

Scottish Government Response to the Report from the Deer Working Group on 'The management of wild deer in Scotland'

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Scottish Government
Riaghaltas na h-Alba
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Foreword by Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform

I am pleased to present our response to the report '*The management of wild deer in Scotland*' by the Deer Working Group. The report which is underpinned by extensive research and detailed consideration by the members of the Group, has resulted in an in-depth and comprehensive report which addresses the many challenges facing deer management in Scotland today. I have been involved in legislation on deer management in Scotland for a long time, in fact since consideration of the 1996 Deer Act at Westminster, through significant milestones including the 2011 Wildlife and Natural Environment Act in the Scottish Parliament and the 2016 Land Reform Act. Throughout the last ten years or so, we have been on a journey to try and ensure that deer management is sustainable and that the public interest in safeguarding the environment is at the heart of deer management planning. We have also of course ensured that the important role that deer play in the rural economy is not overlooked, as well as being very conscious of the high value that we all place on deer as a symbol and important ecological element of the magnificent Scottish uplands and forests.

I think there can be no doubt that we have made significant progress over the last decade and this has been shown by the reports and assessments made by NatureScot (previously Scottish Natural Heritage) over the period. I am very grateful for the work of the Deer Management Groups who have collaborated, assessed impacts, planned and put plans into effect over the period. I must also mention the gamekeepers, gillies and other deer managers, both professional and recreational, who have worked hard to make plans a reality.

We all know however that the external circumstances are changing and changing fast and we recognise that now is the time to step-up our deer management work. The twin climate and biodiversity crises require a much greater urgency to our efforts to ensure sustainable deer management and we must recognise that more can and must be done to better realise our ambitious targets on vital issues such as forestry regeneration, woodland creation, peatland restoration and habitat improvement. I think it is clear to all now that protection of the massive and essential investments we are making in natural solutions to reduce carbon emissions and to enhance and restore biodiversity in Scotland have to be the main focus of our deer management policy.

While I make no apology for stressing the need for effective deer management, I do not overlook the importance of maintaining and improving standards of welfare for wild deer. The Report makes some very important recommendations in this regard. I should also like to add that the newly-established Scottish Animal Welfare Commission has examined the recommendations of the Group and are broadly supportive of those which relate to deer welfare.

The Report sets out a wide range of sometimes complex recommendations for deer management systems across Scotland. The Report's recommendations are ambitious and developing and implementing a system of this nature will be complex. There are some aspects which will require further careful consideration and consultation. We recognise that there will be resource implications for colleagues in both the public and private sectors.

Some of the recommendations involve changes to practices and work on the ground, and we will seek to implement those as soon as is practicable. Others will require legislation we will look to bring forward the necessary changes during the course of the next Parliament.

We know we can rely on help from a wide range of experts and partners as we move forward in this area. Government action by itself cannot bring about the kind of change we need to see. To fully realise the policy aspirations in this report will require a collective effort, from across the public sector, non-government organisations and those with private interests in land management, and this is vital to ensuring that we leave no one behind.

Finally, I would like to thank the members of the Deer Working Group for their huge commitment to this work and their comprehensive consideration of deer management. The Group was chaired initially by Simon Pepper OBE until his death in September 2018 and I want to take this opportunity to acknowledge Simon's substantial contribution to the report and also his wider work in areas such as sustainable development and nature conservation. I would also like to thank Andrew Barbour, who took on the role of Acting Chair from September 2018 and supported the delivery of the final report. My thanks also extend to our wider stakeholders who have provided advice and shared their practical experience and expertise.

Background

The Deer Working Group was established by the Scottish Government in 2017, following reports by Scottish Natural Heritage (SNH) (now known as NatureScot) in 2016 and the Scottish Parliament's Environment, Climate Change and Land Reform (ECCLR) Committee in 2017.

The Group was appointed as an independent working group to review the existing statutory and non-statutory arrangements for the management of wild deer in Scotland, taking account of the position with each of the four species of wild deer and the varying circumstances across Scotland.

The Group's Remit

The Group's remit was to *"make recommendations for changes to ensure effective deer management that safeguards public interests and promotes the sustainable management of wild deer"*.

The Terms of Reference reinforced that the Group should *"consider the position with all species of wild deer in Scotland and the varying circumstances across Scotland in both the uplands and lowlands"*.

The Government's Operating Framework for the Group clarified that the Group had *"been established as a working group so that it can focus at a detailed level on the current statutory and non-statutory arrangement for deer management in Scotland, to make recommendations to fulfil the Group's remit"*.

The Group's Membership

The Deer Working Group (DWG) was appointed by Scottish Ministers and was made up of the following members:

Chair

Simon Pepper OBE (died September 2018)

Members

Andrew Barbour (Acting Chair from September 2018)

Dr Jayne Glass

Independent Specialist Advisor

Robin Callander

External Advisors

Richard Coke

Malcolm Combe

Group Secretary

Becky Shaw

The Group updated its report with information from SNH's 2019 deer report for Scottish Government 'Assessing Progress in Deer Management' and from two SNH commissioned research reports on deer, Report No 1149 2019 and Report No 1158 2019, where appropriate.

The report was presented to Scottish Ministers by the Group in December 2019 and published in January 2020.

Scottish Government's response to the recommendations of the Deer Working Group

Whilst sustainable and effective deer management has long been recognised as a vital contributor to land management, twin biodiversity and climate crises mean our actions to mitigate and prevent damage by deer on our environment are now more important than ever. Herbivores such as deer cause damage by overgrazing and trampling vulnerable habitats and preventing young trees from growing. It is vital we protect tree-planting, woodland regeneration and peatland restoration from further damage if we are to meet our climate change and biodiversity commitments and protect our environment.

NatureScot, as Scotland's deer authority, have a significant role to take here in leading the sector in stepping up to this important task and we recognise the great deal of consideration given by the Deer Working Group to how these challenges can be tackled.

The recommendations made by the Group can broadly be arranged into the following aims:

- To improve consistency in legislation and remove restrictions on where, when and how deer can be taken/killed;
- To provide a clearer vision for deer management based on public interest within the context of the climate emergency and biodiversity crisis with clearer actions to deliver these aims;
- To set clearer thresholds for acceptable impacts on public interests;
- To encourage greater use of regulation, as a means of promoting wider compliance, and more focus on individual responsibility;
- Greater equity in addressing the range of public interests impacted by deer; and
- Access to better information.

Whilst we are clear that there is work to be done on modernising Scotland's arrangements for deer management in the context of these crises, we are not overlooking the significant progress which has been made in managing wild deer which includes:

- Over £21m invested by Peatland ACTION between 2012 and 2019 to deliver restoration activities to 19,000ha of degraded peatland, with DMG led projects being regarded as highly successful;
- Higher culls of all deer species over recent years recorded through statutory cull returns, with the highest recorded cull of 136,000 deer in 2017-18;
- Many organisations and partnerships are leading the way in habitat impact assessment (HIA) monitoring, which is essential in understanding deer impacts and informing cull planning. Monitoring has been widely adopted in the uplands and NatureScot are working with the sector to develop woodland HIA guides, the next priority habitat for assessment; NatureScot established the Lowland Deer Panel to address localised issues in the Lowlands with new work being taken forward with Transport Scotland to identify further areas for action to reduce deer vehicle collisions; and
- The use of incentive schemes, such as Peatland ACTION and the Biodiversity Challenge Fund, alongside regulatory action, field trials and research into new technologies are being utilised by NatureScot to meet climate change and biodiversity priorities through deer management.

Deer densities: We recognise that measuring deer densities can be challenging, and that deer damage is more often utilised in deer management decision making. However, we do believe deer population and density monitoring has a role alongside damage levels in monitoring progress. There are signs of progress in parts of Scotland, NatureScot Commissioned Research (2019) on national deer densities shows that there are areas of Scotland in which deer numbers are more sustainable than others, with a decrease in population densities between 2016 and 2019 as a result of increased levels of culling. We also recognise that this is simply a snapshot and that the DWG's findings of deer population levels of over one million show there is still a great deal of work

to be done to ensure deer numbers are manageable and protect Scotland's important natural habitats. Our response below includes consideration of broad averages for deer populations but where necessary targeted strategies for further action will be required.

In forming this response to the recommendations made in the Deer Working Group report, the Scottish Government considered the progress that has been made, alongside all of the available evidence, including expert advice from the Scottish Animal Welfare Commission (SAWC) whose report can be viewed here: [SAWC response to deer working group report](#).

