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09 June 2025

Dear Convener

Thank you for inviting me to give evidence on Part 4: Deer Management, of the Natural Environment (Scotland) Bill (the “Bill”) on 4 June 2025.

During my evidence session my officials and I committed to write to the Committee to provide further evidence in relation to a few matters.

### **Membership of Deer Panels**

Section 4 of the Deer (Scotland) Act 1996 (“the 1996 Act”) provides that NatureScot may, with the approval of the Scottish Ministers, appoint a panel to advise it on any matter relating to the exercise of its deer functions and may appoint one of its members or members of staff to act as an observer. Section 4(4)(b) provides that NatureScot may act as observer to the panel for the purposes of taking part in their discussions.

Since NatureScot took over the role of deer management from the Deer Commission Scotland in 2010 two panels have been appointed. The first Panel, which reported in 2016, provided advice on the system of authorisations for out of season and night shooting in Scotland under the 1996 Act.

The second Panel reported in 2019 and provided advice on deer management in lowland Scotland.

In its report – The Management of Wild Deer In Scotland<sup>1</sup>, the Deer Working Group gave consideration to the role of NatureScot on panels under section 4 of the 1996 Act and stated:

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<sup>1</sup> [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)

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*“The Group considers that a NatureScot representative should also be a member of the Panel for NatureScot’s natural heritage responsibilities under the Natural Heritage (Scotland) Act 1991. At present, the provisions of s.4 of the Deer (Scotland) Act 1996 mean that a SNH Board Member or member of staff can participate in a Panel as an observer, but cannot be a member of a Panel. This provision dates from the original Deer (Scotland) Act 1959 and the Group considers that it is no longer needed. However, even if the provision is retained for SNH fulfilling its functions under the 1996 Act, the provision should be amended to allow SNH to be represented for its functions under the Natural Heritage (Scotland) Act 1991.”*

In response<sup>2</sup> to this recommendation the SG said:

*“The Scottish Government agrees that it would be beneficial for members of NatureScot staff to be able to sit on a Panel if their knowledge, experience or expertise would be beneficial.”*

Section 11 of Bill, therefore, implements the DWG recommendation by amending the 1996 Act to enable members of NatureScot (or NatureScot staff) to be appointed as a member of such a panel and so take an active part in proceedings and decision making.

However, while the Bill allows the Scottish Ministers to appoint NatureScot to a panel it does not require them to do so.

Whether or not it would be appropriate, or helpful for NatureScot to participate as a member of a particular panel, rather than simply act as an observer, will very much depend on the nature of the panel and why it has been convened.

However, I think that, going forward it is helpful to provide the Scottish Ministers with the flexibility to determine, on a case by case basis, what role NatureScot should play in any future panels.

I would also add that such an approach is not without precedent, for example, the Scientific Advisory Committee (SAC) advises the NatureScot Board and staff on scientific and technical matters. This includes:

- Reviewing the quality of NatureScot research
- Advising on the scientific basis for the notification of any Site of Special Scientific Interest (SSSI) in Scotland
- Contributing specialist knowledge and wider advice via working groups and individually

The SAC’s tasks include advising on novel and contentious projects proposed by, for example, the Scottish Government or the Joint Nature Conservation Committee Support Unit. The SAC is chaired by a NatureScot board member.

## **Deer population data**

As my officials set out to the Committee, the NatureScot deer app is being used in some areas already as part of the testing process. The intention is that the app will allow users to record data on where the deer were culled, whether the carcass was put into an Approved Game

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<sup>2</sup> [Scottish Government Response to the Report from the Deer Working Group on 'The management of wild deer in Scotland'](#)

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Handler Establishment (AGHE) or larder to enter the food chain, or if not what happened to the carcass.

Since 2024/25 the app has been used in Beinn Eighe and Creag Meagaidh National Nature Reserves (NNRs) and as part of the Incentive Pilot Schemes in South Loch Ness and North of Glasgow. So far over 1,000 carcasses have been recorded through the app.

The app is being updated to allow AGHEs and other venison processors to trace the deer carcass to the cull point, and NatureScot are working with Food Standards Scotland on this.

In 2025/26 NatureScot expect to continue testing the app on NatureScot NNRs and in Incentive Scheme Pilot areas.

We know that there is a great deal of interest in the app, and the potential opportunities to increase our access to data. NatureScot hopes to expand the testing sites from 2026 but, given the ongoing development and testing of some of the app's functions, there is no definitive timeline for large scale rollout of the app.

### **Business Regulatory Impact Assessment (BRIA)**

The BRIA for part 4 of the Bill has been published on the Scottish Government website, for ease of reference a PDF version has been attached separately titled "Annex A– Natural Environment (Scotland) Bill – Deer Management - Final Business and Regulatory Impact Assessment."

### **Rights of Tenant Farmers to take deer**

During the 4 June evidence session, Rhoda Grant MSP asked whether there was anything further that could be done to address the issue of damage. As I set out to the Committee, section 26 of the 1996 Act provides occupiers of some types of land to take deer on that land where they would not otherwise have the right to do so, for the purpose of preventing damage. I committed to giving further consideration to this matter and this is something that my officials and I will explore with relevant stakeholders over the summer.

### **Register of authorised persons**

In relation to the register of persons authorised to take deer I thought it might be helpful to clarify that section 17A of the 1996 Act makes provision for Scottish Ministers to, by regulations, make provision for the establishment and operation of a register of persons competent to shoot deer in Scotland.

The Bill amends this section to provide that the Scottish Ministers may by regulations make provision for the establishment and operation of a register of persons who are either, or both, fit and competent to shoot deer in Scotland, and authorised to carry out one or more specified activities.

The existing power also sets out (at section 17A(2)(ix)) that regulations "*may make provision in relation to circumstances in which a person shooting deer is to be regarded as being, or not being, supervised by a registered person*".

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It is our intention that these regulations will not be brought forward until after the Bill is passed. As part of the process for developing these regulations my officials and I will discuss with stakeholders how the requirement for someone to be supervised when shooting deer should be measured. I would of course also be happy to consider any views that the Committee may have on this issue.

### **Circumstances in which section 6ZB might be used**

Finally, in their letter to you of 29 May NatureScot provided the Committee with some examples of the circumstances in which the new section 6ZB might apply. I set out some of these examples to the Committee, but I have also attached to this letter, at Annex Two, a fuller list of examples provided by NatureScot.

I hope that you find this information helpful. I look forward to your report on the Bill and will carefully consider any recommendations that the Committee makes.

