

## **BASC RESPONSE**

### **Proposal 1**

#### **Permitting the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night.**

BASC supports this proposal, providing it is not purely restricted to thermal imaging sights. We feel that modern digital night vision scopes and IR illuminators are more than fit for purpose for the humane shooting of deer. We note the concerns raised over the use of some infra-red night vision devices and that “these were not fit for purpose for deer culling at night”. (NatureScot Report 1311.) However, the infra-red equipment tested was older and less efficient than what is currently available.

While there is some concern over the use of these scopes at night, we recognise that all who are licensed to shoot at night are on the Fit and Competent register and therefore should be experienced.

We also suggest that the wording of the amended legislation is clear and would permit the use of these sighting devices (scopes) for routine deer management during the day as well as at during licensed shooting at night. Currently, sighting devices with the capability of thermal imaging and image intensifying cannot be used during the day, even if that specific function of the scope is switched off. This would allow rifles fitted with such scopes to be used during the day.

BASC is also in favour of this as it would align legislation with that of England and Wales and would reduce confusion and complexities for those managing deer across Great Britain.

We are aware that Wild Deer Best Practice Guidance on the use of such devices is in preparation, and we suggest that this is published before the legislative changes are made.

### **Proposal 2.**

#### **Amending the minimum bullet weight so as to make non-lead ammunition more accessible.**

BASC supports this decision as it will help to alleviate some of the most prevalent and common grievances that members have with the transition to lead-free ammunition (namely that the .243 and similar calibres would otherwise struggle to meet legal minimums).

BASC’s recommendations to the UK REACH consultation stated that small calibres (below 6.5mm) needed a lot longer transitional period than larger calibres, given the issues of heavier bullet weights (100 grain) in these calibres not stabilising. Whilst we are confident that this recommendation has been listened to, the proposed legislative change by Scottish Government would be a welcomed one, allowing stalkers that use a .243 or similar to make the transition to lead-free ammunition without the need for getting a new rifle or barrel. Many stalkers are already required to use lead-free ammunition, be it through lease conditions or AGHE requirement. This proposal would ensure that stalkers in these situations can continue to manage deer populations and supply venison into the food chain.

There is some concern surrounding the possible use of 80 grain bullets to cull large deer (red, fallow and sika) at night, when the follow-up and despatch of a wounded deer is harder than during the day. Consideration could be given to either condition night shooting licenses to

require the use of bullet weights of 100 grains or more, or require the use of a calibre of 6.5mm or greater. This could also be incorporated into the Night Shooting Code of Practice.

### **Proposal 3**

#### **Removal of closed seasons for male deer.**

BASC disagrees with this proposal as we feel that it is not necessary nor that it will help reduce population levels. Wild Deer Best Practice states that “a reduction cull must focus on the females” and we suggest that instead of removing the male deer close season an incentive is given to control more female deer, where appropriate.

The General Authorisation under Section 5 6 (a) of the Deer (Scotland) Act 1996 already allows the shooting of male deer in the close season to prevent damage to crops, pasture, enclosed woodland etc. There is no need for an owner or occupier to apply for an individual authorisation, apart from in limited exceptions. We therefore feel that the removal of the close season will have no real impact upon the numbers of male deer shot in Scotland since the General Authorisation allows the year-round culling of male deer when they are causing problems.

In addition, no close season for male deer could exacerbate the problem of over-population (where it exists) as more male deer could be shot through the winter months when deer managers should be concentrating on culling females.

With the current political climate around “trophy” hunting, there could well be a negative response from the public regarding this change. It is not hard to imagine how those with an anti-stalking agenda could use this to claim that the stalking industry wanted more time/opportunity to hunt trophies.



14.06.23

Dear Minister

The Association of Deer Management Groups welcomes the opportunity for stakeholder engagement and we always insist that deer welfare is at the forefront of any changes to deer management legislation. We therefore have reservations about elements of the proposed changes to Secondary Legislation in your letter of 17.05.23.

**The use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night. (Recommendation 7)**

The recommendation that light intensifying and heat sensitive devices for the night shooting of deer be permitted raises significant issues and is problematic.

Firstly, with regards to 'light intensifying devices', NatureScot Research Report 1311 (Simpson, 2022) states:

*'Originally two infra-red night vision devices were also to be tested...it was deemed at this point that these were not fit for purpose for deer culling at night, under typical conditions.'*

It is therefore unclear, why the use of light intensifying devices has still been included in the wording of the recommendations and ADMG would suggest that this wording is removed for the purposes of clarity.

Secondly, where research has proceeded in regard to the use of heat sensitive devices (thermal imaging devices), the same report states that:

*'The inability to see vegetation in line of sight and a suitable backstop are major issues which do not occur with daytime culling. The former may result in a deflected bullet either missing a deer or more seriously wounding a deer which may then escape follow up in the dark.'*

*'The inability to see a back stop is a serious safety risk and will prevent any shot being taken.'*

*'Determining the species and sex is an issue when shooting deer at night with a spotlight. In the case of thermal imaging sights this proved to be more difficult to achieve. Consequently, there are issues here relating to animal welfare such as the culling of deer out of season and especially in September when there would be a high risk of leaving dependent young.'*

All of the above issues should be important considerations when the decision is being made on how to proceed with the use of image intensifying rifle sights. Given that Scottish Government has rightly decided not to currently extend the female season for deer based on welfare issues it is surprising to see that the same welfare concerns are not considered when it comes to the use of image intensifying sights. The ability to 'determine the species of deer present was 3/5' and 'more difficult' than with a spotlight. ADMG would seriously question whether this is sufficient to prevent welfare problems including the orphaning of calves and the shooting of heavily pregnant hinds.

ADMG opposed the original Deer Working Group recommendation if it was proven that welfare and safety were a concern. Although the current Research Report 1311 states that there was *'a lack of any evidence to suggest a negative impacts on animal welfare standards'*, we do not believe the report completely dispels the doubts that we had in 2020 and our concerns regarding the sexing of deer and public safety remain. If Scottish Government are to proceed with this recommendation despite the welfare and safety concerns ADMG would strongly recommend that the Fit and Competent 'test' for the Night Shooting Authorisation reflects the increase in welfare risk at certain times of the year, that reference to this is included in future training for DSC Level 1 and Best Practice Guidance is in place for the use of this technology prior to any implementation.

