



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART II

CONSERVATION, CONTROL AND SUSTAINABLE MANAGEMENT OF DEER

Emergency measures

10 Emergency measures to prevent damage by deer

- (1) This subsection applies where the Commission are satisfied—
- (a) that deer—
 - (i) are causing serious damage to woodland or to agricultural production, including any crops or foodstuffs; or
 - (ii) are causing injury to livestock, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or otherwise; or
 - (iii) constitute a danger or a potential danger to public safety;
 - (b) that none of their other powers is adequate to deal with the situation; and
 - (c) that the killing of the deer is necessary to prevent further such damage or injury or to remove the danger or potential danger.
- (2) Where subsection (1) applies and the Commission are satisfied that—
- (a) the deer mentioned in that subsection come from particular land; and
 - (b) any person having the right to kill deer on that land will forthwith undertake the killing of the deer so mentioned,
- the Commission shall make a request in writing to that person to that effect.
- (3) Where a request under subsection (2) above has been made to a person, the Commission shall not issue an authorisation under subsection (4) below unless it appears to them that he has become unable or unwilling to comply with the terms of the request.

Status: This is the original version (as it was originally enacted).

- (4) Subject to subsection (3) above, where subsection (1) above applies the Commission shall authorise in writing, subject to such conditions as may be specified in the authorisation, any person who in their opinion is competent to do so to follow and kill on such land as may be mentioned in the authorisation such deer as appear to that person to be causing the damage or injury or constituting the danger or potential danger.
- (5) Where, as mentioned in paragraph (a)(iii) of subsection (1) above, deer constitute a danger or potential danger to public safety, and, in the opinion of the Commission or the person authorised by them under subsection (4) above, the killing of the deer would itself constitute a potential danger to public safety, the person so authorised by the Commission shall instead take and remove the deer from the land in question by such means as are appropriate.
- (6) An authorisation under subsection (4) above shall remain in force from the date on which it is issued for such period, not exceeding twenty eight days, as may be specified in the authorisation.
- (7) Where the Commission—
- (a) intend to issue an authorisation under subsection (4) above; and
 - (b) are of the opinion that any person is likely to be on any land to be mentioned in that authorisation,
- they shall as soon as practicable give to that person such warning of their intention as they consider necessary to prevent danger to him.
- (8) The Commission shall give to the owner of any land which is to be mentioned in an authorisation under subsection (4) above such notice of their intention to issue such an authorisation as may be practicable.
- (9) Without prejudice to section 16 of this Act, any notice to be served under subsection (7) or (8) above on an owner of land shall, where an agent or employee is responsible for the management or farming of the land, be duly served if it is served on the said agent or employee.
- (10) Where any deer has been killed or taken and removed from land under an authorisation granted by the Commission under subsection (4) above, the Commission shall have power to dispose of it by sale or otherwise.

11 Application of section 10 in relation to the natural heritage

Section 10 of this Act shall apply in relation to the natural heritage as it applies to woodland, where the Commission are satisfied that deer are causing serious damage to the natural heritage—

- (a) on enclosed land; or
- (b) on unenclosed land, but only if the Commission are also satisfied that the damage is being caused by reason of the presence on the land in question of a significantly higher density of deer population than is usual in all the circumstances.