Consideration has also been given to the views of those with a range of interests involved in the management of wild deer including executive agencies of the Scottish Government; public bodies including NatureScot; National Park Authorities; those representing private deer management; and environmental Non-Government Organisations. Many of the recommendations require legislative change, a process which will involve wider consultation and engagement with those who would potentially be affected.

Note: The Group's report and recommendations refer throughout to Scottish Natural Heritage (SNH). In August 2020 SNH was re-branded as NatureScot but the functions of the organisation remained the same, and this response will refer to NatureScot throughout.

Next Steps

Legislation: The Report makes a number of recommendations for legislative updates, many of which will require primary legislation. Some of these recommendations are highly detailed and have complex interdependencies and while we agree with them in principle the wording and inter-relationships between them will require careful consideration.. We will also expect to carry out a public consultation in the normal way before any proposals are introduced into Parliament. Where this is the case we have accepted such recommendations in principle and, given the limited time left this parliamentary year, will take forward further proposals in the next parliamentary term.

Non-legislative recommendations: Whilst legislative work is ongoing we will prioritise recommendations which will improve sustainable deer management and support our climate change and biodiversity targets to take forward alongside and ahead of legislative work. The Scottish Government will identify and take forward priority actions in collaboration with appropriate stakeholders.

Table of Response

The table below lays out the Scottish Government's response to each of the 99 recommendations made by the Group:

Rec No.	Recommendation	Scottish Government Response	Rationale	Next Steps
1	The Scottish Parliament should amend the Deer (Scotland) Act 1996 to replace the references in the Act to the Deer Commission for Scotland, Secretary of State and the Houses of Parliament with Scottish Natural Heritage, Scottish Ministers and the Scottish Parliament respectively.	The Scottish Government accepts this recommendation.	Whilst the references in the Act reflected the relevant responsible authorities at the time of drafting, the Scottish Government agrees that it would be beneficial to revisit this to ensure these references are up-to-date.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
2	Scottish Natural Heritage should develop its own more detailed distribution maps for wild deer in Scotland; that Scottish Natural Heritage should more accurately report the basis of national population estimates for wild deer which it publishes; and that Scottish Natural Heritage should make clear that the national cull statistics which it publishes are based only on the numbers reported through cull returns.	The Scottish Government accepts this recommendation in part.	The Scottish Government recognises the value of distribution maps in supporting a strategic approach to managing deer in Scotland. However, we also recognise that there are significant resource implications in developing new, detailed distribution maps and that existing maps are available from the British Deer Society, which may provide adequate level of information for their use by NatureScot. The Scottish Government also accepts the recommendations for	NatureScot will give further consideration on how best to improve current arrangements for distribution maps. NatureScot will provide additional details on the data and information underpinning population estimates and cull statistics prior to the next update.

			NatureScot to provide more detailed information on the basis of which its national population estimates and national cull statistics are formed.	
3	Section 1 of the Deer (Scotland) Act 1996 should be amended to make explicit that Scottish Natural Heritage has distinct functions under the Act, to modernise the stated purpose of the Act to reflect contemporary public policy objectives, and to convert the list of interests to be taken into account into an inclusive rather than exclusive list.	The Scottish Government accepts this recommendation.	The Scottish Government accepts this amendment which will ensure that the legislation is clear about NatureScot's functions in relation to deer in Scotland.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.

Part Two – Public Safety and Deer Welfare

4	The Scottish Government should make a clear commitment to end the use of lead bullets to shoot deer in Scotland, carry out the necessary research and promotion to enable that change to be made after a transition period and, as a part of that, amend The Deer (Firearms, etc.) (Scotland) Order 1985 so that the specifications in paragraph 3(a)	The Scottish Government accepts this recommendation in principle.	Both NatureScot and Forestry and Land Scotland have committed to ending the use of lead ammunition to shoot deer on Scotland's national forests and land over the next five years and non-lead ammunition is used in approximately 95% of circumstances. There is wide recognition of the need to move away from using lead ammunition, not only to shoot deer, across the shooting	NatureScot will continue to promote non-lead alternatives and work with stakeholders to phase out lead ammunition to shoot deer across Scotland. The Scottish Government will give further consideration to whether a statutory ban is appropriate.
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	of the Order are suitable for the use of non-lead bullets.		sector. Furthermore, work is ongoing at a UK level to consider the future of lead ammunition.	
5	The use of a shotgun to kill wild deer should be made subject to authorisation by Scottish Natural Heritage through a new provision in the Deer (Scotland) Act 1996, that the owner or occupier of any land should be able to apply for such authorisation and that the terms of paragraph 4 of The Deer (Firearms, etc.) (Scotland) Order 1985 should be amended accordingly.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that there are limited circumstances in which a shotgun is a necessary, or appropriate, method of managing deer. By making the use of shotguns subject to authorisation NatureScot can ensure the most appropriate form of management is available to land managers whilst maintaining high standards of welfare, emergency dispatch powers would of course remain.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term, and a suitable transition period will be considered.
6	The Scottish Government should instruct Scottish Natural Heritage to carry out the planned trials into the use of night sights without further undue delay.	The Scottish Government accepts this recommendation.	Trials on the use of night sights are underway.	NatureScot expect to complete these trials by December 2021 (delayed as a result of Covid-19). The results of these trials will then be published on the NatureScot website and will inform the final decision on recommendation 7.

7	<p>Subject to the successful outcome of Scottish Natural Heritage's trials, paragraph 5(b) of The Deer (Firearms, etc.) (Scotland) Order 1985 should be repealed to allow the use of night sights to shoot deer.</p>	<p>The Scottish Government accepts this recommendation pending the outcome of NatureScot's trials.</p>	<p>The Scottish Government considered the rationale behind the recommendation made by the DWG, alongside advice from experienced land managers and the SAWC. The SAWC also commented on the intention of restricting the use of night sights in an attempt to combat poaching alongside the improvements in technology since, and found that on balance allowing the use of night sights under authorisation should be taken forward.</p>	<p>We agree that NatureScot should carry out the planned trials into the use of night sights and these should get underway as soon as possible. We will use the findings from these trials to inform next steps, which could potentially include provisions to allow the use of night sights to shoot deer under authorisation.</p>
8	<p>The Deer (Close Seasons) (Scotland) Order 2011 should be replaced with a new Order in which the close season for females of each species is set to start on a date in the period 1st to 15th April (inclusive) and end on a date in the period 31st August to 15th September (inclusive), and in which no close seasons are set for males of each species.</p>	<p>The Scottish Government accepts the Deer Working Group's recommendation to remove the close season for male deer and to keep the close season for female deer under review.</p>	<p>The Scottish Government agrees that the close season for female deer is of vital welfare importance and that this should apply to all land, both unenclosed and enclosed. The Scottish Government also consider that a general close season, and a more restricted close season (that is a period in which female deer cannot be killed unless there is an exceptional circumstance) has significant welfare value. We will continue to keep the current dates under review and we will take further advice before considering any changes to close season in the future.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term, which will include public consultation if further required.</p>

			<p>We are minded to agree with the recommendation to no longer set a close season for male deer. We appreciate this is an issue on which there are strong views. However we are advised by the SAWC that this does not create specific welfare implications for male deer. We also note that land managers who do not wish to shoot male deer during what was the close season are free to continue with that practice.</p>	
9	<p>Firstly, that section 5(6) of the Deer (Scotland) Act 1996 should be amended to apply to any land and to cover public interests of a social, economic and environment nature; and, secondly, that section 5(8) should repealed</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>We agree that increasing flexibility around when wild deer can be managed to protect public interests would be beneficial.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.</p>
10	<p>Section 18(2) of the Deer (Scotland) Act 1996 should be amended to refer to both owners and occupiers, to be applicable to any land and to cover public interests of a social, economic and environmental nature</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>As with recommendation 9 we agree that amending those who can be authorised to take or kill deer at night to include occupiers of land and the reasons for authorisation to cover a wider range of public interests is in line with current deer management policy.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.</p>

