



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART II

CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

Control agreements, control schemes and emergency measures: supplementary provisions

12 ^{X1} Power of Commission to provide services and equipment and to make certain payments.

- (1) [^{F1}SNH] may by agreement with any owner or occupier of land assist in or undertake, whether in pursuance of a control agreement, a control scheme or otherwise—
 - (a) the taking or killing of deer; and
 - (b) the disposal of deer or their carcasses.
- (2) An agreement under subsection (1) above may make provision for the providing of equipment by [^{F1}SNH].
- (3) An agreement under subsection (1) above shall, unless [^{F1}SNH] with the approval of the Secretary of State otherwise [^{F2}decides], make provision for the payment of any expenses incurred by [^{F1}SNH] under the agreement.
- (4) [^{F1}SNH] may make in respect of the services of any person, who is not a member of staff of [^{F1}SNH], authorised by [^{F3}it] under section 10 of this Act such payment as may be agreed.

Editorial Information

- X1** S. 12: sidenote no longer accurate following the amendments made to this Act by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 1, [Sch. 1 paras. 5-27](#)

Textual Amendments

- F1** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Cross Heading: Control agreements, control schemes and emergency measures: supplementary provisions. (See end of Document for details)

- F2** Word in s. 12(3) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 18\(a\)](#); S.S.I. 2010/221, art. 3(2), Sch.
- F3** Word in s. 12(4) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 18\(b\)](#); S.S.I. 2010/221, art. 3(2), Sch.

13 Offences in relation to Part II.

- (1) Any person who refuses or wilfully fails to comply with any requirement laid upon him by a control scheme shall be guilty of an offence.
- (2) A person who wilfully obstructs any person acting in the execution of this Part of this Act or of any authorisation issued under this Part, other than an authorisation under subsection (6) or (7) of section 5 of this Act, shall be guilty of an offence.

14 Limitation of criminal liability.

- (1) Subject to subsections (2) to (4) below, where a person performs an act at the request of or under the authority of [F1SNH] in pursuance of—
 - (a) a control agreement;
 - (b) a control scheme; or
 - (c) section 10 of this Act,
 he shall not by reason of that act be liable to be proceeded against under this Act.
- (2) Where the act is performed by a member of the staff of [F1SNH] in pursuance of section 10 of this Act, he shall be liable to be proceeded against if the act constitutes an offence under section 17(3) of this Act.
- (3) Where the act is performed by—
 - (a) a member of the staff of [F1SNH] in pursuance of a control agreement or control scheme; or
 - (b) any other person in pursuance of a control agreement, a control scheme or section 10 of this Act,
 he shall be liable to be proceeded against if the act constitutes an offence under either section 17(3) or section 18(1) of this Act.
- (4) In subsections (2) and (3)(a) above, “member of the staff of [F1SNH]” includes any person engaged by [F1SNH] under a contract for services.

Textual Amendments

- F1** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.

15 Power to enter on land.

- (1) For the purpose of the exercise of any of the functions of [F1SNH] under section 10 of this Act, any person duly authorised in writing by [F1SNH] shall have power at all reasonable times to enter upon any land.

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- (2) A person authorised in writing by [F1SNH] for the purposes mentioned in subsection (3) below shall have power at all reasonable times to enter upon any land where—
- (a) notice has been given to the owner and to the occupier of the land that it is proposed to enter during a period specified in the notice, not exceeding one month beginning at least fourteen days after the giving of the notice; and
 - (b) the exercise of that power takes place within the period so specified.

[F4(2A) For the purposes of subsections (1) and (2) above, an authorisation may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.]

- (3) The purposes for which a person may be authorised by [F1SNH] are—
- (a) the taking of a census of deer in any area in pursuance of their functions under section 1(1) of this Act;
 - (b) the determination of whether any of [F5its] functions under section 7 or 8 of this Act should be exercised;
 - (c) the exercise of any such function under the said section 7 or 8;
 - (d) the determination of how far and in what manner any requirement placed on any person by virtue of this Part of this Act has been complied with.
- (4) Any person who proposes to exercise any power of entry conferred by this section shall, if so required, produce the written document[F6, or a copy of a record of authority in terms of subsection (2A) above,] authorising him for such purpose.

Textual Amendments

- F1** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\), s. 134\(7\), Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.
- F4** S. 15(2A) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\), arts. 1\(1\), 3\(3\)\(a\)](#)
- F5** Word in s. 15(3)(b) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\), s. 134\(7\), Sch. 1 para. 19](#); S.S.I. 2010/221, art. 3(2), Sch.
- F6** Words in s. 15(4) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\), arts. 1\(1\), 3\(3\)\(b\)](#)

16 Service of notices.

- (1) Subject to the provisions of this section, any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post [F7or, where subsection (1A) below applies, sent to him at a specified number or address].

[F8(1A) Any notice for the purposes of sections 10(7) and (8), 15(2)(a) [F9, 40(1) and 40A(1)] of this Act, may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.]

[F8(1B) Any notice to which subsection (1A) above applies may be given to or served on a person by such an electronic communication only if—

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- (a) the person consents in writing to the receipt of a notice of the kind in question from the sender by electronic communication sent to a specified number or address, and
 - (b) the communication is sent to the number or address in question.]
- (2) Any such notice or other document required or authorised to be served on any person for the purposes of this Act shall be duly served, if that person is an incorporated company or body, if it is served on the clerk or secretary of that company or body.
- (3) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978, the proper address of any person on whom any such notice or document is to be served shall, in the case of the clerk or secretary of any incorporated company or body, be that of the registered or principal office of such company or body, and in any other case be the last known address of the person in question.
- (4) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.
- (5) Nothing in this section shall require [^{F1}SNH] to give written notice of [^{F10}its] intention to issue an authorisation in pursuance of section 10 of this Act.

Textual Amendments

- F1** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.
- F7** Words in s. 16(1) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\)](#), arts. 1(1), [3\(4\)\(a\)](#)
- F8** S. 16(1A) - S. 16(1B) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\)](#), arts. 1(1), [3\(4\)\(b\)](#)
- F9** Words in s. 16(1A) substituted (28.6.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 81\(2\)](#), 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F10** Word in s. 16(5) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 20](#); S.S.I. 2010/221, art. 3(2), Sch.

Marginal Citations

- M1** 1978 c.30.

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