

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

(introduced by section 1)

DEER COMMISSION FOR SCOTLAND: MODIFICATIONS OF ENACTMENTS

Natural Heritage (Scotland) Act 1991 (c. 28)

1 The Natural Heritage (Scotland) Act 1991 is amended as follows.

Commencement Information

II Sch. 1 para. 1 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 2 In section 1 (establishment of Scottish Natural Heritage)—
- (a) in subsection (1), after “be” where it third occurs insert—
- “(a) in relation to natural heritage, those specified in subsection (1A) below,
- (b) in relation to deer, those specified in section 1(1) of the Deer (Scotland) Act 1996 (c. 58).
- (1A) SNH's general aims and purposes in relation to natural heritage are—”,
- (b) after subsection (3) insert—
- “(4) In this Act, “natural heritage functions”, in relation to SNH, does not include the functions in relation to deer conferred on it by or under the Deer (Scotland) Act 1996 (c. 58) or any other enactment other than one in this Act.”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 3 In section 2 (general functions of SNH), in subsection (1)—
- (a) in paragraph (b), after “its” where it second occurs insert “ natural heritage ”,
- (b) in paragraph (c)—
- (i) for “research”, where it first and second occurs, substitute “ any research, inquiry or investigation ”,
- (ii) after “its” where it second and third occurs insert “ natural heritage ”,
- (iii) for “itself” substitute “ , inquiry or investigation itself or in collaboration with any other person ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 4 In section 3 (duty to take account of certain matters), in subsection (1), after “its” insert “ natural heritage ”.

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Commencement Information

I4 Sch. 1 para. 4 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

Deer (Scotland) Act 1996 (c. 58)

5 The Deer (Scotland) Act 1996 is amended as follows.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

6 For “the Commission” and “the Commission's”, wherever those words occur (except in sections 24 and 27 and in the entry relating to section 24(b) in Schedule 3), substitute respectively “SNH” and “SNH's”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

7 For the title of Part 1 substitute “Scottish Natural Heritage's deer functions”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

8 (1) Section 1 (the Deer Commission for Scotland) is amended as follows.

(2) In subsection (1)—

- (a) for the words from the beginning to “shall” where it second occurs substitute “Scottish Natural Heritage (in this Act referred to as “SNH”) has the following general aims and purposes in relation to deer”,
- (b) in paragraph (a), after “Act,” insert “to”,
- (c) in paragraph (b), at the beginning insert “to” and for “them” substitute “it”.

(3) After subsection (1) insert—

“(1A) In this Act references to SNH's deer functions are to the functions relating to deer conferred on it by or under this Act or any other enactment.”.

(4) In subsection (2), for “their” substitute “its deer”.

(5) Subsections (3) to (7) are repealed.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

9 In section 2 (advice and annual reports)—

- (a) in subsection (1)(a), for “them” substitute “it”,
- (b) subsections (2) and (3) are repealed.

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Commencement Information

I9 Sch. 1 para. 9 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 10 In section 3 (power to facilitate exercise of functions)—
- (a) in subsection (1), before “functions” insert “deer”,
 - (b) in subsection (2), for “their” substitute “its”.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 11 In section 4 (appointment of panels)—
- (a) in subsection (1), for “they consider” insert “it considers”,
 - (b) in subsection (2)—
 - (i) for “they think” substitute “it thinks”,
 - (ii) for “their” substitute “its”,
 - (c) in subsection (3)—
 - (i) for “have” substitute “has”,
 - (ii) for “they” substitute “it”,
 - (d) in subsection (6), before “functions” insert “deer”.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 12 In section 5 (close seasons)—
- (a) in subsection (3), for “they” in both places substitute “it”,
 - (b) in subsection (4), for “have” substitute “has”,
 - (c) in subsection (6), for “they are” substitute “it is”.

Commencement Information

I12 Sch. 1 para. 12 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 13 In section 7 (control agreements)—
- (a) in subsection (1)—
 - (i) for “are” where it first occurs substitute “is”,
 - (ii) for “they” substitute “it”,
 - (b) in subsection (3), for “they” substitute “it”,
 - (c) in subsection (4)—
 - (i) for “they have” substitute “it has”,
 - (ii) for “consider” substitute “considers”.

