



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART IV

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

##### *Miscellaneous and general provisions*

#### **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;

[<sup>F1</sup>“code of practice on deer management” means the code of practice currently in operation in pursuance of section 5A of this Act;]

“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;

*Status: Point in time view as at 01/01/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 45. (See end of Document for details)*

- “fallow deer” means deer of the species *Dama dama*;
- “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*;
- [<sup>F2</sup>“registered person” means a person registered in accordance with regulations under section 17A(1);]
- “roe deer” means deer of the species *Capreolus capreolus*;
- [<sup>F3</sup>“shoot” means discharge a firearm of a class prescribed in an order under section 21(1) of this Act; and “shooting” is to be construed accordingly;]
- “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.

#### Textual Amendments

- F1** Definition in s. 45(1) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 27(2)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F2** Definition in s. 45(1) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 30(8)(a)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)
- F3** Definition in s. 45(1) inserted (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 30(8)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

#### Marginal Citations

- M1** 1991 c.55.  
**M2** 1968 c.27.  
**M3** 1968 c.34.

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