



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART II

CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

Close seasons

5 Close seasons.

- (1) The Secretary of State—
 - (a) shall, in relation to the female of every species of deer; and
 - (b) may, in relation to the male of any species of deer,by order fix a period in each year during which no person shall take or wilfully kill or injure any deer of the sex and species named in the order, and different periods may be so fixed in relation to different species and in relation to the male and female of any species.
- (2) Before making an order under subsection (1) above, the Secretary of State may consult such persons or organisations as he thinks fit, or may direct [F1SNH] to carry out such consultation on his behalf.
- (3) Where the Secretary of State has directed [F1SNH] to carry out consultation on his behalf under subsection (2) above, [F2it] shall—
 - (a) report the results of that consultation, and
 - (b) tender such advice as [F2it] may wish in relation to the making of an order under subsection (1) above,to him within such period as he may so direct.
- (4) Where the Secretary of State or [F1SNH][F3has] carried out consultation under subsection (2) or (3) above the Secretary of State shall have regard to the results of that consultation, and to any advice tendered by [F1SNH] under subsection (3) above, before making an order under subsection (1) above.

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 5. (See end of Document for details)

- (5) Subject to sections 14 and 25 of this Act and to subsections (6) and (7) below, any person who contravenes an order made under subsection (1) above shall be guilty of an offence.
- (6) ^{F4}... subject to section 37, of this Act, and notwithstanding anything in any agreement between an occupier of land and the owner thereof, [^{F1}SNH] may authorise the owner or the occupier of any land or any person nominated in writing by either of them to take or kill, and to sell or otherwise dispose of, any deer found on that land during the period specified in relation to that sex and species of deer in an order under subsection (1) above, where [^{F5}it is] satisfied that—
- ^{F6}(a) the taking or killing is necessary—
- (i) to prevent damage to any crops, pasture or human or animal foodstuffs on any agricultural land which forms part of that land; or
- (ii) to prevent damage to any enclosed woodland which forms part of that land; or]
- ^{F6}(b) the taking or killing is necessary—
- (i) to prevent damage to any unenclosed woodland which forms part of that land; or
- (ii) to prevent damage, whether directly or indirectly, to the natural heritage generally; or
- (iii) in the interests of public safety,
- and no other means of control which might reasonably be adopted in the circumstances would be adequate.]
- (7) Subject to section 37 of this Act, [^{F1}SNH] may, for any scientific purpose, authorise any person to take or kill deer during the period specified in relation to that sex and species of deer in an order under subsection (1) above.
- ^{F7}(8) An authorisation under subsection (6) or (7) above—
- (a) may be, to any degree, general or specific (including as regards the land in relation to which it is granted);
- (b) may be granted to a particular person or to a category of persons.]

Textual Amendments

- F1** Word in Act substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 6**; S.S.I. 2010/221, art. 3(2), Sch.
- F2** Word in s. 5(3) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 12(a)**; S.S.I. 2010/221, art. 3(2), Sch.
- F3** Word in s. 5(4) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 12(b)**; S.S.I. 2010/221, art. 3(2), Sch.
- F4** Words in s. 5(6) repealed (1.4.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 29(2)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3)
- F5** Words in s. 5(6) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 12(c)**; S.S.I. 2010/221, art. 3(2), Sch.
- F6** S. 5(6)(a)(b) substituted (1.4.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 29(2)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3)
- F7** S. 5(8) added (1.4.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 29(2)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3)

Changes to legislation:

There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 5.