

# **The Deer Act 1991**

## **Offences relating to deer**

### **1 Poaching of deer**

(1) Subject to subsection (3) below, if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of taking, killing or injuring it, he shall be guilty of an offence.

(2) Subject to subsection (3) below, if any person while on any land—

- (a) intentionally takes, kills or injures, or attempts to take, kill or injure, any deer,
- (b) searches for or pursues any deer with the intention of taking, killing or injuring it, or
- (c) removes the carcase of any deer,

without the consent of the owner or occupier of the land or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (1) or subsection (2) above by reason of anything done in the belief that—

(a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it; or

(b) he has other lawful authority to do it.

(4) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under subsection (1) or subsection (2) above on any land, he may require that person—

(a) to give his full name and address; and

(b) to quit that land forthwith;

and any person who fails to comply with a requirement under this subsection shall be guilty of an offence.

(5) In subsection (4) above “authorised person”, in relation to any land, means the owner or occupier of the land or any person authorised by the owner or occupier, and includes any person having the right to take or kill deer on the land.

### **2 Taking or killing of certain deer in close season**

(1) Subject to sections 6 to 8 below and to subsection (3) below, if any person takes or intentionally kills any deer of a species and description mentioned in Schedule 1 to this Act during the prescribed close season, he shall be guilty of an offence.

(2) The prescribed close season, in relation to a particular deer, is the close season prescribed by Schedule 1 to this Act in relation to deer of that species and description.

(3) Where—

(a) any person, by way of business, keeps deer on land enclosed by a deer-proof barrier for the production of meat or other foodstuffs or skins or other by-products, or as breeding stock, and

(b) those deer are conspicuously marked in such a way as to identify them as deer kept by that person as mentioned in the preceding paragraph,  
the killing of any of those deer by that person, or by any servant or agent of that person authorised by him for the purpose, shall not constitute an offence under this section.

(4) The Secretary of State may by order amend Schedule 1 to this Act by the addition of any species not mentioned in that Schedule and of a close season for any description of deer of that species, or by varying or deleting any such addition.

(5) Before making any order under subsection (4) above the Secretary of State shall consult any organisations that appear to him to represent persons likely to be interested in or affected by the order.

### **3 Taking or killing of deer at night**

Subject to sections 6 and 8 below, if any person takes or intentionally kills any deer between the expiry of the first hour after sunset and the beginning of the last hour before sunrise, he shall be guilty of an offence.

### **4 Use of prohibited weapons and other articles**

(1) Subject to sections 6 and 8 below, if any person—

(a) sets in position any article which is a trap, snare, or poisoned or stupefying bait and is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact with it, or

(b) uses for the purpose of taking or killing any deer any trap, snare or poisoned or stupefying bait, or any net,  
he shall be guilty of an offence.

(2) Subject to sections 6 to 8 below, if any person uses for the purpose of taking or killing or injuring any deer—

(a) any firearm or ammunition mentioned in Schedule 2 to this Act,

(b) any arrow, spear or similar missile, or

(c) any missile, whether discharged from a firearm or otherwise, carrying or containing any poison, stupefying drug or muscle-relaxing agent,  
he shall be guilty of an offence.

(3) The Secretary of State may by order amend Schedule 2 to this Act by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition for the time being mentioned in that Schedule.

(4) Subject to subsection (5) below, if any person—

(a) discharges any firearm, or projects any missile, from any mechanically propelled vehicle at any deer, or

(b) uses any mechanically propelled vehicle for the purpose of driving deer,  
he shall be guilty of an offence. (see below).

(6) An act which, apart from this subsection, would constitute an offence under subsection (4) above shall not constitute such an offence if it is done—

- (a) by, or with the written authority of, the occupier of any enclosed land where deer are usually kept; and
- (b) in relation to any deer on that land.

### 5 Attempts to commit certain offences, etc

(1) Any person who attempts to commit an offence under any of sections 2 to 4 above shall be guilty of an offence.

(2) If any person, for the purpose of committing an offence under any of sections 2 to 4 above, has in his possession—

- (a) any article the use of which is prohibited by section 4(1)(b), section 4(2)(b) or section 4(2)(c) above, or
  - (b) any firearm or ammunition,
- he shall be guilty of an offence.

### Deer Seasons

Five deer species are protected by close seasons, related to the breeding cycle. The Muntjac has no specified close season because of their ability to breed at any time of year. Chinese water deer do have a breeding season, but the sexes are very hard to tell apart. BASC (British Association for Shooting and Conservation) recommend that Muntjac females are not shot unless obviously heavily pregnant or immature with no fawn at heel to avoid orphaning dependent young. Shooting is permitted between the following dates:

Species	Sex	England, Wales & Northern Ireland	Scotland
<b>Red</b>			
	Stags	Aug 1st - April 30 <sup>th</sup>	July 1st - Oct 20 <sup>th</sup>
	Hinds	Nov 1st - Mar 31 <sup>st</sup>	Oct 21 <sup>st</sup> - Feb 15 <sup>th</sup>
<b>Fallow</b>			
	Bucks	Aug 1st - April 30 <sup>th</sup>	Aug 1st - April 30 <sup>th</sup>
	Does	Nov 1st - Mar 31 <sup>st</sup>	Oct 21 <sup>st</sup> - Feb 15 <sup>th</sup>
<b>Sika</b>			
	Stags	Aug 1st - April 30 <sup>th</sup>	July 1st - Oct 20 <sup>th</sup>
	Hinds	Nov 1st - Mar 31 <sup>st</sup>	Oct 21 <sup>st</sup> - Feb 15 <sup>th</sup>
<b>Roe not currently found in Northern Ireland</b>			
	Buck	April 1st - Oct 31 <sup>st</sup>	April 1st - Oct 20 <sup>th</sup>
	Does	Nov 1st - Mar 31 <sup>st</sup>	Oct 21 <sup>st</sup> - Mar 31 <sup>st</sup>
<b>Red/Sika Hybrids</b>			
	Stags	Aug 1st - April 30 <sup>th</sup>	July 1st - Oct 20 <sup>th</sup>
	Hinds	Nov 1st - Mar 31 <sup>st</sup>	Oct 21 <sup>st</sup> - Feb 15 <sup>th</sup>
<b>Chinese water Deer (only found in England)</b>			
	Bucks	Nov 1st - Mar 31 <sup>st</sup>	
	Does	Nov 1st - Mar 31 <sup>st</sup>	

### **Muntjac (see below)**

(not currently found in NI) All year round There is no statutory closed season for this species. It is recommended that when culling female muntjac immature or heavily pregnant does are selected to avoid leaving dependent young.

The Regulatory Reform (Deer) (England and Wales) Order 2007 will amend the Deer Act to improve the management and welfare of deer, following the doubling of the population over the last 25 years. The order, which will come into force on 01 October 2007, will:

- make it permissible to use .22 centre-fire rifles for shooting the non-native Muntjac and Chinese water deer;
- will introduce licensing provisions for the killing or taking of deer during the close season and at night;
- it will shorten the close season for all female deer by moving the commencement date to 1 April;
- and it will amend the meaning of “mechanically propelled vehicle” in the Deer Act to permit the shooting of deer, provided that the vehicle is stationary and the engine is switched off.