



Deer Act 1980

CHAPTER 49

ARRANGEMENT OF SECTIONS

Section

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ELIZABETH II



Deer Act 1980

1980 CHAPTER 49

An Act to prevent the poaching of deer; to control the sale and purchase of venison; to amend the Deer Act 1963; and for purposes connected therewith.

[8th August 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to subsection (3) below, if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of taking, killing or injuring it, he shall be guilty of an offence. Prevention of poaching.

(2) Subject to subsection (3) below, if any person while on any land—

- (a) intentionally takes, kills or injures, or attempts to take, kill or injure, any deer ;
- (b) searches for or pursues any deer with the intention of taking, killing or injuring it ; or
- (c) removes the carcase of any deer,

without the consent of the owner or occupier of the land or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (1) or (2) above by reason of anything done in the belief that—

(a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it ; or

(b) he has other lawful authority to do it.

(4) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under subsection (1) or (2) above on any land, he may require that person—

(a) to give his full name and address ; and

(b) to quit that land forthwith ;

and any person who fails to comply with a requirement under this subsection shall be guilty of an offence.

(5) Subject to subsection (6) below, a person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding three months or to both.

(6) Where an offence under this section was committed in respect of more than one deer the maximum fine which may be imposed under subsection (5) above shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.

(7) In this section “ authorised person ”, in relation to any land, means the owner or occupier or any person authorised by the owner or occupier of the land, and includes any person having the right to take or kill deer on the land.

2.—(1) If any person, not being a licensed game dealer—

(a) at any time during the prohibited period sells or offers or exposes for sale or has in his possession for sale any venison ; or

(b) at any time sells or offers or exposes for sale any venison otherwise than to a licensed game dealer,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) If any person sells or offers or exposes for sale or has in his possession for sale, or purchases or offers to purchase or receives, any venison which comes from a deer—

(a) which has been taken or killed in circumstances which constitute an offence under section 1 above or any provision of the Deer Act 1963 ; and

Sale and
purchase etc.
of venison.

(b) which he knows or has reason to believe to have been so taken or killed,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding three months or to both.

(3) In this section “prohibited period”, in relation to any venison which comes from a species and description of deer in relation to which a close season is prescribed by Schedule 1 to the Deer Act 1963, means the period beginning with the expiration of the tenth day, and ending with the expiration of the last day, of that season. 1963 c. 36.

(4) In this section and section 3 below—

“licensed game dealer” means a person licensed to deal in game under the Game Act 1831 and the Game Licences Act 1860, and includes a servant of such a person ; 1831 c. 32.
1860 c. 90.

“sale” includes barter and exchange and “sell” and “purchase” shall be construed accordingly.

3.—(1) Every licensed game dealer who sells or offers or exposes for sale or has in his possession for sale any venison shall keep or cause to be kept a book containing records in the form set out in Schedule 1 to this Act or a form substantially to the like effect and shall enter or cause to be entered in that book forthwith full particulars of all his purchases and receipts of venison. Licensed
game dealers
to keep
records.

(2) The Secretary of State may by order made by statutory instrument vary the form in which records are required to be kept under this section ; and a statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Where a licensed game dealer has purchased or received venison from another licensed game dealer or from a venison dealer registered under the Sale of Venison (Scotland) Act 1968, he shall be deemed to have complied with the requirements of this section if he has recorded in his record book— 1968 c. 38.

- (a) that the venison was so purchased or received ;
- (b) the name and address of the other licensed game dealer or the venison dealer so registered ;
- (c) the date when the venison was so purchased or received ;
and
- (d) the total weight of the venison.

(4) Any authorised officer, on producing, if so required, his written authority, and any constable, may inspect—

- (a) the record book of a licensed game dealer ;

- (b) any venison in the licensed game dealer's possession or under his control, or on premises or in vehicles under his control ; and
- (c) any invoices, consignment notes, receipts and other documents which relate to entries in the record book (including copies where the originals are not available) ;
- and may take copies of, or extracts from, the record book and any such documents.

(5) A record book shall be kept until the end of the period of three years beginning with the day on which the last entry was made in the book, and any such documents as are mentioned in subsection (4)(c) above shall be kept until the end of the period of three years beginning with the date of the entry to which they relate.

