



Land Reform (Scotland) Act 2016

2016 asp 18

PART 8

DEER MANAGEMENT

80 Deer management plans

- (1) The Deer (Scotland) Act 1996 is amended as follows.
- (2) In section 5A (code of practice on deer management), in subsection (2)(c), after “may” insert “ require a deer management plan to be prepared, ”.
- (3) The italic heading before section 6 becomes “ *Deer management plans, control agreements and control schemes* ”.
- (4) After section 6 insert—

“6A Deer management plans

- (1) If SNH, having had regard to the code of practice on deer management, is satisfied that both Conditions A and B are met, it may give notice to such owners and occupiers of land as it considers to be substantially interested requiring them—
 - (a) to prepare a plan (a “deer management plan”) setting out—
 - (i) the measures that those owners and occupiers consider should be taken,
 - (ii) the time limit for taking those measures,
 - (iii) who is to take those measures, and
 - (iv) any other matters which appear to SNH to be necessary, and
 - (b) to submit the deer management plan to SNH for its approval.
- (2) Condition A is met if on any land—
 - (a) deer or steps taken or not taken for the purposes of deer management have caused, are causing, or are likely to cause—
 - (i) damage to woodland, to agricultural production, including any crops or foodstuffs, to the welfare of deer or, whether directly or indirectly, to the natural heritage generally,

Changes to legislation: Land Reform (Scotland) Act 2016, Section 80 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) damage to public interests of a social, economic or environmental nature, or
 - (iii) injury to livestock, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or otherwise, or
 - (b) deer have become a danger or a potential danger to public safety.
 - (3) Condition B is met if measures require to be taken in relation to the management of deer—
 - (a) for the prevention of further such damage or injury,
 - (b) for the remedying of such damage, or
 - (c) for the prevention of such danger or potential danger.
 - (4) In subsection (2)(a)(i), “the natural heritage” has the same meaning as in section 7(2).
 - (5) A deer management plan is to be submitted to SNH no later than—
 - (a) 12 months after the date on which SNH gives notice under subsection (1), or
 - (b) such later date as SNH may specify.
 - (6) SNH may approve a deer management plan (with or without modification) or reject it.
 - (7) Before approving a deer management plan with modifications, SNH must consult the owners and occupiers of land who submitted the plan on the proposed modifications.
 - (8) A deer management plan may be amended until SNH decides to approve or reject it.”.
- (5) In section 7 (control agreements), after subsection (4) insert—
- “(4A) Subsection (4) also applies where subsection (4B) applies.
- (4B) This subsection applies where—
- (a) SNH has given notice under section 6A(1) and either—
 - (i) the date specified under section 6A(5) has passed and a deer management plan has not been submitted to SNH,
 - (ii) a deer management plan has been submitted to SNH but SNH has rejected it, or
 - (iii) a deer management plan has been approved by SNH but the measures set out in the plan have not been taken, and
 - (b) SNH is satisfied that the conditions referred to in section 6A(1) continue to be met.”.

Commencement Information

II S. 80 in force at 28.6.2016 by [S.S.I. 2016/193](#), reg. 2(1), [Sch.](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370 reg. 34](#)