

# Managing Deer for Climate Change and Nature: Consultation

## Introduction

On January 5<sup>th</sup>, 2024, the Scottish Government launched the latest consultation on potential changes to the Deer (Scotland) Act 1996 to implement the recommendations of the Deer Working Group.

## The consultation focuses on 6 key themes:

- Enhancing the natural environment
- Compulsory powers and compliance
- Deer welfare
- Changes to close seasons
- Venison
- Kept and farmed deer

## Purpose

The purpose of this paper is to seek the views of BDS members, Scottish Branches and SAC to inform the official response to the consultation. A short policy position is provided for each of the themes.

## Action

Members are asked to consider the contents of the consultation, recognise the preference of the Scottish Government to elicit simple yes/no answers and guide the Policy & External Affairs Officer as to a preferred response.

Although comment and a policy guideline is given for each theme below, it should be noted that we are in no way compelled to answer every question. We may choose to make a more restricted response which we feel aligns most closely with our key objective of protecting and promoting deer welfare and leave other organisations to answer these questions.

## Timeline

Members and Branches are asked to respond by midnight 11<sup>th</sup> February 2024 via email to [James.Scott@bds.org.uk](mailto:James.Scott@bds.org.uk)

The output will be considered by Scottish Area Council at their meeting on 26<sup>th</sup> February and BDS Board on 13<sup>th</sup> March prior to submitting our final response.



### **Theme 1. Enhancing the natural environment**

The aim of this theme is to extend existing powers within the Deer (Scotland) Act 1996 to allow not only for the prevention of damage to, but also the enhancement of, the natural heritage. Although simple sounding, this presents a fundamental shift in the balance of private and public interests.

A key aspect of this proposal is that although deer reductions are a part of this jigsaw, there is formal recognition that fencing, habitat assessment, cull planning and cull reporting all have a role to play.

The British Deer Society recognises the need to move from intervention in deer management simply to prevent damage. We fundamentally question if there is not a simpler, more elegant solution that could be accomplished by good draughtsmanship to avoid unintended interactions between this proposal and the existing provisions of Sections 7, 8 and 10 of the Deer (Scotland) Act 1996. We consider there is a very real risk of confusing the regulatory landscape rather than simply broadening the powers of intervention that already exist.

We welcome the recognition that deer management which entails appropriate habitat restoration and enhancement, does not mean solely focussing on deer reductions. We believe that population assessment and habitat impact assessments should be central to this process and that where there is clear public interest in an area, it is appropriate that there is support from the public purse to deliver these actions.

Regardless of the mechanism used to achieve habitat restoration, we would seek recognition that deer are a valued part of the Scottish biological, cultural, social and economic landscapes and that due, up-front recognition is given to the likelihood of deer being attracted to these restored habitats in time and that this may not be automatically viewed as problematic. We also seek assurances that the desire to restore or enhance natural habitats does not take precedence over deer welfare and that any restoration or enhancement order, howsoever made, will be delivered in accordance with Best Practice Guidance and within the prevailing open seasons for the sex and species of deer involved.

### **Theme 2. Compulsory powers and compliance**

We broadly support the aims and objectives of the proposals in this theme, although given that an objective is simplification and streamlining of the legislation, we would repeat our earlier question about the rationale of introducing DMNROs as opposed to including these measures in existing sections of the Deer (Scotland) Act.

### Theme 3: Deer welfare

The British Deer Society greatly welcomes the inclusion of an entire section in this consultation which promotes deer welfare.

We have supported the voluntary attainment of qualifications such as DSC1 and its predecessors since their inception and note the high levels of uptake. Indeed, these qualifications are so widely regarded as a baseline standard by industry and regulators, we can see the merit in now making them compulsory as we do not believe this adds any significant burden to those wishing to engage in deer management.

