



# Deer (Scotland) Act 1996

## CHAPTER 58

### DEER (SCOTLAND) ACT 1996

#### PART I

##### SCOTTISH NATURAL HERITAGE'S DEER FUNCTIONS

- 1 The Deer Commission for Scotland.
- 2 Advice and annual reports to Secretary of State.
- 3 Power of SNH to facilitate exercise of functions.
- 4 Appointment of panels.

#### PART II

##### CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

###### *Close seasons*

- 5 Close seasons.

###### *Code of practice on deer management*

- 5A Code of practice on deer management
- 5B Review of compliance with code of practice on deer management

###### *Deer management plans, control agreements and control schemes*

- 6 Control areas.
- 6A Deer management plans
- 7 Control agreements.
- 8 Control schemes.
- 9 Recovery of expenses incurred in fulfilment of control scheme.

*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996. (See end of Document for details)*

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### *Emergency measures*

- 10 Emergency measures to prevent damage by deer.
- 11 Application of section 10 in relation to the natural heritage.

### *Control agreements, control schemes and emergency measures: supplementary provisions*

- 12 Power of Commission to provide services and equipment and to make certain payments.
- 13 Offences in relation to Part II.
- 14 Limitation of criminal liability.
- 15 Power to enter on land.
- 16 Service of notices.

## **PART III**

### OFFENCES IN RELATION TO DEER

#### *Unlawful killing, taking and injuring of deer*

- 17 Unlawful killing, taking and injuring of deer.

#### *Register of persons competent to shoot deer*

- 17A Register of persons competent to shoot deer
- 17B Review of competence etc. by SNH

#### *Other offences and attempts to commit offences*

- 18 Taking or killing at night.
- 19 Use of vehicles to drive deer.
- 20 Other offences connected with moving vehicles.
- 21 Firearms and ammunition.
- 22 Offences committed by more than one person.
- 23 Illegal possession of deer.
- 24 Attempts to commit offences.

#### *Exemption for certain acts*

- 25 Action intended to prevent suffering.
- 26 Right of occupier in respect of deer causing serious damage to crops etc. on certain ground.

## **PART IV**

### ENFORCEMENT, LICENSING OF VENISON DEALING AND MISCELLANEOUS PROVISIONS

#### *Enforcement*

- 27 Powers of search and seizure.
- 28 Power of arrest.
- 29 Offences by bodies corporate.
- 29A Offences by Scottish partnerships etc.
- 30 Power of court on trial for one offence to convict of another.
- 31 Powers of court on conviction for offences.
- 32 Disposal of deer liable to forfeiture.

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*Licensing of dealing in venison*

- 33 Licences to deal in venison.
- 34 Records kept by venison dealers.
- 35 Reciprocal arrangements.
- 36 Offences in connection with venison dealing.

*Further powers of SNH*

- 37 Restrictions on granting of certain authorisations.
- 38 Limitation on requirement to obtain game licence.
- 39 Deer killed under the authority of SNH.
- 40 Power of Commission to require return of number of deer killed.
- 40A Power of SNH to require return of number of deer planned to be killed

*Miscellaneous and general provisions*

- 41 Savings for certain rights.
- 42 Information to be supplied to owner of certain land.
- 43 Application of Act to farmed deer.
- 44 Application of Act to the Crown.
- 45 Interpretation.
- 46 Financial provisions
- 47 Orders, regulations etc.
- 48 Short title, consequential amendments, repeals, extent and commencement.

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SCHEDULES

SCHEDULE 1 — Deer Commission for Scotland: supplementary provisions

- 1 The Commission shall be a body corporate and shall have...
- 2 (1) Every member of the Commission shall hold and vacate...
- 3 If the Secretary of State is satisfied that the chairman...
- 4 Where a person ceases to be a member of the...
- 5 The Secretary of State may make such provision, if any,...
- 6 The Secretary of State— (a) shall pay to—
- 7 The Commission may pay to the members of any panel...

*Meetings and proceedings of SNH*

- 8 The quorum of the Commission shall be five or such...
- 9 The proceedings of the Commission shall not be invalidated by—...
- 10 If at any meeting of the Commission the votes are...
- 11 Subject to paragraphs 8 to 10 above, the Commission shall...

*Office and staff of SNH*

- 12
- 13 The Secretary of State may provide the services of such...

SCHEDULE 2 — Provisions as to control schemes

Part I — PROCEDURE FOR MAKING CONTROL SCHEMES

- 1 Where SNH decides to make a control scheme it shall—...
- 2 If no objection is duly made under paragraph 1 above...

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- 3 If any objection duly made under paragraph 1 above is...
- 4 A control scheme shall not be confirmed with any modification...
- Part II — PROCEDURE FOR VARYING OR REVOKING CONTROL SCHEMES
- 5 On the application of SNH, the Secretary of State may...
- 6 Before making any such variation or revocation the Secretary of...
- 7 If no objection is duly made under paragraph 6 above...
- 8 If any objection duly made under paragraph 6 above is...
- 9 A variation of a control scheme shall not be made...
- Part III — GENERAL PROCEDURAL PROVISIONS
- 10 Notwithstanding anything in paragraphs 3 or 8 above, the Secretary...
- 11 The provisions of subsection (2) to (8) of section 210...
- Part IV — PROVISIONS AS TO THE VALIDITY OF CONTROL SCHEMES AND OF VARIATIONS AND REVOCATIONS OF SUCH SCHEMES
- 12 On confirming a control scheme or on varying or revoking...
- 13 (1) Subject to sub-paragraphs (2) to (4) below, a control...

SCHEDULE 3 — Penalties

SCHEDULE 4 — Consequential amendments

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

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

*The Deer Act 1991 (c.54)*

- 2 In section 11(3) of the Deer Act 1991 (details to...

SCHEDULE 5 — Repeals

SCHEDULE 6 — Transitional, transitory and saving provisions

*Transitional provision*

- 1 Where on the commencement of this Act a code has...

*Transitory provisions*

- 2 Until an order in relation to red deer stags and...
- 3 Until a code is published under section 37(5)(b) of this...

*Savings*

- 4 The amendments made by paragraphs 2 to 4 of Schedule...

*TABLE OF DERIVATIONS*

- 1 *Notes:*
- 2 The following abbreviations are used in the Table:—

*Acts of Parliament*

**Changes to legislation:**

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