



# Deer Act 1963

## 1963 CHAPTER 36

An Act to provide close seasons for deer; to prohibit the killing and taking of deer by certain devices and at certain times and to restrict the use of vehicles in connection with the killing and taking of deer; and for purposes connected with the matters aforesaid. [31st July 1963]

### Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

## 1 Close seasons.

- (1) Subject to [<sup>F1</sup>sections 10, 10A and 11] of this Act, no person shall take or wilfully kill deer of any species and description mentioned in Schedule 1 to this Act during the close season prescribed by that Schedule in relation to deer of that species and description.
- (2) The Secretary of State may by order amend the said Schedule by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.
- (3) Before making any such order as aforesaid the Secretary of State shall consult with any organisations that appear to him to represent persons likely to be interested in or affected by the order.
- (4) If any person contravenes this section he shall be guilty of an offence.
- (5) This section shall come into operation on 1st November 1963.

### Textual Amendments

F1 Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 7 para. 5\(2\)](#)

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Deer Act 1963 (Repealed 25.10.1991). (See end of Document for details)*

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## 2 Nightly close times.

Subject to section 10 of this Act, any person who takes or wilfully kills any deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise shall be guilty of an offence.

## 3 Unlawful weapons, etc.

- (1) Subject to [F2sections 10, 10A and 11] of this Act, if any person—
- (a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact therewith, that is to say, any trap, snare, or poisoned or stupefying bait; or
  - (b) uses for the purpose of killing or taking any deer any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net; or
  - (c) uses for the purpose of injuring or killing or taking any deer—
    - (i) any firearm or ammunition mentioned in Schedule 2 to this Act;
    - (ii) any arrow, spear or similar missile;
    - (iii) any missile, whether discharged from a firearm or otherwise, carrying or containing any poison, stupefying drug or muscle-relaxing agent,
 he shall be guilty of an offence.
- (2) Subject to the next following subsection, if any person—
- (a) discharges any firearm, or projects any missile, from any mechanically propelled vehicle at any deer; or
  - (b) uses any mechanically propelled vehicle for the purpose of driving deer,
- he shall be guilty of an offence.
- (3) The last foregoing subsection shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer are usually kept in relation to deer on that land.
- (4) The Secretary of State may by order amend the said Schedule 2 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

### Textual Amendments

**F2** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 7 para. 5\(2\)](#)

## 4 Attempts to commit offences, etc.

- (1) Any person who attempts to commit an offence against this Act shall be guilty of an offence against this Act and shall be punishable in like manner as for the said offence.
- (2) Any person who, for the purpose of committing an offence against this Act, has in his possession any prohibited article or any firearm or ammunition shall be guilty of an offence.

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**[<sup>F3</sup>5 Powers of search, arrest and seizure.**

- (1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Act, the constable may without warrant—
  - (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
  - (b) search or examine any vehicle, animal, weapon or other thing which that person may then be using if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that vehicle, animal, weapon or other thing;
  - (c) ..... <sup>F4</sup>
  - (d) seize and detain for the purposes of proceedings under this Act anything which is evidence of the commission of the offence and any deer, vehicle, animal, weapon or other thing which is liable to be forfeited under section 6(3) of this Act.
- (2) For the purposes of exercising the powers conferred by the last foregoing subsection [<sup>F5</sup>or arresting a person, in accordance with section 25 of the Police and Criminal Evidence Act 1984, for an offence under this Act] a constable may enter any land other than a dwelling-house.
- (3) A constable may sell any deer seized under this section and the net proceeds of the sale shall be liable to be detained and forfeited in the same manner as the deer sold; but he shall not be subject to any liability on account of his neglect or failure to exercise the powers conferred by this section.]

**Textual Amendments**

- F3** Ss. 5 and 6 substituted for ss. 5–8 by [Deer Act 1980 \(c. 49, SIF 4:3\)](#), s. 7, [Sch. 2](#)
- F4** [S. 5\(1\)\(c\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 7 Pt. I](#)
- F5** Words inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 6 para. 13](#)

**[<sup>F6</sup>6 Penalties and forfeitures.**

- (1) Subject to the next following subsection, a person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding [<sup>F7</sup>level 4 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (2) Where an offence under this Act was committed in respect of more than one deer the maximum fine which may be imposed under the last foregoing subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.
- (3)

The court by which a person is convicted of an offence under this Act may order the forfeiture of—

- (a) any deer in respect of which the offence was committed or which was found in his possession;
- (b) any vehicle, animal, weapon or other thing which was used to commit the offence or which was capable of being used to take, kill or injure deer and was found in his possession.]

