



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART II

CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

[^{F1}Deer management plans, control agreements and control schemes]

8 Control schemes.

[^{F1}(A1) This subsection applies where SNH has given notice under subsection (4) of section 7 of this Act and—

(a) either—

(i) SNH is satisfied that it is not possible to secure a control agreement or that a control agreement is not being carried out; or

(ii) 6 months have elapsed since SNH gave the notice and no agreement has been reached on the matters mentioned in that subsection; and

(b) SNH continues to have the view that required it to consult under that subsection.

(1) Where subsection (A1) above applies and SNH, having had regard to the code of practice on deer management, is satisfied that action is necessary for the purposes mentioned in subsection (1) or, as the case may be, subsection (3) of section 7 of this Act, it shall make a scheme (a “control scheme”) for the carrying out of such measures as it considers necessary for those purposes.]

(2) [^{F2}Subsections (A1) and (1) above do] not apply in relation to any control agreement proposed or entered into for the purpose of altering or enhancing the natural heritage [^{F3}(except where a purpose of the control agreement is to remedy damage caused, directly or indirectly, by deer or by steps taken or not taken for the purposes of deer management)].

(3) A control scheme shall—

(a) describe the control area by reference to a map and specify the approximate extent of that area;

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- (b) specify the measures which are to be taken in relation to the deer in that area or any part of it;
 - (c) specify, where the deer are to be reduced in number, the number and, if necessary in the opinion of ^{F4}SNH, the species, sex and class, of the deer to be killed in or taken and removed from the control area or any part of it, 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 of it;
 - (d) specify the measures which are to be taken by the owners or occupiers for the time being of land in the control area or any of them for the purposes of paragraphs (a) to (c) above;
 - (e) prescribe time limits within which the owners or occupiers are to take any such measures as are mentioned in paragraph (d) above;
 - (f) include any incidental, consequential or supplemental provisions that may be necessary.
- (4) A control scheme may specify different measures to be taken by different owners or occupiers of land in the control area, and may provide for the extension of any time limit prescribed therein.
- ^{F5}(5)
- (6) A control scheme shall require confirmation by the Secretary of State before it comes into operation; and Schedule 2 to this Act (which makes provision in relation to the making, confirmation, variation and revocation of control schemes) shall have effect.
- (7) Where any control scheme has been confirmed, every owner or occupier shall take such measures as the scheme may require of him in accordance with its provisions.
- ^{F6}(7A) Where any control scheme has been confirmed, SNH must, on at least an annual basis, review it for the purpose of assessing compliance with its provisions.]
- (8) Where ^{F4}SNH^{F7}is] of the opinion that any owner or occupier of land has failed to comply with subsection (7) above, ^{F8}it] shall carry out the requirement, if ^{F8}it]^{F7}is] satisfied that it is still necessary to do so; and where the carrying out of such a requirement involves the killing or taking of deer, ^{F4}SNH] shall have power to dispose by sale or otherwise of any deer so killed or taken.

Textual Amendments

- F1** S. 8(A1)(1) substituted for s. 8(1) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(3)(a)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F2** Words in s. 8(2) substituted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(3)(b)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F3** Words in s. 8(2) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(3)(b)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F4** 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.
- F5** S. 8(5) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(3)(e)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F6** S. 8(7A) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(3)(d)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F7** Word in s. 8(8) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 14(b)(i)**; S.S.I. 2010/221, art. 3(2), Sch.

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 8. (See end of Document for details)

F8 Word in s. 8(8) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 14\(b\)\(ii\)](#); S.S.I. 2010/221, art. 3(2), Sch.

Changes to legislation:

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