POLICY NOTE

THE DEER (CLOSE SEASONS) (SCOTLAND) AMENDMENT ORDER 2023

SSI 2023/184

The above instrument is made in exercise of the powers conferred by section 5(1) of the Deer (Scotland) Act 1996. The instrument is subject to negative procedure.

The purpose of the instrument is to amend the Deer (Close Seasons) (Scotland) Order 2011 to remove the close season for male deer. The close season for female deer is unchanged.

1. Policy Objectives

1.1. This instrument amends the Deer (Close Seasons) (Scotland) Order 2011 ("the 2011 Order") which specifies the times of year during which deer can be lawfully taken or killed. It is an offence under section 5 of the Deer (Scotland) Act 1996 to take, wilfully kill or injure a deer of the species specified in the table in the schedule of the 2011 Order during the corresponding close season.

1.2. The policy objective is to reduce the impact of deer on our environment by maximising how and when deer can be taken or killed in Scotland while ensuring animal welfare standards are upheld. This instrument will implement recommendations made by the independent Deer Working Group in 2019 to modernise deer management in Scotland. The 2019 report considered all aspects of deer management in Scotland before making ninety-nine recommendations for change, including these legislative changes.

Removal of close seasons for male deer

1.3.The instrument will remove the close season for male deer. The effect of this is to maximise the opportunities for deer management across the year and offer deer managers more flexibility as to when they undertake deer management.

1.4. The existing close seasons for male deer are set out in the 2011 Order as follows:

Species	*Male*
Fallow deer (dama dama)	1st May – 31st July
Red deer (cervus elephas)	21st October – 30th June
Red/Sika deer hybrid	21st October – 30th June
Roe deer (*Capreolus capreolus*)	21st October – 31st March
Sika deer (*Cervus nippon*)	21st October – 30th June

1.5. The Deer Working Group considered the history of deer close seasons in Scotland and found that "*the current dates for the close seasons reflect the traditional red deer stag stalking seasons maintained on many Highland sporting estates over 60 years ago*". The Group also commented on the existence of General Authorisations which permit male deer to be culled year round on enclosed agricultural land and in enclosed woodland.

1.6. In practice, male deer are regularly culled during the existing season through use of these authorisations, and the Deer Working Group estimate that 15% of Scotland's annual deer cull is undertaken out of season.

1.7. While the Deer Working Group acknowledged that there may be a minor disturbance effect where deer culls are carried out during the rut, they found that on balance "*it is the Group's opinion that the effect is a minor one to be balanced against wider issues"*. The Group concluded that "*there are no animal welfare or biological reasons to have close seasons for male deer of any species*"

1.8. Following the publication of the report by the Deer Working Group, the Scottish Animal Welfare Commission (SAWC) were also asked to consider the recommendations made by the Group that would have/potentially have an impact on animal welfare.

1.9. SAWC found that "*Providing the normal requirements for high standards of public safety and animal welfare are adhered to – for example in terms of accurate shooting, following up on wounded deer and avoidance of harassment or excessive movement of stags after the rut – we agree that there is no need for a close season for males".*

1.10. These changes will support land managers in Scotland in planning their deer management activity as they see fit. While these changes will remove restrictions over the time of year at which male deer can be killed, land managers will be free to maintain their own seasons on their land for male deer as they see fit. Making these changes will help maximise land managers' deer management efforts, supporting them in reducing deer impacts and damage and protecting our natural environment.

2. Consultation

2.1. Under section 5(2) of the Deer (Scotland) Act 1996, Scottish Ministers may consult with such persons or organisations as they see fit. No public consultation has been taken place on the instrument, but stakeholders who have an interest in the issue or are likely to be affected have been consulted.

2.2. NatureScot have been involved throughout the development of this amendment, and agencies such as Forestry and Land Scotland are also supportive. Key stakeholders from land management and eNGO's, including members of the Deer Management Round Table (DMRT), were invited to share their views on the proposed changes. Animal welfare organisations were also consulted and were broadly supportive of the changes to close seasons.

2.3. As outlined above, consideration has also been given to the views of the Scottish Animal Welfare Commission (SAWC) who were also asked to consider these changes, alongside other recommendations made by the Deer Working Group.

3. Impact Assessments

3.1. Full Impact assessments have not been prepared for this instrument, as pre-screening indicated that the changes made to the 2011 Order by this instrument will have no, or no significant, impact on the private, voluntary or public sectors in Scotland.

4. Financial Effects

4.1. The Minister for Green Skills, Circular Economy and Biodiversity confirms that no BRIA is necessary as the instrument has no financial effects on local government or on business.

Scottish Government
Directorate for Environment and Forestry
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