Yours sincerely,



**JIM FAIRLIE**

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## **Annex One – 6ZB Grounds for intervention: nature restoration**

- (1) This section applies if SNH is unsatisfied that the ground in subsection (2) is met.
- (2) This ground is met if, in relation to a particular area of land, deer or steps taken or not taken for the purposes of deer management are, or are likely to, prevent or reduce the effectiveness of work, a project or natural process that—
  - (a) preserves, protects, restores, enhances or otherwise improves the natural heritage or environment, and
  - (b) is for, or contributes to, a relevant target, strategy or plan relating to the environment, climate change or biodiversity that applies in Scotland.
- (3) For the purpose of subsection (2)—
  - (a) a target is relevant if it is set by, under, or in pursuance of an enactment,
  - (b) a strategy or plan is relevant if—
    - (i) it is required by an enactment, or
    - (ii) it is published by the Scottish Ministers or a public body with functions relating to natural heritage or the environment.”

<https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>

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## Annex Two - Section 6ZB new ground for intervention - Example Scenarios

### **Context**

The Natural Environment Bill proposes a new ground for intervention based on nature restoration (see annex). This paper outlines scenarios of how NatureScot see the new ground for intervention being used to support deer managers to deliver biodiversity and climate outcomes.

### **How NatureScot see the new ground for intervention working where:**

- Measures in place to manage the impacts of deer are unknown, absent or not effective such that herbivore impacts would significantly compromise the project.
- Failure of the project would be at a cost to biodiversity, climate adaptation, the public interest and private and/or public investment.
- The focus for intervention would be to demonstrate adequate deer management is taking place (ie planned, effective and proportionate) at a scale appropriate to the land use and ecological/habitat context.
- NatureScot's role would be to facilitate and enable a set of clear objectives and management outcomes for a defined period. We anticipate this would be for five years with an annual review to assess progress.
- Measures to manage deer may include some or all of; collaborative planning and delivery of deer control, fencing, education and awareness raising.
- Where intervention would include consideration of incentives (eg NRF or Peatland Action funding) with a regulatory backstop.

### **Where NatureScot see the new ground for intervention working:**

The Bill describes a relevant target, strategy or plan as being required by an enactment or published by Scottish Ministers or a public body. We see this working as a nested hierarchy, with local projects located within regional plans under national strategies.

For example, a conservation or nature restoration project which preserves, protects, restores, enhances or otherwise improves the natural heritage or environment (for example a native woodland regeneration or peatland restoration project) has a clear link to or a target set by a national strategy or plan published by Scottish Ministers or a public body (for example National Park Partnership Plan, Scottish Biodiversity Strategy Delivery Plan, Scottish Climate Change Plan,) and will deliver SBS or climate adaptation outcomes such as Nature Networks, 30x30.

Examples of relevant strategies and plans (and targets set by these) could include:

- National strategies - public policy outcomes
  - Scottish Biodiversity Strategy
  - Scottish Climate Change Plan
  - Scottish National Adaptation Plan (SNAP)
  - National Planning Framework 4
  - Scotland's Flood Resilience Strategy
  - Scottish Forestry Strategy
- Regionally plans – agreed priority outputs
  - Landscape scale nature restoration projects which are “Areas of Focus” for Government agencies (identified through the SBS Delivery Plan)
  - Cairngorms National Park Partnership Plan

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- Loch Lomond and the Trossachs National Park Partnership Plan
- Climate Forest areas (eg Clyde, Forth etc)
- Alliance for Scotland Rainforest / Scottish Forestry's "Strategic approach to restoring and expanding Scotland's rainforest" priority areas (July 2024)
- 30x30 and Nature Networks
- Priority catchments for climate adaptation and nature restoration (being developed for 2026)
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- Local landscape scale projects
  - CNPA eg Heritage Horizons
  - LLTNPA eg Wild Strathfillan
  - Landscape scale restoration projects led by an NGO, private estate nature or other landholdings eg peatland restoration, woodland planting or regeneration projects, riparian woodland or river restoration projects.

## **Scenarios**

### **1. Central belt - peri/urban setting**

- Aim is to seek assurance that longer term deer management measures are in place to help deliver 30x30, nature networks and landscape scale restoration projects eg the Seven Lochs Wetland Park and Climate Forest project areas.
- Context is a mix of Local Authority and privately owned land, small to medium scale eg country parks, greenspace, public amenity areas often associated with community owned woodlands. Geographically fragmented and within a wider sub/urban, urban fringe/agricultural landscape. Where roe deer, and expanding red deer populations, may be having an impact.
- Objective is for NatureScot to facilitate and support the measures required to deliver biodiversity projects. Measures may include assurance that effective deer management is in place which could include all or any of; culling, fencing, tree protection, educating and outreach/community engagement.
- New ground for intervention will provide the regulatory backstop to facilitate deer management to deliver nature networks and 30x30.

### **2. Central belt – rural setting**

- Mix of agriculture and small woodlands on edge of wider open/upland space. Dispersed population in many small settlements close to major conurbations, includes major trunk roads eg Campsie fells area.
- Roe deer present throughout with increasing range expansion by red deer. SBS delivery through projects linked to 30x30 and Nature Networks. Establishment of eg woodland planting restoration projects, not 'damage' to agriculture or existing habitats is the objective.
- Deer management through informal recreation model may be taking place but not be sufficient to allow establishment of urban fringe woodland planting projects. Land managers may be reluctant to increase deer management due to costs and/or concerns of sporting rates.
- New ground for intervention would provide a mechanism to describe and articulate deer management within a defined area to support nature restoration outcomes. This would be an agreement with NatureScot on how and by whom deer would be managed. The scale of coverage and absolute need for collaboration would need to be considered on case by case and species basis within the land use context.

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### 3. Rainforest areas

- Much of Scotland's rainforest falls within high priority 'Areas of focus' for landscape scale nature restoration identified through the SBS Delivery Plan. The wider land use context is a mosaic of native woodland, FLS and commercial forestry with designated (woodland) sites in unfavourable condition. Deer management, including that of highly mobile herding species, requires coordination and collaboration across landholdings, not of all of which may be suffering impacts.
- Objective is linking habitats through nature networks at a landscape scale across multiple landownerships and ensuring restoration projects can deliver biodiversity outcomes. The linking networks are in many cases Molinia dominated grassland which are not in themselves being damaged. The enhancement of these networks, in support of rainforest objectives, requires a gradual change in habitat structure, which cannot be classed as damage and thus difficult for NatureScot to support with the current regulatory backstop.
- Change in emphasis from damage to (proactive) restoration linked to specific restoration projects; NatureScot would use the new ground for intervention to ensure appropriate deer management measures are taking place. This could involve working with land managers across an appropriate landscape scale to require an explanation of the current model of deer management, for example the role of culling and fencing. This could also involve using a regulatory backstop to compel a more coordinated approach where an owner of a single forest block is reluctant to collaborate or has failed to take up incentives, to manage deer to meet rainforest targets.

