



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART IV

#### ENFORCEMENT, LICENSING OF VENISON DEALING AND MISCELLANEOUS PROVISIONS

##### *Enforcement*

#### **27 Powers of search and seizure.**

- (1) A constable may seize any deer liable to be forfeited on conviction of an offence under this Act.
- (2) Where a sheriff or any justice of the peace is satisfied by information on oath that—
  - (a) there is reasonable ground to suspect a relevant offence to have been committed; and
  - (b) evidence of the commission of the offence is to be found on any premises or in any vehicle,he may grant a warrant authorising any constable at any time or times within one week of the date of such warrant to enter, if necessary by force, the said premises and every part thereof or the said vehicle for the purpose of detecting the offence.
- (3) A constable authorised by a warrant granted under subsection (2) above may—
  - (a) search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter the premises or, as the case may be, vehicle to which the warrant relates; and
  - (b) seize any article found on the premises, or in the vehicle, or on any such person which he has reasonable grounds for believing to be evidence of the commission of a relevant offence.
- (4) Where a constable has reasonable grounds to—
  - (a) suspect that—
    - (i) a relevant offence has been committed; and

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- (ii) evidence of the commission of the offence is to be found in any vehicle; and
  - (b) believe that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such a vehicle,
- he may stop and search that vehicle, and may exercise the same power of search and seizure in relation to it as might be conferred under subsection (2) above by a warrant of the sheriff or of a justice of the peace.
- (5) In subsections (2) to (4) above, a “relevant offence” is an offence under Part III, or under section 36(1) or (4), of this Act.
  - (6) No search of a female person shall be carried out in pursuance of any search authorised by this section except by a female person.

## **28 Power of arrest.**

Where any person is found committing an offence under Part III of this Act, any constable may arrest that person.

## **29 Offences by bodies corporate.**

Where an offence under this Act has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **30 Power of court on trial for one offence to convict of another.**

If, upon a trial for an offence under any of sections 5, 17, 18, 19, 20, 21, 22 or 23 of this Act, or any rule of law relating to reset, the court is—

- (a) not satisfied that the accused is guilty of the offence charged, but
- (b) satisfied that he is guilty of another of those offences,

it may acquit him of the offence charged but find him guilty of the other offence and he shall then be liable to the same punishment as for that other offence.

## **31 Powers of court on conviction for offences.**

- (1) Where a person is convicted of an offence under an enactment specified in column 1 and described in column 2 of the Table set out in Schedule 3 to this Act, he shall be liable—
  - (a) on summary conviction, to a penalty not exceeding the maximum penalty set out in column 3(a) of that Table in relation to that offence; and
  - (b) on conviction on indictment, to a penalty not exceeding the maximum set out in column 3(b) of that Table in relation to that offence.
- (2) Where a person is convicted of an offence under any of sections 17 to 23 of this Act, the court shall have power (in addition to any other power) to cancel any firearm or shotgun certificate held by him.
- (3) Where a court cancels a firearm or shotgun certificate under subsection (2) above—

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- (a) the court shall cause notice in writing of that fact to be sent to the chief constable by whom the certificate was granted;
  - (b) the chief constable shall by notice in writing require the holder of the certificate to surrender it; and
  - (c) if the holder of the certificate fails to surrender the certificate within twenty one days from the date of that requirement, he shall be guilty of an offence.
- (4) Where a person is convicted of an offence under any of sections 5(5), 17(1), (2) or (3), 18(1), 20(1), 22 or 23(1) of this Act, he shall be liable to the forfeiture of any deer illegally taken, killed or removed by him or in his possession at the time of the offence.
- (5) Where a person is convicted of an offence under Part III or section 36 of this Act, the court shall have power to disqualify him from holding or obtaining a licence under section 33 of this Act.

### **32 Disposal of deer liable to forfeiture.**

- (1) Where any deer seized under section 27(1) of this Act is liable to forfeiture the person by whom it is seized may sell it and the net proceeds of the sale shall be liable to forfeiture in the same manner as the deer sold.
- (2) A person shall not be subject to any liability on account of his neglect or failure to exercise the power conferred on him by subsection (1) above.

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