**Amend the minimum bullet weight so as to make non lead ammunition more accessible (Recommendation 4).**

The proposed adjustment to approved ammunition regulation for deer would be welcome in view of the steadily increasing take-up of non-lead ammunition on food safety and environmental grounds as the present restrictions have acted as a constraint on the conversion process, particularly at some calibres. ADMG is satisfied with the findings of the NatureScot Research Report 1312 (Lamont et al, 2022) and welcomes the recommendation of not less than 80 grains and a muzzle energy of not less than 1,750 foot pounds.

However, more generally ADMG is aware that some of our members have concerns about the efficacy of non-lead ammunition and have raised welfare concerns. Equally many ADMG members have stated that it is increasingly necessary with non-lead ammunition to ensure that bullet placement is 'into the shoulder' and not behind the shoulder to ensure the effective, humane dispatch of deer, this can lead to far greater carcass damage which can lead to problems for venison sales. We are also aware of a possible heightened risk of bullet ricochet with non-lead ammunition and therefore potential health and safety issues when using it.

**Remove the close seasons for male deer to lengthen the time during which wild male deer can be taken or killed across the year. (Recommendation 8)**

ADMG welcomes the decision not to extend the season for female deer on welfare grounds but we do have apprehensions about the removal of the male seasons. Many deer managers will continue to stick to the same traditional seasons and choose not to shoot deer further into the winter when red deer stags in particular are in a naturally depleted condition post rut, leading to welfare concerns about disturbance due to culling as referred to in Best Practice Guidance on welfare culling. We feel therefore that this change has negative welfare implications in line with best practice while being unlikely to greatly increase the cull of deer in Scotland. It is also likely to be a divisive issue within some Deer Management Groups and undermine effective landscape scale collaboration. We have already seen that where authorizations for out of season shooting are used without information sharing and consideration of neighbours, collaborative deer management can break down. The removal of the season for male deer could therefore be detrimental to effective deer management in some circumstances.

The advantage of the current requirement to have an authorization to shoot deer out of season means that there are checks and balances as to who is culling deer and a valuable record of out of season culls. To obtain an authorization it is currently necessary to be on the Fit and Competent Persons register and be aware therefore of Best Practice Guidance. Removing this necessity will result in a lowered awareness of who is shooting deer and when, deer welfare could therefore be compromised. ADMG feels strongly that any downgrading of the use and status of the Fit and

Competent provision will be a significant retrograde step, and indeed is surprising when the general trend in respect of deer management and other upland land use is for increased regulatory intervention.

In conclusion ADMG believes that these three amendments to secondary legislation show an inconsistent approach to deer welfare. We are very aware that Scottish Government would like to see a reduction in deer numbers across Scotland, however, it is unlikely that these changes will make a significant difference other than to reduce the all-important priority for deer welfare. We would welcome an opportunity to engage further on these proposed changes to Secondary Legislation.

Yours sincerely

[Redacted - personal info]

The Association of Deer Management Groups

[Redacted - personal info]

12 June 2023

By email to: [Redacted - personal info]@gov.scot

Dear [Redacted - personal info]

### **Consultation on secondary legislation for Deer**

The British Deer Society thanks you for the opportunity to comment on the above document and welcomes the recognition of the position of the Society as a key stakeholder.

We wish to offer the following comments on the proposals:

#### **Proposal 1**

- permit the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (recommendation 7) – detailed below

*Amend s.5 of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use of a sight which is light-intensifying, heat sensitive, or other special device for night shooting.*

The British Deer Society recognises the additional risk to animal welfare presented by any shooting at night and also acknowledges the input of the Scottish Animal Welfare Council to the recommendations made by the Deer Working Group.

The NatureScot report produced to support the current recommendation (<https://www.nature.scot/doc/naturescot-research-report-1311-study-determine-deer-welfare-issues-relating-use-image-intensifying>) does little to satisfy our concerns that the proposal to permit the use of such sighting devices is entirely appropriate or supported by evidence. We note that the selected group of deer managers used in the trial were unable to zero one of the technologies and it was not tested, yet it is still proposed to make these devices legal. We also note that no consideration has been given to the very different capabilities of different devices and that no attempt has been made to establish a minimum standard of device to be used.

That said, we are cognisant of the fact that some digital sighting devices have been legal for use on deer in daylight hours elsewhere in the UK for some time and that all the proposed technologies are legal for use on other quarry species throughout the UK. We also recognise that the current proposal only relates to shooting under an authorisation under Section 18 of the Deer (Scotland) Act 1996 and does not propose to make the use of these devices legal during daylight hours or to allow night shooting of deer more widely. It is of some comfort to know that this immediately limits the availability of these devices to the 1800 or so people currently on the NatureScot Fit & Competent register.

In recognising technological progress and the requirement to increase the annual deer cull in Scotland, the British Deer Society gives our **qualified support** for this proposal subject to the following recommendations:

- For at least the winter of 2023/24, those wishing to use such technologies must indicate this on their application for an authorisation. Anyone who has not done so would still be guilty of an offence.
- A further review of these technologies is undertaken after the winter of 2023/24. This review should be based on the experiences of all users. Further information should be collected from those managing deer on public land in Scotland and compared to information currently collected (e.g. number of deer requiring a follow up shot, or those recorded as “lost” but hit, location on the body of the impact of the bullet). It should be made clear on the face of any authorisation issued that this information is to be supplied to NatureScot by anyone using these technologies under an authorisation.
- That Best Practice Guidance for shooting deer at night be updated prior the commencement of night shooting operations using these technologies and it is noted on the authorisation that compliance with this guidance is a requirement of all acting under these authorisations. We note that it is unlikely that the Best Practice Steering Group will have completed the process of updating the existing guidance and producing new guidance.
- An awareness campaign is pursued in conjunction with partners to raise awareness of the issues surrounding the use of these technologies and the fact that this does not legalise the use of such devices for use on deer during daylight hours.
- Consideration should be given to making additional training and assessment a requirement for those wishing to use these technologies under authorisation.

## Proposal 2

- amend the minimum bullet weight so as to make non-lead ammunition more accessible (recommendation 4) – detailed below

*Amend s.3(a) of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use for shooting deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 80 grains (5.2 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot pounds (2,373 joules).*

*We are not proposing to make any changes to s.3(b) which relate specifically to roe deer.*

The British Deer Society recognises the wish of Scottish Government to enable people to continue to utilise familiar equipment to manage deer. We recognise the possible deer welfare benefits of allowing deer managers to use the firearm which they have experience of in the field. We do have concerns about the possible unforeseen outcomes this proposed change to legislation could lead to. We recognise that similar firearm and ammunition combinations are legal for use on larger species of deer elsewhere in Great Britain.

