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STATUTORY INSTRUMENTS

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**2007 No. 2183**

**The Regulatory Reform (Deer) (England and Wales) Order 2007**

**Licences**

4.—(1) Section 8 of the 1991 Act (exceptions for persons licensed by Natural England or the Countryside Council for Wales)(1) is amended as follows.

(2) For the heading, substitute “Exceptions for licensed persons”.

(3) After subsection (3), insert—

“(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.

(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,

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(1) As amended by the [Countryside and Rights of Way Act 2000 \(c.37\)](#), section 73(4), Schedule 8, paragraph 1(o), which substituted “English Nature” for “Nature Conservancy Council for England” and then further amended by the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), Schedule 11, paragraph 128, which further substituted “Natural England” for “English Nature”.

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 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) In subsection (4)—

- (a) for the words from “subsection (1)” to “Wales”, substitute “this section may be revoked at any time by the licensor”; and
- (b) for “either of those subsections”, substitute “this section”.

(5) In subsection (5), for “subsection (1) or subsection (2) above”, substitute “this section”.

(6) At the end, add—

- “(6) In this section, “the natural heritage” means flora and fauna, geological or physiographical features or natural beauty and amenity of the countryside.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Regulatory Reform (Deer) (England and Wales) Order 2007, Section 4.