

APPROVALS & AUTHORISATIONS



Aim

The aim of this guide is to provide information on the types of authorisation DCS issue and what applicants need to consider before applying.

Introduction

Under certain sections of the Deer (Scotland) Act 1996 the Deer Commission for Scotland (DCS) can issue approvals and authorisations for deer to be shot or taken 'out of season', 'at night' or in situations requiring emergency measures which under normal circumstances would be against the law.

Most of the authorisations and approvals the Deer Commission issue are aimed at preventing serious damage to improved agricultural ground, enclosed and unenclosed woodland, natural heritage and in the interests of public safety.

Occasionally DCS issue authorisations for deer to be shot or taken 'out of season' for scientific reasons and very rarely for deer to be driven with a vehicle.

General considerations

Assessment of whether serious damage has or is likely to take place will require the owner/ occupier to have clear habitat or crop protection objectives for the land in question and for it to be demonstrated that these have been, or are at risk of being, compromised by deer.*

DCS can attach conditions to any authorisation. Additionally for 'night shooting' and 'driving deer' authorisations, the person authorised must comply with the relevant 'Code of Practice'.

Under section 37 of the Deer (Scotland) Act 1996, the DCS need to be satisfied that those shooting deer under all its authorisations are fit and competent for that purpose. To be so satisfied DCS requires those seeking authorisation to be on the DCS Fit and Competent Register.

For Scientific Purpose

| What type of land | Method | Relevant Section of the Deer (Scotland) Act 1996 | Who may be authorised/ approved | Consideration |
|-------------------|----------------------------------------|--------------------------------------------------|---------------------------------|--------------------------------------------------------------------------|
| All land | Out of season (for scientific purpose) | 5(7) | Anyone | Those nominated must be registered on the DCS Fit and Competent register |

Driving Deer with a Vehicle

| What type of land | Method | Relevant Section of the Deer (Scotland) Act 1996 | Who may be authorised/ approved | Consideration |
|-------------------|----------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All land | Use of vehicles to drive deer to take or kill for the purpose of deer management | 19(2) | Owner or person nominated in writing by the owner | 'Vehicles' does not include any aircraft or hovercraft. Deer management does not include driving deer in the course of any sporting activity. Nominated controllers must be on DCS Fit and Competent register |

Authorisations to Prevent Serious Damage

| What type of land | Method | Relevant Section of the Deer (Scotland) Act 1996 | Who may be authorised/ approved | Consideration |
|----------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Improved agriculture land: Enclosed Woodland | Out of season | 26(2) | Anyone other than occupier, owner, owner's employees and any other person normally resident on the land. (Note: the occupier can shoot out of season without the need for approval authorisation as can the owner in person, employee and resident of the land if have written permission from the occupier. The occupier must be able to defend the position that serious damage will occur if the deer are not taken or killed.) | Anyone not shooting deer under the terms and conditions of owner/occupier rights must have written authorisation from the occupier and have a letter confirming that they are approved as fit and competent from DCS. To obtain such a letter, deer controllers must be accepted on to the DCS Fit and Competent register. |
| Improved agriculture land: Enclosed Woodland | Night shooting*** | Varies depending 18(2) | Occupier or person nominated by the occupier | Definition of night is the period between the expiration of the first hour after sunset and the commencement of the last hour before sunrise. No other means of control which might reasonably be adopted in the circumstances would be adequate. Authorisation subject to compliance with DCS night shooting Code of Conduct. Nominated controllers must be on DCS Fit and Competent register. |
| a) Unenclosed woodland; Land with natural heritage interest b) Land from which deer posing a threat to public safety | Out of season | 5(6) | Owner/occupier or persons nominated by either of them | No other means of control which might reasonably be adopted in the circumstances would be adequate. Nominated controllers must be on DCS Fit and Competent register. |

Emergency Measures

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| Land where serious damage is occurring to Agriculture; Woodland: Land with natural heritage interest. Land from which deer are posing a threat to public safety | Emergency measures: Take or kill out of season (DCS members of staff can take or kill out of season and kill at night) | 10(2) | DCS requests the deer to be shot by the person who holds the shooting rights | Only applicable when none of the standard DCS powers are adequate to deal with the situation and the killing of deer is necessary to prevent further damage or injury or to remove the danger or potential danger. When relating to damage to the natural heritage, DCS must be satisfied that the deer density is significantly higher than is usual in all the circumstances. Nominated controllers must be on DCS Fit and Competent register |
| | Emergency measures: Take or kill out of season (DCS members of staff can take or kill out of season and kill at night) | 10(4) | DCS authorises an individual to follow and kill on land described in the authorisation, deer that are causing the damage or are posing the threat to public safety. Individual must be on the DCS Fit & Competent register | A 10(4) will only be pursued if it appears those written to under 10(2) are unable or unwilling, e.g. an estate may not have the resources to carry out the action, or weather and ground topography may prevent the estate taking action. Before issuing a 10(4) authorisation, DCS would give forewarning of its issue to the owner/occupier of the ground concerned. Any individual 10(4) authorisation should not exceed 28 days in duration. Nominated controllers must be on DCS Fit and Competent register. |

Occupier – includes any tenant or sub tenant, whether in actual occupation of the land or not (sporting tenants should ensure that they hold a legally binding lease agreement).
Employee – employees should ensure that they hold a legally binding contract of employment.
Enclosed – land must be encompassed within a stock proof barrier. Stock proof barriers include stock and deer fences, stone walls and any other obstacle preventing domestic livestock from accessing woodland.

APPROVALS & AUTHORISATIONS

* See DCSG Damage: Definition and Assessment
** See DCSG Night Shooting: Code of Practice

¹ See Introduction to the DCS 'Fit and Competent register' available from DCS (see BP Contacts) and through the DCS website www.dcs.gov.uk