



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART I

THE DEER COMMISSION FOR SCOTLAND

1 The Deer Commission for Scotland.

- (1) There shall continue to be a commission known as the Deer Commission for Scotland (in this Act referred to as “the Commission”) which shall—
 - (a) in accordance with the provisions of this Act, further the conservation, control and sustainable management of deer in Scotland, and keep under review all matters, including their welfare, relating to deer; and
 - (b) exercise such other functions as are conferred on them by or under this Act or any other enactment.
- (2) It shall be the duty of the Commission, in exercising their functions, to take such account as may be appropriate in the circumstances of—
 - (a) the size and density of the deer population and its impact on the natural heritage;
 - (b) the needs of agriculture and forestry; and
 - (c) the interests of owners and occupiers of land.
- (3) The Commission shall carry out their functions in accordance with such directions of a general character as may be given by the Secretary of State.
- (4) The Commission shall be appointed by the Secretary of State and shall consist of a chairman and such number of other members, being not less than nine nor more than twelve in total, as the Secretary of State considers appropriate to represent the interests of persons or organisations concerned with each of the matters mentioned in paragraph (a) of subsection (5) below; and subsections (5) and (6) below shall apply to the appointment of the members other than the chairman.
- (5) Subject to subsection (4) above and subsection (6) below, the Secretary of State may appoint any person who appears to him—

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- (a) to have knowledge or experience of one or more of the following matters—
 - (i) deer management;
 - (ii) agriculture (including crofting);
 - (iii) forestry and woodland management; and
 - (iv) the natural heritage,
 in so far as that matter may be affected by the Commission’s exercise of their functions; and
 - (b) generally, to be an appropriate person, to be a member of the Commission; and, subject to subsection (6)(c) below, of the persons so appointed, at least one third shall be persons having knowledge or experience of deer management.
- (6) Before making an appointment under subsection (5) above, the Secretary of State shall—
- (a) afford to such organisations as appear to him to represent the interests of persons concerned with the matters mentioned in subsection (5)(a) above an opportunity to suggest the name of any person who would in their view be an appropriate person for such an appointment;
 - (b) consider any such suggestions; and
 - (c) where names have been suggested by organisations representing the interests of deer managers, select the one third of the Commission referred to in subsection (5) above from among those names.
- (7) Schedule 1 to this Act (which makes supplementary provision with respect to the Commission) shall have effect.

2 Advice and annual reports to Secretary of State.

- (1) The Commission shall—
 - (a) advise the Secretary of State on any such matter relating to the purposes of this Act as he may refer to them; and
 - (b) bring to his attention any matter relating to deer of which in the opinion of the Commission he ought to be apprised.
- (2) The Commission shall make an annual report to the Secretary of State on the exercise of their functions under this Act.
- (3) The Secretary of State shall lay a copy of the report made under subsection (2) above before each House of Parliament, together with such comments as he may think fit to make.

3 Power of the Commission to facilitate exercise of functions.

- (1) The Commission shall have power—
 - (a) to issue guidance or advice, whether general or particular, to any person or organisation; and
 - (b) to conduct, or to collaborate with any person or organisation which is conducting—
 - (i) any research, inquiry or investigation into questions of practical or scientific importance; or
 - (ii) any experiment, trial or demonstration,

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relating to the conservation, control or sustainable management of deer or to any other aspect of the Commission's functions.

- (2) For the avoidance of doubt, it is provided that the Commission may exercise the powers conferred by subsection (1) above in relation to the general welfare of deer, in so far as that matter is not otherwise included in their functions under this Act.

4 Appointment of panels.

- (1) Subject to the approval of the Secretary of State, the Commission may appoint for any locality a panel for the purposes of this section consisting of such number of persons, not exceeding nine, as they consider appropriate, one of whom shall act as chairman.
- (2) Before making an appointment under subsection (1) above, the Commission may afford to such persons or organisations as they think fit an opportunity to suggest the name of any person who would in their view be an appropriate person for such an appointment.
- (3) Where the Commission have sought suggestions as mentioned in subsection (2) above, they shall consider any such suggestions before making an appointment under subsection (1) above.
- (4) The Commission may appoint a member of the Commission or a member of the Commission's staff to act as observer to the panel for the purposes of—
- (a) sitting with the panel at any meeting;
 - (b) taking part in their discussions; and
 - (c) informing the Commission of information arising during and decisions taken at such meetings.
- (5) An observer appointed under subsection (4) above shall not be a member of the panel.
- (6) The Commission may refer to any such panel any matter relating to the functions of the Commission, and it shall be the duty of the panel to advise the Commission on the matter.

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