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#### Textual Amendments

- F6** Ss. 5 and 6 substituted for ss. 5–8 by [Deer Act 1980 \(c. 49, SIF 4:3\)](#), s. 7, [Sch. 2](#)  
**F7** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

## 9 Interpretation.

For the purposes of this Act, unless the context otherwise requires—

“ammunition” has the same meaning as in [<sup>F8</sup>the <sup>M1</sup>Firearms Act 1968;]

“deer” means deer of any species and includes the carcass of any deer or any part thereof;

“firearm” has the same meaning as in [<sup>F8</sup>the <sup>M2</sup>Firearms Act 1968;]

“prohibited article” means any weapon or article (other than a firearm or ammunition) the use of which is prohibited by section 3(1)(b) or (c) of this Act;

“vehicle” includes an aircraft.

#### Textual Amendments

- F8** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a)

#### Marginal Citations

- M1** 1968 c. 27.  
**M2** 1968 c. 27.

## 10 General exceptions.

- (1) A person shall not be guilty of an offence against section 1 or section 2 of this Act by reason of any act done for the purpose of preventing suffering by an injured or diseased deer, or of an offence against section 3(1)(a) or (b) of this Act by reason of setting in position, or using, any trap or net for that purpose.
- (2) Nothing in section 1 or section 2 of this Act shall make unlawful anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food under section 98 of the <sup>M3</sup>Agriculture Act 1947.

[<sup>F9</sup>(2A) Where—

- (a) any person, by way of business, keeps deer on land enclosed by a deer-proof barrier for the production of meat or other foodstuffs or skins or other by-products, or as breeding stock; and
- (b) those deer are conspicuously marked in such a way as to identify them as deer kept by that person as mentioned in the preceding paragraph,

the killing of any of those deer by that person, or by any servant or agent of that person authorised by him for the purpose, shall not constitute an offence against section 1 of this Act.]

- [<sup>F10</sup>(3) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use of any smooth-bore gun for the purpose of killing any deer if he shows that the deer had been so seriously injured otherwise than by his unlawful act or was in such a condition that to kill it was an act of mercy.

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- (4) A person shall not be guilty of an offence under section (3)(1)(c)(i) of this Act by reason of the use as a slaughtering instrument, for the purpose of killing any deer, of a smooth-bore gun which—
- (a) is of not less gauge than 12 bore;
  - (b) has a barrel less than 24 inches (609.6 millimetres) in length; and
  - (c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (that is to say, size AAA or any larger size).]

#### Textual Amendments

**F9** S. 10(2A) inserted by [Deer Act 1987 \(c. 28, SIF 4:3\)](#), s. 1

**F10** S. 10(3)(4) substituted for s. 10(3) by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **Sch. 7 para. 4**

#### Marginal Citations

**M3** 1947 c. 48.

### [<sup>F11</sup>10A Exceptions for authorised persons.

- (1) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
- (a) the taking or killing of any deer by means of shooting; or
  - (b) the injuring of any deer by means of shooting in an attempt to take or kill it, on any cultivated land, pasture or enclosed woodland.
- (2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use, for the purpose of taking or killing any deer on any land, of any smooth-bore gun of not less gauge than 12 bore which is loaded with—
- (a) a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes); or
  - (b) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (that is to say, size AAA).
- (3) An authorised person shall not be entitled to rely on the defence provided by subsection (1) or (2) of this section as respects anything done in relation to any deer on any land unless he shows that—
- (a) he had reasonable grounds for believing that deer of the same species were causing, or had caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land;
  - (b) it was likely that further damage would be so caused and any such damage was likely to be serious; and
  - (c) his action was necessary for the purpose of preventing any such damage.
- (4) The Secretary of State and the agriculture Minister acting jointly may by order, either generally or in relation to any area or any species and description of deer specified in the order, repeal subsection (2) of this section or amend it by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in it, or by adding any further conditions which must be satisfied.