11	<p>Firstly, that section 41(2) of the Deer (Scotland) Act 1996 should be amended or replaced so that the taking of wild deer requires to be authorised by Scottish Natural Heritage and secondly, that section 37(5) should be amended at the same time to require Scottish Natural Heritage to produce a code of practice for the taking or live capture of wild deer</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government notes that there are few circumstances in Scotland where live capture of deer occurs in comparison with national cull levels but agree that, as noted by both the DWG and the SAWC, the impact of live capture on deer welfare can be significant.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term. In the meantime NatureScot will develop a Code of Practice for the taking or live capture of wild deer.</p>
12	<p>The Deer (Scotland) Act 1996 should be amended so that the statutory rights of occupiers to prevent damage by wild deer should apply to the occupiers of any type of land and cover public interests of a social, economic and environmental nature</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>The Scottish Government agrees that it is important there is a balanced approach to statutory rights to preventing damage by wild deer.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.</p>
13	<p>Firstly, that section 37(1A) should be repealed so that all out of season shooting authorised by Scottish Natural Heritage requires to be carried out by a person judged fit and competent for that purpose by Scottish Natural Heritage, and secondly, that section 10(4) should be amended so that an authorised person requires to be judged both fit and competent</p>	<p>The Scottish Government accept this recommendation, to be taken forward alongside recommendations 14 & 15.</p>	<p>We agree with the principle that all those shooting deer should be fit and competent, whether they are occupiers or landowners. This applies particularly when deer are being shot at night or out of season. There are a number of detailed considerations as to how this might be achieved.</p>	<p>We will bring forward proposals to modernise deer legislation in the course of the next Parliamentary term.</p>

14	<p>Scottish Government should make a clear statement of its commitment to establishing a register of persons competent to shoot deer in Scotland under section 17A of the Deer (Scotland) Act 1996, and develop proposals for a register as set out in this Report</p>	<p>The Scottish Government accept this recommendation, to be taken forward alongside recommendations 13 & 15.</p>	<p>The Scottish Government agrees it is important to ensure that everyone who shoots deer in Scotland has the same basic level of training which would benefit both deer welfare and public safety. We considered the SAWC findings, alongside the DWG report, that a register of persons competent to shoot deer would ensure every person undertaking deer management has the same basic level of competence and skill to do so.</p>	<p>We agree that all shooting requires to be carried out by a person judged fit and competent and that a register should be created and maintained as the best way to achieve this. NatureScot have been asked to engage further with the relevant stakeholders to develop and submit suitable proposals for Ministers to consider.</p>
15	<p>Section 17A of the Deer (Scotland) Act 1996 should be amended at an early stage as set out in this Report, to enable appropriate secondary legislation to bring the recommended register into effect.</p>	<p>The Scottish Government accept this recommendation, to be taken forward alongside recommendations 13 & 14.</p>	<p>This recommendation will allow the Scottish Government to enact powers to introduce a register of persons competent to shoot deer as at recommendation 14. We recognise the linkages across to recommendations on food safety and cull return information.</p>	<p>Alongside recommendation 13 & 14 we will bring forward proposals to modernise deer legislation in the course of the next Parliamentary term.</p>
16	<p>Consideration should be given to having a provision in the Deer (Scotland) Act 1996 which provides exemptions to protect human safety where a deer poses an immediate threat, with those exemptions being similar to the exemptions in section 25 of the Act to end the suffering of a deer</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>Although the instances may be limited, the Scottish Government accepts that there may be some occurrences where wild deer pose a serious threat to human safety which should be clearly addressed.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.</p>

17	<p>Scottish Government should ensure that the role of wild deer in increasing the risk of Lyme disease is given greater prominence in its policies for deer management in Scotland, and that greater priority is given to that risk in considering the need to reduce deer densities in locations across Scotland.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government recognises that there is some evidence that reducing deer densities may reduce the risk of the spread of Lyme disease. Alongside public health bodies and the multi-agency Lyme Disease and other Tick-Borne Infections Group which is part of the Scottish Health Protection Network (SHPN) we will consider further the association between deer numbers and Lyme disease prevalence. The relationship is not straight forward and further research is currently being carried out on this in Scotland.</p>	<p>We will ensure that policies on deer management will take sufficient account of the risk of spread of Lyme disease We will also take into account the findings of current research into the links between wild deer and Lyme disease and the protection of public health.</p>
18	<p>Scottish Government and its agencies should, following the current Scottish Deer Health Survey, develop and maintain an ongoing national programme to monitor wild deer in Scotland for existing and potential diseases.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>There are already significant elements of a monitoring programme in place. As part of the trained hunter certification, wild deer culled and sold to game dealers are currently monitored for existing and potential diseases. Furthermore, monitoring of existing and potential diseases in relation to wild deer is carried out by both Food Standards Scotland as part of the Scottish Deer Health Survey, and on a UK wide basis by APHA, and this information is readily available.</p>	<p>The Scottish Government will keep the need for any further monitoring measures under review.</p>

19	<p>The Licensing of Venison Dealers (Prescribed Forms etc.) (Scotland) Order 1984 should be replaced by a new Order that requires clearer and more robust information about the source of any purchases or receipts of wild venison.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>The Scottish Government considered the DWG's rationale alongside recent research published by Food Standards Scotland¹, who previously recognised gaps in understanding of food related illnesses which can apply to wild deer. We recognise that the original intention of this legislation was to control poaching of wild deer. However, we are supportive of actions which will ensure increased transparency and a better understanding of venison origins.</p>	<p>We will engage with those involved in the supply and sale of venison, including Food Standards Scotland, NatureScot and Local Authorities when considering options to take forward either this recommendation or a similar alternative in order to achieve the same objectives.</p>
20	<p>Section 34 of the Deer (Scotland) Act 1996 should be amended to empower those with the authority under that section, to require a licensed venison dealer to submit a return summarising their throughput of wild deer carcasses during a period not exceeding three years and in a form to be described.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>The Scottish Government believes that existing Food Hygiene regulations, in combination with the proposed changes to the licensing of venison dealers ensures good levels of traceability. However, including additional powers to gather further information could further improve this and allow for a better understanding of the venison market.</p>	<p>The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term</p>

¹ [The risk of STEC contamination in wild venison | Food Standards Scotland](#)

21	<p>Scottish Government should review sections 33-36 of the Deer (Scotland) Act 1996 that cover the licensing of dealing in venison, with a view to making changes in addition to the related recommendations in this Report, so that the arrangements are fit for purpose in contemporary circumstances.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>As outlined above, we accept the rationale behind these recommendations but the complex nature of the legislation requires further discussion with stakeholders before legislative changes are made.</p>	<p>As above at recommendation 20.</p>
22	<p>Section 40 of the Deer (Scotland) Act 1996 dealing with cull returns should be amended by inserting 'and the use of carcasses' at the end of section 40.</p>	<p>The Scottish Government do not accept this recommendation.</p>	<p>The Scottish Government has accepted recommendation 19 and 20 to increase the information gathered on venison through licensed venison dealers and do not believe it is necessary to gather further information on the use of carcasses at this stage.</p>	<p>We will continue to keep this matter under review as we consider changes to venison licensing arrangements.</p>
23	<p>Scottish Government should ensure that the requirement for those supplying venison to Approved Game Handling Establishments (AGHE) to be able to demonstrate Trained Hunter status under EU regulations is enforced.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>The Scottish Government is committed to ensuring any food supplied is safe; this includes those supplying venison. Currently the Hygiene Regulations require those supplying venison to AGHEs to be a "trained hunter". We will engage with Local Authorities and Food Standard Scotland to give further consideration to the most appropriate benchmark. In the meantime enforcement action will continue to be considered as required.</p>	<p>We will consider the most appropriate threshold for evidencing 'fit and competent' status and will take this recommendation forward as part of fit & competent recommendations.</p>

24	Section 43 of the Deer (Scotland) Act 1987 should be amended at the end of the definition of farmed deer in s.43(4) to include 'and be clearly marked to show they are kept as such'.	The Scottish Government accepts this recommendation.	We agree that those keeping farmed deer should be required to mark them as such to ensure they are clearly identifiable. This is standard practice for most farm animals and the Scottish and would bring deer in line with other farm animals. .	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term
25	Animals (Scotland) Act 1987 should be amended to establish clearly that an owner or occupier of land can shoot a stray farmed deer on that land to prevent damage by the deer, where that is the only reasonable practical means in the circumstances to detain the stray deer under the Act.	The Scottish Government accepts this recommendation.	Stray farmed deer carry a risk of transmitting disease to wild deer which could then enter the food chain, or be transmitted through wild deer populations. Shooting stray farmed deer may be the most appropriate method of protecting public health and ensuring deer welfare. We considered the SAWC findings alongside this recommendation and agree that shooting stray farmed deer may be in the best interest of wild deer populations by reducing transmission of disease.	The Scottish Government will bring forward proposals to modernise deer legislation in the next parliamentary term
26	There should be a legal requirement for all deer that are owned as private property and not farmed deer or deer in zoos, to be tagged to identify them as private property.	The Scottish Government accepts this recommendation.	Tagging deer which are kept as private property would ensure higher levels of traceability which would aid animal welfare and mitigate the risk of kept deer, which may have received medication, from entering the food chain. The Scottish Government agree that tagging deer kept as private property would support mitigation of	We will bring forward to proposals to modernise deer legislation in the next parliamentary term.

