

## Annex A

### Respondent Information Form

#### Deer Management in Scotland: Consultation

**Please Note** this form **must** be completed and returned with your consultation response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Fisheries Management Scotland

Organisation's Sector

- Animal Welfare  
 Land Management, including representative bodies  
 Sporting Organisation, including representative bodies  
 Conservation, including representative bodies  
 Food Sector  
 Public Body  
 Other, please specify

Phone number

0131 221 6567

Address

11 Rutland Square,  
Edinburgh,  
EH1 2AS

Email

general@fms.scot

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published. If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

## **Part 1 – Enhancing the Natural Environment**

Question: Do you agree that NatureScot should be able to intervene, through Deer Management Nature Restoration Orders (DMNRO), to ensure that action is taken to manage deer, where deer management has been identified as a key part of nature restoration?

Information box: Nature restoration in this context would encompass objectives including tree planting, encouraging natural regeneration, peatland restoration, water management, natural capital enhancement.

The actions could include, for example, deer culling, deer fencing, detailed habitat assessment, deer counting and cull planning.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree with our proposed criteria for a DMNRO that:

- They can only be ordered where there is social, economic or environmental benefits to be achieved through nature restoration, and
- additional deer management is a key factor or one of the key factors in securing that benefit?

Answer options:

- **Yes**
- No
- Don't know
- I don't agree with DMNROs

Question: If you answered no to the previous question, what criteria, if any, would you recommend?

Answer options:

- There should be no criteria/restrictions,
- There should be more criteria/restrictions,
- I don't agree with DMNROs
- Don't know

Please provide reasons for your answer here

Question: Do you agree that NatureScot should be able to require a person who is subject of a DMNRO to undertake a range of actions to achieve deer management objectives in these circumstances? Such actions could include:

- reductions in deer numbers, by setting a target density or a specified cull over a period of time
- deer fencing, e.g. requiring fencing to be put in place by landholdings with high deer numbers to prevent those deer damaging restoration projects elsewhere within the DMNRO area
- specified additional work to support deer management including habitat assessments, more detailed cull plans, and cull reporting.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree that if financial incentives for deer management are created, individuals subject to DMNROs should be automatically eligible for such support?

Answer options:

- Yes
- **No**
- Don't know

*Our answer is a qualified no – we agree that incentives should be in place, but feel that there may be circumstances in which individuals subject to DMNROs may not be **automatically** eligible.*

Question: Do you agree that non-compliance with DMNROs should be treated in the same way as non-compliance with existing deer control schemes ie:

- It would be an offence
- It would carry a maximum fine of £40,000 or 3 months imprisonment or both.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree that NatureScot should be able to recover costs from the landowner where they are required to intervene as a result of non-compliance with DMNROs?

Answer options:

- **Yes**
- No
- Don't know

Question: If you do not support cost recovery, what alternative non-compliance measures, if any, would you recommend?

Please provide any further comments on the questions in this section here:

We note the focus on priority habitats in the consultation document. Given the vital importance of native riparian woodland in providing cooling shade for our rivers, in the face of a changing climate, we are strongly of the view that riparian woodland should be identified and designated as a priority habitat. We support the reduction of deer numbers in priority habitats and public incentives for land managers in these areas to achieve cull targets. Also, we would encourage using criteria for the identification of “specified land areas” subject to DMNRO’s where the restoration of riparian woodlands would be most beneficial to river catchments, such as Scottish Forestry’s target maps for riparian benefit. Due to the vital importance of riparian woodland, we are of the view that an all-Scotland approach to reduce deer numbers will be required. We note the reference to fencing as part of the range of actions that an individual might be required to undertake to achieve deer management objectives. In our view, public incentives should be set at a level which incentivises reduction in deer numbers over installation of fencing. Finally, we seek assurance that NatureScot will have the appropriate capacity and resource to provide advice and support to those seeking to manage deer sustainably, and to take regulatory action where required.

## **Part 2 – Compulsory Powers and Compliance**

**Question:** Do you agree with our proposals that would allow changes to the types of information which can be requested by NatureScot (under section 40 of the 1996 Act), to be made via secondary legislation?

Information box: Requested information could include what species of deer have been shot by owners in localities in the past year or years, and what the planned or expected cull levels are for the following year or years in the localities.

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals that the period of time over which NatureScot can ask for information on planned future culls should be increased from 12 months up to a period of 5 years?

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals that NatureScot should be able to use emergency powers under Section 10 of the Deer (Scotland) Act 1996, which include the ability to enter land to undertake short term deer management actions for a period of up to 28 days, to tackle damage to the natural heritage?

Information box: The natural heritage is defined as including “flora and fauna, geological and physiographical features and the natural beauty and amenity of the countryside”.

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals that where NatureScot have intervened and carried out deer management actions as a result of these emergency powers, they should be able to recover reasonable costs?

Information box: Deer management actions can include actions such as undertaking deer culls

**Answer options:**

- **Yes**
- No
- Don't know

Please provide any further comments on the proposals set out in this section here:

In order to sustainably manage deer populations to a level that facilitates ecological restoration accurate data is required. Accurate assessments of species, population, and local impacts, will allow management strategies to be more effectively directed to areas where they will yield the most significant ecological benefits. It is therefore concerning that the Deer Working Group Report makes clear that there is a “gradually declining cull return response rate” and NatureScot, formerly SNH has “never instigated proceedings against an owner or occupier over the failure to submit a return”. We support compulsory data returns for deer culls as well as a compulsory cull approval system as set out in recommendation 97 of the Deer Working Group Report.