### 4. Riparian habitats and beavers

- Linking woodland at a sub-catchment scale and improving condition of riparian habitats where the priority is to create new habitat networks to improve water quality for fisheries enhancement and flood management to support climate adaptation.
- Riparian woodland restoration is challenging in a lowland context where there are fragmented habitats across several landownerships within wider mosaic of agricultural, commercial forestry, native woodlands. Also challenging in an upland context where extensive fencing to protect against herding species is impractical and expensive.
- An example could be a woodland restoration project to support re-introduction of beavers. This could be a river catchment where climate adaptation is a priority (flood mitigation, habitat restoration). The new ground for intervention would allow NatureScot to work with land managers to determine the balance of deer control measures necessary to manage for the impact of beavers on riparian woodland in the short term. These measures may involve additional planting, fencing/tree protection and deer culling in a collaborative model within a sub-catchment.

### 5. Upland habitats – peatland restoration

- Red deer populations move across the upland, open range and in locally significant numbers can impact on habitats through overgrazing and trampling. NatureScot supports the voluntary approach to collaborative deer management through Deer Management Groups.
- An example would be a peatland restoration project within an area covered by a National Park Partnership Plan. Here, multiple landholdings are seeking to reduce deer densities to restore peatland, but a single landholding wishes to retain higher densities.

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- The new ground for intervention would drive *proactive* deer management to support and ensure the establishment and success of the restoration project. Previously regulatory action could only be taken where the neighbouring deer densities were damaging already established remedial works. For the enhancement project to succeed deer impacts need to be reduced before or during the restoration work being undertaken

## 6. Transition between upland and lowland Scotland

- Significant areas of the country are on the edge of the traditional red deer, open hill range eg Morayshire, Aberdeenshire, Perthshire, and parts of the central belt. These areas have a mix of fringe areas to traditional uplands and include woodland (commercial and native) and varied agricultural land uses, often in smaller, more fragmented land ownerships. Effective collaborative deer management of a herding species in this context is difficult and often lacking as these areas are outwith formal collaborative deer management groups.
- The new ground for intervention could be used where native woodland regeneration, new woodland planting, riparian habitat restoration or peatland restoration projects are proposed that support strategic biodiversity, climate and hydrological outcomes. Fencing may be uneconomical and deer management is taking place, but a minority of neighbouring properties are unwilling or unable to manage deer to low enough thresholds to protect the public interest or public investment.
- The new ground for intervention would allow NatureScot to ensure all properties engage in collaborative deer management planning and action. Support could include deer census and habitat impact assessment to determine cull targets.

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**Wildlife Management**  
**May 2025**

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# **Natural Environment (Scotland) Bill - Deer Management**

## **Final Business and Regulatory Impact Assessment**

**February 2025**

# Introduction

The Natural Environment (Scotland) Bill (“the Bill”) is being introduced to support the Scottish Government’s objectives in restoring biodiversity and tackling climate change by putting in place measures that will help to deliver a nature positive vision for Scotland. There are four main strands of work included in the Bill:

- Establishing a framework for statutory targets for improving biodiversity,
- Providing Scottish Ministers with a new delegated power to modify or restate Environmental Impact Assessment (“EIA”) legislation and the Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations”),
- Modernisation of the aims and powers of National Parks and providing Scottish Ministers with a power to set up a fixed penalty notice regime by secondary legislation for contravention of national park byelaws,
- Reforming legislation relating to deer management.

The Bill contributes to delivering the Scottish Government’s priority of tackling the twin crises of climate change and biodiversity loss. It will help to deliver the Scottish Government’s purpose, as set out in the [National Performance Framework](#), through increasing the wellbeing of people in Scotland as a consequence of restoring Scotland’s natural environment.

The Bill also contributes to the following national outcome: ‘value, enjoy, protect and enhance their environment.’

Due to the wide ranging nature of these topics it has been decided that the requirement for a Business and Regulatory Impact Assessment (BRIA) should be considered for each topic individually.

This Final Business and Regulatory Impact Assessment (BRIA) assesses the impacts arising from measures to reform legislation relating to deer management included in part 4 of the Natural Environment (Scotland) Bill “the Bill”. This document is written subject to the best available information at the time, based on evidence gathered from engagement with relevant stakeholders and relevant public consultations.

A separate Partial BRIA has been undertaken to assess the impacts arising from the measures to modernise the aims and powers of National Parks included in Part 3 of the Bill.

The provisions in part 1 of the Bill relating to statutory targets for restoring biodiversity establish the framework for targets, which include the high-level topics against which specific targets will be set. The framework includes setting, reviewing and reporting on the targets and will place a duty on Scottish Ministers to report the progress being made to meet the targets.

As set out in the financial memorandum for the Bill<sup>1</sup>, creating a duty on Scottish Ministers to set nature restoration targets does not, by itself, have any financial implications on other bodies, individuals and businesses.

Future legislation made under the Bill (secondary legislation) will set out more details of the actual targets and how the Scottish Government will monitor its progress to achieve them. This approach allows for the target topics to be adaptable to changing circumstances and ensures that parliamentary scrutiny is maintained.

Therefore, a BRIA will be considered on any future secondary legislation that is made under the provisions in the Bill that set out further details of statutory nature restoration targets. This will ensure that any potential impacts are considered when the individual targets are being developed.

The actions taken to deliver statutory nature restoration targets set out in secondary legislation, will be undertaken via the Scottish Biodiversity Strategy Delivery Plans. These actions may have impacts that require assessment and a BRIA will be conducted on the SBS delivery plans where necessary.

The provisions in part 2 of the Bill provide Scottish Ministers with a new delegated power to modify or restate Environmental Impact Assessment (“EIA”) legislation and the Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations

The Conservation (Natural Habitat, &c.) Regulations 1994 (“the 1994 Habitats Regulations) and the Environmental Impact Assessment (EIA) regime are key legal frameworks underpinning environmental protection and assessment processes in Scotland, on land and at sea.

The purpose of the enabling power in the Bill is to allow the Scottish Government to make future amendments to this legislation, if needed, to respond to evolving circumstances, or to address existing issues and inefficiencies. This provides the flexibility to adapt to future requirements, while maintaining or improving overall environmental outcomes.

