

ELIZABETH II



1967 CHAPTER 37

An Act to amend sections 15 and 33 of the Deer (Scotland) Act 1959. [28th June 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In section 15(1) of the Deer (Scotland) Act 1959 (entry on land) at the end there shall be inserted the following paragraph—
 “(d) for the purpose of taking a census of red deer in any area in pursuance of the general functions of the Commission under section 1(1) of this Act.”

Amendment of section 15 of the Act of 1959 c. 40.

2.—(1) In subsection (1) of section 33 of the said Act (exemptions for certain acts) for the words from “prevention” to the end of the subsection there shall be substituted the words “purpose of preventing suffering by an injured or diseased deer, or by any deer calf deprived of its mother”.

Amendment of section 33 of the Act of 1959.

(2) Subsections (2) and (3) of the said section 33 shall be repealed and replaced by the following subsections:—

“(2) Where a person performs an act under the authority of or at the request of the Commission in pursuance of section 6 of this Act or in pursuance of a control scheme he shall not by reason of that act be liable to be proceeded against for an offence against this Act, except that—

(a) where the person is an officer or servant of the Commission performing an act as aforesaid in pursuance of the said section 6, and the act constitutes an offence against section 23(2) of this Act, or

(b) where the person is any such officer or servant performing an act as aforesaid in pursuance of a

control scheme, and the act constitutes an offence against either subsection (1) or (2) of the said section 23, or

(c) in the case of any other person performing an act for either of the purposes mentioned in the two last foregoing paragraphs, if the act constitutes an offence against either of the said subsections,

he shall be so liable.

- (3) Notwithstanding the provisions of section 21 of this Act, or of any order made thereunder, it shall not be an offence—

(a) for an occupier of agricultural land or of enclosed woodlands, or for any person authorised by him in writing in that behalf, to take or kill during a close season any deer found on any arable land, garden grounds or land laid down in permanent grass (other than moorland and unenclosed land) forming part of that land, or on such woodlands, as the case may be, and

(b) for a person authorised by the Secretary of State in writing in that behalf to take or kill deer during a close season for some scientific purpose.”

Short title.

3. This Act may be cited as the *Deer (Amendment) (Scotland) Act 1967*.

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