			escaped invasive non-native species and promote good welfare.	
27	The Scottish Government should give serious consideration to the introduction through the Animal Health and Welfare (Scotland) Act 2006, of a scheme to require an owner of deer to have a licence for the keeping of deer as private property that are not farmed deer, deer in zoos nor muntjac deer.	The Scottish Government accepts this recommendation.	The Scottish Government recognises that licensing would ensure assessment of the circumstances in which the deer would be kept and granting the licence would identify the owner's responsibility for the deer's health and welfare. When developing this licensing system consideration will be given to whether venison from these deer should be restricted from entering the human food chain	The Scottish Government will bring forward proposals to modernise deer legislation in the next parliamentary term.
28	Either the Deer (Scotland) Act 1996 or the Wildlife and Countryside Act 1981 should be amended so that any release of captive red deer and captive roe deer into the wild requires to be authorised by SNH.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that captive red deer or roe deer should only be released into the wild under authorisation from NatureScot. Alongside the DWG, the SAWC draw attention to the ethical and welfare concerns of taking and releasing wild deer, particularly stress of capture and translocation which is potentially more harmful than direct shooting or humane killing. The Scottish	The Scottish Government will bring forward proposals to modernise deer legislation in the next parliamentary term. In the meantime, NatureScot will develop a Code of Practice on releasing captive deer.

			Government agree that further regulation is required.	
29	<p>Scottish Government and its agencies should agree and apply practical criteria to identify and correct situations where deer enclosed by deer-proof barriers are being managed as if they are wild deer, when it is clear from the assessment that they should be managed as captive deer.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>There are some instances in Scotland where captive deer may be being managed as if they were wild deer, specifically for the purpose of ‘canned hunting’. The SAWC also highlight this specifically and recommend that any commercial shooting of captive deer should be licensed by NatureScot, the Scottish Government are committed to ensuring the highest levels of deer welfare, and will give further consideration to commercial shooting of captive deer alongside other welfare and licensing recommendations.</p>	<p>We will engage with relevant agencies and public bodies to develop guidance for managing captive deer.</p>
<p>Part Three – Damage to Public Interests</p>				
30	<p>SNH should develop fuller statements of the public and private land use interests that can be protected under the Deer (Scotland) Act 1996, and that SNH should also ensure that the Wild Deer Best Practice</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government recognises this could be particularly valuable in bringing climate change targets and biodiversity improvement measures into closer alignment with deer management.</p>	<p>The Scottish Government will bring forward proposals to modernise deer legislation in the next parliamentary term. In the meantime NatureScot will review WDBP guidance on damage.</p>

	(WDBP) guidance on damage is replaced.			
31	Scottish Government should ensure that SNH has the capacity to encourage complaints of unacceptable levels of damage by wild deer and to respond by taking effective action where warranted to reduce the damage.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that dedicated resources alongside a targeted approach to complaints of unacceptable levels of damage have a positive local impact and ensure adequate management measures are in place to prevent damage from worsening. Furthermore, a clear understanding of damage on a local level can support wider decision making.	The Scottish Government will continue to assess NatureScot's resources and consider if there is a requirement to increase those resources to better meet public interests.
32	The phrase "or steps taken or not taken for the purposes of deer management" should be repealed from sections 6A(2) and 7(1) of the Deer (Scotland) Act 1996, and that consideration might be given to whether an appropriately termed and practical power for SNH to reduce deer control on a property might be introduced through a new section in that Act.	The Scottish Government do not accept this recommendation.	In the current context of deer management there are extremely limited circumstances in which NatureScot would find it necessary to reduce deer control on a property, and a new section of the Deer (Scotland) Act is not essential at this stage. The original phrasing was not intended solely for this purpose, and its repeal could have a further consequences.	

33	SNH should take a far more focused approach to identifying the current extent of damage to agriculture by wild deer in different parts of Scotland and take action to tackle the local issues involved.	The Scottish Government accepts this recommendation.	Whilst NatureScot's current approach involves regular engagement with local communities, individuals and groups responsible for deer management the Scottish Government recognises that further focus on damage to agriculture is necessary in some parts of Scotland.	NatureScot will take forward work to ensure agricultural damage by deer is suitably managed.
34	Scottish Government should recognise much more fully than at present, the need for changes to the current statutory and non-statutory system for the management of wild deer in Scotland if the Scottish Forestry Strategy 2019-2029 is to be implemented successfully.	The Scottish Government accepts this recommendation.	The links between wild sustainable deer management and the success of Scotland's Forests are undeniable. <u>Scotland's Forestry Strategy 2019-2029</u> sets out the Scottish Government's commitment to increase woodland cover to 21% of the total area of Scotland by 2032 and reforestation is vital to our meeting Scotland's <u>climate change</u> targets.	The Scottish Government will continue to consider further and develop opportunities to bring Scotland's Forestry Strategy and sustainable deer management into closer alignment, including use of appropriate deer densities needed for woodland creation.
35	Scottish Government should be working to ensure that the UK Department of Transport form, used by Police Scotland, to record Personal Injury Accidents (ST19), is modified for use in Scotland to include a separate category for deer.	The Scottish Government accepts this recommendation.	The Scottish Government accepts that a more thorough understanding of personal injuries as a result of Deer Vehicle Collisions (DVC) and the frequency and location of where these occur would support more effective mitigating actions.	We will work with the UK Department of Transport and Police Scotland to update the appropriate form to record deer as the cause of Personal Injury Accidents.

36	<p>Scottish Government should be working to ensure that a more appropriate level of attention and resources is applied to addressing the continuing rise in road traffic accidents in Scotland involving wild deer.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government recognises that DVC's impact not only deer welfare but also public safety, work is ongoing to raise awareness of DVC's in Scotland and manage deer appropriately in order to preserve public safety and protect deer welfare. However the Scottish Government recognises that there may be further action which could be implemented.</p>	<p>The Scottish Government and NatureScot, alongside Transport Scotland, will consider how best to utilise the data from the ST19 forms to ensure appropriate resources are allocated to mitigate DVC's in the higher risk areas.</p>
37	<p>SNH should be paying much more attention to the control of local deer densities alongside lengths of public roads with frequent road traffic accidents involving wild deer.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government accepts recommendations 35 and 36 in relation to DVC's which will provide information on frequency and high risk locations. This additional data combined with information on deer densities and deer impacts may be beneficial in identifying and monitoring high risk areas and improving actions to mitigate DVC's.</p>	<p>NatureScot will review the data available and consider further, specific action if and when required.</p>
38	<p>Cairngorms National Park Authority and SNH should adopt and enforce a clear policy against the establishment of any populations of Scotland's two non-native deer species, fallow and sika deer, in the Cairngorms National Park.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>This recommendation has been informally adopted by many estates in the Park in regards to Sika, which are often shot on sight. However, fallow are already accepted by many estates in the south of the Park. The Scottish Government take invasive non-native species very seriously, but where these</p>	<p>CNPA will discuss appropriate management of sika and fallow populations in the Park with NS and relevant landowners and consideration will be given to whether this and other recommendations for CNPA in relation to all of Scotland's National Parks. This issue will be taken forward formally in the</p>

			populations have already been established eradication is not always the most appropriate policy. Continued monitoring of spread and careful management to prevent damage is may be a more appropriate course of action.	next National Park Partnership Plan (2022-27)
39	CNPA and SNH should have a much greater focus on the need to improve the management of wild deer in the Cairngorms National Park, to reduce deer densities in many parts of the Park to protect and enhance the Park's biodiversity	The Scottish Government accepts this recommendation in principle.	The current <u>CNPA National Park Partnership Plan (2017 – 2022)</u> recognises deer management as a key issue, with a clear objective to reduce deer densities where they are affecting habitats. CNPA has been working with deer managers in the Park to implement this strategy since 2017. However, it is recognised that more needs to be done to bring deer numbers in balance with the Park's biodiversity and climate targets.	The CNPA will continue to work in an advisory capacity with the DMGs in the Park, alongside NatureScot, to reduce deer densities where appropriate. This is likely to be an issue considered further in the next National Park Partnership Plan (2022-27).
40	Scottish Government should remove current references to deer from Muirburn Code and end financial support for muirburn for wild deer through its Rural Payments and Services Agri-Environment Climate Scheme (AECS).	The Scottish Government accepts this recommendation.	Muirburn is not thought to be widely practised for deer management, although there may be some land managers in receipt of funding through the AECS where muirburn is carried out for deer management.	The Scottish Government will engage with stakeholders involved in muirburn for wild deer to ensure a suitable transition period before ending financial support.