We are concerned that the current proposal is being made in a bid to maximise the deer cull in Scotland without due regard for deer welfare or any real evidence of need. We are aware of an increasing number of projectiles that meet the current legal requirements becoming available. We are also aware of a number of deer managers voluntarily changing to larger calibres which meet the current legal requirements and we do not believe that this change is required.

The proposal as currently written would allow the use of these lighter projectiles in **ANY** calibre. We have serious concerns about the ability of lighter bullets, being used at higher velocities, to humanely kill our larger deer species where there is no need to reduce the current legal minima at the potential expense of deer welfare (e.g. 93 grain 6.5 Creedmoor ammunition). We do not believe that this is either the spirit or intent of the proposed change.

We are pleased that the current requirements for muzzle velocity and muzzle energy are being retained along with a minimum bullet weight as this at least prevents the possibility of opening up the use of smaller calibres for use on our larger species of deer.

We do have some concerns that these proposals will be difficult to police and equally difficult to communicate to ensure that deer welfare is protected. We would urge the Scottish Government to consider adding a condition that the option to use 80gr bullets only applies to those calibres using 6mm projectiles (e.g. .243 or 6mm Remington) and no others. This would still allow those who predominantly manage roe to have a single firearm and ammunition combination capable of legally killing all deer species in Scotland.

### Proposal 3

- remove close seasons for male deer to lengthen the time during which wild male deer can be taken or killed across the year (recommendation 8) – detailed below:

Species (Male)	Current Season	Proposed Close Season
Red, Sika	21 October – 30 June	None
Fallow	1 May – 31 July	None
Roe	21 October – 31 March	None



The British Deer Society acknowledges the contents of the Deer Working Group report on this issue and the contribution made by the Scottish Animal Welfare Council to that report. The British Deer Society are fundamentally against the complete removal of close seasons for any deer.

We recognise that this is an emotive topic for many and acknowledge the fact that this would simply allow the killing of male deer all year rather than force deer managers to do so. We also recognise that a significant number of male deer are currently killed out of season under the general authorisation.

We question the need to extend the ability to kill male deer all year given the fairly limited impact we believe this will have on the total cull. We also have reservations about moving from the general authorisation system which is of limited burden to NatureScot but provides some safeguards in terms of the majority of controllers having to be registered as Fit & Competent in order to operate legally. This proposal also makes it impossible to disbar individuals from shooting male deer all year and removes the need to liaise with neighbours prior to undertaking out of season control, which undermines the efforts made to improve collaborative deer management in the last 15 or so years.

We recognise that there are very limited welfare concerns regarding the removal of the close season for male deer and these mostly relate to red deer in the period after the rut. That said, we believe that the ability to cull male deer all year may have a slightly negative impact on the achievement of the female cull. There is some evidence from England and Wales that the overlap of the male and female seasons therefore act as a distraction to some from culling females. Biologically the culling of females is the only area where population management can be achieved. We would urge the Scottish Government to give consideration to alternative methods of increasing the cull by focussing on female deer as opposed to simply removing or reducing close seasons.

We would be happy to discuss our concerns in more detail with you if that would be helpful. We are cognisant of the Government's desire to change legislation and the British Deer Society are keen to ensure that any changes which are made continue to provide for the highest possible standards of deer welfare and humane treatment.

Yours sincerely

**[Redacted - personal info]**

## **Deer (Scotland) Act 1996 – amendments via secondary legislation**

### **Response to call for views from Lorna Slater MSP, Minister for Green Skills, Circular Economy and Biodiversity.**

14th June 2023

#### **About Scottish Land & Estates**

At Scottish Land & Estates (SLE) our work helps to ensure that rural Scotland thrives. We are a membership organisation for landowners, rural businesses, and rural professionals. We promote the wide range of benefits land-based businesses provide: tourist attractions, leisure facilities and landscapes enjoyed by the public, as well as housing, employment, tourism & enterprise and farming opportunities. We represent the interests of our members and wider rural Scotland to the UK and Scottish Governments to help ensure that policy and legislation reflects the unique requirements of rural Scotland and its communities.

#### **Dear Minister**

Thank you for your email of 17<sup>th</sup> May requesting views on the three secondary legislation proposals in relation to deer.

We have many members with a strong interest in both upland/open range, (primarily red and sika) deer, but also many members in the lowland and peripheral areas where control of fallow and roe deer in woodland and often close to populated areas, is a priority.

The practical workability of these three proposals will vary for the different species in the different habitats, and we suggest that more nuance will be needed in how they are applied.

We also believe that the need to cull significantly higher deer numbers could lead to less focus on deer welfare. Red deer, in particular are one of Scotland's most iconic species and reduction in their numbers should be done gradually. This careful approach is possible because Deer

Management Groups and stalkers have close knowledge of the deer on the ground they manage and are able to adjust cull levels as required.

A different approach is justified in woodland/lowland areas – an example being in Perthshire, where there are large herds of fallow deer which breed much faster (approx. 80% calving success pa. compared to approx. 50% for open hill red deer) and it is very difficult for land managers to contain their numbers.

### **Permit the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (DWG recommendation 7)**

SLE members can see the advantage of using technology which is increasing available and widely used for control of foxes and some other species. Their concern is mainly about safety because it can be difficult to identify targets with thermal imaging sights alone and there is a greater risk of unseen vegetation deflecting a bullet, ricochet and unsafe backdrop.

There are also concerns about welfare, for example difficulties in accurately identifying species, sex and age when using a heat sensitive sight. The NatureScot research (Report 311) notes that a higher level of expertise is needed to set up and use thermal imaging devices.

If such sights are to be legalised for night shooting, the safeguards built into the NatureScot authorisation process become even more important: subject to a Code of Practice, only for prevention of serious damage and when no other form of control would be effective, and only to be carried out by someone on the Fit and Competent Register. This gives a mechanism for controlling use of such sights and it would be important to further develop training and Best Practice protocols.

### **Amend the minimum bullet weight so as to make non-lead ammunition more accessible (DWG recommendation 4 )**

SLE is conscious of the different views about the efficacy of non-lead ammunition for culling deer. However, it is necessary to move away from lead bullets for food safety reasons, and we expect bullet technology to continue developing. It is also important for the national deer cull to be able to continue using popular rifle calibres such as .243 where bullets over 100 grains are not available to buy or do not perform well ballistically.

