

E: NEBill@gov.scot

Finlay Carson
Convener
Rural Affairs and Islands Committee

23 April 2025

Dear Convener,

Natural Environment (Scotland) Bill (“the Bill”)

Please find below further information regarding traceability of venison and the proposed repeal of various provisions in the Deer (Scotland) Act 1996 (“the Act”) which impose requirements to be licensed to deal in venison raised during the evidence session with Scottish Government Officials on 05 March 2025. You also requested further information on the wider regulatory regime around food safety and hygiene standards that currently covers venison products, this has also been included.

During the evidence session the Committee also asked about the appeals process for deer management plans and the existing appeals mechanism detailed under schedule 2 of the Act. I have taken this opportunity to set out some further detail to clarify the circumstances in which a deer management plan, control agreement and control scheme are appropriate and when there is an ability to appeal.

Venison Dealers Licence

Licences for the sale of venison have been required in Scotland since the Sale of Venison (Scotland) Act 1968. This was repealed by the Deer (Amendment) (Scotland) Act 1982. Following this, the Licensing of Venison Dealers (Prescribed Forms etc.) (Scotland) Order 1984 (“the 1984 Order”) was made under section 25B of the Deer (Scotland) Act 1959, which was later consolidated into the Deer (Scotland) Act 1996. There were very few changes to the overall requirements of the legislation, however, the 1984 Order prescribed the template for the information to be recorded.

Therefore, at present, a venison dealers licence (VDL) is required by one party where venison is being sold or exchanged (i.e. a stalker selling venison to a producer would not need the licence if the butcher they are selling to held one and a supermarket buying venison would not need a licence so long as the producer they are purchasing from held one). VDLs are issued by local authorities. As set out in table 12 of the [Financial Memo](#) which accompanied the Bill, on average 26 VDLs are issued annually across Scotland. The

cost of the licence ranges from £0 to £812, the cost on average is £190.45. Some local authorities issue licences for three years, others require renewing annually.

The VDL requires records to be kept of transactions involving venison including:

- when it was bought or received
- name and address of the person who provided it
- how many carcasses and what sex they are
- species of deer, if it's possible to identify it

These records must be kept for three years and must be provided for inspection, if requested, to the police or anyone authorised in writing by the local authority who supplied the licence.

It is important to note that the purpose behind the licensing of venison dealers in 1984 was not a concern over food safety, it was designed to provide a deterrent to poachers¹. This was a topic of regular debate between 1968 and 1984, and there were concerns raised in the House of Lords about the feasibility of the VDL to deter poachers².

In forming the view that the requirement for a VDL should be repealed, the Scottish Government consulted publicly as well as seeking views from Food Standards Scotland and NatureScot on the value of the VDL. Neither were of the view that a VDL provides either useful data or information, or any additional food safety requirement. I have set out below the food safety regulations relating to traceability which will continue to apply to all wild game in Scotland.

Wild game and food safety standards

In the main, the provisions which set out the traceability, hygiene and food safety standards for wild game are found in assimilated EU law. Article 3(15) of Regulation (EU) 178/2002 defines traceability as “the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution”.

Article 18 of Regulation (EU) 178/2002 sets out general traceability requirements which apply to food, feed and food-producing animals. These were implemented by Commission Implementing Regulation (EU) 931/2001 and apply to all stages of the wild game process.

Commission Implementing Regulation (EU) 931/2011 implements the traceability provisions set out above and applies to all stages of the wild food game. In particular, Article 3(1) requires that food business operators (FBOs) shall ensure that the following information concerning consignments of food of animal origin is made available to the FBO to whom the food is supplied and on request, the local authority:

- Accurate description of the food;
- Volume/quantity;
- Name and address of FBO dispatching food
- Name and address of consigner (if different)
- Name and address of FBO receiving the food
- Name and address of consignee (if different)

¹ [Deer \(Amendment\) \(Scotland\) Bill HL - Hansard - UK Parliament](#)

² [DEER BILL \[H.L.\] \(Hansard, 21 April 1977\)](#)

- Reference identifying lot, batch or consignment
- Date of dispatch

This would apply, for example, to a hunter supplying a retailer. Detailed guidance on all aspects of the wild game as food process has been published by Food Standards Scotland in their [Wild Game Guide](#). Section 9 of the Guide explains what the traceability requirements mean:

“FBO’s have an obligation that the information must be current and should be updated daily. It must also be kept and be retrievable for at least until it can be reasonably assumed that the food has been consumed. FBOs are required to have in place systems and procedures that allow for traceability information to be made available to competent authorities on demand. Copies of invoices and a game book or something similar may be sufficient, but the key information that needs to be recorded is the name and address of the supplier and the customer and the date, nature and volume of the products supplied.”

There are exemptions from these requirements where venison (or any unprocessed wild game meat) is kept for private domestic use. A Venison Dealer’s Licence would not be required in these circumstances and therefore the abolition of the licence would not impact traceability in these exempted categories.

