



# Deer (Scotland) Act 1996

## 1996 CHAPTER 58

### PART III

#### OFFENCES IN RELATION TO DEER

*[<sup>F1</sup>Other offences and attempts to commit offences]*

#### Textual Amendments

- F1** S. 18 cross-heading inserted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. **30(5)**, **43(1)** (with s. **41(1)**); S.S.I. 2011/433, art. 2(1)(f)

#### 18 Taking or killing at night.

- (1) Subject to sections 25 and 41(2) of this Act and to subsection (2) below, any person who takes or wilfully kills or injures 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.
- (2) Notwithstanding anything contained in any agreement between the occupier of agricultural land or of woodland and the owner thereof, but subject to section 37 of this Act, [<sup>F2</sup>SNH] may authorise such an occupier or any person nominated in writing by such an occupier to take or kill, and to sell or otherwise dispose of, any deer on any such land or woodland during the period specified in subsection (1) above, where [<sup>F3</sup>it is] satisfied that—
- [<sup>F4</sup>(a) the taking or killing is necessary—
- (i) to prevent damage to crops, pasture, human or animal foodstuffs, or to woodland; or
  - (ii) in the interests of public safety; and]
- (b) no other means of control which might reasonably be adopted in the circumstances would be adequate.

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*Changes to legislation:* There are currently no known outstanding effects for the *Deer (Scotland) Act 1996*, Cross Heading: *Other offences and attempts to commit offences*. (See end of Document for details)

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#### Textual Amendments

- F2** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.
- F3** Words in s. 18(2) substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 21](#); S.S.I. 2010/221, art. 3(2), Sch.
- F4** [S. 18\(2\)\(a\)](#) substituted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 26\(5\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(f)

### 19 Use of vehicles to drive deer.

- (1) Subject to section 41(2) of this Act and to subsection (2) below, any person who uses a vehicle to drive deer on any land with the intention of taking, killing or injuring them shall be guilty of an offence.
- (2) Subject to section 37 of this Act, [F<sup>2</sup>SNH] may authorise the owner of any land which deer are on, or any person nominated in writing by him, to use any vehicle to drive deer in order to take or kill them for the purposes of deer management.
- (3) In subsection (2) above—
  - “deer management” does not include driving deer in the course of any sporting activity; and
  - “vehicle” does not include any aircraft or hovercraft.

#### Textual Amendments

- F2** Word in Act substituted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 1 para. 6](#); S.S.I. 2010/221, art. 3(2), Sch.

### 20 Other offences connected with moving vehicles.

- (1) Subject to sections 25 and 41(2) of this Act and to subsection (2) below, any person who—
  - (a) discharges any firearm, or discharges or projects any missile, from any moving vehicle at any deer; or
  - (b) uses any aircraft for the purposes of transporting any live deer other than in the interior of the aircraft,
 shall be guilty of an offence.
- (2) Nothing in subsection (1)(b) above shall make unlawful anything done by, or under the supervision of, a veterinary surgeon or practitioner.
- (3) In subsection (2) above—
  - “veterinary practitioner” means a person who is for the time being registered in the supplementary register; and
  - “veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons.

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## **21 Firearms and ammunition.**

- (1) The Secretary of State shall have power to make such order as he thinks fit regarding the classes of firearms, ammunition, sights and other equipment which may lawfully be used in connection with killing or taking deer, and the circumstances in which any class of firearms, ammunition, sights or other equipment may be so used.
- (2) Before making an order under subsection (1) above the Secretary of State shall consult any organisations which in his opinion represent persons likely to be interested in or affected by the order.
- (3) Any person who fails to comply with an order under subsection (1) above shall be guilty of an offence.
- (4) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (5) Any person who uses any firearm or any ammunition for the purpose of wilfully injuring any deer shall be guilty of an offence.

## **22 Offences committed by more than one person.**

Where two or more persons acting together do any act which would constitute an offence under any of sections 17 to 21 of this Act, every such person shall be guilty of an offence.

## **23 Illegal possession of deer.**

- (1) A person who is in possession of a deer or of firearms or ammunition in circumstances which make it reasonable to infer that—
  - (a) he obtained the deer by committing a relevant offence; or
  - (b) he had used the firearm or ammunition for the purpose of committing a relevant offence; or
  - (c) he knew that—
    - (i) a relevant offence had been committed in relation to the deer; or
    - (ii) the firearm or ammunition had been used for the purpose of committing a relevant offence,shall be guilty of an offence.
- (2) It shall be a defence in proceedings for an offence under subsection (1) above for the accused to show that no relevant offence had been committed, or that he had no reason to believe that such an offence had been committed.
- (3) For the purposes of this section a “relevant offence” is an offence under any of sections 5 or 17 to 22 of this Act.
- (4) A person shall not be guilty of an offence under subsection (1) above in respect of anything done in good faith, including conduct which would otherwise constitute a relevant offence in relation to any deer, where what is done is done for purposes connected with the prevention or detection of crime or the investigation or treatment of disease.
- (5) It shall be lawful to convict a person charged under subsection (1) above on the evidence of one witness.

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## **24 Attempts to commit offences.**

Without prejudice to the operation of section 294 of, and paragraph 10 of Schedule 3 to, the <sup>M1</sup>Criminal Procedure (Scotland) Act 1995, any person who—

- (a) attempts to commit; or
  - (b) does any act preparatory to the commission of,
- an offence under section 5(5) or this Part of this Act shall be guilty of an offence.

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### **Marginal Citations**

**M1** 1995 c.46.

**Changes to legislation:**

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Heading: Other offences and attempts to commit offences.