With regards to the proposals about Fit and Competent registrations and Authorisations, there appears to be a rather clumsy lumping together of a range of matters which are currently subject to specific, individual, authorisations. We believe that more nuanced approaches are required to ensure the primacy of deer welfare in all our management interventions.

Although we broadly support the principle that those with more demonstrable skills should be given greater freedoms and privileges, we have grave concerns for deer welfare as a result of the proposals as written. For example, it is proposed that the current close seasons for female deer will be significantly reduced. On that basis, we cannot accept that there is any rationale to allow any culling of these females during the period of greatest welfare concern unless under a specific, individual authorisation which has assessed not only the competence of the controller, but also the need to pose such a risk to deer welfare.

Similarly, we believe the circumstances where it is appropriate to drive deer to be killed or taken are generally so exceptional and pose such a significant potential risk to deer welfare that this should continue to be subject to individual, specific authorisation of controllers who are also on the Fit & Competent register.

We may, however, be more relaxed about allowing those with a demonstrated level of competence to shoot deer at night, dependent on the detail of what level of competence would require to be demonstrated.

With regard to shotguns, we are pleased to see restrictions being considered. It is our considered view that there are virtually no situations where the use of shotguns is an appropriate or humane method of routinely managing deer. We would support the Government if they wished to ban this entirely but can give unqualified support to making all use of shotguns for deer management (as opposed to humane dispatch) subject of an individual, specific, authorisation.

We agree that any taking of wild deer should be subject to an authorisation and that a code of practice should be produced.

#### Theme 4: Changes to close seasons

The British Deer Society notes with some concern that there appears to be a disconnect between this section and the preceding section. We can support the extension of the current open seasons to offer greater opportunity to manage female deer *provided* deer welfare is the primary concern *and* that culling in this soon to be shortened close season is strictly regulated and only undertaken in truly exceptional circumstances by controllers deemed fit and competent and subject to a specific authorisation.

We do not wish to support the adoption of the dates provided, although we are heartened by the fact that the proposals only extend so far as the start of October. Our preference would be for the start of the female open season to remain as the 21<sup>st</sup> of October as at present in order to provide greatest protection to dependent young. If significant extension is required, we agree that the end of March is appropriate, although we could accept a date as late as the 15<sup>th</sup> of April. The culling of heavily pregnant females is fundamentally not an issue for deer welfare, although there would need to be considerable thought given to the public perception of such activity. We recognise that some deer managers may not be comfortable with culling so late and would note that an extension of the season would and should not result in compulsion to cull so late in the year.

#### Theme 5: Venison

Our view is that it is increasingly counterproductive to have different regulations in different parts of the UK in respect to the sale of venison. That said, there needs to be increased training and support of local authority staff to ensure consumer safety and confidence in venison in Scotland and consistency of standards across the 32 local authority areas. Increasing access to locally produced venison cannot be allowed to become a threat to the venison industry.

Even if the VDL is retained, we do not believe increasing the data which can be collected is necessary. We believe that any extension of these provisions is simply a proxy for data which should rightfully be being collected under Section 40 of the Deer (Scotland) Act 1996. We are disappointed that changes to make cull returns more complete are not being taken forward under this consultation and believe that this is a critical oversight as this information could support many of the other aims and objectives of the Scottish Government as set out in this consultation document.

### Theme 6: Kept and farmed deer

The British Deer Society welcomes these proposals which seek to clarify what is currently a difficult position about escaped or released deer. We also commend the Scottish Government on their desire to take steps to ensure the welfare of deer which are kept by farms and zoos and wholeheartedly support this proposal.

We would wish to ensure that the proposals around release of red and roe deer also apply to rehabilitated deer and thus apply to the agencies and organisations which undertake such rehabilitation. We have concerns that deer are taken from the wild for the purposes of well-meaning rehabilitation and subsequently released when this may not be the most humane or stress-free course of action for the individual deer concerned and that their subsequent re-release may also be incompatible with deer welfare.

James Scott  
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British Deer Society

8 January 2024