As set out in the Financial Memorandum accompanying the Bill it is not possible to accurately estimate any potential costs or savings from using this power at this time as the Scottish Government has not committed to any future use of this power. Any future amendments will be given consideration as to whether a BRIA is required when developing any secondary legislation

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# Section 1: Background, aims and options

## Impact of deer in Scotland

Following the introduction of the Deer (Scotland) Act 1959 (“the 1959 Act”), deer numbers rose from an estimated population of 155,000 to 300,000 between 1959 and 1990. Since 1990 estimates show that red deer numbers have likely doubled again. In 2013 NatureScot suggested that there were between 593,000 and 783,000 wild deer in Scotland. Eight years on, and the DWG found that figure could be well on its way towards 1 million wild deer. Deer management is the single largest terrestrial wildlife management operation carried out in the UK.

Scotland is one of the most nature depleted countries in the world<sup>2</sup>. Our country’s biodiversity has been altered by centuries of habitat loss and fragmentation, management changes, development and persecution<sup>3</sup>.

Deer populations can range in densities to very high levels of over 40 deer per square km. Deer can influence carbon sequestration in woodlands through their consumption of vegetation. A 2020 ClimateXChange paper<sup>4</sup> on deer in a changing climate, found that in order to mitigate these effects, a reduction in deer density to levels where natural regeneration can occur is required. “For Scotland’s natural landscape and woodlands to recover, deer densities need to be reduced and maintained around this <5 deer/km<sup>2</sup> threshold.”

## The Deer Working Group

The Deer Working Group (“DWG”) was established by the Scottish Government in 2017, following reports by NatureScot in 2016<sup>63</sup> and the Scottish Parliament’s Environment, Climate Change and Land Reform (ECCLR) Committee in 2017. The ECCLR Committee concluded that there had “been substantial progress shown by DMGs over the last two years in improving their overall performance and commitment to the planning process” but it also found that “50 per cent of deer management groups have failed to identify actions in deer management plans to deal with deer impacts in designated sites”.

The 2017 ECCLR report went on to say that “Habitats take a long time to recover and the Committee considers we do not have time to wait in delivering the Scottish Biodiversity Strategy. The scale of action needed to address deer impacts on the natural environment across Scotland is a significant factor” and “The Committee is not convinced the currently available suite of powers are adequate. Section 7 agreements are not fulfilling their purpose and the failure to use Section 8 powers is seen by many as being due to them possibly being open to challenge.” This formed the basis for the ECCLR Committee’s recommendation that an independent short-term working group be established to consider deer management in Scotland.

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<sup>2</sup> [State of Nature report shows Scotland's wildlife continues to decline | NatureScot](#)

<sup>3</sup> [Scotland - State of Nature](#)

<sup>4</sup> [Wild deer and climate change in Scottish woodlands | ClimateXChange](#)

The DWG made 99 recommendations in relation to the existing statutory and non-statutory arrangements for the management of wild deer in Scotland, the majority of which were accepted by the Scottish Government.

Following the publication of the Scottish Government's response to the DWG recommendations, the 2021-22 and 2023-24 Programmes for Government committed to implement those recommendations.

Further detail on recommendations that were accepted but do not require primary legislation, are set out below. The alternative approaches considered to take forward accepted recommendations are outlined in more detail below.

### Objective

The aim of the Scottish Government's deer management policy is to reduce the impact of wild deer on the natural environment so that they can form part of a functioning ecosystem while maximising the benefits deer bring to local communities and the rural economy. Part 4 of the Natural Environment (Scotland) Bill ("the Bill") will support these aims by implementing many of the DWG recommendations that require primary legislation, as well as repealing the licensing of venison dealing, and by making changes to NatureScot's powers of intervention under the Deer (Scotland) Act 1996 ("the 1996 Act") to ensure they are fit for purpose in the context of twin climate and biodiversity challenges, as well as making some technical and procedural changes throughout the 1996 Act.

Outcomes of the policy proposals under assessment will be measured by:

- A substantial improvement in proactive and sustainable deer management across Scotland resulting in a significant increase in the annual recorded deer cull with consequential reductions in deer numbers, densities and damage impacts.
- Achievement of an additional 50,000 deer per annum culled above current levels (25% increase) to deliver a clear and sustained reduction in Scotland's deer population from the current 1 million deer. This would be a 'necessary minimum outcome' in order to achieve nature restoration.
- An increase in the amount of venison entering the food chain, at both local and national levels.
- Scotland's afforestation targets and increased scope to plant a wider variety of tree species, facilitated in part by a reduction in deer numbers, deer-damage impacts and a gradual, reduced reliance on deer fencing. Demonstrated by an increase in woodland cover, tree species range and distribution, natural regeneration and biodiversity plus increased carbon capture.
- Successful delivery of Scotland's peatland restoration programme and targets. Demonstrated by reductions in the trampling and browsing of depleted peatlands and of recently restored peatlands, plus increased carbon capture and reductions in carbon emissions.
- Improvements to the biodiversity of Scotland's water catchments, watercourses and enhancement and expansion of riparian woodlands.



Demonstrated by improved flood prevention, water quality, water temperatures and salmonid stocks.

- A reduction in the annual incidence of deer vehicle collisions in Scotland.

## Options

### Option 1 – Do nothing

This option would mean that the provisions in Part 4 of the Bill would not be implemented.

Under this scenario, the existing legislative framework for deer management (the 1996 Act) would continue to operate as it currently does and deer management for nature restoration purposes would rely, primarily, on voluntary deer management arrangements.

### Option 2 – Adopt the provisions of the Bill

Implementing the Bill would bring forward the following provisions:

- Amendments to NatureScot's overarching aims and purposes in relation to deer management to include reference to safeguarding the public interest as it relates to the management and control of deer.
- Changes to NatureScot's ability to be represented on advisory panels to allow a member of NatureScot or a member of NatureScot's staff to be appointed as a member of a panel under section 4 of the 1996 Act.
- Amendments to the current reporting requirement timeframe in relation to the Code of Practice on deer management, to allow flexibility for NatureScot to carry out the review at the most appropriate point.
- Reductions to the timeframe available for producing a deer management plan ("DMP") when required to by NatureScot.
- Making various changes to DMPs, control agreements and control schemes, including changes relating to grounds for intervention, providing a new ground for which NatureScot can intervene in deer management for nature restoration purposes, as well as various changes relating to procedure.
- Amending procedure for making, varying or revoking section 8 control schemes.
- Amendments relating to the recovery of NatureScot costs and expenses incurred in connection with the registration of control schemes, the registration of variations or revocations of control schemes, and in relation to any costs incurred in the performance of its duty under section 10(4) of the 1996 Act.
- Creating a new exemption to the offence of killing a deer in respect of an act done for the purpose of preventing or stopping a deer from causing harm to a person if certain conditions are met.
- Adjusting NatureScot's investigatory powers, including amending powers of entry on to land and introducing a new power to require the provision of information and documents
- Amending the way in which authorisations from NatureScot to carry out specified activities can be granted by providing that a person who is registered in a register established by regulations under section 17A of the

1996 Act may be considered a fit and competent person for the purposes of section 37 (restrictions on granting certain authorisations) of the Act.

