



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART III

#### OFFENCES IN RELATION TO DEER

#### *[<sup>F1</sup>Register of persons competent to shoot deer*

#### **[<sup>F1</sup>17A Register of persons competent to shoot deer**

- (1) The Scottish Ministers may by regulations—
  - (a) make provision for the establishment and operation of a register of persons competent to shoot deer in Scotland;
  - (b) prohibit any person from shooting deer unless the person is—
    - (i) registered; or
    - (ii) supervised by a registered person;
  - (c) provide that being a registered person is sufficient to meet the requirements as to fitness and competence under sections 26(2)(d) and 37(1);
  - (d) require registered persons or owners or occupiers of land to submit cull returns to SNH.
- (2) Regulations under subsection (1) above—
  - (a) may make such supplementary, incidental or consequential provision as the Scottish Ministers think fit and may, in particular, make provision (or allow SNH to make provision) in relation to—
    - (i) who is to keep and maintain the register;
    - (ii) applications for registration (or for amendment of, or removal from, the register);
    - (iii) the determination of applications for registration (including the criteria to be used to determine whether a person is competent to shoot deer);

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*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 17A. (See end of Document for details)*

- (iv) the imposition of conditions on the granting of an application (including conditions about compliance with any requirement for a registered person to submit a cull return);
  - (v) the amendment of the register;
  - (vi) the removal of a person from the register (including by revocation of registration);
  - (vii) the charging of fees in connection with registration;
  - (viii) appeals against decisions to—
    - (A) refuse to register a person;
    - (B) impose conditions on the granting of an application;
    - (C) remove a person from the register;
  - (ix) circumstances in which a person shooting deer is to be regarded as being, or not being, supervised by a registered person;
  - (x) the information to be included in cull returns;
  - (xi) the periods in respect of, and within, which cull returns are to be submitted;
  - (xii) the form and manner in which cull returns are to be submitted;
  - (xiii) the repeal of <sup>F2</sup>sections 40 and 40A]; and
  - (xiv) consequential modification of any of sections 5, 16, 18, 26 or 37 of, or Schedule 3 to, this Act; and
- (b) may make different provision for different purposes.
- (3) Before making regulations under subsection (1) above, the Scottish Ministers (or a person nominated by them) must consult such persons and organisations as they consider (or, as the case may be, the nominated person considers) have an interest in the regulations.
- (4) Any person who shoots a deer on any land in contravention of regulations made under subsection (1)(b) above is guilty of an offence.
- (5) Subsection (4) above does not apply where a person shoots a deer for the purpose mentioned in section 25 of this Act.
- (6) Any person who—
- (a) fails without reasonable cause to submit a cull return <sup>F3</sup>within the meaning given by subsection (7)(a) or (b)(i)] in accordance with regulations made under subsection (1)(d) above; <sup>F4</sup>...
  - <sup>F5</sup>(aa) [ fails without reasonable cause to submit a cull return within the meaning given by subsection (7)(b)(ii) in accordance with regulations made under subsection (1)(d) above, or]
  - (b) knowingly or recklessly provides any information in a cull return <sup>F6</sup>referred to in paragraph (a)] which is, in a material particular, false or misleading, is guilty of an offence.
- (7) In this section, “cull return”—
- (a) when required to be submitted by a registered person, means a written statement showing the number of deer of each species and of each sex which to his knowledge has been killed; and
  - <sup>F7</sup>(b) when required to be submitted by an owner or occupier of land, means—

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- (i) a written statement showing the number of deer of each species and of each sex which to his knowledge has been taken or killed on the land, or
- (ii) a written statement showing the number of deer of each species and of each sex which are planned to be killed on the land in the following year.]]

#### Textual Amendments

- F1** Ss. 17A, 17B and cross-heading inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 30(4), 43(1)** (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F2** Words in s. 17A(2)(a)(xiii) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(a), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F3** Words in s. 17A(6)(a) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(b)(i), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F4** Word in s. 17A(6) repealed (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(b)(ii), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F5** S. 17A(6)(aa) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(b)(iii), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F6** Words in s. 17A(6)(b) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(b)(iv), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F7** S. 17A(7)(b) substituted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 81(3)(c), 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.

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