



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART I **S**

#### [<sup>F1</sup>SCOTTISH NATURAL HERITAGE'S DEER FUNCTIONS]

##### Textual Amendments

- F1** Pt. I substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010](#) (asp 8), s. 134(7), [Sch. 1 para. 7](#); S.S.I. 2010/221, art. 3(2), Sch.

#### **1** <sup>X1</sup> **The Deer Commission for Scotland.** **S**

- (1) [<sup>F2</sup>Scottish Natural Heritage (in this Act referred to as “SNH”) has the following general aims and purposes in relation to deer]—
- (a) in accordance with the provisions of this Act [<sup>F3</sup>to], further the [<sup>F4</sup>conservation of deer native to Scotland, the] control and sustainable management of deer in Scotland, and keep under review all matters, including their welfare, relating to deer; and
  - (b) [<sup>F5</sup>to] exercise such other functions as are conferred on [<sup>F6</sup>it] by or under this Act or any other enactment.

[<sup>F7</sup>(1A) In this Act references to SNH 's deer functions are to the functions relating to deer conferred on it by or under this Act or any other enactment. ]

- (2) It shall be the duty of [<sup>F8</sup>SNH], in exercising [<sup>F9</sup>its deer] 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; <sup>F10</sup>...
  - (c) the interests of owners and occupiers of land.
- [<sup>F11</sup>(d) the interests of public safety; and
- (e) the need to manage the deer population in urban and peri-urban areas.]

*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Part I. (See end of Document for details)*

- F12(3) .....
- F12(4) .....
- F12(5) .....
- F12(6) .....
- F12(7) .....

**Editorial Information**

- X1** S. 1: sidenote no longer accurate following the amendments made to this Act by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 1, Sch. 1 paras. 5-27**

**Textual Amendments**

- F2** Words in s. 1(1) substituted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(2)(a)**; S.S.I. 2010/221, art. 3(2), Sch.
- F3** Word in s. 1(1)(a) inserted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(2)(b)**; S.S.I. 2010/221, art. 3(2), Sch.
- F4** Words in s. 1(1)(a) substituted (1.1.2012) by **Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 26(2)(a), 43(1) (with s. 41(1))**; S.S.I. 2011/433, art. 2(1)(f)
- F5** Word in s. 1(1)(b) inserted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(2)(c)**; S.S.I. 2010/221, art. 3(2), Sch.
- F6** Word in s. 1(1)(b) substituted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(2)(c)**; S.S.I. 2010/221, art. 3(2), Sch.
- F7** S. 1(1A) inserted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(3)**; S.S.I. 2010/221, art. 3(2), Sch.
- F8** Word in Act substituted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 6**; S.S.I. 2010/221, art. 3(2), Sch.
- F9** Words in s. 1(2) substituted (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(4)**; S.S.I. 2010/221, art. 3(2), Sch.
- F10** Word in s. 1(2)(b) repealed (1.1.2012) by **Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 26(2)(b)(i), 43(1) (with s. 41(1))**; S.S.I. 2011/433, art. 2(1)(f)
- F11** S. 1(2)(d)(e) inserted (1.1.2012) by **Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 26(2)(b)(ii), 43(1) (with s. 41(1))**; S.S.I. 2011/433, art. 2(1)(f)
- F12** S. 1(3)-(7) repealed (1.8.2010) by **Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 1 para. 8(5)**; S.S.I. 2010/221, art. 3(2), Sch.

**2 Advice and annual reports to Secretary of State. S**

- (1) [F8SNH] shall—
  - (a) advise the Secretary of State on any such matter relating to the purposes of this Act as he may refer to[F13it]; and
  - (b) bring to his attention any matter relating to deer of which in the opinion of [F8SNH] he ought to be apprised.

- F14(2) .....
- F14(3) .....

*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Part 1. (See end of Document for details)*

#### Textual Amendments

- F8** Word in Act substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 6**; S.S.I. 2010/221, art. 3(2), Sch.
- F13** Word in s. 2(1)(a) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 9(a)**; S.S.I. 2010/221, art. 3(2), Sch.
- F14** S. 2(2)(3) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 9(b)**; S.S.I. 2010/221, art. 3(2), Sch.; S.S.I. 2010/221, art. 3(2), Sch.