We would support this regulatory change but would again point to the importance of developing training and Best Practice guidance around use of lighter non lead ammunition to ensure as few welfare problems as possible.

**Remove close seasons for all male deer found in Scotland to lengthen the time during which wild male deer can be taken or killed across the year (DWG recommendation 8)**

In the lowlands and periphery of the open hill, the numbers of roe, fallow and sika deer have increased considerably and are more difficult to control and this is where population reduction should now be targeted. Our members would generally accept that removal of the close season for males of these three species could help with culling and crop/tree protection with relatively little welfare implication.

A longer culling season would also help venison dealers and processors to smooth out the current supply bottleneck periods. We would suggest development of a venison marketing mechanism which would encourage early season stag culling for venison (July to Sept), for example a premium price which would balance out loss of stalking income in the rut.

The Minister has already flagged up the welfare considerations around changing the close seasons for female deer, but there are similar concerns with male red deer. We suggest that the Scottish Animal Welfare Commission should be consulted on the welfare issue set out below.

The current close season for red deer starting on the 21<sup>st</sup> October is timed so that stags have a period of recuperation after the rut and to build up body weight again before the onset of winter. If they were to continue to be disturbed in the last two months of the year, there would be real issues of welfare and many would be less able to survive the winter. It is also a time of year when the venison market is already fully supplied and the quality of the meat from post-rut stags is poor, so there is little benefit from continuing to cull through the winter.

We also believe that the current system of out of seasons authorisation works well. It provides a valuable record of who is culling and where, and numbers taken. The need to be on the “Fit and Competent Register” also means that those doing the culling must have full knowledge of Best Practice in relation to welfare culling.

It is clear that shooting female deer is the solution to population control and culling male deer has less impact. However, stags can be easier to cull in the early winter and we are concerned that some may take the easy option of continuing to cull any deer they see and reduce effort to target more difficult hinds at the time of year when that is most effectively done.

In the uplands, where deer roam freely over boundaries of management units, a “free for all” policy for stag culling is likely to cause more tensions between neighbours with different management objectives. A coordinated policy for stag management over a large area is ideal, and removing the close season could make that more difficult.

We therefore recommend that the close season for male red deer is not removed and the current system of out of season authorisations is retained.

**For more detailed information, contact:**

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personal info]

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**OFFICIAL SENSITIVE**

For the attention of:  
[Redacted - personal info]

Wildlife Management Unit  
Scottish Government

Via Email

12<sup>th</sup> June 2023

Tel/Fòn 0131 370 5185  
[graeme.prest@forestryandland.gov.scot](mailto:graeme.prest@forestryandland.gov.scot)

Director Land Management & Regions  
Graeme Prest

With reference to the Minister for Green Skills, Circular Economy and Biodiversity's letter dated 17 May 2023, Forestry and Land Scotland (FLS) fully supports the Scottish Government's proposed amendments to the Deer (Scotland) Act 1996 via Secondary Legislation:-

**Permit the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (DWG recommendation 7).**

Justification: There is no public interest case for continuing to deny landowners, occupiers or those with their permission the option of using light intensifying, heat sensitive or other special sighting devices to shoot deer at night in order to prevent damage to crops, peatlands and natural habitats in order to help improve Climate Change mitigation and enhance biodiversity. FLS currently uses artificial light (spot-lamp and thermal imaging) regularly as part of its night shooting operation. FLS has safely carried out effective and efficient night shooting activities on Scotland's National Forests and Land for 40 years, including in the urban/peri-urban environment, and would view night sights as a very useful addition to its culling 'toolbox'. The wider use of night sights across Scotland should help facilitate the anticipated, significant reduction in the Scottish deer population.

**Amend the minimum bullet weight so as to make non-lead ammunition more accessible (DWG recommendation 4).**

Justification: The DWG's concern with the use of lead ammunition is its implications for human health and the impact on the market for Scotland's wild venison. Venison dealer retail

customers are increasingly insisting on a move towards non-lead ammunition as supermarkets become less tolerant of lead ammunition within carcasses or venison (which has a unique selling point as a healthy lean meat product, compared with red meat). Both FLS and NatureScot currently use non-lead ammunition across the majority of their culling operation and therefore the great majority of deer shot on public land in Scotland are already killed safely and efficiently using non-lead bullets. Given that an increase in venison processor capacity (and retail/consumer demand and confidence), will be absolutely crucial to a successful uptake of the anticipated rise in future deer cull/carcasses/venison products, an increase in the use of non-lead ammunition will be very beneficial.

**Remove close seasons for male deer to lengthen the time during which wild male deer can be taken or killed across the year (DWG recommendation 8).**

Justification: There are no animal welfare or biological reasons to have close seasons for male deer of any species and there is also no public interest case for restricting the right of the owners and occupiers of a range of land types from shooting male deer all year round (owners and occupiers can choose if they want to maintain their own seasons for when they shoot stags and bucks). It is likely that the cull of male deer will become more widespread during the year and this will potentially benefit the supply of wild venison by reducing its seasonality, particularly during the close season for females over the summer months. Deer need to feed 365 days of the year and, during severe weather conditions, can do considerable damage to crops, habitats and efforts to mitigate Climate Change and improve biodiversity, in a short space of time, therefore the enabling of culling for an increased period of the year, where necessary, is welcome. Trained, competent and experienced deer cullers are able to deliver a well-targeted, clean shot to each deer culled, whichever time of year the culling takes place, whether before, during or after the rut.

Yours sincerely,



**Graeme Prest**  
**Director of Land Management & Regions**  
**Forestry and Land Scotland**

**From:** [\[Redacted - personal info\] \(John Muir Trust\)](#)  
**To:** [\[Redacted - personal info\] \(Scottish Government official\)](#)  
**Subject:** RE: Consultation letter - Select changes to deer management legislation  
**Date:** 18 May 2023 21:40:59

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Dear [Redacted - personal info]

Many thanks for the letter.

On behalf of Link Deer Group (as deputy convener) and the John Muir Trust we are fully supportive of the changes suggested. We believe these are essential to deliver better deer management in line with the urgent need for enabling natural climate change mitigation and boosting biodiversity. Native deer are an integral part of our ecosystems but in the absence of natural predators they need to be managed within environmental limits. In many places their numbers are far too high, to the detriment of habitats and species – including the welfare of the deer themselves. These measures will provide more tools for Scotland’s skilled deer managers to be better able to do their job, to manage deer for the benefit of biodiversity, climate and communities.

