



# Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

## PART 3

### DEER

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

- (1) The 1996 Act is amended as follows.
- (2) Before section 17, insert the following italic heading—

*“Unlawful killing, taking and injuring of deer”.*

- (3) In section 17 (unlawful killing, taking and injuring of deer), subsection (4) is repealed.
- (4) After that section, insert—

*“Register of persons competent to shoot deer*

#### **17A Register of persons competent to shoot deer**

- (1) The Scottish Ministers may by regulations—
  - (a) make provision for the establishment and operation of a register of persons competent to shoot deer in Scotland;
  - (b) prohibit any person from shooting deer unless the person is—
    - (i) registered; or
    - (ii) supervised by a registered person;
  - (c) provide that being a registered person is sufficient to meet the requirements as to fitness and competence under sections 26(2)(d) and 37(1);
  - (d) require registered persons or owners or occupiers of land to submit cull returns to SNH.

- (2) Regulations under subsection (1) above—
- (a) may make such supplementary, incidental or consequential provision as the Scottish Ministers think fit and may, in particular, make provision (or allow SNH to make provision) in relation to—
    - (i) who is to keep and maintain the register;
    - (ii) applications for registration (or for amendment of, or removal from, the register);
    - (iii) the determination of applications for registration (including the criteria to be used to determine whether a person is competent to shoot deer);
    - (iv) the imposition of conditions on the granting of an application (including conditions about compliance with any requirement for a registered person to submit a cull return);
    - (v) the amendment of the register;
    - (vi) the removal of a person from the register (including by revocation of registration);
    - (vii) the charging of fees in connection with registration;
    - (viii) appeals against decisions to—
      - (A) refuse to register a person;
      - (B) impose conditions on the granting of an application;
      - (C) remove a person from the register;
    - (ix) circumstances in which a person shooting deer is to be regarded as being, or not being, supervised by a registered person;
    - (x) the information to be included in cull returns;
    - (xi) the periods in respect of, and within, which cull returns are to be submitted;
    - (xii) the form and manner in which cull returns are to be submitted;
    - (xiii) the repeal of section 40; and
    - (xiv) consequential modification of any of sections 5, 16, 18, 26 or 37 of, or Schedule 3 to, this Act; and
  - (b) may make different provision for different purposes.
- (3) Before making regulations under subsection (1) above, the Scottish Ministers (or a person nominated by them) must consult such persons and organisations as they consider (or, as the case may be, the nominated person considers) have an interest in the regulations.
- (4) Any person who shoots a deer on any land in contravention of regulations made under subsection (1)(b) above is guilty of an offence.
- (5) Subsection (4) above does not apply where a person shoots a deer for the purpose mentioned in section 25 of this Act.
- (6) Any person who—
- (a) fails without reasonable cause to submit a cull return in accordance with regulations made under subsection (1)(d) above; or
  - (b) knowingly or recklessly provides any information in a cull return so submitted which is, in a material particular, false or misleading,
- is guilty of an offence.

(7) In this section, “cull return”—

- (a) when required to be submitted by a registered person, means a written statement showing the number of deer of each species and of each sex which to his knowledge has been killed; and
- (b) when required to be submitted by an owner or occupier of land, means a written statement showing the number of deer of each species and of each sex which to his knowledge has been taken or killed on the land.

### **17B Review of competence etc. by SNH**

(1) SNH must carry out a review of the following matters if the power in section 17A(1) is not exercised by 1st April 2014—

- (a) levels of competence among persons who shoot deer in Scotland;
- (b) the effect of such levels of competence on deer welfare.

(2) In any such review, the matters SNH must consider include—

- (a) the extent to which such persons have been trained to shoot deer and the availability and nature of such training;
- (b) any available evidence as regards any effect of the absence of such training, or the nature of such training, on the welfare of deer which have been shot.

(3) If SNH carries out a review, it must—

- (a) when doing so consult such persons and organisations as it considers have an interest in the review; and
- (b) publish a report of the review.”.

(5) Before section 18, insert the following italic heading—

*“Other offences and attempts to commit offences”.*

(6) In section 30 (power to convict of alternative offence), after “17” insert “, 17A(4)”.

(7) In section 31(4) (forfeiture of deer), after “17(1), (2) or (3)” insert “, 17A(4)”.

(8) In section 45(1) (interpretation)—

- (a) after the definition of “red deer” insert—  
““registered person” means a person registered in accordance with regulations under section 17A(1);”,
- (b) after the definition of “roe deer” insert—  
““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;”.

(9) In Schedule 3 (penalties), after the entry for section 17(3) insert—

“17A(4)	Shooting deer when not registered or supervised	a fine of level 4 on the standard scale for each deer in respect of which the offence is committed
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*Status: This is the original version (as it was originally enacted).*

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		or 3 months imprisonment or both
17A(6)	Failure to submit cull return or making false or misleading cull return	a fine of level 3 on the standard scale or 3 months imprisonment or both”.

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