### 3 Power of [F8SNH] to facilitate exercise of functions. **S**

- (1) [F8SNH] shall have power—
- (a) to issue guidance or advice, whether general or particular, to any person or organisation; <sup>F15</sup>...
  - (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<sup>F16</sup>; and]
  - <sup>F16</sup>(c) to assist any person or organisation in reaching agreements with third parties,] relating to the conservation, control or sustainable management of deer or to any other aspect of [F8SNH's][<sup>F17</sup>deer] functions
- (2) For the avoidance of doubt, it is provided that [F8SNH] 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 [<sup>F18</sup>its] functions under this Act.
- <sup>F19</sup>(3) A public body or office-holder issued guidance or advice under subsection (1)(a) must have regard to such guidance or advice in exercising any functions to which the guidance relates.]

#### Textual Amendments

- F8** Word in Act substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 6**; S.S.I. 2010/221, art. 3(2), Sch.
- F15** Word in s. 3(1) repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 26(3)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F16** S. 3(1)(c) and word inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 26(3)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F17** Word in s. 3(1) inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 10(a)**; S.S.I. 2010/221, art. 3(2), Sch.
- F18** Word in s. 3(2) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 10(b)**; S.S.I. 2010/221, art. 3(2), Sch.
- F19** S. 3(3) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 26(3)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

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#### 4 Appointment of panels. **S**

- (1) Subject to the approval of the Secretary of State, [F<sup>8</sup>SNH] may appoint for any locality a panel for the purposes of this section consisting of such number of persons <sup>F20</sup>... as [F<sup>21</sup>it considers ] appropriate, one of whom shall act as chairman.
- (2) Before making an appointment under subsection (1) above, [F<sup>8</sup>SNH] may afford to such persons or organisations as [F<sup>22</sup>it thinks] fit an opportunity to suggest the name of any person who would in [F<sup>23</sup>its] view be an appropriate person for such an appointment.
- (3) Where [F<sup>8</sup>SNH][F<sup>24</sup>has] sought suggestions as mentioned in subsection (2) above, [F<sup>25</sup>it] shall consider any such suggestions before making an appointment under subsection (1) above.
- (4) [F<sup>8</sup>SNH] may appoint a member of [F<sup>8</sup>SNH] or a member of [F<sup>8</sup>SNH'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 [F<sup>8</sup>SNH] 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) [F<sup>8</sup>SNH] may refer to any such panel any matter relating to the [F<sup>26</sup>deer] functions of [F<sup>8</sup>SNH], and it shall be the duty of the panel to advise [F<sup>8</sup>SNH] on the matter.
- [F<sup>27</sup>(7) The Scottish Ministers may by regulations make provision conferring further functions on panels.
- (8) Functions conferred under subsection (7) may include—
  - (a) encouraging and facilitating the engagement of the local community in deer management in the locality of a panel,
  - (b) looking into issues relating to deer management in the locality of a panel and communicating those issues to the local community,
  - (c) communicating the views of the local community to those engaged in deer management in the locality of a panel.
- (9) Regulations under subsection (7) may modify any enactment (including this Act).]

#### Textual Amendments

- F8** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.
- F20** Words in s. 4(1) repealed (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 26\(4\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F21** Words in s. 4(1) inserted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 11\(a\)](#); S.S.I. 2010/221, art. 3(2), Sch.
- F22** Words in s. 4(2) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 11\(b\)\(i\)](#); S.S.I. 2010/221, art. 3(2), Sch.
- F23** Word in s. 4(2) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 11\(b\)\(ii\)](#); S.S.I. 2010/221, art. 3(2), Sch.
- F24** Word in s. 4(3) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 11\(c\)\(i\)](#); S.S.I. 2010/221, art. 3(2), Sch.

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- F25** Word in s. 4(3) substituted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 11(c)(ii)**; S.S.I. 2010/221, art. 3(2), Sch.
- F26** Word in s. 4(6) inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 1 para. 11(d)**; S.S.I. 2010/221, art. 3(2), Sch.
- F27** S. 4(7)-(9) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 78, 130(1)** (with s. 128); S.S.I. 2016/193, reg. 2(1), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Part I.