(6) If any licensed game dealer without reasonable excuse fails to comply with the provisions of this section, he shall be guilty of an offence.

(7) If any person wilfully obstructs any authorised officer or constable making an inspection under this section, or knowingly or recklessly makes or causes to be made in a record book any entry which is false or misleading in a material particular, he shall be guilty of an offence.

(8) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50.

(9) In this section—

“ authorised officer ” means any officer of the council of a district or London borough, or of the Common Council of the City of London, who is authorised by them in writing to exercise the powers conferred by this section ;

“ record book ” means a book kept in pursuance of subsection (1) above.

Powers of search, arrest and seizure.

4.—(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) arrest that person if he fails to give his name and address to the constable's satisfaction ;
- (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, venison, vehicle, animal, weapon or other thing which is liable to be forfeited under section 5 below.

(2) For the purpose of exercising the powers conferred by subsection (1) above a constable may enter any land other than a dwelling-house.

(3) A constable may sell any deer or venison 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 or venison sold ; but he shall not be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this subsection.

5.—(1) The court by which any person is convicted of an offence under this Act may— Forfeitures and dis-qualifications.

- (a) order the forfeiture of any deer or venison in respect of which the offence was committed or which was found in his possession ;
- (b) order the forfeiture of 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 ;
- (c) disqualify him for holding or obtaining a licence to deal in game for such period as the court thinks fit ;
- (d) cancel any firearm or shotgun certificate held by him.

(2) Where the court cancels a firearm or shotgun certificate under subsection (1)(d) above—

- (a) the court shall cause notice in writing of that fact to be sent to the chief officer of police by whom the certificate was granted ; and
- (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it ; and
- (c) if the holder fails to surrender the certificate within twenty-one days from the date of that requirement, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

6.—(1) When an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable Offences by bodies corporate.

to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Amendment
of Deer Act
1963.
1963 c. 36.

7. For sections 5 to 8 of the Deer Act 1963 there shall be substituted the sections set out in Schedule 2 to this Act.

Interpretation.

8. In this Act, unless the context otherwise requires—

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

“vehicle” includes an aircraft, hovercraft or boat;

“venison” means the carcase, or any edible part of the carcase, of a deer and includes imported venison, but not canned or cooked venison.

Short title,
repeal,
extent and
commence-
ment.
1968 c. 60.

9.—(1) This Act may be cited as the Deer Act 1980.

(2) Paragraph 1 of Schedule 1 to the Theft Act 1968 (which is superseded by section 1 above) is hereby repealed.

(3) This Act does not extend to Scotland or Northern Ireland.

(4) This Act, with the exception of sections 2 and 3, shall come into force at the expiry of three months beginning with the date of its passing, and sections 2 and 3 shall come into force on 1st November 1980.

SCHEDULES
SCHEDULE 1

Section 3.

FORM OF RECORD TO BE KEPT BY LICENSED GAME DEALERS

| Date of purchase or receipt* | Species | Means by which the deer was killed† | Particulars of carcasses purchased or received | | | | Particulars of parts of carcasses purchased or received | | | Particulars of seller, or in the case of a receipt the source† from which receipt obtained, and registration number of vehicle delivering venison | |
|------------------------------|---------|-------------------------------------|--|--------|--------|--------|---|-------------------|------------------------|---|--------|
| | | | Male | | Female | | Total | Number (of parts) | Description (of parts) | | Weight |
| | | | No. | Weight | No. | Weight | | | | | |
| | | | | | | | | | | | |

* Where the venison comes from deer killed by the dealer, enter date of killing.
 † If killed by rifle or smooth-bore gun, enter "rifle" or "smooth-bore gun".
 ‡ Where the venison comes from deer killed by the dealer, enter name of premises or place in which killed.

Section 7.

SCHEDULE 2

SECTIONS SUBSTITUTED FOR SECTIONS 5 TO 8 OF DEER ACT 1963

Powers of search, arrest and seizure.

5.—(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) arrest that person if he fails to give his name and address to the constable's satisfaction ;
- (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 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.

Penalties and forfeitures.

6.—(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 £500 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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LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£1.40 net

ISBN 0 10 544980 6

(51284)