



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART IV

#### ENFORCEMENT, LICENSING OF VENISON DEALING AND MISCELLANEOUS PROVISIONS

##### *Licensing of dealing in venison*

#### **33 Licences to deal in venison.**

- (1) A council may grant to any person whom they shall think fit a licence to deal in venison (which shall continue to be known as a “venison dealer’s licence”).
- (2) The Secretary of State shall have power by order to regulate—
  - (a) applications for venison dealers’ licences and the manner in which they are to be dealt with (including power to authorise councils to charge fees in respect of such applications); and
  - (b) the procedure—
    - (i) by which venison dealers’ licences may be surrendered; and
    - (ii) for handing in of licences where a court has ordered their forfeiture or the holders have ceased to deal in venison.
- (3) The Secretary of State may in regulations under subsection (2) above apply any provision of Schedule 1 to the <sup>M1</sup>Civic Government (Scotland) Act 1982, as he thinks fit.
- (4) A venison dealer’s licence shall be valid for three years (unless the dealer has been disqualified from holding a licence by reason of his conviction of an offence under this Act), and may be renewed provided he is not at the time of the application subject to such disqualification.
- (5) Every council which grants a venison dealer’s licence shall cause to be sent to the Commission as soon as may be a copy of the licence.
- (6) Every council by whom venison dealers’ licences are granted shall as soon as may be after the first day of January in each year make a return to the Commission of the

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names and addresses of the persons who on that day held venison dealer's licences issued by the council.

- (7) In this section and sections 34 to 36 “venison” means the carcase or any edible part of the carcase of a deer, and “deer” means deer of any species, whether or not deer within the meaning of section 45 of this Act, and includes farmed deer.
- (8) In this section and section 36 of this Act “council” means a council constituted under section 2 of the <sup>M2</sup>Local Government etc. (Scotland) Act 1994.

#### Marginal Citations

- M1** 1982 c.45.  
**M2** 1994 c.39.

### 34 Records kept by venison dealers.

- (1) Every licensed venison dealer shall keep a book in which shall be entered records in the prescribed form of all purchases and receipts of venison by him and shall enter in such book forthwith the prescribed particulars of such purchases and receipts.
- (2) Any person authorised in writing in that behalf by the Secretary of State or by the Commission (an “authorised person”) or any constable, may inspect any book kept in pursuance of subsection (1) above.
- [<sup>F1</sup>(2A) For the purposes of subsection (2) above, an authority may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.]
- (3) An authorised person shall show his written authority[<sup>F2</sup>, or a copy of a record of authority in terms of subsection (2A) above,] when so requested.
- (4) A licensed venison dealer shall produce for inspection by an authorised person or constable—
- (a) any book kept in pursuance of subsection (1) above;
  - (b) all invoices, consignment notes, receipts and other documents (including copies of them where the originals are not available) which may be required to verify any entry in such book; and
  - (c) all venison in his possession or under his control, or on premises or in vehicles under his control,
- and shall allow the authorised person or constable to take copies of such book or document or extracts therefrom.
- (5) Every book kept in pursuance of subsection (1) above 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)(b) above shall be kept for a period of three years beginning with the date of the entry to which they refer.
- (6) In this section “prescribed” means prescribed by order.

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#### Textual Amendments

- F1** S. 34(2A) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\)](#), arts. 1(1), **3(6)(a)**
- F2** Words in s. 34(3) inserted (23.6.2006) by [Electronic Communications \(Scotland\) Order 2006 \(S.S.I. 2006/367\)](#), arts. 1(1), **3(6)(b)**

### 35 Reciprocal arrangements.

A licensed venison dealer who has purchased or received venison from another licensed venison dealer or from a licensed game dealer within the meaning of section 10(5) of the <sup>M3</sup>Deer Act 1991 shall be deemed to have complied with the requirements of section 34 of this Act if he has recorded in his book kept in pursuance of subsection (1) of that section—

- (a) that the venison was so purchased or received;
- (b) the name and address of the other licensed venison dealer or of the licensed game dealer;
- (c) the date when the venison was so purchased or received;
- (d) the number of carcasses and sex of the venison; and
- (e) the species of deer, provided that it is possible to identify it.

#### Marginal Citations

- M3** 1991 c.54.

### 36 Offences in connection with venison dealing.

- (1) Subject to subsection (2) below, any person who—
  - (a) sells, offers or exposes for sale; or
  - (b) has in his possession, transports or causes to be transported for the purpose of sale at any premises,any venison shall be guilty of an offence.
- (2) A person is not guilty of an offence under subsection (1) above if—
  - (a) he is a licensed venison dealer; or
  - (b) he does the act constituting the offence for the purpose of selling to a licensed venison dealer; or
  - (c) he has purchased the venison from a licensed venison dealer.
- (3) In subsection (2) above “licensed venison dealer” means the holder of a venison dealer’s licence granted by the council within whose area the sale, offer or exposure for sale takes place, or where the premises concerned are situated.
- (4) Any person who—
  - (a) sells, offers or exposes for sale;
  - (b) has in his possession for the purpose of sale at any premises;
  - (c) transports for the purpose of sale; or
  - (d) purchases or offers to purchase or receives,

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the carcase of a deer, or any part of such a carcase, which he knows or has reason to believe has been killed unlawfully shall be guilty of an offence.

- (5) Any licensed venison dealer who fails to comply with any provision of section 34 of this Act or who knowingly or recklessly makes in any book or document he is required to keep under that section an entry which is false or misleading in any material particular shall be guilty of an offence.
- (6) Any person who obstructs an authorised person or a constable making an inspection under section 34 of this Act shall be guilty of an offence.
- (7) In this section “sale” includes barter, exchange and other transactions by which venison is disposed of for value.

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