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 S T A T U T O R Y   I N S T R U M E N T S
 

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**1985 No. 1168 (S. 94)**

**ANIMALS**

**DEER**

**The Deer (Firearms etc.) (Scotland) Order 1985**

*Laid before Parliament in draft*

*Made - - - - - 18th July 1985*

*Coming into Operation 21st October 1985*

In exercise of the powers conferred upon me by section 23A(1) of the Deer (Scotland) Act 1959(a) and of all other powers enabling me in that behalf, and after consultation in accordance with section 23A(2) of that Act with such organisations as appear to me to represent persons likely to be interested in or affected by this order, I hereby make the following order, a draft of which has been laid before Parliament and approved by a resolution of each House of Parliament:—

1.—(1) This order may be cited as the Deer (Firearms etc.) (Scotland) Order 1985 and shall come into operation on 21st October 1985.

(2) In this order unless the context otherwise requires—

“Act” means the Deer (Scotland) Act 1959;

“roe deer” means deer of the species *Capreolus capreolus*;

“shot gun” has the meaning assigned to it by section 57(4) of the Firearms Act 1968(b);

“slaughtering instrument” has the meaning assigned to it by section 57(4) of the Firearms Act 1968.

2. No person shall use in connection with the killing or taking of deer any firearm, ammunition or sight except as is declared lawful by this order and in the circumstances provided therefor.

3. It shall be lawful to use a rifle which is capable of firing the following lawful ammunition:—

(a) for shooting deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 100 grains

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(a) 1959 c. 40; section 23A(1) was inserted by the Deer (Amendment) (Scotland) Act 1982 (c. 19), section 10(1).

(b) 1968 c. 27.

(6.48 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot pounds (2,373 joules); or

- (b) for shooting roe deer, a bullet of an expanding type designed to deform in a predictable manner of not less than 50 grains (3.24 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,000 foot pounds (1,356 joules).

4. Where an occupier of agricultural land or of enclosed woodlands has reasonable grounds for believing that serious damage will be caused to crops, pasture, trees or human or animal foodstuffs on that land if the deer are not killed, it shall be lawful for any of the persons described in paragraphs (c), (d) and (e) of section 33(3) of the Act to use a shot gun whose gauge is not less than 12 bore and which is loaded with the following lawful ammunition:—

- (a) for shooting deer of any species, a single rifled non-spherical projectile weighing not less than 380 grains (24.62 grams); or
- (b) for shooting deer of any species, a cartridge purporting to contain not less than 550 grains (35.64 grams) of shot, none of which is less than 0.268 inches (6.81 millimetres) in diameter, that is to say size SSG; or
- (c) for shooting roe deer, a cartridge purporting to contain not less than 450 grains (29.16 grams) of shot, none of which is less than 0.203 inches (5.16 millimetres) in diameter, that is to say size AAA,

for the purpose of taking or killing any deer found on any arable land, garden grounds or land laid down in permanent grass (other than moorland and unenclosed land) and forming part of that land or on enclosed woodland, as the case may be.

5. It shall be lawful to use—

- (a) a slaughtering instrument using any ammunition intended for use in it;
- (b) a sight which is not a light-intensifying, heat-sensitive or other special sighting device for night shooting.

6. Notwithstanding the provisions of this order, it shall be lawful for any person authorised for the purpose by the Secretary of State to take or kill deer for any scientific, veterinary or related purpose by any means specified in the authorisation.

7. This order is without prejudice to any action to which section 33(1) of the Act applies.

New St Andrew's House,  
Edinburgh.  
18th July 1985.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order specifies the classes of firearms, ammunition and sights which may lawfully be used in connection with the killing or taking of deer in Scotland. It specifies the ammunition for use in a rifle against roe deer and other deer (article 3). It restricts the use of the shot gun against deer to occupiers of agricultural land or of enclosed woodlands and other classes of person authorised by them for the purpose of preventing serious damage to crops, pasture, trees or human or animal foodstuffs (article 4). It permits the use of a sight which is not a light-intensifying, heat-sensitive or other special sighting device for night shooting (article 5).

The order provides for persons authorised by the Secretary of State to take or kill deer for any scientific, veterinary or related purpose by any means specified in the authorisation (article 6). Other circumstances under which exemption from the provisions of the order is given are set out in section 33(1) of the Deer (Scotland) Act 1959 (which relates to acts done for the prevention of suffering).

Failure to comply with the order is an offence under section 23A(3) of the 1959 Act (as inserted by section 10(1) of the Deer (Amendment) (Scotland) Act 1982) and as read with section 289G(2) of the Criminal Procedure (Scotland) Act 1975 (c. 21) (as inserted by section 54 of the Criminal Justice Act 1982 (c. 48)) and S.I. 1984/526 punishable on summary conviction by a fine of up to £1,000 (level 4 on the standard scale) in respect of each deer unlawfully taken or killed, or imprisonment of up to 3 months, or both.

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