

SECTION 7: CONTROL AGREEMENTS



Scottish Natural Heritage
Dualchas Nàdair na h-Alba



What is a Control Agreement?

1. Section 7 of the Deer (Scotland) Act 1996 makes provision for the establishment of Control Agreements.
2. A Control Agreement is an arrangement whereby DCS enters into a voluntary formal agreement regarding the specific deer management measures that will be carried out by owners or occupiers to prevent damage (to woodland or agriculture), injury (to livestock), or danger (to public safety).
3. A Control Agreement may be established for the purpose of altering or enhancing the natural heritage.

When can an Agreement be established?

4. A Control Agreement may be established where:
 - ◆ DCS is satisfied that deer have caused or are causing damage to woodland,

agriculture or the natural heritage, injury to livestock, or have become a danger to public safety, and;

- ◆ DCS has consulted with owners and occupiers and has secured agreement that deer management measures are required.

What is included in an Agreement?

5. A Control Agreement will set out the agreed deer management measures that are required to prevent damage, injury, or danger. A Control Agreement may specify:
 - ◆ The extent of the Control Area.
 - ◆ The deer management measures that are to be taken in the area, or in any part of the area.
 - ◆ The species, number and sex of deer to be culled in the Control Area.
 - ◆ The measures that will be taken by owners and occupiers, and;
 - ◆ The time limits within which measures by owners and occupiers will be carried out.

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6. The parties to a Control Agreement may agree at any time to vary the terms of the Agreement.

What is involved in setting up an Agreement?

7. To set up a Control Agreement DCS must consult owners and occupiers with a substantial interest to secure agreement:
 - That deer management measures are required;
 - As to which measures will be taken, and within which time period, and;
 - Who will carry out the measures.

How would an Agreement be managed?

8. The implementation of a Control Agreement will be overseen by a Steering Group. Membership of the Steering Group is likely to include relevant owners and occupiers and Government agencies. Local Deer Management Groups and Community Councils may be invited to attend Steering Group meetings as observers.
9. DCS will take a leading role with regard to the Control Agreement Steering Group.

Who would pay for deer management under an Agreement?

10. Owners and occupiers will be expected to carry the cost of implementing deer management measures under an Agreement.

What happens if it is impossible to secure an Agreement?

11. If it is impossible to secure an Agreement, DCS will consider whether or not a Control Scheme (under Section 8 of the Deer (Scotland) Act 1996) is required.

What happens when an Agreement expires or fails?

12. When an Agreement nears expiry, the Steering Group will assess the extent to which the Agreement has delivered objectives and the Group will discuss and agree the best way forward. Depending on the success of the Agreement, DCS may decide to take no further action or to seek to extend the Agreement.

13. If an Agreement fails to deliver objectives, the Steering Group will seek to determine the cause of failure. If the Agreement is failing because an owner or occupier is not implementing the terms of the Agreement, DCS may consider whether or not other measures, for example a Control Scheme (under Section 8 of the Deer (Scotland) Act 1996), is required.