41	Hill Farm Act 1946 should be amended to make it an offence to carry out muirburn for wild deer without a licence from SNH.	The Scottish Government accepts this recommendation.	In our <u>response</u> to the report by the Grouse Moor Management Group, published in November 2020, the Scottish Government committed to further regulation and oversight of muirburn practice in Scotland regardless of the purpose for doing so, which includes deer management.	The Scottish Government will take forward licensing arrangements for muirburn in the next parliamentary term.
42	SNH should develop its own maps of the existing distribution of fallow deer in Scotland and implement a clear strategy to prevent the further spread of these fallow deer populations, including the use of SNH's regulatory powers under the Deer (Scotland) Act 1996 if necessary.	The Scottish Government accepts this recommendation in principle.	The Scottish Government understand there is a need to ensure a clear strategy to manage fallow deer. As at recommendation 2 we recognise both the importance of distribution maps in managing deer and the significant resource implications for NatureScot to develop these. Current arrangements for sector led mapping, such as those undertaken by the British Deer Society, is in line with arrangements for other herbivores such as mountain hares. We will continue to keep this matter under review.	Alongside recommendation 2, NatureScot will give further consideration to how distribution maps for fallow deer can be improved. NatureScot will publish a strategy to prevent the spread of both fallow and sika deer.
43	SNH should be more actively raising awareness that releasing or allowing fallow deer to escape from captivity is an offence, SNH should be taking enforcement action in any	The Scottish Government accepts this recommendation.	The Scottish Government recognises the to prevent fallow deer populations becoming established in new areas.	NatureScot will take enforcement action as necessary. NatureScot will also consider what steps are required to raise awareness of the risks associated with fallow deer

	situation where that appears to have happened.			
44	SNH should be taking a clearer, more robust approach to minimising the spread of sika deer in Scotland, and should be targeting where SNH intend to prevent or slow colonisation by sika deer.	The Scottish Government accepts this recommendation.	The Scottish Government accepts that a national strategy for slowing the spread of Sika deer into new areas would be of value. There is significant work undertaken on Scotland's National Forests and Land to prevent damage by Sika.	NatureScot will consider what steps are required to address sika deer impacts.
45	SNH should take a more rigorous approach to identifying sites with captive muntjac and knowing the numbers and sexes of muntjac and adequacy of enclosures at the existing sites licensed to keep muntjac, and secondly, that SNH should have a clear policy of not issuing any further licenses for keeping muntjac in captivity unless exceptional public interest can be demonstrated.	The Scottish Government accepts this recommendation.	The Scottish Governments current, and historical, position has been to prevent the establishment of muntjac populations which are a high risk species in terms of damage. The Scottish Government accepts the recommendations to build more information about captive muntjac in Scotland.	NatureScot will develop options for the identification of captive muntjac. NatureScot will also implement a policy of not issuing further licences unless exceptional public interest can be demonstrated.
46	SNH should be maintaining a more active focus on the likely routes by which muntjac deer may colonise Scotland from the north of England, and that SNH should have an annual programme for a raising awareness about muntjac deer to reduce the risks of muntjac	The Scottish Government accepts this recommendation.	The Scottish Government agrees that mitigating the colonisation of muntjac deer from the North of England in Scotland is of importance. The cost of managing wild deer populations if established in Scotland would likely be very high and preventative action is of utmost importance.	NatureScot will take forward recommendations for an awareness raising programme alongside their current INNS rapid response protocol.

	deer becoming established in Scotland			
47	Scottish Government should ensure that a fuller contemporary interpretation of the welfare of wild deer becomes a more important factor in determining standards of deer management in Scotland than is currently the case.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that the welfare of wild deer has an important role in measuring the standards of wild deer management and that the interpretation of wild deer welfare may need modernised. The SAWC are taking forward a wider piece of work on wild animal welfare which will be used to inform future decision making.	We, alongside NatureScot, will take further advice from the SAWC in order to prioritise welfare in standards of deer management.
48	SNH should be developing a fuller interpretation of the welfare of wild deer that is based on a wider consideration of their biological performance.	The Scottish Government accepts this recommendation.	As outlined above at recommendation 47 and below and recommendation 50, the Scottish Government agrees that the definition of wild deer welfare should encompass a variety of measurement tools including carcase weights, winter mortality rates and biological performance amongst other indicators. The SAWC conclude that this interpretation should include <i>“development of transparent and widely understood methods of welfare assessment leading to a much clearer confidence that deer</i>	We, alongside NatureScot, will take further advice from the SAWC in developing a modern interpretation of wild deer welfare

			<i>welfare has been addressed when any management decisions are made.”</i>	
49	Scottish Government should make clear that the ongoing levels of annual winter mortality amongst red deer on open hill range in the Highlands are unacceptable and need to be reduced.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that winter mortality rates among deer should be monitored as part of welfare monitoring. However winter mortality rates cannot be the only tool that is used to monitor welfare. The SAWC also recognise the value of inclusion of winter mortality levels in measuring wild deer welfare. We expect that as changes from this report are implemented and the approach to sustainable deer management improves winter mortality rates will in turn reduce.	NatureScot will continue to monitor winter mortality rates and will be continue to engage with stakeholders where winter mortality rates are of particular concern with the aim of reducing those rates.
50	SNH should consider developing the use of average carcass weights of yearlings in the autumn as an indicator of the welfare of the local population of the deer species involved.	The Scottish Government accepts this recommendation.	The Scottish Government accepts that carcass weights can be beneficial in considering the effects of weather conditions on deer populations. However, as noted by the DWG it is important to consider carcass weights alongside other welfare indicators.	NatureScot will consider methods of gathering this data alongside other welfare indicators and alongside recommendation 47.

51	SNH should be implementing a strategic approach to limiting ongoing dispersal by deer into both peri-urban areas from the wider countryside and urban areas from peri-urban areas, selecting target areas on a prioritised basis.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that prioritisation should be given to areas likely to suffer from high levels of damage to public interests as a result of wild deer populations. We recognise that increasing deer populations in urban and peri-urban areas are of serious concern and will continue to adapt this approach to take further action.	The impact of deer on urban and peri-urban areas will be kept under review and NatureScot will increase focus on specific areas as and when required. NatureScot will continue their programme of education in local areas affected by urbanised deer populations.
52	Scottish Government should ensure that increasing attention is focused on implementing effective deer management in peri-urban and urban areas to limit damage to public interests, and SNH adopts a more focused approach towards achieving this	The Scottish Government accepts this recommendation.	The Scottish Government agrees that prioritisation should be given to areas likely to suffer from high levels of damage to public interests as a result of wild deer populations. As highlighted by the SAWC an increased focus on educating and communicating local communities on the need for deer management is also in the public interest.	As outline in the response to recommendation 51, the impact of deer on urban and peri-urban areas will be kept under review.
53	Scottish Government should keep a clearer account of the expenditure by the public sector each year on the management of wild deer, and also ensure that it develops improved information on the estimated annual costs of damage by wild deer.	The Scottish Government accepts this recommendation in principle.	The Scottish Government recognises that the expenditure by the public sector on deer management is of significant public interest. Expenditure is not only at a central government level, but also includes local authorities and many executive agencies and public bodies.	We will work with NatureScot and others across the public sector to gather further information and data on deer management measures and expenditure in a cost effective manner.