In relation to all other game meat, the Scottish Parliament previously revoked the requirement for a Game Dealers Licence through the Wildlife and Natural Environment (Scotland) Act 2011. There is no evidence that this has resulted in any significant food safety issues since then.

With regard to food hygiene, venison is governed by the same food safety requirements as other wild game. The Wild Game Guide sets out food hygiene requirements for everyone handling or processing venison, and the [Wild Deer Best Practice Guide](#) provides advice on carcase handling for those hunting deer. Relevant food safety regulations will continue to apply to all wild game in Scotland and are unaffected by the proposed amendment.

Attached at **Annex A** is a copy of the Primary Producer: Exemptions and Requirements Table contained within the Wild Game Guide under Chapter Four. You may find this a useful reference as to the food hygiene regulations and requirements governing venison more generally.

Deer management plans, control agreements and control schemes

The Bill, as you know, substitutes a new section 6A into the Act. Both the original section 6A and the new section 6A relate to deer management plans. A deer management plan is a plan setting out what measures the owners or occupiers of the area of land consider should be taken for the management of deer on the area, the timescale for taking such measures, who is to undertake the measures and any additional matters that NatureScot consider necessary to be part of the plan.

Section 15 of the Bill makes a number of changes to section 7 of the Act which makes provision for control agreements. A control agreement is an agreement between relevant owners and occupiers of an area of land and NatureScot which sets out the area in question, the control measures to be undertaken, who is to undertake them, time limits for taking action and actions to be taken during each 12-month period for which the agreement has effect.

Section 8 of the Act provides for NatureScot to make control schemes in respect of particular areas of land. Control schemes represent the most significant form of intervention in deer management and enables NatureScot to impose deer management measures on owners and occupiers of land.

The Bill introduces two new sections into the Act; section 6ZA and 6ZB. These replace sections 6A(1) to (3) and 7(1) and (2), which both concern the situations where NatureScot may seek to intervene in deer management or control activities on an area of land by way of a deer management plan, control agreement or control scheme. Where the grounds set out in the new sections are met, the sections apply and this provides the basis for NatureScot to take action under section 6A, 7 or, in certain circumstances, section 8.

Section 6A – deer management plans

Under section 6A of the Act, where NatureScot are satisfied that the relevant purpose applies (at present that is detailed in sections 6A(1) to (3) and the Bill proposes this would instead be the grounds set out at 6ZA and 6ZB), NatureScot is able to require an owner or occupier to produce a deer management plan (DMP) and submit it to NatureScot for approval. The DMP should include detail of the deer management the owner/occupier is taking, the timescale over which the deer management is taking place, who will carry out the deer management and can include any other requirements NatureScot deem necessary.

There are many deer management plans in place in Scotland, particularly in Deer Management Group (DMG) areas that have been formed collaboratively that have not required NatureScot to compel an owner or occupier to do so using these powers. To give an estimate, there have been approximately five uses of these section 6A powers in the last five years. That is because NatureScot look to engage with owners/occupiers and reach agreement on a suitable plan without resorting to section 6A powers.

The power under section 6A is only to require an owner or occupier to prepare a DMP, if it is not prepared or NatureScot is unable to reach agreement with the owner/occupier to approve it then NatureScot can pursue a control agreement under section 7 or a control scheme under section 8 of the Act. It is when a control scheme under section 8 is applied that there is an appeal process, but there is no appeal process for section 6A as it is simply a requirement to prepare a DMP.

Section 7 – control agreements

Section 7 enables NatureScot, where it is satisfied that the relevant purpose applies (at present that is detailed in section 7(1) and 7(2) and the Bill proposes this would instead be the grounds set out at 6ZA and 6ZB), to prepare a control agreement which sets out deer management required by the relevant owner/occupier.

NatureScot may set out in that control agreement the details of where deer must be managed, specify the types of actions that need to be taken and set out the time limit for doing so. An agreement needs to be consulted on with the owner/occupier.

The power under section 7 provides a mechanism for NatureScot to propose the terms of a control agreement and seek the approval of that agreement but the affected owners and occupiers. It is only NatureScot is unable to obtain the agreement of the owners and occupiers, or if such an agreement is not followed, that NatureScot may pursue a control scheme under section 8.

It is when a control scheme under section 8 is applied that there is an appeal process, but there is no appeal process for section 7 itself as it is still a voluntary stage.

Section 8 – control schemes

NatureScot can compel an owner or occupier to carry out deer management through the use of a control scheme under section 8 of the Act. Section 8(A1) of the Act sets out that a control scheme can only be initiated where NatureScot has attempted to secure a control agreement (and therefore the actions set out in the section 8 control scheme would not be new to the owner or occupier) and is then satisfied that:

- (a) either –
 - (i) NatureScot is satisfied that it is not possible to secure a control agreement or that a control agreement is not being carried out; or
 - (ii) 6 months have elapsed since NatureScot gave the notice and no agreement has been reached on the matters mentioned in that subsection; and
- (b) NatureScot continues to have the view that required it to consult under that subsection.

