

# **WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – COMMENTARY ON SECTIONS**

#### **Part 3 – Deer**

##### ***Section 30 – Register of persons competent to shoot deer etc.***

189. **Section 30** of the Act inserts new sections 17A and 17B into the 1996 Act. Subsections (2), (3) and (5) to (8) of section 30 make further amendments to the 1996 Act in consequence of the new section 17A.

##### **Register of persons competent to shoot deer – inserted section 17A of the 1996 Act**

190. Section 17A of the 1996 Act contains an enabling power which permits Ministers to introduce a requirement that any person shooting deer, or supervising the shooting of deer, must be named on a register as competent to do so. Subsection (4) creates an offence of shooting deer in contravention of requirements set under the enabling power, subject to an exception in subsection (5) which allows the killing of a deer which is injured or diseased or killing dependant young which has been, or is about to be, deprived of its mother.
191. Regulations made under the enabling power may also provide that persons who are registered as competent can be considered “fit and competent” for the purposes of authorisations to shoot deer at night, or during close seasons (subsection (1)(c)).
192. In the event that a competence requirement is introduced, regulations may also require those persons named on the competence register to submit a regular cull return (subsection (1)(d)). “Cull return” is defined in subsection (7) as a return showing the number of deer of each species and of each sex which have been killed. Subsection (6) creates an offence of failing to submit a cull return in accordance with regulations or submitting a return which is materially false or misleading. This offence would replace the offence under section 40(4) of the 1996 Act.
193. Subsection (2) allows regulations to include supplementary, incidental or consequential provision and lists examples of the type of provision this might include.
194. Subsection (9) of section 30 of the Act sets maximum penalties for the new offences in section 17A(4) and (6).

##### **Review of competence etc. by SNH – inserted section 17B of the 1996 Act**

195. Section 17B of the 1996 Act requires SNH to conduct and publish a review of competence in deer stalking and its effect on deer welfare if the enabling power in section 17A of that Act has not been exercised by 1 April 2014.