54	Amendments to the ratings legislation in the 1975 and 1994 Local Government (Scotland) Acts should remove references to 'deer forests' in the phrase 'shootings and deer forests', and that section 6(8za) of the Valuation and Rating (Scotland) Act 1956 should be repealed.	The Scottish Government accepts the recommendation in principle.	The Scottish Government accepts the DWG's recommendation to amend the Local Government (Scotland) Acts. However, repealing section 6(8za) of the Valuation and Rating (Scotland) Act 1956 requires further consideration to the impact of this recommendation on businesses.	The Scottish Government will bring forward proposals to modernise deer legislation in the next parliamentary term
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Part Four – Compulsory Powers

55	SNH should be planning to move its cull return system entirely online as soon as practically possible.	The Scottish Government accepts this recommendation.	NatureScot has already begun work to move the cull return system online. NatureScot expect to have the entire system available online by 2022.	It is anticipated that a transition period will be required before the system is moved entirely online to ensure everyone completing cull returns is able to do so. NatureScot will engage with stakeholders using the current system to identify any potential issues with access and agree suitable transition arrangements.
56	SNH should provide the option for land owners and occupiers completing cull returns to report whether they have experienced damage by deer in the year being reported and the nature of the damage.	The Scottish Government accept this recommendation.	The Scottish Government agrees that additional optional reporting for land owners and occupiers on deer management may prove beneficial in providing a clearer picture of the scale of damage to public interests. However, we also recognise that there may be an alternative method to amending the cull return form	NatureScot will take forward this recommendation, or a similar suitable alternative which will build on the use of existing and will improve the information gathered on deer damage.

			which is more appropriate in practice,	
57	Section 40 of the Deer (Scotland) Act 1996 should be amended to enable secondary legislation to be used to add to the types of information that can be required on a statutory basis under the section.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that gathering a full range of information may improve the current understanding of wild deer populations, impacts and densities and improve abilities to monitor progress. This recommendation will allow a more flexible approach to requiring additional information on cull return forms.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
58	SNH should, as an essential step, start to increase substantially the extent of Scotland covered by the cull return system, taking a targeted and prioritised approach to the areas where the coverage is to be increased	The Scottish Government accepts this recommendation.	NatureScot has begun work to increase the areas of Scotland covered by a cull return system. NatureScot will continue to engage with communities and properties where response rates are currently lower.	NatureScot will expand the areas of Scotland covered by the cull return system as part of the systems online transition and alongside work to introduce a Fit & Competent register.
59	SNH should replace its current online deer database with a new system, and establish a publicly accessible National Cull Database.	The Scottish Government accepts this recommendation.	NatureScot currently publish data on authorisations and will develop options for a publicly accessible National Cull Database. The Scottish Government agrees that a publicly accessible database would likely benefit those with a wide range of interests in deer management.	NatureScot are in the process of developing a wildlife licensing and database which includes options for a publicly accessible National Cull Database following the move of the cull return system online.

60	Section 40A of the Deer (Scotland) Act 1996 should be amended to refer to 'taken or killed' and to enable the information required to cover a period not exceeding five years.	The Scottish Government accepts this recommendation in principle.	The Scottish Government agrees that ensuring consistency in the data gathered on culls is of importance. Amending this section to refer to 'taken or killed' will also enable NatureScot to request forward planned culls for up to 5 years, where the current arrangements are for only 1 year which will support long term planning.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
61	Deer (Scotland) Act 1996 should be amended to remove the reference to the Code of Practice on Deer Management in section 6A(1) of the Act.	The Scottish Government accepts this recommendation in principle.	Whilst we understand the DWG's rationale behind this amendment, removing reference to the Code of Practice on Deer Management in in this section may have an unintentional effect of limiting the flexible interventions available to NatureScot which requires some further investigation.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
62	Section 6A(5) of the Deer (Scotland) Act 1996 should be amended to change the period within which a Deer Management Plan is to be submitted to Scottish Natural Heritage, so that the period is not less than three months and not more than 12 months as SNH may determine, according to circumstances.	The Scottish Government accepts this recommendation.	We agree that the current arrangements in which a Deer Management Plan (DMP) must be submitted within 12 months may be too long a period in some circumstances. This amendment will allow NatureScot more flexibility in agreeing a suitable period of between 3 and 12 month based on individual circumstances.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.

63	Section 15(3)(b) of the Deer (Scotland) Act 1996 should be amended to include sections 10 and 11 of the Act, rather than just sections 7 and 8.	The Scottish Government accepts this recommendation in principle.	The current Section 15(3)(b) enables NatureScot to enter land in a number of circumstances, the rationale behind this amendment was to enable NatureScot to enter land for additional purposes relating to emergency measures. When bringing forward proposals to modernise deer legislation we will ensure arrangements for NatureScot to enter land are up-to-date.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
64	The period of notice required to enter land under section 15(2) of the Deer (Scotland) Act 1996, should be reviewed with the intention of making the period of notice shorter.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that the current period of notice is two weeks, may now be too long and that in circumstances where the threat of damage is substantial, NatureScot should be able to act quickly and effectively.	The Scottish Government will begin work to amend the Deer (Scotland) Act 1996 in the next parliamentary term.
65	Section 15(3) of the Deer (Scotland) Act 1996 should be amended to include as a purpose for entering on land, carrying out an assessment of the impacts of deer in any area in pursuance of SNH's functions under section 1(1) of the Act.	The Scottish Government accepts this recommendation in principle.	As with recommendation 63, the Scottish Government agrees that NatureScot should have the ability to enter land for these purposes.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
66	Section 10(1) of the Deer (Scotland) Act 1996 should be amended to include damage, directly or indirectly, to the natural heritage and that	The Scottish Government accepts this recommendation in principle.	The Scottish Government agree that any opportunities to provide greater clarity and make legislation more are of merit. The recommendation would see natural heritage included at	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.

	section 11 of the Act should be repealed.		section 10 of the Deer (Scotland) Act, bringing all emergency powers under the same section so that any circumstance is about whether there is evidence of sufficient enough damage to natural heritage to warrant use of these powers.	
67	Section 10(1)(b) of the Deer (Scotland) Act 1996 should be repealed.	The Scottish Government accepts this recommendation in principle.	Government recognises that requiring the powers under section 10 to be used only as a last resort would have been relevant at the time of its introduction, the current context of deer management requires greater flexibility and for NatureScot utilise the tools at their disposal as appropriate. We will take this forward alongside recommendations 68 & 69.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
68	Amend Section 10 of the Deer (Scotland) Act 1996, so that the owners of land where SNH implements measures under section 10(4) have a liability for any net cost involved in carrying out the measures, subject to scope for SNH to waive any net cost in appropriate circumstances.	The Scottish Government accepts this recommendation in principle.	As with recommendation 67, the Scottish Government agrees there would be potential benefits to such an arrangement. Further consideration is required on a potential appeals process and on setting an appropriate framework for costs.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.

69	Replace the title of section 10 of the Deer (Scotland) Act 1996 with 'Control Actions' or a title similar to that and that the section should be amended to cover public interests of a social, economic or environmental nature.	The Scottish Government accepts this recommendation in principle.	The Scottish Government agrees that this amendment, which would rename section 10 from 'Emergency Measures to prevent damage by deer' to 'Control Actions' or similar and cover a wider range of public interests, would reflect the practical application of this section alongside recommendations 67 & 68.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
70	The Deer (Scotland) Act 1996 should be amended to remove references to the Code of Practice on deer management from section 7(1) and (3) and from section 8(1).	The Scottish Government accepts this recommendation in principle.	As with recommendation 61 we understand the rationale behind this but removing reference to the Code of Practice on Deer Management in s7 (1), s7(3) and section 8(1) of the Deer (Scotland) Act 1996 may have an unintentional effect of limiting the flexible interventions available to NatureScot.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
71	The Deer (Scotland) Act 1996 should be amended to repeal section 8(2) and that, as a consequence, s.7(2) should also be repealed.	The Scottish Government accepts this recommendation in principle.	The Scottish Government agrees with the intention behind this, intended to ensure a strong degree of consistency and clarity within the deer legislation.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term.
72	The Deer (Scotland) Act 1996 should be amended to re-instate section 8(5), which was repealed in 2011.	The Scottish Government accepts this recommendation in principle.	This recommendation is intended to prevent a land manager from being compelled to erect a deer fence. The Scottish Government considers that deer fencing remains a useful tool in managing wild deer and that in some	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term, further consultation with those affected by this recommendation will be

