

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

## SCHEDULES

### SCHEDULE 2

#### PROVISIONS AS TO CONTROL SCHEMES

#### 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 such a scheme the Secretary of State shall forthwith—
- (a) serve on every person on whom a notice was required to be served under any of the following provisions—
    - (i) sub-paragraph (a) of paragraph 1 above;
    - (ii) sub-paragraph (a) of paragraph 4 above;
    - (iii) sub-paragraph (a) of paragraph 6 above;
    - (iv) sub-paragraph (a) of paragraph 9 above,a notice stating that the scheme has been confirmed or, as the case may be, that a variation or revocation of such a scheme has been made;
  - (b) publish in [<sup>F1</sup>such manner as the Scottish Ministers think fit] a notice—
    - (i) stating that the scheme has been confirmed or varied or revoked, as the case may be, and
    - (ii) naming a place <sup>F2</sup>... where a copy of the scheme or, as the case may be, the scheme as varied, and of any maps referred to in the scheme, may be inspected at all reasonable hours.

#### Textual Amendments

- F1** Words in Sch. 2 para. 12(b) substituted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **28(6)(h)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F2** Words in Sch. 2 para. 12(b)(ii) repealed (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **28(6)(h)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

- 13 (1) Subject to sub-paragraphs (2) [<sup>F3</sup>to (4)] below, a control scheme or any variation or revocation of such a scheme shall not at any time be questioned in any proceedings whatsoever.

- [<sup>F4</sup>(2) Any owner or occupier of land who is aggrieved by—
- (a) a decision of the Scottish Ministers to—
    - (i) confirm a control scheme,
    - (ii) make a scheme varying a control scheme, or
    - (iii) revoke a control scheme, or

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(b) the terms or conditions of such a scheme,  
may appeal to the Scottish Land Court.]

[<sup>F4</sup>(3) An appeal under sub-paragraph (2) must be lodged not later than 28 days after the date of publication of the notice referred to in paragraph 12(b).

(4) The Scottish Land Court must determine an appeal under sub-paragraph (2) on the merits rather than by way of review and may do so by—

- (a) affirming the control scheme,
- (b) directing the Scottish Ministers to revoke the scheme,
- (c) making such other order as it thinks fit.]

#### **Textual Amendments**

- F3** Words in Sch. 2 para. 13(1) substituted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 28(6)(i)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F4** Sch. 2 para. 13(2)-(4) substituted for Sch. 2 para. 13(2)(3) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 28(6)(i)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

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