- Restricting the use of shotguns by creating a new offence of shooting a deer with a shotgun, along with a corresponding ability for NatureScot to authorise the activity in appropriate circumstances.
- Amending the grounds for which authorisations can be granted for specified activities including close season shooting and taking or killing deer at night.
- Creating the offence of failing to report taking or killing of stray farmed deer and also a defence to civil proceedings in relation to killing or injuring stray farmed deer.
- Repealing provisions related to the licensing of venison dealing.
- Technical and consequential amendments in relation to the above.

## **Section 2: Engagement and information gathering**

### **Engagement approach**

The Scottish Government undertook a wide range of meetings and discussions with public and private stakeholders over several years in order to acquire a broad knowledge and understanding of the complex issues around land management and the land uses in Scotland affected by deer and their impacts. This has included the work of the DWG (discussed above), taking views from key stakeholders in 2021 on the DWG Report and recommendations, the statutory stakeholder consultation carried out in May 2023 on changes to remove the close season for male deer, amend the minimum weight of bullets to allow the use of non-lead alternatives and permit the use of night sights when shooting deer, and more recently a public consultation on the proposed changes to the deer legislation which closed in March 2024. The responses to these, along with discussions and feedback gained during a number of other formal and informal engagements were collated and used to inform this BRIA.

### **Consultation within government**

The following government agencies and departments have been consulted in the preparation of this Business and Regulatory Impact Assessment:

- NatureScot have provided advice on issues relating to their role as Scotland's deer authority
- Scottish Animal Welfare Commission provided advice in response to our deer management proposals during the consultation on the deer elements of this Bill
- Justice Directorate, Scottish Government provided advice on issues relating to offences and sentencing;
- Crown Office & Procurator Fiscal Service (COPFS) have provided advice on the current court and prosecution arrangements;
- Police Scotland have provided advice on the investigation of wildlife offences;
- Food Standards Scotland have provided advice in relation to venison;
- Local Authorities have provided advice in relation to Venison Dealers Licences

- Scottish Courts and Tribunals Service have provided advice on appeals.
- Scottish Government, Directorate for Agriculture and Rural Economy have provided advice on deer management for agricultural purposes and on venison.
- Scottish Forestry have provided advice on deer and forestry policy.
- Forestry and Land Scotland have provided advice on deer management on Scotland's National Forests and Land.

### Public Consultation

The Scottish Government *Managing deer for climate and nature: a consultation on the Bill* ran from 5 January 2024 to 29 March 2024. The full analysis of the consultation, published 9 September 2024, can be found on the Scottish Government website: [Managing deer for climate and nature: consultation analysis - gov.scot](https://www.gov.scot/publications/managing-deer-for-climate-and-nature-consultation-analysis/pages/2).

The public consultation received 1,632 responses, from a wide range of people, including over 100 organisations and businesses, around 27% of which identified as land management, deer management, farming or countryside sporting organisations. The responses to the consultation were considered in the drafting of the provisions in Part 4 of the Bill mostly via Citizenspace. An overview of the responses is shown in the tables below:

**Table 1: Breakdown of responses**

<b>Respondent type</b>	<b>n</b>	<b>%</b>
<b>Organisations</b>	107	7%
<b>Individuals</b>	1,498	93%
<b>Total</b>	<b>1,605</b>	<b>100%</b>

**Table 2: Organisational respondents, by type**

<b>Organisation type</b>	<b>n</b>	<b>%</b>
<b>Land management, estates and farming organisations</b>	31	29%
<b>Conservation, nature and environment organisations</b>	29	27%
<b>Deer management groups and deer services</b>	13	12%
<b>Public bodies</b>	9	8%
<b>Animal welfare organisations</b>	7	7%
<b>Countryside sporting organisations</b>	7	7%
<b>Food sector organisations</b>	4	4%
<b>Other organisation types*</b>	7	7%
<b>Total</b>	<b>107</b>	<b>100%</b>

### Business

Business stakeholders that previously notified an interest in deer management and venison were sent the public consultation directly and were encouraged to respond.

The development of these proposals was informed by the independent DWG review, whose membership comprised of representatives from academia, deer and land management, and conservation experts. The group met with a number of organisations and businesses, including deer managers, landowners and land managers, and trade organisations. That consultation formed the basis of the

recommendations in the DWG report, and subsequently the provisions in Part 4 of the Bill.

In addition to the above consultation, throughout the development of the Bill, the Scottish Government continued to meet directly with key stakeholders and organisations representing groups or individuals who undertake deer management or are interested in venison for a range of different purposes and those who might engage a group or individual to undertake deer management on their behalf.

## **Section 3: Costs, impacts and benefits**

### **Quantified costs to businesses**

Direct costs and resource costs resulting from the changes to the 1996 Act made via the Natural Environment (Scotland) Bill will mainly affect Scotland's land-managing businesses and sectors, this includes: forestry, farming, crofting, conservation, estate management, water management and carbon management. Many landholdings may be involved in the management of some or all of these elements.

### **Cost Expenditure**

Across Scotland landowners, managers, occupiers and deer practitioners from within the various sectors and groups affected by the proposals, are already expending considerable time, effort and funds to deliver modern and proactive deer management in order to:

- Reduce deer damage impacts and associated costs to their land and natural capital.
- To improve productivity and income stream potential
- To deliver a range of land management objectives and contribute to Scottish Government policies by enhancing and restoring nature and by developing mitigation and adaption of their land to improve climate change resilience.

These efforts include; the provision of accurate information and documentation to NatureScot (e.g. via cull returns), well-informed deer management planning, the delivery of increased deer culls, collaboration with neighbours, and use of competent stalkers who apply high standards of deer management practice and animal welfare.

The Bill will have a limited effect on most owners and occupiers of land in Scotland, as they are already resourced and carrying out appropriate deer management. While there might be an increase in the amount of deer management they are undertaking, this will be progressive over multiple years. In some cases, this might be a large scale increase in their deer management, this would be in circumstances where there is inadequate deer management already, we estimate for most the increase will be around 10-20%.

