



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART IV

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

##### *Further powers of the Commission*

#### **37 Restrictions on granting of certain authorisations**

- (1) The Commission shall not grant an authorisation under any of sections 5(6) or (7), 18(2) or 19(2) of this Act (in subsections (2) to (5) below referred to as an “authorisation”) unless they are satisfied that the person concerned is a fit and competent person to receive an authorisation under that provision.
- (2) An authorisation shall—
  - (a) be in writing; and
  - (b) specify the duration of its validity.
- (3) No authorisation shall be granted under section 18(2) or 19(2) of this Act unless a relevant code of practice has been published under subsection (5) below, and any such authorisation shall contain a condition that the person concerned shall comply with the relevant provisions of any such code.
- (4) An authorisation may contain such conditions, other than that mentioned in subsection (3) above, as the Commission think fit.
- (5) The Commission shall prepare and publish, and from time to time revise, a code of practice for—
  - (a) night shooting; and
  - (b) the use of vehicles for the purposes of deer management, within the meaning of section 19(2) of this Act,

to which they shall have regard when exercising their power under section 18(2) or, as the case may be, section 19(2) of this Act.

**38 Limitation on requirement to obtain game licence**

Any person authorised or required by the Commission to kill any deer under this Act shall not be required to obtain for that purpose a licence to kill game.

**39 Deer killed under the authority of the Commission**

Without prejudice to sections 8(8), 9, 10(10) and 12(1) of this Act, the Commission shall have no power to dispose of deer taken or killed under their authority.

**40 Power of Commission to require return of number of deer killed**

- (1) The Commission may, for the purposes of any of their functions, by notice served on the owner or occupier of any land require him to make a return, in such form as the Commission may require, showing the number of deer of each species and of each sex which to his knowledge have been taken or killed on the land.
- (2) A notice served under subsection (1) above shall—
  - (a) be in writing;
  - (b) specify a period, immediately preceding the date of service of the notice, for which the return must be completed.
- (3) A period specified by virtue of subsection (2)(b) above shall not exceed five years.
- (4) Any person on whom a notice under subsection (1) above has been served who—
  - (a) fails without reasonable cause to make the required return within thirty-six days after the service of the notice; or
  - (b) in making the return knowingly or recklessly furnishes any information which is false in a material particular,shall be guilty of an offence.