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- (5) Before making an order under subsection (4) of this section, the Secretary of State and the agriculture Minister shall consult organisations that appear to them to represent persons likely to be interested in or affected by the order.
- (6) In this section—
- “agriculture Minister” means the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State for Wales in relation to Wales;
- “authorised person” means—
- (a) the occupier of the land on which the action is taken;
  - (b) any member of the occupier’s household normally resident on the occupier’s land, acting with the written authority of the occupier;
  - (c) any person in the ordinary service of the occupier on the occupier’s land, acting with the written authority of the occupier; or
  - (d) any person having the right to take or kill deer on the land on which the action is taken or any person acting with the written authority of a person having that right.]

#### Textual Amendments

**F11** S. 10A inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 7 para. 5\(1\)](#)

## 11 Power to grant licences.

- (1) A licence may be granted to any person by [<sup>F12</sup>the Nature Conservancy Council] exempting that person, and any person acting with his written authority, from the foregoing provisions of this Act in respect of any of the following acts done for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes, that is to say—
- (a) using any net, trap, stupefying drug or muscle-relaxing agent of a type authorised by the licence;
  - (b) using any missile carrying or containing any such stupefying drug or muscle-relaxing agent and discharging any such missile by any means authorised by the licence.
- (2) A licence granted under this section may be revoked at any time by [<sup>F12</sup>the Nature Conservancy Council] and may be granted subject to conditions; and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence and shall be liable to the like penalties in all respects as if he had been guilty of an offence against section 3 of this Act.
- [<sup>F13</sup>(3) In this section “the Nature Conservancy Council” means in relation to the doing of an act in Wales, the Countryside Council for Wales and in relation to the doing of an act in England, the Nature Conservancy Council for England]

#### Textual Amendments

**F12** Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), [s. 1\(1\)\(b\)](#), Sch. 1 para. 5

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**F13** S. 11(3) inserted (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 132(1)(a), 164(3), **Sch. 9 para. 3**

## 12 Orders.

[<sup>F14</sup>(1) Any power to make orders under this Act shall be exercisable by statutory instrument.

(1A) A statutory instrument containing an order under section 1(2) or 3(4) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(1B) No order under section 10A(4) of this Act shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.]

(2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

### Textual Amendments

**F14** S. 12(1)–(1B) substituted for s. 12(1) by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **Sch. 7 para. 5(3)**

## 13 Short title, extent and commencement.

(1) This Act may be cited as the Deer Act 1963.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act, except where otherwise expressly provided, shall come into force at the expiry of one month beginning with the date of its passing.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Deer Act 1963 (Repealed 25.10.1991). (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### CLOSE SEASONS

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#### **RED DEER [Cervus elaphus]**

Stags	1st May to 31st July inclusive.
Hinds	1st March to 31st October inclusive.

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#### **FALLOW DEER [Dama dama]**

Buck	1st May to 31st July inclusive.
Doe	1st March to 31st October inclusive.

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#### **ROE DEER [Capreolus capreolus]**

Doe	1st March to 31st October inclusive.
[ <sup>F15</sup> Buck]	[ <sup>F15</sup> 1st November to 31st March inclusive.]

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#### **Textual Amendments**

**F15** Words inserted by virtue of [Roe Deer \(Close Seasons\) Act 1977 \(c. 4, SIF 4:3\)](#), s. 1

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#### **SIKA DEER [Cervus nippon nippon]**

Stags	1st May to 31st July inclusive.
Hinds	1st March to 31st October inclusive.

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### SCHEDULE 2

Section 3.

#### PROHIBITED FIREARMS AND AMMUNITION

##### *Firearms*

1 Any smooth bore gun . . . <sup>F16</sup>



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**Textual Amendments**

**F16** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **Sch. 17 Pt. II**

2 Any rifle having a calibre of less than .240 inches or a muzzle energy of less than 1,700 foot pounds.

3 Any air gun, air rifle or air pistol.

*Ammunition*

4 Any cartridge for use in a smooth bore gun . . . <sup>F17</sup>

.....  
**Textual Amendments**

**F17** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **Sch. 17 Pt. II**

5 Any bullet for use in a rifle other than a soft-nosed or hollow-nosed bullet.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Deer Act 1963 (Repealed 25.10.1991).