We are pleased that the Scottish Government is holding true to its commitment to deliver on the recommendations of the independent deer working group report and look forward to further measures in due course to implement the outstanding actions.

Kind regards

[Redacted - personal info]

**John Muir Trust**

a: Tower House, Station Road, Pitlochry PH16 5AN

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**From:** [\[Redacted - personal info\] \(OneKind\)](#)  
**To:** [\[Redacted - personal info\] \(Scottish Government official\)](#)  
**Subject:** RE: Consultation letter - Select changes to deer management legislation  
**Date:** 13 June 2023 08:22:08

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Hello [Redacted - personal info],

Thanks for seeking our views on this. We only have a few brief comments.

On bullet weight, we note the conclusion of the NatureScot research that the proposed change would have no detrimental effect on deer welfare, and so accept that proposal.

Similarly, we have no objection to removing the close season for male deer, as long as all requirements for high standards of animal welfare are adhered to, including avoiding harassing and disturbing stags after the rut.

On night sights, we do not object to the proposed change as long as certain measures are taken. The first is to follow the Scottish Animal Welfare Commission recommendation that a suitably trained dog always be used, and that more formal dog training practices are introduced. The second is to ensure that only professional, trained stalkers are permitted to use night sights – the author of the NatureScot commissioned study highlighted the importance of this. The author also recommended further research on how to mitigate several potential welfare risks, and that research should be conducted without delay and the results used to inform best practice.

Best wishes,

[\[Redacted - personal info\]](#)

OneKind, 50 Montrose Terrace, Edinburgh EH7 5DL  
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**From:** [\[Redacted - personal info\] @ sacs.org.uk](#)  
**To:** [\[Redacted - personal info\] \(Scottish Government official\)](#)  
**Subject:** RE: Consultation letter - Select changes to deer management legislation  
**Date:** 13 June 2023 17:22:57  
**Attachments:** [image001.jpg](#)  
**Importance:** High

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Dear [Redacted - personal info]

I trust you are well. Please find our responses below our email signature.

Yours

[Redacted - personal info]

[Redacted - personal info]

**Scottish Association for Country Sports (SACS)**

First Floor, 11 South Street, Dalkeith, Midlothian, EH22 1AH

**Facebook:** <https://www.facebook.com/Scottish.Association.for.Country.Sports/>

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**Registered address: The Hermitage, High Street, Selkirk, TD7 4JX.**

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**To:** Lorna Slater MSP, Minister for Green Skills, Circular Economy and Biodiversity

Dear Minister

Further to your email of 17<sup>th</sup> May asking for feedback on three secondary legislation proposals in related to wild deer.

Established in 1994 as the Scottish Association for Country Sports (SACS), we have grown to become a UK-wide advocacy body for shooting and country sports. Non-commercial and strictly not-for-profit, our aim is to protect and promote our members' interests and those of the wider shooting and country sports community. SACS focuses on grassroots representation; many of

our members coming from ordinary non-landowning backgrounds and who conduct lawful wildlife management across the country.

SACS has a strong core of deer management experience which enables us to be well-placed to respond to your request. We engaged with the Deer Working Group at an early stage and have followed the process to the present proposals.

**1. Permit the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (DWG recommendation 7)**

- Amend s.5 of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use of a sight which is light-intensifying, heat sensitive, or other special device for night shooting.

SACS broadly supports the proposal to enable such devices to be used under strict NatureScot Night Shooting licence conditions and related Best Practice Guidance (to be developed).

Although many modern **infrared-based night vision riflescopes** are up to the job in terms of deer identification and safe shooting, we do have concerns about the use of **thermal riflescopes** where it can be difficult to be certain of bullet catching backstops and target surroundings and, at times, the target species itself. Additionally, thermal devices can be more susceptible to heat shimmer and damp air. Many SACS members use thermal riflescopes for fox and other pest control, but it is a big jump to use them for selective deer management.

A way forward is to make the NatureScot night shooting authorisation process more rigorous if a thermal device is proposed to be used. In contrast, infrared-based devices can in our view be as safe to use as a spotlight.

**2. Amend the minimum bullet weight so as to make non-lead ammunition more accessible (DWG recommendation 4)**

- Amend s.3(a) of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use for shooting deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 80 grains (5.2 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot pounds (2,373 joules).

SACS fully supports this proposed change. We have long experience of 80 grain bullet weights for very large deer in England and they work very well. The drop in bullet weight is mitigated by an increase in velocity which maintains adequate energy levels for deer.

It should be noted that red deer are in our long experience not particularly difficult to kill. 80 grain bullets are also adequate for large sika deer.

**3. Remove close seasons for all male deer found in Scotland to lengthen the time during which wild male deer can be taken or killed across the year (DWG recommendation 8)**

Current legislation permits the control of male deer year-round for agriculture and woodland protection. This proposed change must therefore be targeted towards other lands including open hill range deer management.

SACS does not support the premise that male deer should be controlled in upland areas all year round, which may impact on wild deer welfare. The current seasons are adequate with sufficient opportunity to control deer where they are having a negative impact.

We therefore recommend that the close season for male red deer is not removed and the current system of out of season authorisations is retained.

[Redacted - personal info]

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**From:** [Redacted - personal info]@rspb.org.uk>  
**Sent:** 19 May 2023 15:45  
**To:** Wilson B (Brodie)  
**Cc:** [Redacted - personal info] (SE LINK) ; [Redacted - personal info] (SE LINK)  
**Subject:** Consultation on Secondary Legislation on Deer Management

Dear [Redacted - personal info],

Thank you for your email of 18<sup>th</sup> May, consulting Scottish Environment LINK in relation to proposed secondary legislation on deer management to be brought forward by Scottish Government. I am responding on behalf of the LINK Deer Group comprising of all of the main eNGO landowning bodies in Scotland. We are all involved in managing deer populations on our land .

**We strongly support the measures that are being proposed, all of which are recommendations of the independent Deer Working Group Report published in 2020, and which were accepted by Scottish Government in their Response to this report published in 2021.**

We support increased flexibility for sustainable deer management in the context of the climate and nature emergencies and where high and increasing deer populations across Scotland are acting as a significant impediment to delivering a wide variety of public outcomes. These outcomes include protection of existing native woodlands; new native woodland expansion; protection of peatlands and associated public investment in peatland restoration; and damage to wildlife and their habitats. The success of many Scottish Biodiversity Strategy outcomes, and therefore meeting statutory nature targets to be set out in the Natural Environment Bill in 2024, depend on reducing deer populations to sustainable levels. We recognise that deer are an important part of the natural heritage, however we also understand that in the absence of natural predators - and for the enhanced welfare of deer themselves - their populations need to be managed by humans. We are satisfied that these additional measures, including the use of night shooting equipment, will be carried out in a skilled and humane way by Scotland's experienced deer managers.

