



# Deer Act 1991

## 1991 CHAPTER 54

### *Offences relating to deer*

#### **8 [F<sup>1</sup>Exceptions for licensed persons]**

- (1) A licence may be granted to any person by [F<sup>2</sup>Natural England] exempting that person, and any persons acting with his written authority, from sections 2 to 4 above in respect of any of the acts specified in subsection (3) below which are done in England for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes.
- (2) A licence may be granted to any person by [F<sup>3</sup>the Natural Resources Body for Wales] exempting that person, and any persons acting with his written authority, from sections 2 to 4 above in respect of any of the acts specified in subsection (3) below which are done in Wales for the purpose of removing deer from one area to another or of taking deer alive for scientific or educational purposes.
- (3) The acts referred to in subsections (1) and (2) above are—
  - (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 such stupefying drug or muscle-relaxing agent and discharging any such missile by any means authorised by the licence.

[F<sup>4</sup>(3A) A licence may be granted to any person by—

- (a) Natural England, in relation to any land in England, or
- (b) the Welsh Ministers, in relation to any land in Wales,

exempting that person from section 2 above in relation to any species and description of deer.

(3B) A licence may be granted under subsection (3A) above for the purpose of—

- (a) preserving public health or public safety, or
- (b) conserving the natural heritage.

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*Changes to legislation: There are currently no known outstanding effects for the Deer Act 1991, Section 8. (See end of Document for details)*

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- (3C) Before granting a licence under subsection (3A) above in relation to any land the licensor must be satisfied that—
- (a) in the case of a licence required for the purpose of preserving public health or public safety, there is a serious risk of deer of the species and description to which the application relates putting public health or public safety at risk;
  - (b) in the case of a licence required for the purpose of conserving the natural heritage, there is a serious risk of deer of the species and description to which the application relates causing deterioration of the natural heritage;
  - (c) to achieve the purpose in question there is no satisfactory alternative to taking and killing the deer of the species and description to which the application relates during the close season prescribed by Schedule 1 to this Act;
  - (d) the applicant has a right of entry to the land for the purpose of taking or killing deer under the licence; and
  - (e) if the licence is to relate to red, roe or fallow deer, the taking or killing to be authorised by the licence will not compromise the ability of that species to maintain the population of deer in question on a long-term basis within its natural range in the numbers which exist after the taking or killing has taken place.
- (3D) A licence may be granted to any person by—
- (a) Natural England in relation to any land in England, or
  - (b) the Welsh Ministers, in relation to any land in Wales,
- exempting that person from section 3 above in relation to any species and description of deer.
- (3E) A licence may be granted under subsection (3D) above for the purpose of—
- (a) preserving public health or public safety,
  - (b) conserving the natural heritage, or
  - (c) preventing serious damage to property.
- (3F) Before granting a licence under subsection (3D) above in relation to any land the licensor must be satisfied that—
- (a) in the case of a licence required for the purpose of preserving public health or public safety, there is a serious risk of deer of the species and description to which the application relates putting public health or public safety at risk;
  - (b) in the case of a licence required for the purpose of conserving the natural heritage, there is a serious risk of deer of the species and description to which the application relates causing deterioration of the natural heritage;
  - (c) in the case of a licence required for the purpose of preventing serious damage to property, property on the land has been seriously damaged in the year preceding the licence application;
  - (d) to achieve the purpose in question there is no satisfactory alternative to taking and killing the deer of the species and description to which the application relates between the expiry of the first hour after sunset and the beginning of the last hour before sunrise;
  - (e) the applicant has a right of entry to the land for the purpose of taking or killing deer under the licence; and
  - (f) if the licence is to relate to red, roe or fallow deer, the taking or killing to be authorised by the licence will not compromise the ability of that species to maintain the population of deer in question on a long-term basis within its

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natural range in the numbers which exist after the taking or killing has taken place.

- (3G) A licence under subsection (3A) or (3D) above must state—
- (a) the purpose for which it is granted;
  - (b) the land to which it relates;
  - (c) the species and descriptions of deer to which it relates;
  - (d) the method by which the licensee may take or kill deer; and
  - (e) the period, not exceeding two years, for which it is valid.
- (3H) Natural England and the Welsh Ministers may charge fees for the consideration of applications for licences under subsections (3A) and (3D) above.]
- (4) A licence granted under [<sup>F5</sup>this section may be revoked at any time by the licensor] ; and a licence granted under [<sup>F6</sup>this section] may be granted subject to conditions.
- (5) 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 [<sup>F7</sup>this section] shall be guilty of an offence.
- [<sup>F8</sup>(6) In this section, “the natural heritage” means flora and fauna, geological or physiological features or natural beauty and amenity of the countryside.]

#### Textual Amendments

- F1** S. 8 heading substituted (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(2\)](#)
- F2** Words in s. 8(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 128\(2\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F3** Words in s. 8(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 222](#) (with Sch. 7)
- F4** S. 8(3A)-(3H) inserted (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(3\)](#)
- F5** Words in s. 8(4) substituted (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(4\)\(a\)](#)
- F6** Words in s. 8(4) substituted (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(4\)\(b\)](#)
- F7** Words in s. 8(5) substituted (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(5\)](#)
- F8** S. 8(6) added (1.10.2007) by [The Regulatory Reform \(Deer\) \(England and Wales\) Order 2007 \(S.I. 2007/2183\)](#), arts. 1(1), [4\(6\)](#)

**Changes to legislation:**

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