			<p>circumstances this may be the most appropriate course of action. However we do also understand that there is a high cost associated with deer fencing, it is rarely appropriate as a long-term fix and that there are a range of views on its use. Compelling a land manager to erect deer fencing may not be in line with modern deer management practice. We are minded to accept this recommendation but we do also recognise that there may be limited circumstances where the use of this power may be necessary and will consider appropriate alternatives.</p>	<p>undertaken before any legislative change is made.</p>
73	<p>Paragraph 13(2) of Schedule 2 of the Deer (Scotland) Act 1996 should be amended, so that the grounds for appeal are that of a control scheme is not within the powers of the Act or that any of the requirements of the Act has not been complied with.</p>	<p>The Scottish Government does not accept this recommendation.</p>	<p>The Scottish Government believes the current arrangements provide a satisfactory appeal process and that this amendment would be unfair to those undertaking deer management.</p>	
74	<p>Paragraph 13(4) of Schedule 2 of the Deer (Scotland) Act 1996 should be amended, so that the options for the Land Court are to confirm the scheme or direct Scottish Ministers to revoke it or part of it in so much as it affects the applicant.</p>	<p>The Scottish Government does not accept this recommendation.</p>	<p>This recommendation mitigates the potential impact of recommendation 73 by reducing the options available to the Land Court, thus reducing the aspects of each case they would have to consider. As above, the</p>	

			Scottish Government do not agree an amendment to current arrangements is necessary.	
75	The ECCLR Committee should consider holding a short inquiry into the use of section 7 Control Agreements under the Deer (Scotland) Act 1996 in the Caenlochan area.	This is a matter for the ECCLR Committee		The Minister for Rural Affairs and the Natural Environment will write to the ECCLR committee drawing their attention to this recommendation.
76	SNH should ensure it sets out any section 7 Control Arrangements in terms that can be readily converted into a section 8 Control Scheme under the Deer (Scotland) Act 1996, and that SNH should ensure it already has the evidence to enforce a section 8 Control Scheme if SNH is entering into any new section 7 agreements.	The Scottish Government accepts this recommendation.	The Scottish Government accepts that updating the current arrangements for control agreements to include terms which allow for greater use of regulatory powers may benefit some of the complex deer management arrangements across Scotland.	NatureScot has updated staff guidance on both s7 and s8 powers under the Deer (Scotland) Act which will ensure these can be easily converted .

Part Five – Non-statutory Arrangements

77	The review of Wild Deer: A National Approach, due in 2020, should be a major and thorough review of the WDNA approach and should result in a more focused and targeted outcome.	The Scottish Government accepts this recommendation.	<u>Wild Deer: A National Approach</u> (WDNA) sets out Scotland’s vision for managing wild deer. The WDNA Steering Group brings together representatives of executive agencies and public bodies with an interest in deer management to develop a strategy to improve deer management. The Scottish Government agrees that the	A full review of the WDNA will be commenced led by Scottish Government as soon as is practicable in 2021.
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			WDNA should articulate a clear direction for deer management in Scotland.	
78	Section 5B of the Deer (Scotland) Act should be amended to remove the requirement for compliance with the Code of Practice on Deer Management to be reviewed every 3 years.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that the reviewing the Code of Practice every 3 years does not allow for a long enough period in which progress can be made.	The Scottish Government will bring forward proposals to modernise the Deer (Scotland) Act in the next parliamentary term. Alongside NatureScot, we will consider and agree a more appropriate reporting period.
79	The Scottish Government should instruct Scottish Natural Heritage to carry out a review of the contents of the current Code of Practice on Deer Management with the aim of producing a clearer and more effective version of the Code.	The Scottish Government accepts this recommendation.	The existing <u>Code of Practice on Deer Management</u> sets out the responsibilities of everyone undertaking deer management in Scotland. The Scottish Government believe the Code of Practice has brought great value to Scotland's deer management since its introduction in 2012 but also agree that a review by NatureScot will provide the opportunity to communicate clear expectations to ensure it is easily accessible, in line with current deer management practice and recognises the role of deer management in meeting environmental targets.	Given the substantial legislative changes recommended by the DWG, this review will be carried out alongside work on deer legislation to ensure the Code is up-to-date.
80	SNH should make a policy decision with the SG's support, to continue to manage the Wild Deer Best Practice project for at least the next five years.	The Scottish Government accepts this recommendation.	The Scottish Government recognises the important and valuable contribution of Wild Deer Best Practice (WDBP) to Scotland's deer management	NatureScot will continue to manage the WDBP project for the next five years, at which point we will review the arrangements.

			framework, alongside WDNA and the Code of Practice. WDBP provides invaluable guidance on the practical aspects of managing wild deer and NatureScot, supported by the Scottish Government is committed to continuing the Project for the next 5 years.	
81	SNH should ensure an appropriate level of distinction between SNH's responsibilities under the Deer (Scotland) Act 1996 and the Natural Heritage (Scotland) Act 1991 respectively.	The Scottish Government accepts this recommendation.	NatureScot's <u>Balancing Duties</u> sets out its approach to managing responsibilities for Natural Heritage and Deer Management whilst recognising the overlapping interests.	NatureScot will continue to consider the best approach to managing their responsibilities and provide further distinction between their functions as and when required.
82	Section 2 of the Deer (Scotland) Act 1996 should be amended to include provisions requiring, firstly, SNH to report annually to Scottish Ministers on the exercising of SNH's functions under the Act and secondly, Scottish Ministers to present a copy of SNH's report to the Scottish Parliament.	The Scottish Government accepts this recommendation in principle.	NatureScot currently report on the exercising of their functions relating to deer as part of their corporate reporting. The Scottish Government agrees that there may be some benefit to reintroducing a requirement for NatureScot to provide a specific report on its functions under the Deer (Scotland) Act 1996.	We will work with NatureScot to consider the best format for reporting on the delivery of its deer functions in line with other corporate reporting requirements.
83	Scottish Ministers should no longer be responsible for appointing the members of a panel under section 4 of the Deer (Scotland) Act 1996.	The Scottish Government do not accept this recommendation.	In practice NatureScot will advise on the key aspect of appointing members of a panel, namely that they should have the correct knowledge, competence and experience on the relevant topics. However we also see value in there being a	

			route of appeal for applicants who believe there are reasons why they should be included on a panel. We do not see any disadvantages to the current arrangements.	
84	The sequence of assessments of Deer Management Groups carried out by SNH in 2014, 2016, and 2019 should come to an end and SNH's focus should now be ensuring the standards of practical deer management implemented on the ground by land owners minimise the damaging impacts which deer can cause to public interests.	The Scottish Government accepts this recommendation.	We recognise that the sequence of assessments in 2014, 2016 and 2019 produced tangible improvements in the function of DMG planning and management and we are grateful for their work in this area. However we agree that it is appropriate to move to a greater focus on minimising damage to the public interest.	NatureScot will focus on measuring and monitoring the impacts of deer management within DMG areas and on an individual level across wider Scotland to identify areas where the impacts are considered to amount to damage and taking appropriate action.
Part Six – Refocused Approach				
85	SNH should avoid over-emphasising the need for formal collaborative groups for deer management and adopt a more flexible approach to supporting other forms of liaison and collaboration where these develop, including in open hill red deer range.	The Scottish Government accepts this recommendation.	We recognise the strengths that the existing collaborative DMG structure delivers and the benefits this brings to many communities. However It is recognised that across Scotland different models for delivery are appropriate whether in an upland or lowland environment and that a wider focus on all four deer species across all of Scotland is necessary when considering deer management decisions	NatureScot will continue to support collaborative DMG structures in their delivery of private and public interests, but will continue to seek out andsupport other models where appropriate.