### **Part 3 – Deer welfare**

**Question:** Do you agree with our proposals that everyone shooting deer in Scotland should meet fit and competent standards as evidenced by having achieved at least Deer Stalking Certificate Level 1?

Information box: In order to be considered 'fit and competent', a person must be able to evidence their fitness by holding a valid firearms certificate and their competence predominately through completion of a Deer Stalking Certificate (DSC) 2 or Deer Stalking Certificate 1 plus one reference. A person can also currently apply for recognition as 'fit and competent' on the basis of 'following Best Practice Guidance'. Individuals must renew their inclusion on the existing register after 5 years. NatureScot provide further guidance on the process on their [website](#).

#### **Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals to establish specified competence levels for those deer management activities which currently are only permissible under authorisation by NatureScot, such as night shooting, driving deer and out of season shooting? This would mean anyone undertaking these activities must have evidenced their competence levels and registered with NatureScot but would not need to apply for a specific authorisation to undertake these activities.

Information box: The NatureScot a base level of competence could be, for example, Deer Stalking Certificate 2, and relevant additional competencies. As part the general authorisation, individuals would be required to comply with best practice as well as any statutory codes of practice.

#### **Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals that the requirement for an individual authorisation from NatureScot to carry out activities such as night shooting, driving deer and out of season shooting could be replaced by registration on the Fit & Competent Register where deer managers must have evidenced their competency to undertake specified activities?

Information box: In practice this could mean that a land manager who wishes to shoot deer at night, who has the required level of competence and is registered as fit and competent to do so, would not need to apply for authorisation from NatureScot. Instead they would provide NatureScot with evidence that they met the fit and competent standard for the activity, and would then be able to undertake night shooting. They would still have to comply with the night shooting code of practice and be subject to restrictions as to the purpose of the night shooting.



**Answer options:**

- The Fit & Competent Register should replace individual authorisations for these activities
- There should be a Fit & Competent Register as well as individual authorisations for these activities
- There should only be individual authorisations for these activities
- Don't know

**Question:** Do you agree with our proposals that use of a shotgun to kill deer should be subject to stricter regulation?

**Answer options:**

- Use of a shotgun to shoot deer should require registration on the Fit & Competent Register
- Use of a shotgun to shoot deer should require registration on the Fit & Competent Register and an individual authorisation from NatureScot
- Use of a shotgun to shoot deer should require an individual authorisation from NatureScot
- Use of a shotgun to shoot deer should not be restricted at all
- Don't know

**Question:** Do you agree with our proposals that any capture of live deer should be individually authorised by NatureScot?

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree that NatureScot should develop a statutory Code of Practice, which could provide guidance and minimum standards on topics such as animal welfare and disease prevention, on the live capture of deer in Scotland in collaboration with stakeholders for use in future?

**Answer options:**

- Yes
- No
- Don't know

Please provide any further comments on the proposals set out in this section here:

#### **Part 4 – Changes to close seasons**

**Question:** Do you agree that the close season for female deer of all species should be the same?

Information box: The purpose of a close season for female deer is to safeguard the welfare of dependent young, generally this dependency is defined as from birth dates to date of weaning, and this period varies across species and can be effected by environmental factors.

Currently, the dates of the open season vary depending on the species of deer.

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree that the close season for female deer of all species should be changed to cover the period of highest welfare risk, from 31 March to 30 September?

**Answer options:**

- Yes
- No
- Don't know

**Question:** If you do not agree with our proposals to change the season for female deer, what, if any, further actions would you recommend to support increased management of female deer?

Please provide any further comments on the questions in this section here:

## **Part 5 – Venison**

**Question:** Do you agree that venison specific regulations should be repealed and venison should simply follow the same regulatory procedure as other wild meat and game products without the additional requirement of a Venison Dealers Licence?

Information box: Venison Dealers Licence (VDL) means the licence required by the Deer (Scotland) Act 1996 for the sale, offer or exposure for sale of venison meat. This licence is not required where venison is sold to or bought from the holder of a VDL, meaning only one party in the transaction must possess a VDL. VDLs are issued by local authorities.

**Answer options:**

- Yes
- No
- Don't know

**Question:** If no, do you agree that NatureScot should be able to gather more information from venison dealers on deer carcasses and their use? For example, this could be used to help understand if there are areas of Scotland where there are insufficient facilities for processing venison or if there are other barriers.

**Answer options:**

- Yes
- No
- Don't know

Please provide any further comments on the questions in this section here:

## **Part 6 – Kept and Farmed Deer**

**Question:** Do you agree with our proposals that the owner or occupier of land should be allowed to shoot stray farmed deer on that land in order to prevent damage by the deer, providing there is, by their assessment, no other reasonable or practical way to contain the deer?

**Answer options:**

- Yes
- No
- Don't know

**Question:** Do you agree with our proposals that anyone wishing to keep deer as private property (i.e. not for the purpose of farming or as an exhibit in a zoo) should require a licence to protect the welfare of those deer?

**Answer options:**

- Yes
- No
- Don't know

**Question:** If you do not support the introduction of licensing for kept deer, what further action, if any, would you recommend to protect their welfare?

**Question:** Do you agree with our proposals that anyone seeking to release captive red or roe deer into the wild in Scotland should require authorisation from NatureScot, for example, deer which may have been caught and monitored for research purposes? This would also allow us to gain a better understanding of when and why people want to release captive red or roe deer into the wild.

**Answer options:**

- Yes
- No
- Don't know

**Question:** If you do not agree with our proposals that anyone releasing red or roe deer should require authorisation, what, if any, further actions would you recommend to ensure they do not cause damage to habitats, or pose a risk to wild deer populations?

Please provide any further comments on the proposals set out in this section here: