

*Status: Point in time view as at 25/01/2018.*

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

## SCHEDULES

### SCHEDULE 2

#### PROVISIONS AS TO CONTROL SCHEMES

#### PART II

##### PROCEDURE FOR VARYING OR REVOKING CONTROL SCHEMES

- 5 On the application of [<sup>F1</sup>SNH], the Secretary of State may make a scheme varying a control scheme or may revoke a control scheme.

#### Textual Amendments

- F1** 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.

- 6 Before making any such variation or revocation the Secretary of State shall—
- (a) serve on every owner and every occupier of land on whom the control scheme has imposed any requirement or would, if varied as proposed, impose any requirement—
- (i) a draft of the scheme varying the control scheme or, as the case may be, an intimation of the proposed revocation, together with
- (ii) a notice stating that any such owner or occupier may, within twenty-eight days of the service of the draft scheme or the intimation, as the case may be, object to the Secretary of State in such a manner as may be specified in the notice to the variation or revocation of the control scheme; and
- (b) publish in [<sup>F2</sup>such manner as the Scottish Ministers think fit] a notice—
- (i) stating that the control scheme is to be varied or revoked, and
- (ii) stating that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the variation or revocation, and
- (iii) naming, in the case of any such variation, a place <sup>F3</sup>... where a copy of the scheme as proposed to be varied and any map referred to in it may be inspected at all reasonable hours.

#### Textual Amendments

- F2** Words in [Sch. 2 para. 6\(b\)](#) substituted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 28\(6\)\(d\)\(i\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F3** Words in [Sch. 2 para. 6\(b\)\(iii\)](#) repealed (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 28\(6\)\(d\)\(ii\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

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- 7 If no objection is duly made under paragraph 6 above or if all objections so made are withdrawn, the Secretary of State may vary or revoke the control scheme, as the case may be.
- 8 If any objection duly made under paragraph 6 above is not withdrawn, the Secretary of State [<sup>F4</sup>—
  - (a) must consider the objection, and
  - (b) may] make the variation, either in the form of the draft or with modifications, or the revocation, as the case may be.

**Textual Amendments**

**F4** Words in Sch. 2 para. 8 substituted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 28(6)(e), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

- 9 A variation of a control scheme shall not be made with any modification unless <sup>F5</sup>...—
  - (a) every—
    - (i) person served with a copy of the draft scheme by virtue of paragraph 6 above has been served with notice of the proposal to make the modification, and
    - (ii) other person on whom the modification, if made, would impose a requirement has been served with a notice of the proposal to make the modification along with a copy of the said draft scheme, and either has consented to it or has not, before the expiry of fourteen days from the service of the notice, notified the Secretary of State in writing that he objects to it <sup>F6</sup>...
  - <sup>F6</sup>(b) .....

**Textual Amendments**

**F5** Word in Sch. 2 para. 9 repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 28(6)(f)(i), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

**F6** Sch. 2 para. 9(b) and preceding word repealed (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 28(6)(f)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

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