



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 8 S

#### DEER MANAGEMENT

#### 80 Deer management plans S

- (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,

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- (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.

**Changes to legislation:**

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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](#)