



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART IV

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

##### *Miscellaneous and general provisions*

#### **41 Savings for certain rights.**

- (1) Nothing in Parts I or II (except section 5) of this Act or anything done thereunder shall preclude any occupier of any land from recovering any compensation for damage caused by deer which he would have been entitled to recover if this Act had not been passed.
- (2) Nothing in sections 18(1), 19(1) or 20(1)(a) of this Act shall be construed as prohibiting—
  - (a) a person having a legal right to take deer on any land; or
  - (b) a person having permission in writing from any such person as is mentioned in paragraph (a) above,from taking a deer on that land in any manner which does not cause it unnecessary suffering.

#### **42 Information to be supplied to owner of certain land.**

The occupier of any agricultural land or enclosed or unenclosed woodland shall supply, as soon as practicable after being requested to do so by the owner of the land, information to the owner as to the number, sex and species of deer taken or killed by him or by any other person, other than the owner or his employees, authorised or nominated by him under or by virtue of section 5(6), 18(2) or 26(2) of this Act within the period of twelve months immediately preceding the request.

*Status: Point in time view as at 18/10/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Cross Heading: Miscellaneous and general provisions. (See end of Document for details)*

#### **43 Application of Act to farmed deer.**

- (1) Subject to subsections (2) to (4) below, this Act does not apply in respect of farmed deer.
- (2) The following provisions of this Act apply as respects farmed deer—
  - (a) subsections (3) and (4) of section 17;
  - (b) section 21;
  - (c) sections 33 to 36;
  - (d) section 45.
- (3) The provisions of sections 24 and 27 to 32 of this Act shall apply in respect of an offence committed by virtue of subsection (2) above.
- (4) In this section “farmed deer” means deer of any species which are on agricultural land enclosed by a deer-proof barrier and are kept on that land by any person as livestock.

#### **44 Application of Act to the Crown.**

- (1) This Act shall apply, subject to such modifications as may be prescribed, to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (2) In subsection (1) above, “prescribed” means prescribed in regulations made by the Secretary of State under this Act.

#### **45 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
  - “agricultural land” has the meaning given by the <sup>M1</sup>Agricultural Holdings (Scotland) Act 1991;
  - “ammunition” and “firearm” have the meanings respectively given in the <sup>M2</sup>Firearms Act 1968;
  - “animal foodstuffs”, for the purposes of sections 18(2) and 26 of this Act, includes foodstuffs intended for consumption by farmed deer;
  - “control agreement” has the meaning given by section 7 of this Act;
  - “control area” has the meaning given by section 6 of this Act;
  - “control scheme” has the meaning given by section 8 of this Act;
  - “deer” means fallow deer, red deer, roe deer and sika deer and any other species of deer specified in an order made under subsection (2) below and includes any hybrid of those species and, where appropriate, the carcase of any deer or any part of it;
  - “deer management” includes the management of deer for sporting purposes;
  - “deer proof barrier” means a barrier which will, having regard to the character and nature of the land, prevent the entry of deer on to or, as the case may be, the escape of deer from any land;
  - “enclosed” means enclosed by a stock-proof fence or other barrier, and “unenclosed” shall be construed accordingly;
  - “fallow deer” means deer of the species *Dama dama*;

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“farmed deer” has the meaning given in section 43 of this Act;

“functions” includes powers and duties;

“land” does not include a dwelling house or any yard, garden, outhouses and pertinents belonging thereto or usually enjoyed therewith;

“livestock” has the meaning given by the <sup>M3</sup>Agriculture (Miscellaneous Provisions) Act 1968 and, for the purposes of sections 7, 8 and 10 of this Act, includes farmed deer;

“natural heritage” includes flora and fauna, geological and physiographical features and the natural beauty and amenity of the countryside;

“occupier” in relation to any land includes any tenant or sub-tenant, whether in actual occupation of the land or not;

“owner” in relation to any land includes any person who under the Land Clauses Acts would be enabled to sell and convey the land to promoters of an undertaking;

“red deer” means deer of the species *Cervus elaphus*;

“roe deer” means deer of the species *Capreolus capreolus*;

“sika deer” means deer of the species *Cervus nippon*;

“species” includes any hybrid of different species of deer;

“take”, in relation to deer, means take alive, and cognate expressions shall be construed accordingly;

“vehicle” includes an aircraft, hovercraft or boat; and

“woodland” means land on which trees are grown, whether or not commercially, and includes any such trees and any vegetation planted or growing naturally among such trees on that land.

- (2) The Secretary of State may, by order, specify other species of deer which are to be “deer” for the purposes of subsection (1) above.

#### Marginal Citations

M1 1991 c.55.

M2 1968 c.27.

M3 1968 c.34.

## 46 Financial provisions

The expenses of the Commission shall be defrayed by the Secretary of State, and any sums received by them shall be paid to the Secretary of State.

## 47 Orders, regulations etc.

- (1) Subject to section 21(4) of this Act, any order or regulations made under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution by either House of Parliament.
- (2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

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**48 Short title, consequential amendments, repeals, extent and commencement.**

- (1) This Act may be cited as the Deer (Scotland) Act 1996.
- (2) Schedule 4 (which makes provisions consequential on this Act) and Schedule 5 (which repeals provisions consolidated by this Act) shall have effect.
- (3) Subject to subsection (4) below, this Act shall extend to Scotland only.
- (4) The amendments contained in Schedule 4 and the repeals contained in Schedule 5 have the same extent as the enactments therein amended or, as the case may be, repealed.
- (5) Schedule 6 (which contains transitional and transitory provisions and a saving) shall have effect.
- (6) This Act shall come into force at the expiry of the period of one month beginning with the date on which the <sup>M4</sup>Deer (Amendment)(Scotland) Act 1996 comes into force.

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**Marginal Citations**

**M4** 1996 c. 44.

**Status:**

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**Changes to legislation:**

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