Section 8(3) of the Act sets out what a control scheme must contain. Schedule 2 of the Act sets out the process for control schemes. Once NatureScot notify an owner/occupier of a control scheme, they must also publish the details of the control scheme, specify a place where a copy of the control scheme and the map referred to in it may be inspected and state that objections to the proposed scheme or any part of it may be made by relevant persons to the Scottish Ministers within 28 days beginning with the date of the first publication of the notice. A control scheme requires to be confirmed by the Scottish Ministers before it comes into operation. Scottish Ministers are able to confirm the scheme, make modifications to the control scheme, or revoke the control scheme.

If a control scheme is confirmed, and an owner or occupier who is aggrieved by the decision may appeal to the Scottish Land Court. An appeal must be lodged within 28 days after the date of the publication of the notice to confirm, vary or revoke the scheme. The Bill does not make any changes to the process for appeals, this remains the same as at present under the Act.

Therefore, the appeals process set out under schedule 2 of the Act relates only to control schemes made under section 8 via this process.

Yours sincerely,

Leia Fitzgerald

Copy of Wild Game Guide Primary Producer: Exemptions and Requirements Table

Nature of Wild Game Supply	Restrictions on Supply	Applicable Food Hygiene Regulations and Competent Authority	Trained Hunter Status	Food Business Registration and Venison Dealer's Licence (VDL)	Hazard Analysis and Critical Control Point (HACCP) Plan	Official record keeping and traceability
Keeping the in fur/feather (i.e. unprocessed) carcase for private domestic use (See Section 4.2 of the Wild Game Guide for further details)	The wild game must be kept for your own private domestic consumption or restricted to supply only to family and friends for their private domestic consumption on an occasional basis. The family and friends you supply game to must not supply the game to anyone else.	Exempt from: 178/2002, 852/2004 & 853/2004	Not required but encouraged	Registration as a food business is not required. VDL not required.	You do not require a food safety management system based on HACCP principles	Not required
Direct supply of in fur/feather wild game carcasses (ie unprocessed) to the final consumer and/or local retail establishments directly	Supply must be of small quantities of in fur/feather wild game. Supply must be direct to final consumers or local retail	Applicable: 178/2022 Exempt from: 852/2004 & 853/2004 Local authority is competent	Not required but encouraged	Registration as a food business is not required but you are encouraged to contact your local authority	You do not require a food safety management system based on HACCP principles	Must maintain traceability records of supply as outlined in Section 9 of the Wild Game Guide

<p>supplying the final consumer</p> <p>(See section 4.3 of the Wild Game Guide for further details)</p>	<p>establishments directly supplying the final consumer.</p> <p>Supply to local retail establishments can be no further than your own local authority, a neighbouring local authority of 50km/30 miles from the boundary of your local authority. (For Scottish Islands, local means all of Scotland)</p>	<p>authority.</p>				
<p>Direct supply of wild game meat (i.e. processed carcasses) to the final consumer and/or local retail establishments directly supplying the final consumer (See Section 4.4 for further details)</p>	<p>Supply must be of small quantities of wild game meat</p> <p>Supply of wild game meat must be direct to final consumer or local retail establishments directly supplying the final consumer (i.e. butchers, restaurants).</p> <p>Supply to local retail establishments can be no further than</p>	<p>Applicable: 178/2002 & 852/2004</p> <p>Exempt from: 853/2004</p> <p>Local Authority is Competent Authority</p>	<p>Not required but encouraged</p>	<p>Yes, registration with your Local Authority as a food business is required</p> <p>VDL required if the purchaser isn't a VDL holder</p>	<p>You must have a food safety management system based on HACCP principles</p>	<p>Must maintain traceability records of supply as outlined in Section 9 of the Wild Game Guide</p>

	your own local authority, a neighbouring Local Authority or 50 km/30 miles from the boundary of your Local Authority. (For Scottish Islands, local means all of Scotland)					
Supply of in fur/feather (ie unprocessed) wild game carcasses to an Approved Game Handling Establishment (AGHE) (See section five of the Wild Game Guide for further details)	N/A	Applicable: 178/2002, 852/2004 and relevant requirements of 853/2004 Local authority is competent authority for supplier and Food Standards Scotland is competent authority in AGHEs	Trained hunter status required	Yes, registration with your local authority as a food business is required VDL required if the purchaser isn't a VDL holder	You must have a food safety management system based on HACCP principles You are also required to comply with the criteria set out in the receiving establishment's HACCP plan	Must maintain traceability records of supply as outlined in Section 9 of the Wild Game Guide