



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 8

#### DEER MANAGEMENT

#### 78 Functions of deer panels

In section 4 of the Deer (Scotland) Act 1996 (appointment of panels), after subsection (6) insert—

“(7) The Scottish Ministers may by regulations make provision conferring further functions on panels.

(8) Functions conferred under subsection (7) may include—

- (a) encouraging and facilitating the engagement of the local community in deer management in the locality of a panel,
- (b) looking into issues relating to deer management in the locality of a panel and communicating those issues to the local community,
- (c) communicating the views of the local community to those engaged in deer management in the locality of a panel.

(9) Regulations under subsection (7) may modify any enactment (including this Act).”.

#### Commencement Information

II S. 78 in force at 28.6.2016 by S.S.I. 2016/193, reg. 2(1), Sch.

#### 79 Review of compliance with code of practice on deer management

(1) The Deer (Scotland) Act 1996 is amended as follows.

(2) After section 5A (code of practice on deer management) insert—

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### “5B Review of compliance with code of practice on deer management

- (1) SNH must, before the expiry of the period mentioned in subsection (4), carry out a review into the extent to which the code of practice on deer management—
  - (a) is being complied with by owners and occupiers of land, and
  - (b) is effective in promoting sustainable deer management.
- (2) SNH must, following a review under subsection (1), submit a report to the Scottish Ministers—
  - (a) setting out SNH's views on the extent to which the code—
    - (i) has been complied with, and
    - (ii) has been effective in promoting sustainable deer management,
  - (b) including such recommendations as SNH consider appropriate.
- (3) The Scottish Ministers must lay before the Scottish Parliament a report submitted to them under subsection (2).
- (4) The period referred to in subsection (1) is—
  - (a) the period of 3 years beginning with the day on which section 79 of the Land Reform (Scotland) Act 2016 comes into force,
  - (b) each subsequent period of 3 years beginning with the day on which the Scottish Ministers lay, under subsection (3), the report submitted to them under subsection (2).”.

#### Commencement Information

I2 S. 79 in force at 28.6.2016 by S.S.I. 2016/193, reg. 2(1), Sch.

## 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,

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- (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,
      - (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

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- (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

**I3** S. 80 in force at 28.6.2016 by S.S.I. 2016/193, reg. 2(1), Sch.

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

- (1) The Deer (Scotland) Act 1996 is amended as follows.
- (2) In section 16 (service of notices), in subsection (1A), for “and 40(1)” substitute “, 40(1) and 40A(1) ”.
- (3) In section 17A (register of persons competent to shoot deer)—
  - (a) in subsection (2)(a)(xiii), for “section 40” substitute “ sections 40 and 40A ”,
  - (b) in subsection (6)—
    - (i) in paragraph (a), after “return” insert “ within the meaning given by subsection (7)(a) or (b)(i) ”,
    - (ii) “or” immediately after paragraph (a) is repealed,
    - (iii) after paragraph (a) insert—
      - “(aa) fails without reasonable cause to submit a cull return within the meaning given by subsection (7) (b)(ii) in accordance with regulations made under subsection (1)(d) above, or”,
    - (iv) in paragraph (b), for “so submitted” substitute “ referred to in paragraph (a) ”,
  - (c) in subsection (7), for paragraph (b) substitute—
    - “(b) when required to be submitted by an owner or occupier of land, means—
      - (i) a written statement showing the number of deer of each species and of each sex which to his knowledge has been taken or killed on the land, or
      - (ii) a written statement showing the number of deer of each species and of each sex which are planned to be killed on the land in the following year.”.
- (4) After section 40 insert—

#### “40A Power of SNH to require return of number of deer planned to be killed

- (1) SNH may, for the purposes of any of its deer functions, by notice served on the owner or occupier of any land require the owner or occupier to make a return, in such form as SNH may require, showing how many deer of each species and of each sex are planned to be killed on the land in the following year.

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- (2) A notice served under subsection (1) 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.
- (3) Any person on whom a notice under subsection (1) has been served who fails without reasonable cause to make the required return within 36 days after the service of the notice commits an offence.”.
- (5) In schedule 3 (penalties)—
- (a) in the entry relating to section 17A(6), in column 1, for “17A(6)” substitute “ 17A(6)(a) or (b) ”,
- (b) after that entry, insert—

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“17A(6)(aa)	Failure to submit cull return	a fine of level 3 on the standard scale”,
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- (c) after the entry relating to section 40(4), insert—

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““40A(3)	Failure to make return of number of deer planned to be killed.	a fine of level 3 on the standard scale.”.
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**Commencement Information**

**I4** [S. 81](#) in force at 28.6.2016 by [S.S.I. 2016/193](#), reg. 2(1), [Sch.](#)

**82 Increase in penalty for failure to comply with control scheme**

In schedule 3 of the Deer (Scotland) Act 1996, in the entry relating to section 13(1) (failure to comply with control scheme), in column 3, for “level 4 on the standard scale” substitute “ £40,000 ”.

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**Commencement Information**

**I5** [S. 82](#) 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](#)