contract for services.”;
 - (c) in subsection (3)—
 - (i) for the words from “section” to “thereunder”, there shall be substituted the words “section 21(5) of this Act”; and
 - (ii) for the words from “the carcasses” to the end there shall be substituted the words “any deer found, as the case may be, on—
 - (i) arable land, improved permanent pasture (other than moorland) and land which has been regenerated so as to be able to make a significant contribution to the productivity of a holding which forms part of that agricultural land; or
 - (ii) on enclosed woodland,
 where the occupier has reasonable ground for believing that serious damage will be caused to crops, pasture or human or animal foodstuffs on that agricultural land, or to that woodland, if the deer are not taken or killed.”; and
 - (d) subsections (3B) to (5) shall cease to have effect.
- (31) Before section 34, there shall be inserted the following section—

Status: This is the original version (as it was originally enacted).

“33B Information to be supplied to owner of certain land

– The occupier of any agricultural land or enclosed or unenclosed woodland shall supply, as soon as practicable after being requested to do so by the owner of the land, information to the owner as to the number, sex and species of deer taken or killed by him or by any other person, other than the owner or his servants in ordinary service, authorised or nominated by him under or by virtue of section 33(3) or section 33A(2) or (5) of this Act within the period of twelve months immediately preceding the request.”.

(32) In Schedule 1 (constitution of Commission)—

(a) in paragraph 2A—

(i) after the word “chairman” where it appears for the first time, there shall be inserted the words “or a member”; and

(ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) has had his estate sequestrated, has been adjudged bankrupt, has made an arrangement with his creditors, or has granted a trust deed for his creditors or made a composition contract;”;

(b) in paragraph 2B—

(i) for the word “chairman” there shall be substituted the words “a member”; and

(ii) the words “, with the approval of the Treasury,” shall cease to have effect;

(c) in paragraph 2C—

(i) the words “, with the approval of the Treasury,” shall cease to have effect; and

(ii) for the word “chairmen” there shall be substituted the word “members”; and

(d) for paragraph 4 there shall be substituted—

“4 The Secretary of State—

(a) shall pay to—

(i) the Chairman of the Commission such remuneration and such allowances; and

(ii) the other members of the Commission such allowances; and

(b) may pay to the other members of the Commission such remuneration,

as he may determine.”.

The Agriculture (Scotland) Act 1948 (c. 45)

2 (1) The Agriculture (Scotland) Act 1948 shall be amended as follows.

(2) In section 39 (control of injurious animals), after subsection (3) there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

“(3A) In subsection (3) above “deer” means any species of deer which is not included in the definition of “deer” in section 35A of the Deer (Scotland) Act 1959 (interpretation).”.

(3) After section 42 there shall be inserted the following section—

“ Meaning of “animals” for purposes of section 40 to 42

In sections 40 to 42 of this Act “animals” does not include any species of deer which is included in the definition of “deer” in section 35A of the Deer (Scotland) Act 1959 (interpretation).”.

The Parliamentary Commissioner Act 1967 (c. 13.)

3 In Schedule 2 of the Parliamentary Commissioner Act 1967 (bodies subject to investigation)—

- (a) the entry relating to the Red Deer Commission shall cease to have effect; and
- (b) at the appropriate place, there shall be inserted—

“Deer Commission for Scotland.”.

The House of Commons Disqualification Act 1975 (c. 24.)

4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—

- (a) the entry relating to the chairman of the Red Deer Commission shall cease to have effect; and
- (b) at the appropriate place, there shall be inserted—

“Chairman of the Deer Commission for Scotland.”.

SCHEDULE 2

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1959 c. 40	The Deer (Scotland) Act 1959	Section 1(4) and(5). In section 2, subsections (3) and (4). In section 5(1), the words “red deer or sika”. Section 6A. In section 8, in subsection (3), the words “red deer or sika”.

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In section 11, subsection (4).
		In section 12(1), the words “red deer or sika”.
		In section 14, the words “red deer or sika” and the words “the provisions of this Part of”.
		In section 15(1)(d), the words “red deer or sika” and the word “general”.
		In section 19, the words “red deer or sika”.
		Section 20.
		In section 22, the proviso to subsection (1).
		In section 23(5), the word “alive”.
		Section 25E.
		In section 27, in subsection (1), the words “firearm or ammunition, vehicle or boat”.
		In section 31, subsection (2).
		Section 32.
		In section 33, subsections (3B) to (5).
		In Schedule 1, in each of paragraphs 2B and 2C, the words “, with the approval of the Treasury,”.
1967 c. 13	The Parliamentary Commissioner Act 1967	In Schedule 2, the entry relating to “Red Deer Commission”.
1973 c. 54.	The Nature Conservancy Council Act 1973.	In Schedule 1, paragraph 4.
1975 c. 24	The House of Commons Disqualification Act 1975	In Schedule 1, in Part III, the entry relating to “Chairman of the Red Deer Commission”.
1982 c. 19.	The Deer (Amendment) (Scotland) Act 1982.	Section 1(1) and (4).
		Section 3(a).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 4.
		Section 6(a).
		Section 7.
1990 c. 43.	The Environment Protection Act 1990.	In Schedule 9, paragraph 2.
1991 c. 28.	The Natural Heritage (Scotland) Act 1991.	In Schedule 2, paragraph 2.
