



Agriculture (Scotland) Act 1948

1948 CHAPTER 45

PART III

CONTROL OF INJURIOUS ANIMALS, BIRDS AND WEEDS.

Prevention of Damage by Deer.

44 Powers of Secretary of State to reduce number of deer.

- (1) Without prejudice to the powers conferred on him by the foregoing provisions of this Part of this Act, the Secretary of State shall, after considering any complaint made to him concerning damage caused on any land by deer to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on that land, and after affording to the occupier and the owner of the land and any other person appearing to the Secretary of State to have an interest an opportunity of making representations to the Secretary of State whether in writing or on being heard by a person appointed by the Secretary of State, have power to do, if he should think fit, either or both of the following things, that is to say—
- (a) to authorise in writing the occupier of any agricultural holding forming part of the land and such number of persons authorised by the occupier in writing as the Secretary of State may determine, notwithstanding anything in any contract or agreement between such occupier and his landlord, to kill, during such period and subject to such conditions (including conditions as to the removal and sale of the carcasses of deer killed) as the Secretary of State may determine, deer found on any moorland or unenclosed land forming part of the holding; or
 - (b) to authorise in writing any person to enter on the land of any owner who has failed to take reasonable steps to control the number of deer on his land, and to kill on such land, during such period and subject to such conditions (including conditions as to the removal and sale of the carcasses of deer killed) as the Secretary of State may determine, such number of deer of either sex as the Secretary of State may think necessary.

Status: This is the original version (as it was originally enacted).

- (2) A right conferred in pursuance of paragraph (a) of the last foregoing subsection on the occupier of an agricultural holding and persons authorised by him shall not be exercised—
 - (a) at any time between the tenth day of April and the sixteenth day of October in any year; or
 - (b) between one hour after sunset and one hour before sunrise.
- (3) A person authorised under paragraph (b) of subsection (1) of this section shall not be entitled to enter on the land at any time between the tenth day of April and the sixteenth day of October in any year, and shall, before entering on any land for the purpose of killing deer thereon, give to the owner and, any tenant thereof not less than ten days' notice of his intention to do so, and shall allow such owner or tenant, if they so desire, an opportunity of assisting in any operations undertaken for the purpose of reducing the number of deer on such land.
- (4) Before authorising any person in pursuance of paragraph (a) of subsection (1) of this section, the occupier shall give notice in writing to the Secretary of State and to his landlord of the name of the person proposed to be so authorised and shall at the same time certify that that person is experienced in the use of firearms; and the occupier shall not authorise that person until the approval in writing of the Secretary of State has been given.
- (5) The Secretary of State may at any time by notice in writing given to the occupier of an agricultural holding withdraw any authorisation granted to him under paragraph (a) of subsection (1) of this Section or vary any condition attached to such authorisation with respect to the periods during which the right may be exercised, the number of persons who may be authorised by the occupier, or the number of deer of each sex that may be killed.
- (6) The Secretary of State may at any time by notice in writing given to the person in respect of whom approval has been given by him under subsection (4) of this section withdraw that approval; and on such approval being so withdrawn that person shall be deemed to. have ceased to be authorised by the occupier.
- (7) The Secretary of State shall give notice in writing to the landlord concerned of the granting or the withdrawal of, or of the variation of any condition attached to, any authorisation under paragraph (a) of subsection (1) of this section and of the giving of any approval under subsection (4) of this section, and shall give notice-in writing to the occupier and the landlord concerned of the withdrawal under the last foregoing subsection of any approval.