We are disappointed that measures have not been brought forward at this stage to extend the seasons for female deer on the basis that is the female deer that are the main drivers of the overall population. However, we fully understand that this is a sensitive welfare issue that requires careful consideration. We agree that it is sensible to seek further advice from the Animal Welfare Commission, and trust that thereafter new humane measures to enhance the management of female deer can be brought forward via secondary legislation and at an early stage.

Lead ammunition is toxic to wildlife, as well as humans, and we support an early and complete phase out of all non-lead ammunition used for the purposes of deer and other wildlife management. This secondary legislation to improve the accessibility of alternative non-lead ammunition is therefore a welcome step in the right direction, however we will continue to press the case for a complete ban on lead ammunition as proposed by the EU REACH process (also applicable in the UK).

We hope that this feedback is helpful.

[Redacted - personal info]  
Chair LINK Deer Group

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10<sup>th</sup> June 2023

Dear Minister,

The Scottish Countryside Alliance would like to thank you for the opportunity to comment on the subjects within this consultation process relating to the minimum legal bullet weight for deer, night vision equipment and deer seasons.

As a membership organisation, we represent many rural aspects, including local economies, transport, infrastructure, local businesses, rural services and have an interest in any other matter affecting rural Scotland. Many of our members are responsible for the control of deer numbers both professionally and recreationally. Our response is in line with the highest standards of deer welfare.

### **The use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (recommendation 7).**

Deer welfare is, quite rightly, at the forefront of any consideration when controlling populations. The shooter must attain a clear and humane shot, with confidence. Any variation in kit, outside of what is regularly used and practiced with, is a potential factor for a decrease in the likelihood of achieving this purpose.

Shooting using a standard daytime scope or other device will allow for the clear visibility of a target, a must when taking a shot. Scopes or devices that may be used at night, deliver a reduced overall field of vision, and often will not show obstructions as well as during daylight hours. Bullet deflection, even by a couple of centimetres, may result in a poor shot and the wounding of an animal. Ricochet, resulting in the significant deflection of a bullet, may pose a risk to other animals nearby, and the public in general.

Non-lead bullet manufacturers have made significant improvements to modern projectiles, but these are still much more prone to ricochet than a bullet with a lead core. Shooting at night, with a reduced field of vision through a night vision scope (or similar) would also increase the chances of this unless the operator was well-practiced in shooting and the operating of their equipment and had significant knowledge of the terrain. It is vital, and a part of best practice, that a suitable backstop is available to catch the bullet when pulling the trigger. This may prove much more difficult to assess at night and through a piece of equipment that offers the shooter far less information.

Other detail that may be missed or misinterpreted is the sexing of the deer. It may be more difficult to identify male from female and could heighten the risk of leaving dependent young.

The SCA would welcome the widened use of the already established Fit and Competent Register. To be registered you have to be able to show that you are trained over and above minimum level (DSC1), which is regarded as the first qualification level when deer stalking. Fit and Competent stalkers must either have passed the DSC level 2 or have the level 1 qualification and the endorsement of 2 other highly competent shooters.

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This would then ensure that a higher level of competence and experience was attained before shooting at night with night vision equipment. Both deer welfare and public safety concerns would be better addressed by utilising this framework.

Guidance should also be in place and included within the Deer Best Practice Guides, which is freely available to anyone who may be controlling deer.

An addition in relation to shooting at night would also be welcomed as part of the current DSC level 1 course, but would not automatically allow a successful candidate to operate at night with this equipment. This would only act as an introduction to shooting at night.

Some night vision scopes are also suitable to be used in the daytime as standard scopes are. These have a very clear field of view, as with any other standard scope. It is generally very onerous and time-consuming having to swap scopes around for shooting during daylight and nighttime hours, so it is important that it is made clear that a night vision scope that has the full ability to operate effectively during the day, is permitted. This would enable those who conduct pest control (foxes and rabbits) at night to be able to control deer during the day without having to change scopes or buy separate rifles. It would also enable shooters to become more proficient with an individual piece of equipment. Those who are not sufficiently trained or registered to shoot at night would have to adhere to the current standard of only shooting deer up to 1 hour after sunset.

In summary, the SCA would support the introduction of night vision equipment to cull deer, but consideration should only be given to those who have reached an acceptable level of experience and / or training and are registered on the Fit and Competent Register with NatureScot.

#### **To amend the minimum bullet weight so as to make non-lead ammunition more accessible (recommendation 4)**

The SCA welcome the fact that the transfer to non-lead ammunition is well under way and there are plenty of options now on the market for most calibres of rifle.

You will be aware that the UK's most popular calibre (.243) has been the focus of some difficulties when stabilising a 100-grain bullet, which is currently the minimum legal bullet weight permitted to shoot larger deer species in Scotland. The .243 is also not able to fire heavier bullets owing to it being a small to mid-range calibre. This means that very few manufacturers were able to produce a legal bullet that would be stable enough to be accurate and to have the intended effect at the terminus of its flight.

The SCA understands that we must progress to ammunition that will not be the cause of any contamination when a carcass may enter the food chain. There remains a concern over the reduction of bullet weight when shooting larger species, such as red deer, and in particular stags. A smaller bullet will not carry the weight and power on impact that a larger bullet will, and so may create a welfare concern when aiming in the area of the heart and lungs of the deer, the typical and best practice kill shot.

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There is no doubt that it will cause sufficient damage to ensure death but, a larger bullet would be more effective.

Many stalkers will ensure a swift dispatch by aiming at the shoulder, which should cause effective and sufficient damage to vital organs too, but this has a number of drawbacks. A deflection off the shoulder (bone) by a lighter bullet is more likely, and with a non-lead bullet this is much more common than with the lead predecessor. This could ensure that the deer was killed but, may also render much of the carcass inedible if the bullet passes through the gut after deflecting, contaminating the carcass from the inside. A separate concern is that a lighter bullet may be more prone to exiting the deer at a different angle to entry, risking the injuring of other deer in the immediate vicinity behind the target deer and potentially not being caught by the intended backstop. On a positive note, the non-lead alternative is usually more likely to penetrate thick bone if hit squarely.