86	<p>SNH should adopt 10 red deer per square kilometre as an upper limit for acceptable densities of red deer over large areas of open range in the Highlands, and review that figure from time to time in the light of developments in public policies, including climate change measures.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government recognises that bringing down deer densities will reduce deer impacts on the environment and other land uses such as agriculture. NatureScot's 2019 report on <u>Assessing Progress in Deer Management</u> found that the average density across Scotland was below 10 red deer per square km. However, NatureScot recognise that in some smaller areas of Scotland densities may be higher or lower. The Scottish Government also recognise that adopting a blanket density limit across Scotland would not be appropriate, however a limit for red deer on open range in the Highlands is beneficial in measuring progress alongside other indicators such as deer impacts and damage.</p>	<p>NatureScot will adopt this upper limit as a broad target across large areas of open range in the Highlands and will continue to work with stakeholders to bring down deer densities where deer damage is impacting on delivery of climate mitigation measures and alongside other recommendations taken forward, will continue to assess the impact of wild deer.</p>
87	<p>SNH should very substantially reduce the extent to which SNH carries out direct counts of red deer on open hill range and refocus SNH's limited resources on building up more information on the impacts that deer are having on the natural heritage, woodlands, forestry , agriculture, and other public interests in Scotland.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>As at the response to recommendation 86, the Scottish Government agrees that assessing and building a greater understanding of the impacts of wild deer on the environment and public interests will be beneficial. There is a great deal of work undertaken by NatureScot alongside stakeholders such as</p>	<p>NatureScot are developing alternative methods to direct counts and will continue to trial possible technological solutions for doing so.</p> <p>In the meantime, NatureScot will continue to work with DMGs and other stakeholders to collate information, and use existing data to assess the</p>

			<p>Forestry and Land Scotland and DMGs to assess the impact of wild deer, including valuable habitat assessments, which NatureScot will continue to use to ensure an adaptive approach to deer management is taken. In terms of reducing the extent to which direct counts of red deer on open hill range are carried out, the Scottish Government believes there is still value in these counts in reaching decisions on deer management, setting targets for land managers, measuring progress and monitoring deer densities. We do however acknowledge that current counting methods have a financial and environmental cost and we are considering alternative methods to lower those costs.</p>	<p>damage caused by wild deer and ultimately inform decision making.</p>
88	<p>The Working Group endorses Scottish Natural Heritage's identification of the need for significant changes in deer management as an important issue in climate change mitigation measures, and recommends that Scottish Natural Heritage treats this as a high priority.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government agrees that deer management has a significant role to play in climate change mitigation. The Scottish Government's <u>Climate Change Plan Update</u> outlines the coordinated approach to meeting climate change targets, including the role of land management in meeting these targets.</p>	<p>NatureScot will develop a sectoral specific statement on how wild deer will be managed to meet climate and nature commitments, with particular consideration of woodland creation and condition targets.</p>

89	<p>SNH should allocate a significantly greater share of its resources as the deer authority under the Deer (Scotland) Act 1996 to the management of wild deer in Scotland outwith open hill red deer range.</p>	<p>The Scottish Government accepts this recommendation in principle.</p>	<p>The Scottish Government recognises that there is increasing concern about the impacts of wild deer in areas other than the open hill red deer range. However resourcing for deer management needs to be balanced against a range of other priorities which Scottish government will continue to discuss with NatureScot. See also our response to recommendation 92.</p>	<p>The Scottish Government will continue to work with NatureScot to ensure a fair balance of resources in exercising its functions relating to deer management across all of Scotland.</p>
90	<p>SNH should be using suitable experienced staff based in SNH's seven Areas and acting for SNH's responsibilities under the DSA 1996 to develop a systematic account of deer management and deer impacts in all parts of Scotland where wild deer occur.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>NatureScot currently delivers deer management functions through its 7 areas. Current operational decisions are based on a priority approach. However, we recognise that this approach does result in a greater allocation to support upland related deer management.</p>	<p>NatureScot will consider how best to ensure that allocation of resources is effectively balanced.</p>
91	<p>SNH should, in fulfilling its responsibilities for deer management under the DSA 1996, be developing Local Authority areas as an important intermediate level between national and local levels.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government, alongside NatureScot, recognises that developing an intermediate level between national and local may be beneficial in addressing deer management issues. However, we also recognise that Local Authorities are of varying geographical size, cover a wide range of urban, peri-urban and rural localities and will have</p>	<p>NatureScot will develop proposals for Local Authorities, or a similar alternative, as an intermediate level for deer management.</p>

			significantly different experience with deer management. There may be a role for Regional Land Use Partnerships as an alternative to local authorities in some areas.	
92	SG should, in making annual budget allocation to SNH, distinguish between the budget for functions under the DSA 1996 and the budget for functions under the Natural Heritage (Scotland) Act 1991.	The Scottish Government does not accept this recommendation.	Current arrangements for budget allocation allow a flexible approach to NatureScot's expenditure in its role as the authority on not only deer, but also Scotland's wider natural heritage and some budgeting decisions will benefit many outcomes. Current functions allow for NatureScot to report on its spend in relation to deer, but separating its budget allocation would constrain NatureScot from deploying the totality of its resources to best effect, and have limited positive impact.	
93	SNH should start obtaining returns under both sections 40 and 40A of the DSA 1996 by combining the notices that are sent and providing space for each return on SNH's cull return form.	The Scottish Government accepts this recommendation in principle.	The Scottish Government accepts that there may be benefits to combining these forms and accept this recommendation pending a pilot project. This approach may not be feasible from an operational perspective, or it may not be the most practical method of collecting information from	NatureScot will conduct a pilot project, if this is not a suitable method of collecting information NatureScot will take forward a similar alternative.

			those completing the cull return forms.	
94	SNH should, as part of developing Local Authority areas as an intermediate level for considering deer management, appoint a Panel under section 4 of the DSA 1996 for each such area with a membership made up of public sector representatives.	The Scottish Government does not accept this recommendation.	The Scottish Government understand that deer panels within intermediate levels, whether they are based on Local Authorities or not, may bring benefits in ensuring a joined up approach to deer management. However, having these panels comprised only of public sector representatives may simply add a level of unnecessary bureaucracy for limited benefit.	The Scottish Government will consider whether further deer panels are required following NatureScot's implementation of recommendation 91.
95	Section 4 of the DSA 1996 should be amended to allow a member of SNH staff to be a member of a Panel established under section 4, in order to represent SNH's natural heritage functions under the Natural Heritage (Scotland) Act 1991.	The Scottish Government accepts this recommendation.	The Scottish Government agrees that it would be beneficial for members of NatureScot staff to be able to sit on a Panel if their knowledge, experience or expertise would be beneficial.	The Scottish Government will begin work to amend the Deer (Scotland) Act 1996 in the next parliamentary term.
96	SNH should make more use of its powers under sections 6A and 10 of the DSA 1996 where deer are causing, or are likely to cause damage to public interests	The Scottish Government accepts this recommendation.	We agree that for all properties, adequate cull levels to either prevent or manage damage to acceptable levels must be maintained. Where there are unacceptable levels of damage or a likelihood of unacceptable levels of damage, NatureScot must use their full range of powers.	NatureScot will continue to assess the best course of action in each individual circumstance and whether further intervention is required..

97	<p>SG should develop proposals for a planned cull approval system that would work to best effect in Scotland and then amend the DSA 1996 to provide scope for such a system to be introduced by secondary legislation as and when required.</p>	<p>The Scottish Government accepts this recommendation.</p>	<p>The Scottish Government agrees that there may be benefits to introducing a cull approval system and will consider this recommendation in further detail. The DWG acknowledge that <i>“there are many factors that would need to be considered in developing a planned cull approval system”</i> therefore we will consider proposals for such a system which will include NatureScot’s role in deciding an appropriate cull level, the evidence behind cull targets and enforcement action.</p>	<p>NatureScot will assess the feasibility of and develop proposals for such a system.</p>
98	<p>The DSA 1996 should, after amendments to implement recommendations in this Report, be replaced with a new Deer (Scotland) Act.</p>	<p>The Scottish Government will consider this recommendation further.</p>	<p>The Scottish Government understands that a new Deer (Scotland) Act may be beneficial in modernising the legislation underpinning deer management across Scotland. However we also need to bear in mind that Parliamentary and legal resources are limited and under particular pressure at the present time. A decision on whether to produce a new consolidated act will need to balance these issues.</p>	<p>The Scottish Government will weigh up the arguments for and against consolidating and replacing the Deer Act during the course of the next Parliament.</p>

99	SG and SNH should develop and implement a programme of changes to the current system of deer management based on the Group's recommendations, so that Scotland will have a system that ensures effective deer management that safeguards public interests and promotes the sustainable management of wild deer.	The Scottish Government accepts this recommendation.	The Scottish Government recognises the detailed consideration the DWG has given to the statutory and non-statutory arrangements in relation to deer management and will take forward agreed recommendations to safeguard public interests and ensure sustainability is at the heart of wild deer management.	
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Any enquiries regarding this publication should be sent to us at

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