



# Deer Act 1963

## 1963 CHAPTER 36

An Act to provide close seasons for deer; to prohibit the killing and taking of deer by certain devices and at certain times and to restrict the use of vehicles in connection with the killing and taking of deer; and for purposes connected with the matters aforesaid. [31st My 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Close seasons**

- (1) Subject to sections 10 and 11 of this Act, no person shall take or wilfully kill deer of any species and description mentioned in Schedule 1 to this Act during the close season prescribed by that Schedule in relation to deer of that species and description.
- (2) The Secretary of State may by order amend the said Schedule by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.
- (3) Before making any such order as aforesaid the Secretary of State shall consult with any organisations that appear to him to represent persons likely to be interested in or affected by the order.
- (4) If any person contravenes this section he shall be guilty of an offence.
- (5) This section shall come into operation on 1st November 1963.

### **2 Nightly close times**

Subject to section 10 of this Act, any person who takes or wilfully kills any 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.

### **3 Unlawful weapons, etc.**

- (1) Subject to sections 10 and 11 of this Act, if any person—
  - (a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact therewith, that is to say, any trap, snare, or poisoned or stupefying bait; or
  - (b) uses for the purpose of killing or taking any deer any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net; or
  - (c) uses for the purpose of injuring or killing or taking any deer—
    - (i) any firearm or ammunition mentioned in Schedule 2 to this Act;
    - (ii) any arrow, spear or similar missile ;
    - (iii) any missile, whether discharged from a firearm or otherwise, carrying or containing any poison, stupefying drug or muscle-relaxing agent,he shall be guilty of an offence.
- (2) Subject to the next following subsection, if any person—
  - (a) discharges any firearm, or projects any missile, from any mechanically propelled vehicle at any deer; or
  - (b) uses any mechanically propelled vehicle for the purpose of driving deer,he shall be guilty of an offence.
- (3) The last foregoing subsection shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer are usually kept in relation to deer on that land.
- (4) The Secretary of State may by order amend the said Schedule 2 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

### **4 Attempts to commit offences, etc.**

- (1) Any person who attempts to commit an offence against this Act shall be guilty of an offence against this Act and shall be punishable in like manner as for the said offence.
- (2) Any person who, for the purpose of committing an offence against this Act, has in his possession any prohibited article or any firearm or ammunition shall be guilty of an offence.

### **5 Apprehension of offenders**

A constable may arrest without warrant any person he suspects with reasonable cause of committing any offence against this Act.

### **6 Forfeitures**

The court by which a person is convicted of an offence under this Act may order the forfeiture of any deer in respect of which that offence was committed or of any deer or any firearm, ammunition or prohibited article in his possession at the time of the offence.

## **7 Seizure and disposal of forfeited articles**

- (1) A constable may seize any deer, firearm, ammunition or prohibited article which is liable to be forfeited under section 6 of this Act.
- (2) A constable may sell any deer seized under this section and the net proceeds of the sale shall be liable to forfeiture in the same manner as the deer sold:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.

## **8 Penalties**

A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

## **9 Interpretation**

For the purposes of this Act, unless the context otherwise requires—

- " ammunition " has the same meaning as in the Firearms Act 1937;
- " deer " means deer of any species and includes the carcase of any deer or any part thereof;
- " firearm " has the same meaning as in the Firearms Act 1937;
- " prohibited article " means any weapon or article (other than a firearm or ammunition) the use of which is prohibited by section 3(1)(b) or (c) of this Act;
- " vehicle " includes an aircraft.

## **10 General exceptions**

- (1) A person shall not be guilty of an offence against section 1 or section 2 of this Act by reason of any act done for the purpose of preventing suffering by an injured or diseased deer, or of an offence against section 3(1)(a) or (b) of this Act by reason of setting in position, or using, any trap or net for that purpose.
- (2) Nothing in section 1 or section 2 of this Act shall make unlawful anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food under section 98 of the Agriculture Act 1947.
- (3) A person shall not be guilty of an offence against section 1 or section 2 of this Act by reason of the taking or killing by means of shooting of any deer on any cultivated land, pasture or enclosed woodland if that person proves—
  - (a) that he is the occupier of that land, pasture or woodland, or that he acted with the written authority of the occupier; and
  - (b) that his action was necessary for the purpose of preventing serious damage to crops, vegetables, fruit, growing timber or any other form of property on that land, pasture or woodland.

## **11 Power to grant licences**

- (1) A licence may be granted to any person by the Nature Conservancy exempting that person, and any person acting with his written authority, from the foregoing provisions

of this Act in respect of any of the following acts done for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes, that is to say—

- (a) using any net, trap, stupefying drug or muscle-relaxing agent of a type authorised by the licence ;
  - (b) using any missile carrying or containing any such stupefying drug or muscle-relaxing agent and discharging any such missile by any means authorised by the licence.
- (2) A licence granted under this section may be revoked at any time by the Nature Conservancy and may be granted subject to conditions; and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence and shall be liable to the like penalties in all respects as if he had been guilty of an offence against section 3 of this Act.

## **12 Orders**

- (1) The power of the Secretary of State to make orders under this Act shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

## **13 Short title, extent and commencement**

- (1) This Act may be cited as the Deer Act 1963.
- (2) This Act shall not extend to Scotland or Northern Ireland.
- (3) This Act, except where otherwise expressly provided, shall come into force at the expiry of one month beginning with the date of its passing.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### CLOSE SEASONS

	RED DEER [ <i>Cervus elaphus</i> ]	
Stags		1st May to 31st July inclusive.
Hinds		1st March to 31st October inclusive.
	FALLOW DEER [ <i>Dama dama</i> ]	
Buck		1st May to 31st July inclusive.
Doe		1st March to 31st October inclusive.
	ROE DEER [ <i>Capreolus capreolus</i> ]	
Doe		1st March to 31st October inclusive.
	SIKA DEER [ <i>Cervus nippon nippon</i> ]	
Stags		1st May to 31st July inclusive.
Hinds		1st March to 31st October inclusive.

### SCHEDULE 2

Section 3.

#### PROHIBITED FIREARMS AND AMMUNITION

##### *Firearms*

- 1 Any smooth bore gun of less gauge than 12 bore.
- 2 Any rifle having a calibre of less than .240 inches or a muzzle energy of less than 1,700 foot pounds.
- 3 Any air gun, air rifle or air pistol.

##### *Ammunition*

- 4 Any cartridge for use in a smooth bore gun other than a cartridge purporting to be loaded with shot none of which is less in diameter than .269 inches.
- 5 Any bullet for use in a rifle other than a soft-nosed or hollow-nosed bullet.