



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART II

CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

[^{F1}Deer management plans, control agreements and control schemes]

7 Control agreements.

- (1) Subject to the following provisions of this section, where [^{F1}SNH][^{F2}, having had regard to the code of practice on deer management,][^{F3}is] satisfied that, on any land,
^{F4}...—
- (a) [^{F5}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, [^{F6}to the welfare of deer] or, whether directly or indirectly, to the natural heritage generally; ^{F7}...
 - [^{F8}(ia) damage to public interests of a social, economic or environmental nature; or]
 - (ii) injury to livestock, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or otherwise; or
- (b) [^{F9}deer] have become a danger or a potential danger to public safety, and that for the prevention of further such damage, injury or, as the case may be, danger or potential danger, [^{F10}or for the remedying of such damage, measures require to be taken in relation to the management of deer], [^{F11}it] shall form a preliminary view, having due regard to the nature and character of the land in question, as to what measures should be taken ^{F12}...; and, for the purposes of this section and section 8 of this Act, “measures” includes the taking and removal of deer.
- (2) For the purposes of subsection (1) above “the natural heritage” includes any alteration or enhancement of the natural heritage which is taking place, or is proposed to take

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 7. (See end of Document for details)

place, either naturally or as a result of a change of use determined by the owner or occupier of the land in question; and “damage” shall be construed accordingly.

- (3) Where it appears to [F¹³SNH] [F¹³], having had regard to the code of practice on deer management,] that the circumstances obtaining in a particular area require the complete exclusion of all deer, or of all deer of any species, from that area, [F¹⁴it] may form the view that any deer within that area should be taken, removed or killed.
- (4) After [F¹⁵it has given notice to such owners and occupiers of land as it considers to be substantially interested that] [F¹⁶it has] formed—
- (a) the preliminary view mentioned in subsection (1) above; or
 - (b) the view mentioned in subsection (3) above,
- [F¹SNH] shall consult with [F¹⁷those owners or occupiers], to secure agreement—
- (i) that measures require to be taken;
 - (ii) as to what measures require to be taken, and within what time limit;
 - (iii) as to who is to carry out such measures; and
 - (iv) as to any other matters which appear to [F¹SNH] to be necessary for the purposes of such an agreement.

[F¹⁸(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.]
- (5) Where agreement is reached on the matters mentioned in subsection (4) above [F¹SNH] shall draw up an agreement (a “control agreement”) specifying the parties to it, and any such control agreement may—
- (a) describe the control area by reference to a map and specify the approximate extent of that area;
 - (b) specify the measures which are to be taken in relation to the deer in that area or any part of it;
 - (c) specify, where the deer are to be reduced in number, the number and, if necessary in the opinion of [F¹SNH], the species, sex and class, of the deer to be killed in or taken and removed from the control area or any part of it, and the limit on the number of deer of each species, sex or class to be allowed to be established in the control area or any part of it;
 - (d) specify the measures which are to be taken by the owners or occupiers for the time being of land in the control area or any of them for the purposes of the agreement; [F¹⁹...]
 - (e) set out the time limits within which the owners or occupiers are to take any such measures [F²⁰; and]

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 7. (See end of Document for details)

[^{F20}(f) set out measures, or steps towards taking such measures, which the owners or occupiers are to take during each 12 month period for which the agreement has effect,]

and [^{F1}SNH] shall send a copy of the control agreement to all the persons who were involved in the consultation referred to in subsection (4) above.

(6) [^{F1}SNH] and any of the parties to a control agreement may agree at any time to vary its terms.

[^{F21}(7) SNH must, on at least an annual basis, review a control agreement for the purpose of assessing compliance with its provisions.]

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.
- F2** Words in s. 7(1) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F3** Word in s. 7(1) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 13(a)(i)**; S.S.I. 2010/221, art. 3(2), Sch.
- F4** Word in s. 7(1) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F5** Words in s. 7(1)(a) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(iii)(A)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F6** Words in s. 7(1)(a)(i) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(iii)(B)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F7** Word in s. 7(1)(a)(i) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(iii)(C)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F8** S. 7(1)(a)(ia) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(iii)(D)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F9** Word in s. 7(1)(b) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(iv)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F10** Words in s. 7(1) substituted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(v)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F11** Word in s. 7(1) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 13(a)(ii)**; S.S.I. 2010/221, art. 3(2), Sch.
- F12** Words in s. 7(1) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(a)(vi)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F13** Words in s. 7(3) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F14** Word in s. 7(3) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 13(b)**; S.S.I. 2010/221, art. 3(2), Sch.
- F15** Words in s. 7(4) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(c)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F16** Words in s. 7(4) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 13(c)(i)**; S.S.I. 2010/221, art. 3(2), Sch.
- F17** Words in s. 7(4) substituted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(c)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F18** S. 7(4A)(4B) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 80(5)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.
- F19** Word in s. 7(5)(d) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(d)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

Changes to legislation: *There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 7. (See end of Document for details)*

- F20** S. 7(5)(f) and word inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(d)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F21** S. 7(7) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 28(2)(e)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

Changes to legislation:

There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 7.