



Deer (Scotland) Act 1959 (repealed 18.11.1996)

1959 CHAPTER 40 7 and 8 Eliz 2

PART III

PREVENTION OF ILLEGAL TAKING AND KILLING OF DEER

23 Unlawful taking or killing of deer.

- (1) Subject to section thirty-three [^{F1}or 33A] of this Act, any person who takes or wilfully kills [^{F2}or injures] deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise shall be guilty of an offence.
- (2) Subject to section thirty-three of this Act, it shall be an offence [^{F3}wilfully to] kill [^{F4}or injure] deer otherwise than by shooting, and shooting for the purposes of this section means discharging a firearm, [^{F5}of a class prescribed in an order under section 23A(1) of this Act].

[^{F6}(2A) Subject to subsection (2B) below and section 33(1) of this Act, if any person—

- (a) discharges any firearm, or discharges or projects any missile, from any [^{F7}moving vehicle] at any deer; or
- (b) notwithstanding the provisions of [^{F8}subsection (5) below] uses any aircraft for the purpose of transporting any live deer other than in the interior of the aircraft,

he shall be guilty of an offence.

(2B) Nothing in subsection (2A)(b) above shall make unlawful anything done by, or under the supervision of, a veterinary surgeon or practitioner.

(2C) In subsection (2B) above “veterinary practitioner” means a person who is for the time being registered in the supplementary register, and “veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons.]

- (3) Any person guilty of an offence against [^{F9}subsection (1), (2) or (2A)] of this section shall be liable on summary conviction to a fine not exceeding [^{F10}[^{F11}level 4 on the

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standard scale] for each deer in respect of which the offence was committed] or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment [F12 and to the forfeiture of any deer illegally taken or killed by him or in his possession at the time of the offence].

[F13 (3A) [F14 Subject to section 33A of this Act,] Any person who uses a vehicle to drive deer on [F15 any] land with the intention of taking, killing or injuring them shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F11 level 4 on the standard scale] or to imprisonment for a term not exceeding 3 months or to both.]

(4) F16

(5) Nothing in the provisions of this section shall be construed as prohibiting a person having a legal right to take deer on any land, or a person with permission in writing from any such person as aforesaid, from taking a deer F17 . . . on that land in any manner which does not cause it unnecessary suffering.

Textual Amendments

- F1 Words in s. 23(1) inserted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(a)**
- F2 Words inserted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 6(d)**
- F3 Words in s. 23(2) substituted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(b)(i)**
- F4 Words inserted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 6(a)**
- F5 Words in s. 23(2) substituted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(b)(ii)**
- F6 S. 23(2A)—(2C) inserted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 8(1)**
- F7 Words in s. 23(2A)(a) substituted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(c)(i)**
- F8 Words in s. 23(2A)(b) substituted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(c)(ii)**
- F9 Words substituted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 8(2)**
- F10 Words substituted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 14(1), Sch. 1**
- F11 Words in s. 23(3)(3A) substituted by virtue of **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G** and (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(d)(e)(iii)**
- F12 Words added by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 14(1), Sch. 1**
- F13 S. 23(3A) inserted by **Deer (Amendment) (Scotland) Act 1982 (c. 19), s. 9**
- F14 Words in s. 23(3A) inserted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(e)(i)**
- F15 Word in s. 23(3A) substituted (18.10.1996) by 1996 c. 44, ss. 13(1), 14(2), **Sch. 1 para. 1(19)(e)(ii)**
- F16 Ss. 23(4), 29 repealed by **Deer (Amendment) (Scotland) Act 1982 (c. 19), Sch. 3**
- F17 Word in s. 23(5) repealed (18.10.1996) by 1996 c. 44, ss. 13(1)(2), 14(2), **Sch. 1 para. 1(19)(f), Sch. 2**

Modifications etc. (not altering text)

- C1 S. 23(3A) amended (18.10.1996) (*temp.*) by 1996 c. 44, **ss. 10(3), 14(2)**

Status:

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Changes to legislation:

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