Likewise, the proposals should have minimal costs and impacts on professional, recreational, volunteer or fee-paying stalkers. If deer culls increase significantly, it is likely that there will be increased stalking opportunities for stalkers in the relevant locations.

The proposals will also benefit venison dealers who currently apply for and pay for a Venison Dealers Licence (“VDL”). Under the proposals (i.e. repeal of the provisions in the 1996 Act which require VDL ) they will no longer have to do so in future.

The businesses, organisations and individuals who will be most heavily affected by some of the direct costs relating to the proposed changes and potential interventions will be landowners, managers, occupiers and deer practitioners from across the sectors who are:

- Not currently engaged in any deer management on their land or are carrying out insufficient deer management on their land.
- Actively maintaining high deer densities for the purposes of commercial business.
- Carrying out deer management but do not hold any formal qualifications.

The changes the Bill makes are intended to support NatureScot’s use of regulatory powers, to enter into voluntary control agreements and compulsory control schemes for an additional purpose (nature restoration). This is likely to lead to a slight increase in the number of voluntary control agreements, and an increase of control schemes to around approximately one or two per year. There is, therefore, likely to be an increase in costs to owners and/or occupiers who are being asked to, or in some cases, required to cull more deer than they do currently. These direct costs to individuals and businesses are set out in the Financial Memorandum accompanying the Bill<sup>5</sup>.

With regard to qualifications, the Bill includes provisions to amend the existing power to introduce a register of those authorised to shoot deer in Scotland. It is the intention that this register be brought into effect shortly after the Bill is enacted. There may be some cost to individuals and/or deer management businesses to meet the standard of competence to register (ie via a Deer Stalking Certificate or similar), the Financial Memorandum also sets out further information on the potential costs of this. At this stage these costs are indicative, as the detail of the register of authorised persons will be set out via secondary legislation during implementation, and at that point, the impact of the regulations on businesses will be considered again. However, it is intended that the impact on businesses and individuals will be minimal.

### **Framework of Costs:**

As a result of a range of variabilities including; terrain, remoteness, upland/lowland, deer species involved, size of landholding, types of natural capital on the land to be protected/enhanced, existing resources etc, the costs may vary considerably from one landholding or business to the next.

NatureScot has therefore developed a Framework of Costs which includes a working range for each of the key costs which can be applied to the required measures and to specific landholdings to take into account the range of variable circumstances.

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<sup>5</sup> [Financial Memorandum accessible](#)

Costs relating to the proposed changes and the measures required by NatureScot may include expenditure for:

- Supplying Deer Management Plans within the timeframe requested by NatureScot, which can be no less than a minimum of three months.
- Carrying out proactive deer management (such as culling) and implementing section 7 Control Agreements.
- Agreeing, implementing and complying with a section 8 Control Scheme and measures.
- Costs for deer measures or actions paid for and delivered by NatureScot on a landowner's or occupier's behalf.
- Supplying information or documentation relating to deer management to NatureScot.
- Registering as fit and competent to shoot wild deer in Scotland and/or to be authorised to carry out one or more specified activities (such as close season shooting or night shooting).
- Allowing NatureScot entry on to land following notice of between five days to one month, in order to quickly assess deer damage impacts and instigate urgent deer measure interventions, where required.

## **Scottish firms' international competitiveness**

The provisions in Part 4 of the Bill do not have any direct effect on Scottish businesses ability to compete internationally. Part 4 of the Bill does not have any direct effect on Scotland's attractiveness as a destination for global capital investment

## **Benefits to business**

### **Cost Savings and Benefits:**

Over the medium-long term, implementation of these provisions should result in savings to the public sector, and to businesses overall.

These savings and benefits can be realised by the significantly increased and sustained culling of deer in the public interest to help facilitate positive land use transformation and will include:

- Protecting and enhancing past, current and future investment in stewardship of the land by the private and public sectors.
- Improving carbon management by increasing carbon capture and reducing carbon (and methane) emissions.
- Reducing biomass/nutrient offtake from the land.
- Achieving afforestation programmes via the free-growth of planted and naturally regenerating trees and by enhanced plant and tree species diversity.
- Improving forest productivity by improving timber volume, quality and value.
- Increasing opportunities for business growth and added-value in agriculture by protecting crops, grazings and by, for instance, realising the potential for native woodland creation/restoration or agro-forestry on crofts and farms.
- Protecting and enhancing depleted and restored peatlands.
- Enhancing ecosystem services, habitat connectivity, the basic natural cycles of water/nutrients/life, and wider soil and ecological condition.
- Improving water flow/retention, quality and temperature.



- Significant savings on operational deer management costs for many land managers involved in the proactive and sustainable deer management as the incidence of deer migrating in from neighbouring properties gradually decreases.
- Gradual reductions in the use of deer fences and plastic tree shelters (as background deer numbers reduce).
- Short-medium term increases in deer carcass and venison production.
- Reductions in deer vehicle collisions

There should, as a result of the above deliverables, be widespread benefits to the wider community of Scotland of an economic, social and environmental nature. A range of forestry, agriculture, conservation, carbon management, water management, deer management and venison-processing businesses and supply chains should benefit over the medium-long term from the positive outcomes outlined above.

The proposed requirement for NatureScot to register confirmed deer control schemes in the Land Register of Scotland or record them in the General Register of Sasines introduces a measure of transparency rather than additional regulatory burden. This change applies only in situations where deer control schemes have been confirmed under existing statutory powers, typically following the failure of voluntary deer management plans under section 6 and deer control agreements under section 7 of the 1996 Act. Such action will only have occurred where a ground for intervention under sections 6ZA or 6ZB of the Bill has been met, establishing a demonstrable need for deer management on that land. The effect of this should be that a new owner who buys the land will be subject to the same requirements to take deer management action as set out in the control scheme as the previous owner of the land.

Under current arrangements, a confirmed control scheme applies to the current owner or occupier of land, but when the land is sold, any new owner is not bound by the terms of that control scheme. However, this does not remove the underlying requirement for deer control. Where a need for intervention has already been established under sections 6ZA or 6ZB, that need will persist regardless of ownership.

Deer management measures are likely to be long term measures spanning a number of years. The length of the measures will vary depending on the aims of the agreement. If land ownership changes then the new landowner will not be subject to any of the obligations imposed by a control scheme.

In practice, this means NatureScot must reinitiate the engagement and compliance process with the new owner, which will likely introduce delays, uncertainty, administrative inefficiencies and ultimately increased cost to the public purse. Given deer management actions need to be carried out consistently over the long term in order to have positive impacts on the biodiversity and climate crises, there is a concern that these delays will negatively impact the necessary progress that needs to be made in relation to deer management in Scotland. Inconsistent deer management will set progress back. If deer populations are reducing and then a

change occurs that results in the deer management slowing or stopping, then the progress that has been made will be at risk.