Commencement Information

I13 Sch. 1 para. 13 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

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- 14 In section 8 (control schemes)—
- (a) in subsection (1)—
 - (i) for “are” where it first occurs substitute “ is ”,
 - (ii) for “they” where it first occurs substitute “ it ”,
 - (iii) for “they consider” substitute “ it considers ”,
 - (b) in subsection (8)—
 - (i) for “are” in both places substitute “ is ”,
 - (ii) for “they” in both places substitute “ it ”.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

- 15 In section 9 (recovery of control scheme expenses)—
- (a) in subsection (1)—
 - (i) for “their” substitute “ its ”,
 - (ii) for “them” substitute “ it ”,
 - (b) in subsections (2) and (5), for “their” substitute “ its ”.

Commencement Information

I15 Sch. 1 para. 15 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

- 16 In section 10 (emergency measures)—
- (a) in subsection (1)—
 - (i) for “are” where it first occurs substitute “ is ”,
 - (ii) in paragraph (b), for “their” substitute “ its ”,
 - (b) in subsection (2), for “are” substitute “ is ”,
 - (c) in subsection (3), for “them” substitute “ it ”,
 - (d) in subsection (4), for “their” substitute “ its ”,
 - (e) in subsection (5), for “them” substitute “ it ”,
 - (f) in subsection (7)—
 - (i) for “intend” substitute “ intends ”,
 - (ii) for “are” substitute “ is ”,
 - (iii) for “they” where it first occurs substitute “ it ”,
 - (iv) for “their” substitute “ its ”,
 - (v) for “they consider” substitute “ it considers ”,
 - (g) in subsection (8), for “their” insert “ its ”.

Commencement Information

I16 Sch. 1 para. 16 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

- 17 In section 11 (application of section 10 in relation to natural heritage), for “are” where it first and third occurs substitute “ is ”.

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Commencement Information

I17 Sch. 1 para. 17 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 18 In section 12 (power to provide services and equipment etc.)—
- (a) in subsection (3), for “decide” substitute “decides”;
 - (b) in subsection (4), for “them” substitute “it”.

Commencement Information

I18 Sch. 1 para. 18 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 19 In section 15 (power to enter on land), in subsection (3)(b), for “their” substitute “its”.

Commencement Information

I19 Sch. 1 para. 19 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 20 In section 16 (service of notices), in subsection (5), for “their” substitute “its”.

Commencement Information

I20 Sch. 1 para. 20 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 21 In section 18 (taking or killing deer at night), in subsection (2), for “they are” substitute “it is”.

Commencement Information

I21 Sch. 1 para. 21 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 22 In section 37 (restrictions on granting certain authorisations)—
- (a) in subsection (1), for “they are” substitute “it is”;
 - (b) in subsection (4), for “think” substitute “thinks”;
 - (c) in subsection (5), for “they” substitute “it” and for “their” substitute “its”.

Commencement Information

I22 Sch. 1 para. 22 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 23 In section 39 (disposal of deer killed under authority), for “their” substitute “its”.

Commencement Information

I23 Sch. 1 para. 23 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- 24 In section 40 (returns of number of deer killed), in subsection (1), for “their” substitute “its deer”.

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Commencement Information

I24 Sch. 1 para. 24 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

25 Section 46 (financial provisions) is repealed.

Commencement Information

I25 Sch. 1 para. 25 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

26 (1) Schedule 1 (Deer Commission for Scotland: supplementary provisions) is repealed.
 (2) Despite the repeal of paragraph 4 of Schedule 1, that paragraph continues to have effect in relation to the persons who were members of the Commission immediately before the date when section 1 comes into force.

Commencement Information

I26 Sch. 1 para. 26 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

27 In Schedule 2 (control schemes), in paragraph 1—
 (a) for “decide” substitute “decides”,
 (b) for “they” substitute “it”.

Commencement Information

I27 Sch. 1 para. 27 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

28 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies), the entry relating to the Deer Commission for Scotland is repealed.

Commencement Information

I28 Sch. 1 para. 28 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

Scottish Public Services Ombudsman Act 2002 (asp 11)

29 In schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities), in Part 2, the entry relating to the Deer Commission for Scotland is repealed.

Commencement Information

I29 Sch. 1 para. 29 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

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Freedom of Information (Scotland) Act 2002 (asp 13)

- 30 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities), in Part 7, the entry relating to the Deer Commission for Scotland is repealed.

Commencement Information

I30 Sch. 1 para. 30 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 31 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (the specified authorities), the entry relating to the Deer Commission for Scotland is repealed.

Commencement Information

I31 Sch. 1 para. 31 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)