These are possibilities but we also understand that many more deer need to be culled over the coming years and, unless the most popular calibre of rifle is available for full use, this task will be made much greater. It is also understood that English and Welsh deer managers have had much success using the proposed 80-grain bullet, as this is the minimum bullet weight permitted. Therefore, the SCA would support the NatureScot recommendation of a projectile of not less than 80 grains and a muzzle energy of not less than 1,750 foot pounds for use on larger deer species in Scotland.

### **To remove close seasons for male deer to lengthen the time during which wild male deer can be taken or killed across the year (recommendation 8)**

The SCA welcomes ScotGov's decision not to extend the current season for female deer in Scotland. Whilst deer culls need to be increased in some areas, it is vital that this is done with a collaborative approach, involving the many networks of deer management groups across Scotland. The subject of deer culling is complex and is more involved than just shooting more deer. Many herds range over numerous estates and not all landowners share data or even cull deer at all. Herds differ greatly in size and structure and current seasons are adhered to for very good reasons.

Following the rut, red deer will have lost much of their body weight and condition and so should not be shot. They must be allowed to recuperate and build to their natural weight once more. Also, if shot whilst in a poor condition, the venison will not be in a favorable state and could even be rejected by a gamedealer. An unnecessary waste.

The "open" season on the likes of red stags would lead to other welfare concerns, such as displacement. Red deer herd in specific areas, whether for food or for shelter. Constantly

being chased will inevitably promote the displacement of the herd, forcing them away from good feeding areas and areas of necessary shelter from extreme weather. This would cause grave welfare issues.

If male deer weren't allowed to be left undisturbed it would pave the way to an increase in road traffic collisions as deer were pushed from places they were used to. They would likely seek sanctuary in other areas, resulting in the crossing of roads at unfamiliar sites for both deer and motorists. Areas that saw little deer activity would see an increase in deer damage as the herds sought out new ground. This would in no way be in line with the overriding factor of welfare.

As it stands, most areas have a very well organised network of deer managers, and the management of deer is carefully conducted on a landscape basis. This would be much less effective should there be a continuous "open" season on male deer and the health of the herd would suffer as a result.

Out of season culling is widely utilised and works well. There is a reporting factor built in to allow NatureScot to assess the necessity of a licence grant and those utilising the out of season licence are sufficiently trained deer managers.

It is widely accepted that female deer numbers need to be reduced in order to reduce overall deer numbers in Scotland. The introduction of a year-round season for male deer will not serve this purpose and will only serve to introduce welfare issues for deer, something that ScotGov rightly seeks to ensure in all other wildlife management legislation.

In summary, The SCA welcomes the decision not to extend the female deer season and firmly opposes the fully open male deer season proposal in Scotland.

Yours sincerely,

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Scottish Countryside Alliance

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Dear Cabinet Secretary,

Thank you for your recent communication regarding the proposed changes to the Deer (Scotland) Act 1996. Please find below a response from the Scottish SPCA.

#### Question 1

- permit the use of light intensifying, heat sensitive or other special sighting devices to shoot deer at night (recommendation 7) – detailed below Amend s.5 of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use of a sight which is light-intensifying, heat sensitive, or other special device for night shooting.

The Scottish SPCA only supports management where other non-lethal options have been exhausted and there is a risk to public health or animal welfare. The killing of wild deer must be carried out humanely and respect the instincts and behaviour of the animals. The Society acknowledges that deer numbers in Scotland are at an unprecedented level and therefore management must take place to stop welfare risks to themselves or the welfare of other deer, overgrazing of pastures and impacting farm animal feed, or pose a risk to public safety.

Management should be carried out via the most humane methods possible. The Society would support exploration into sterilisation or immunocontraception as a method of controlling the deer population in Scotland.

However, the use of a firearm by fully trained individuals with the correct licenses, if executed correctly with a shot to the head, should be immediate and therefore avoid unnecessary suffering being caused.

[A NatureScot report](#) identified some issues that can occur using thermal imaging to cull deer and these should be taken into consideration and addressed. As long as stalkers or shooters are fully trained and able to effectively operate equipment and identify the sex of deer using the night lights, then the Scottish SPCA is not opposed to the proposal to allow sighting devices to be used at night for the purposes of deer control.

#### Question 2

- amend the minimum bullet weight so as to make non-lead ammunition more accessible (recommendation 4) – detailed below Amend s.3(a) of the Deer (Firearms etc) (Scotland) Order 1985 to permit the use for shooting deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 80 grains (5.2 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot pounds (2,373 joules). We are not proposing to make any changes to s.3(b) which relate specifically to roe deer.

We are not best placed to comment on ballistics due to the complex nature of the subject. The Society does support non-lead bullets being more available to stop the detrimental impact lead bullets can have on the environment and wildlife.

#### Question 3

- remove close seasons for male deer to lengthen the time during which wild male deer can be taken or killed across the year (recommendation 8) – detailed below

<b>Species (Male)</b>	<b>Current Season</b>	<b>Proposed Close Season</b>
Red, Sika	21 October – 30 June	None
Fallow	1 May – 31 July	None
Roe	21 October – 31 March	None

As stated above, the Society would support further research into sterilisation or immunocontraception to manage the deer population and whether this is a more humane method of wildlife management. However, the Scottish SPCA recognises the need for deer management in Scotland and is not against the lifting of the closed season for male red, sika, fallow and roe deer as long as control is carried out humanely by individuals trained in the use of firearms.

Please don't hesitate to contact me with any further questions.

Kind regards,

Mike Flynn

Scottish SPCA chief superintendent

## Scottish Gamekeepers Association (SGA) Response

1/ Night vision equipment.

The SGA has significant animal welfare and safety concerns regarding the use of thermal imaging scopes for culling deer.

With this in mind, should it be decided that the technology is legalised for shooting at night, it should be licensed, with mandatory training. A minimum standard of equipment should also be classified for use. Currently, there are a range of units available on the market offering a very wide differentiation in quality.

The use of two units will also require to be made mandatory (one for locating deer and one for shooting). It is presently against best practice for deer managers to use a rifle scope to spot deer as this would mean pointing a rifle in order to locate deer. This is rightly regarded as a danger to public safety. An additional element to be considered is the cost of 2 units. In order to be in possession of the type of equipment required for safe shooting, this is likely to mean an investment of a minimum of £10 000 which may be beyond peoples' budgets. We must ensure that, for reasons of cost, people are not being tempted to cut corners, when the objective is safe shooting and promoting high welfare standards in Scotland.