Registering the control scheme ensures that the status of the land is transparently recorded, allowing prospective buyers to understand any ongoing land management needs before purchase. The introduction of a formal registration requirement is not expected to impose significant financial or operational costs on landowners or businesses. The registration itself is a one-time administrative step carried out by NatureScot. It does not alter the nature of existing obligations under the control scheme nor create new compliance requirements.

The potential impact of this measure on land prices is uncertain and will depend on a wide range of factors, including the characteristics of individual plots and the priorities of prospective buyers. While some purchasers may view the presence of a registered control scheme as a constraint, others—particularly those with interests in conservation, natural capital, or sustainable land use—may view such schemes as adding ecological value. This aligns with broader Scottish Government objectives on biodiversity and climate resilience and may not be a detriment to environmentally focused investors.

NatureScot is committed to a collaborative and proportionate approach to deer management. When ownership of land changes, NatureScot will engage constructively with the new owner to determine the most appropriate course of action, control schemes are not intended to exist indefinitely in any circumstance, throughout the time a control scheme is in place NatureScot will be working with the relevant land owner or occupier to ensure deer management is effective in the long term. Where a new owner takes control of land under a control scheme, NatureScot will engage with them as early as possible on their deer management responsibilities and consider whether there is a need to review the control scheme, or revoke the scheme, as appropriate. This ensures that each situation is assessed on its own merits and supports a flexible, outcome-focused approach to delivering effective and sustainable deer management.

### **National Costs of Deer Damage Impacts**

It is very difficult to accurately forecast the financial value of savings from deer management, as an illustrative guide, the estimated savings for Forestry and Land Scotland are between £0.5 million to £1.6 million annually, discussed further in the Financial Memorandum to the Bill.

Deer-vehicle collisions resulted in an estimated £13.8 million in damage in 2016 across the UK. The DWG concluded those figures were likely to be far higher now, and a 2022 report by NatureScot which analysed deer vehicle collisions between 2019 and 2021 found that figure had risen to in excess of £17 million. A breakdown of those costs for Scotland is not available. However, the NatureScot report also found that in Scotland “increasing deer populations and growth in traffic have led to an increased risk of DVCs”

### **Small business impacts**

Small businesses may be impacted positively by the provisions in Part 4 of the Bill.

Smaller landholdings such as crofts, farms and estates who wish to be or are required to be proactive in deer management may require support and advice from the Scottish Government, NatureScot and Scottish Forestry. This may include signposting to existing financial support through the Forestry Grant Scheme, Nature Restoration Fund and Agri-Environment Climate Scheme (AECS). They may also require help with training and up-skilling.

Small businesses such as trainers, suppliers of stalking clothing/equipment/specialist vehicles and some deer stalkers should benefit from opportunities presented by the Scottish Government's policy to significantly increase the deer cull and to thereafter maintain deer at low densities over the short-medium-long term.

There will likely be a positive impact on small businesses which are working to improve the natural environment. There may also be positive impacts on local community trusts and projects which are focused on improving green spaces or access to nature. These businesses and organisations are likely to benefit from reductions in deer populations generally, and in some circumstances from priority work local to them.

## **Investment**

The proposed policy and its wider medium-long term outcomes could potentially increase Scotland's attractiveness as a destination for global investment.

Deer management has an important role in land use transformation for the purpose of improved biodiversity, afforestation, habitats, ecosystems, landscapes and productivity which could potentially attract global capital investment in carbon management, afforestation, agricultural, re-wilding and tourism projects, developments and commercial opportunities.

## **Workforce and Fair Work**

It is unlikely that Part 4 of the Natural Environment Bill will impact on Fair Work First Principles.

## **Climate change/Circular Economy**

The Scottish Government is committed to reaching Net Zero by 2045, and promoting a Circular Economy in Scotland. High deer populations are a threat to Scotland's significant public investment in mitigating climate change and improving nature.

Part 4 of the Bill is expected to positively impact on the ability of a wide range of land-management businesses and sectors to contribute to, and benefit from, Scotland's climate and circular economy targets by reducing barriers to accessing deer management tools. The Bill may also support access to grant funding where deer populations are high as a result of inadequate control in the surrounding area and those may be a barrier to achieving the necessary outcomes. The Bill does not create new grant funding, instead it creates a new ground for intervention which will enable NatureScot to require deer management action (via the existing intervention powers in the 1996 Act) for nature restoration purposes where NatureScot are satisfied that the ground for intervention is met. There may be circumstances where a project that would otherwise improve the environment and therefore be eligible for grant funding is ineligible as a result of high deer populations within the local area

which are considered to be preventing the success of the project. NatureScot may have control agreements in place with all of the surrounding landowners, but one landowner may not be complying with the terms of that agreement. This could then escalate and be subject to a control scheme which would support access to that grant funding.

In some parts of Scotland, where multiple landholdings work cooperatively to improve the environment via nature restoration projects, adjacent landholdings that fail to undertake effective deer management can undermine the efficacy and outcome of those projects and increase costs. The provisions in Part 4 of the Bill would allow NatureScot to consider implementing deer control agreements in such circumstances and progress to requiring action under a control scheme where appropriate deer management is not undertaken and NatureScot is satisfied that the ground for intervention is met.

The effect of these provisions is that a small number of landowners or businesses may be required to undertake additional deer management on their land where they have a high deer density that negatively impacts on nature restoration nearby. This may potentially increase costs to one business or landholding, however, it could have a positive impact on others, and for the public overall. NatureScot would consider the costs and benefits of any regulatory intervention before taking action under the provisions in Part 4 of the Bill.

Part 4 of the Bill is intended to support the Scottish Government policy to significantly reduce Scotland's 1 million deer population over several years in order to maximise environmental and climate resilience benefits.

The delivery of significant and sustained deer culls across Scotland over future years should help create an increasingly positive, improved and resilient land management economy. Achieving a significantly reduced deer population to greatly reduce browsing, fraying and trampling impacts will help Scotland's land managers and sectors contribute directly to climate resilience via improvements in mitigation, adaption, carbon management and ecosystem services achieved by:

- Improved site and soil condition, particularly across Scotland's carbon-rich soils, especially peatlands.
- Enhanced management of water catchments, headwaters, watercourses and riparian woodlands.
- Development and expansion of habitat networks and landscape connectivity.
- Increased and enhanced natural capital via the restoration of Scotland's natural environment and an increase in land use transformation.
- Delivery of new woodland creation, the restocking of productive forests and the natural regeneration and expansion of native woodlands and shrub layers.
- Realisation of the landscape's productivity and biodiversity potential.
- Food production balanced with the development of nature and biodiversity on farms and crofts, such as farm/agri-forestry.
- An increase in the supply of local, healthy, quality venison products from Scottish wild deer into the food chain with the potential for a reduction in venison imports from countries such as New Zealand.

