



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART III

#### OFFENCES IN RELATION TO DEER

##### *Exemption for certain acts*

#### **26 Right of occupier in respect of deer causing serious damage to crops etc. on certain ground**

- (1) Notwithstanding anything contained in section 5 of this Act, it shall be lawful for a person to whom this subsection applies to take or kill, and to sell or otherwise dispose of, any deer found, as the case may be, on—
  - (a) arable land, improved permanent pasture (other than moorland) and land which has been regenerated so as to be able to make a significant contribution to the productivity of a holding which forms part of that agricultural land; or
  - (b) on enclosed woodland,where the occupier has reasonable ground for believing that serious damage will be caused to crops, pasture or human or animal foodstuffs on that agricultural land, or to that woodland, if the deer are not taken or killed.
- (2) Subsection (1) above applies to the occupier in person and, if duly authorised in writing by the occupier for the purposes of that subsection, to any of—
  - (a) the owner in person;
  - (b) the owner's employees;
  - (c) the occupier's employees, or any other person normally resident, on the land;
  - (d) any other person approved in writing by the Commission as a fit and competent person for the purpose.
- (3) Nothing contained in any agreement between an occupier of agricultural land or enclosed woodland and the owner of that land shall prohibit any act made lawful by subsection (1) above.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Any authority given to a person under subsection (2) above shall expire—
- (a) at the end of such period as the occupier may specify in it;
  - (b) when a person to whom it was given under paragraphs (b) or (c) of that subsection ceases to be in the employment of the owner or, as the case may be, the occupier, or ceases to be normally resident on the land;
  - (c) when a person to whom it was given under paragraph (d) of that subsection ceases to be so approved;
  - (d) if the occupier revokes it.