

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Deer Management

Section 81 – Power to require return on number of deer planned to be killed

400. This section amends the 1996 Act to insert new section 40A (power of SNH to require return on number of deer planned to be killed), and to make amendments to sections 16 and 17A and schedule 3 of that Act consequential to the insertion of this new section.
401. Subsection (2) amends section 16 (service of notices) to take account of notices served under new section 40A.
402. Subsection (3) amends section 17A (register of persons competent to shoot deer) to allow regulations made under that section to repeal and replace the provision made by section 40A.
403. New section 40A (which is inserted by subsection (4)) provides for a new power for SNH to require a return from an owner or occupier on the number of deer planned to be killed on their land in the following year. The return is to show how many deer of each species and of each sex are planned to be killed.
404. Section 40A(2) provides that any notice must specify a period, of not more than 1 year immediately following the date of service of the notice, for which the return must be completed. Section 40A(3) specifies that anyone who fails to provide the required return within 36 days after service of the notice commits an offence.
405. Subsection (5) amends Schedule 3 of the 1996 Act so that the offence of failing to submit a return is punishable by a fine of up to level 3 on the standard scale. This applies both to the offence under new section 40A(3) and to an offence under section 17A(6) (aa) of the Act.