- Gradually reducing the need for, and use of, deer fences and plastic tree shelters across Scotland.

The need for goods and services to facilitate a significantly increased cull will include an increase in:

- Culling services to deliver an increased and sustained cull.
- Protective clothing and ancillary equipment (e.g. specialist all-terrain vehicles, night-sights, drones etc).
- The increased use of non-lead ammunition to shoot more deer and have produce more quality carcasses acceptable to the venison-processing industry.
- Fuel to access, extract and transport deer carcasses to deer larders and the venison processor.

## **Competition Assessment**

There are no market effects considered to result from the proposals relating to deer management or venison in the Bill. Therefore, there is considered to be no competition concern to suppliers and consumers; including those providing and using public services.

## **Consumer Duty**

Part 4 of the Bill is unlikely to have any significant impact on consumers.

# **Section 4: Additional implementation considerations**

## **Enforcement/ compliance**

NatureScot will monitor compliance with authorisations to undertake specified activities with the register of authorised persons once the register has been created by secondary legislation. NatureScot will also undertake environmental assessments, and monitor compliance with deer management plans, control agreements and controls schemes.

Police Scotland will enforce the provisions in the Bill relating to wildlife offences, respond to complaints by the public and report cases to the COPFS in the same way as they do in relation to other criminal offences.

## **UK, EU and International Regulatory Alignment and Obligations**

### **Internal Market/Intra-UK Trade**

It is not envisaged that the Bill will impact on the internal market.

### **International Trade Implications**

It is not envisaged that the Bill will have any international trade implications beyond removing some regulatory barriers within the Scottish venison supply chain.

While Scotland, and the wider UK, currently import venison from countries such as New Zealand, and export specific venison products from roe deer and deer in-season to Europe, the Bill does not contain provisions which will directly influence or impact this.

### **EU Alignment**

The Bill has no impact on: the Scottish Government's commitment to maintain and advance the high standards that Scotland shares with the EU; access to EU markets for people, goods, and services; or any implications for EU alignment associated with the United Kingdom Internal Market Act 2020 or Common Framework agreements.

### **Legal Aid**

While the Bill contains new offences in relation to deer management, it is not anticipated that the Bill will result in a significant increase in people seeking legal assistance. There may be a minor increase in the number of people being taken through the court, there are very few incidences of wildlife crime resulting in criminal prosecution each year, and deer offences have historically been related to poaching. It is not envisaged that the provisions of the Bill will substantially change this.

### **Digital impact**

There is limited digital impact. The Bill does contain provisions to allow the serving of notices to be carried out electronically with the prior agreement of the relevant owner or occupier. However, the option remains for owners or occupiers to receive notices via post, there is therefore no anticipated impact on offline businesses.

The Bill also contains provisions to improve the data available to NatureScot by allowing NatureScot to request certain information and documents where this relates to carrying out their functions under section 7 and 8 of the 1996 Act, and increased deer management generally will result in increased data on deer culls. NatureScot are increasingly collecting deer-data via a digital platform and the option will be there for landowners or occupiers to provide and submit information or a document electronically. Assessment of the digital impact of this method of data collection is for NatureScot to carry out.

### **Business forms**

There will be a new form which will be required to be completed when applications are made for registration on the register of authorised persons (which will be created by secondary legislation). This will be developed by NatureScot as part of the development of the register.. NatureScot will consult with stakeholders as part of the development process for the new register including seeking feedback on any accompanying forms and guidance.

There may also be a new form for NatureScot to complete when registering a section 8 control scheme in the Land Register, or recording it, as the case may be, in the General Register of Sasines.

In any case the Scottish Government would test run any new forms with those who will be using them to ensure that they are fit for purpose and easy to use.



## **Section 5: Next Steps and Implementations**

### **Recommendations/ preferred options**

It is recommended that Option 2 is pursued. The changes to the 1996 Act have been co-developed based on both an analysis of the consultation responses and the recommendations of the DWG. These proposals will enable restoration and protection of nature, and support delivery of the Scottish Government's net zero and biodiversity goals.

### **Implementation considerations/ plan**

A detailed implementation plan is currently being developed that will include the timeline for the creation of the register of authorised persons by regulations, and associated training. The proposed changes are intended to come into force (subject to Parliamentary process and timing) on a date to be appointed by the Scottish Ministers in regulations, supported by Scottish Government guidance for enforcement agencies.

The Scottish Government will continue to engage with stakeholders as the Bill progresses and implementation begins. This will include formal and informal channels, forums such as the Deer Management Round Table and meetings with stakeholders on specific issues.

With regard to the creation of the register of authorised persons, the 1996 Act requires that before making regulations under section 17A of that Act, Scottish Ministers (or a person nominated by them) must consult such persons and organisations as they consider have an interest in the regulations. The Scottish Government's Deer Management Strategic Board will monitor implementation of the changes via monitoring of delivery and through its ongoing work programme. It will maintain a communications plan including overseeing stakeholder engagement.

### **Post Implementation Review**

The Scottish Government Wildlife Management Team has a close working relationship with key stakeholders across Scotland and will monitor the development of this policy change and its application in practice.

The Scottish Government's Strategic Deer Board will review deer management progress in priority areas as part of its ongoing programme of work.

The changes made by the Bill will require, under the 1996 Act, a review of compliance with the code of practice for deer management to be undertaken if required by Scottish Ministers, following revision to the code of practice, and not less

than once every 10 years. There will, therefore, be a review of that code of practice following implementation of the Bill.

NatureScot must report to Scottish Ministers annually on all voluntary control schemes where progress has been deemed insufficient.

## Declaration

I have read the Business and Regulatory Impact Assessment and I am satisfied that it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and that these have been taken into account when making the policy decision. I am satisfied that business impact has been assessed with the support of businesses in Scotland. I am also satisfied that officials have considered the impact on consumers as required by the Consumer Scotland Act 2020 in completion of the Consumer Duty section of this BRIA.

Signed: 

**Jim Fairlie MSP**  
**Minister for Agriculture and Connectivity**

Date: 03 June 2025

Scottish Government contact point: NEBill@gov.scot