

SECTION 8: CONTROL SCHEMES



Control Schemes under Section 8 of the Deer (Scotland) Act 1996

When can a Scheme be established?

What is a Control Scheme?

1. Section 8 of the Deer (Scotland) Act 1996 makes provision for the establishment of Control Schemes.
2. Control Schemes allow DCS to give formal notification of a DCS requirement for specific deer management measures to be carried out by particular owners or occupiers to prevent serious damage (to woodland or agriculture), serious injury (to livestock), or danger (to public safety).
3. If the owners and occupiers fail to carry out the required deer management measures, DCS will carry out the required deer management measures.

4. A Control Scheme may only be established if:

- ◆ DCS is satisfied that a Control Agreement under Section 7 of the Deer (Scotland) Act 1996 is not being carried out, or that it has been impossible to secure an Agreement, and;
 - ◆ DCS is satisfied that deer have caused or are causing serious damage to woodland, agriculture or the natural heritage, injury to livestock, or have become a danger to public safety, and;
 - ◆ The Scottish First Minister has approved the Scheme.
5. A Control Scheme cannot apply to any Control Agreement proposed or entered into for the purpose of altering or enhancing the natural heritage.

What is included in a Scheme?

6. A Control Scheme will set out the deer management measures that DCS consider necessary to prevent serious damage, serious injury, or danger. Specifically, the Scheme will set out:
 - ◆ The area over which the Scheme will apply;
 - ◆ The deer management measures that are to be carried out in the area, or in any part of the area;
 - ◆ The species, number and sex of deer to be culled, or allowed to be established, 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.
7. A Control Scheme makes no provision for DCS to impose on any owner or occupier a requirement to construct a fence (for the purpose of Section 8, 'fence' is defined as including any artificial construction).

What is involved in setting up a Scheme?

8. Schedule 2 of the Deer (Scotland) Act 1996 sets out the procedures for making Control Schemes. Key procedures include:
 - ◆ DCS provides a copy of the proposed Scheme to the relevant owners and occupiers.
 - ◆ A 28 day period in which owners or occupiers may object, to the Scottish First Minister, to the proposed Scheme, and;

- ◆ Publication of notification of the proposed Scheme, in two successive weeks, in the Edinburgh Gazette and at least one local newspaper in circulation in the area of the proposed Scheme.
9. Where there is a substantive objection to a Scheme, a public local inquiry may be held under section 210 of the Local Government (Scotland) Act 1973.
 10. Where a Scheme has been confirmed, the Scottish First Minister will serve a notice stating that the Scheme has been made.

How would a Scheme be managed?

11. The implementation of a Control Scheme would be managed and monitored by DCS.

Who would pay for deer management under a Scheme?

12. Owners and occupiers will be expected to carry the cost of implementing deer management measures under a Scheme.
13. Where DCS has incurred expenses in carrying out deer management measures associated with a Scheme, it is expected that DCS will recover costs from the relevant owners or occupiers under Section 9 of the Deer (Scotland) Act 1996. With approval from the Scottish First Minister, DCS may waive the right to recover costs associated with a Scheme.