Changes would also have to be made to Best Practice and the Fit and Competent test for Night Shooting Authorisations because of the attendant welfare implications.

Training would have to encompass critical safety issues such as back stops. What is a safe back stop in a woodland environment? It may be very difficult to find a safe back stop at night using thermal imaging.

This could have major implications for public safety, particularly if non-lead ammunition such as copper (greater ricochet potential, see 2 below) is being used as standard.

Similarly, objects such as twigs, branches and foreground bracken represent a major hazard, potentially causing unpredictable deflections. This may lead to wounding of an animal or an animal not being followed up, as well as safety issues. We have heard from individuals who were involved in FLS testing of thermal equipment who, for this reason, advocate a survey of the area in daytime, before a thermal scope be used in the same area at night.

There are other animal welfare implications in that it is very difficult, in darkness, to match up females with dependent young and this may lead to calves being orphaned and greater risk of youngsters starving to death, particularly with forestry culls now happening in the first week of September. The SGA is not supportive of moves which would lead to night shooting becoming the norm in Scotland.

The Impact of Different Culling Methods on Physiological and Physical Carcass Variables of RED Deer RP58b: was carried out by The Royal Dick School of Veterinary Studies. In the summary, the authors state: Culling of wild red deer with a rifle by one stalker during the day and the culling by rifle of deer in a field were the most accurate. The culling by rifle at night by one stalker was the least accurate in achieving placement of a shot likely to have quickly killed the deer. It also states: The highest percentage of deer that after the first shot, ran or walked away without collapsing, were in wild deer shot by rifle at night by one stalker.

Night shooting, therefore, is a method proven under test conditions to be the least in the interest of animal welfare, which requires quick, humane dispatch, hence the SGA being opposed to the normalisation of night shooting.

Selecting the appropriate cull animal is also compromised and this will have long term impacts on the overall quality and health of the herd.

2/ The SGA does not have an issue with amending the bullet weight, per se, but a significant portion of our members cite drawbacks from the use of so-called 'non-toxic' ammunition, which we feel are important and must be considered with any change.

We also have one comment on the propensity for 80g bullets to drift in the wind and wonder if this has been factored in. Even those using 100g bullets have reported experiencing considerable drifting, particularly when shooting over gullies in a strong wind.

In terms of copper bullets, consensus amongst professional stalkers within the SGA Deer Group is that the chances of ricochet increases with copper, which has obvious safety implications. This carries even greater significance at night, when copper may be used in combination with thermal scopes, coupled with a reduced ability to identify a safe back stop. Some who have tested various makes of copper bullets have told us that certain makes were heard to ricochet far more than others, which is concerning. Given high access, at all times of day, in built-up areas, in particular, the danger to public safety cannot be discounted.

In open hill situations, stags may be culled on scree faces and a copper bullet that passes through a carcass without hitting bone, may well ricochet off a stone and travel a distance, which is then out of the deer manager's control. The bullet may even rebound back towards them. Experienced stalkers have also heard of copper ricochet off bone, striking another animal in the herd. Use of copper in a woodland setting is very different than in an open hill setting, where deer tend to be further away and issues such as stability, drifting and reduced expansion could all be to the detriment of a quick, humane kill.

Similarly, the limited expansion and shocking power of non-toxic ammunition, compared to lead, means shot animals behave very differently which sometimes makes it more difficult to ascertain initially whether an animal has been hit. Animals shot with copper tend to require more follow-up shots, in general, which has welfare implications when the objective is to shoot deer as quickly and humanely as possible.

The SGA has significant reservations, therefore, with lead alternatives at the present time, and what it means for animal welfare and public safety.

3/ The SGA opposes ending the male seasons for a number of reasons. Firstly, as a regulator, NatureScot currently has oversight on authorisations granted for culling males outside of the season.

This is helpful, provides data on their use and conditions can be attached in certain circumstances, which can be beneficial. We see no compelling reason for a regulator to dispense with that beneficial oversight.

Secondly, the SGA is unconvinced that targeting males all year round will reduce deer numbers. Conversely, we believe it may increase numbers because more effort will be put into shooting the easier Stags when it is the females that drive the population.

Without a closed season, it may increase demand for Stags, too, as people extend their shooting seasons.

While we welcome the fact that female seasons are not currently being subject to secondary legislation, there remain animal welfare issues if males are to be shot year round.

Outwith the rutting season, stags and hinds live in separate groups but the distance between these groups can be minimal. Culling a stag during the closed season is not a welfare issue to the stag, but is to the rest of the herd. In their panic to flee the area, they burn up much needed body fat reserves required to see them through the winter months until the spring. If a herd of stags are in proximity to a group of hinds, the hinds too will flee the area, burning up much needed body fat reserves. Many of these hinds will be heavy in calf and continued disturbance, culling stags where hinds are resident in late winter and early spring, may well lead to abortion. What also must be considered is the welfare implications of disturbing deer of either sex especially during the winter months when they are in poorest condition. Continual disturbance may drive them out into areas where insufficient nourishment exists, thereby increasing the risk of starvation and mortality.

Consideration must be given to herd dynamics. Indiscriminate culling of roe bucks, in and out of season on FLS forests is one of the main reasons why deer damage is running so high. If you remove the master buck in an area of woodland, you remove the buck that has been evicting other males and, by doing this, you allow other younger bucks to move in- and they, as they lay claim to the vacant territory, cause serious damage by beating up young trees with their antlers.

Furthermore, great efforts are being expended in making quality venison a product we can rightly be proud of in Scotland. Out-of-season venison is not a quality product. During the rut, stags lose two and a half stones of body weight due to their rutting activities and, by late spring, are skin and bone. Why cull stags when they are in poorest condition, if we want to champion quality?

Finally, whilst the three elements of this document are handled separately in order to provide a response, it is the measures in combination which are of significant concern to the SGA.

In tandem with one another they represent a significant downgrade and deregulation of animal welfare which seems at odds with Scottish Government's protection of other species, as demonstrated by recent legislative moves surrounding foxes, rabbits and mountain hares.

All year round hounding of male deer could never be regarded as a pro-welfare step and it should be remembered that night shooting is banned in many European countries due to the inability to cull in a selective, welfare-friendly manner. Given the additional implications for public safety, already mentioned above, the SGA wishes its views to be placed on public record on these two critical issues.

Prepared by the Scottish Gamekeepers Association (SGA) Deer Group.

June 2023.