
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Regulatory Reform Act 2001 (2001 c. 6). It amends the Deer Act 1991 (1991 c. 54) (“the 1991 Act”) by removing certain burdens on those affected by it.

Article 2 amends section 4(4) of the 1991 Act as regards the use of mechanically propelled vehicles when shooting at deer. The effect of the amendment is that it is no longer an offence to shoot at deer from a mechanically propelled vehicle, provided that the vehicle is stationary and its engine is not running.

Article 3 amends section 6 of the 1991 Act (which is concerned with the exceptions to sections 2 to 4 of the 1991 Act). Those sections contain offences relating to the killing or taking of deer.

Article 4 amends section 8 of the 1991 Act (which is concerned with the granting of exemptions by licence) as follows—

- (a) it confers a power to grant a licence exempting a person from section 2 of the 1991 Act, (which makes it an offence, subject to an exemption, to take or kill deer in close season) for the purpose of preserving public health or public safety or for the purpose of conserving the natural heritage; and
- (b) it confers a power to grant a licence exempting a person from section 3 of the 1991 Act (which makes it an offence to take or kill deer at night) for the purpose of preserving public health or public safety, for the purpose of conserving the natural heritage or for the purpose of preventing serious damage to property.

Article 5 amends Schedule 1 to the 1991 Act (which sets out the close seasons in respect of different species of deer) and makes consequential amendments. It applies a close season, for the first time, to the taking or killing of Chinese water deer and it applies a close season, also for the first time, to the taking or killing of hybrid offspring resulting from a cross of a red deer with a sika deer.

Article 6 designates article 4 and the tables in article 5(1) as subordinate provisions for the purposes of section 4(3) of the 2001 Act. By virtue of section 4(2) of the Regulatory Reform Act 2001, the affirmative resolution procedure will apply to any subordinate provisions order made in relation to these provisions.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Defra (Wildlife Species Conservation Division), Temple Quay House (Zone 1/08a), 2 The Square, Temple Quay, Bristol, BS1 6EB.

Changes to legislation:

There are currently no known outstanding effects for the The Regulatory Reform (Deer) (England and Wales) Order 2007.