



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART II

#### CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

##### *Close seasons*

#### **5 Close seasons**

- (1) The Secretary of State—
  - (a) shall, in relation to the female of every species of deer; and
  - (b) may, in relation to the male of any species of deer,by order fix a period in each year during which no person shall take or wilfully kill or injure any deer of the sex and species named in the order, and different periods may be so fixed in relation to different species and in relation to the male and female of any species.
- (2) Before making an order under subsection (1) above, the Secretary of State may consult such persons or organisations as he thinks fit, or may direct the Commission to carry out such consultation on his behalf.
- (3) Where the Secretary of State has directed the Commission to carry out consultation on his behalf under subsection (2) above, they shall—
  - (a) report the results of that consultation, and
  - (b) tender such advice as they may wish in relation to the making of an order under subsection (1) above,to him within such period as he may so direct.
- (4) Where the Secretary of State or the Commission have carried out consultation under subsection (2) or (3) above the Secretary of State shall have regard to the results of that consultation, and to any advice tendered by the Commission under subsection (3) above, before making an order under subsection (1) above.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Subject to sections 14 and 25 of this Act and to subsections (6) and (7) below, any person who contravenes an order made under subsection (1) above shall be guilty of an offence.
- (6) Without prejudice to section 26, and subject to section 37, of this Act, and notwithstanding anything in any agreement between an occupier of land and the owner thereof, the Commission may authorise the owner or the occupier of any land or any person nominated in writing by either of them to take or kill, and to sell or otherwise dispose of, any deer found on that land during the period specified in relation to that sex and species of deer in an order under subsection (1) above, where they are satisfied that—
- (a) the taking or killing is necessary—
    - (i) to prevent serious damage to any unenclosed woodland which forms part of that land, or serious damage, whether direct or indirect, to the natural heritage generally; or
    - (ii) in the interests of public safety; and
  - (b) no other means of control which might reasonably be adopted in the circumstances would be adequate.
- (7) Subject to section 37 of this Act, the Commission may, for any scientific purpose, authorise any person to take or kill deer during the period specified in relation to that sex and species of deer in an order under subsection (1) above.