BASC response to the consultation on managing deer for climate and nature in Scotland.

Introduction

The British Association for Shooting and Conservation (BASC) has around 150,000 members of which 42,000 (28%[1]) are actively involved in deer management across the UK. Although this includes full-time professionals, the majority (88%[2]) of our deer manager members operate on a voluntary basis.

There are 25,214[4] firearm certificate holders (FAC) in Scotland but not all of these will hold deer calibre rifles. Police Scot inform us that there are 20,021 deer calibre rifles in Scotland[3], but many people will hold several rifles, so it is difficult to estimate the actual number of deer stalkers in Scotland. However, our best approximation is between 15,000 – 20,000 deer stalkers. There are 7,255 people in Scotland who have completed the DMQ Deer Stalking Certificate Level 1 (DSC1) of which 3,696 have gone on to achieve their DSC2[4].

Many more people than this travel to Scotland to shoot deer and this brings a considerable income to the rural economy, providing jobs and visitor stays outside the normal tourist season. There are an estimated 56,000 shooting days delivered by deer stalking providers[5] across Scotland and many of these will be to overseas or other British nationals. As many of these days will be sold, they contribute a significant proportion to the estimated £760 million total economic impact of shooting sports in Scotland[5].

BASC is a leader in the training of deer managers and provides a range of opportunities from novices to experienced deer managers to develop and refresh their skills. These include Introduction to Deer Stalking Taster days through to a week's red deer stalking on the Isle of Arran. BASC are a major provider of the Deer Management Qualifications (DMQ), across the UK. In 2021, we trained 785 (51%) of all the DSC1 registrations (1,531) and similarly assessed 290 (53%) of all the 543 DSC2 registrations that year.

BASC is also the leading venison consumer marketing campaigner and is heavily involved in the promotion of venison as a low carbon, healthy, ethical, source of low cholesterol, high protein red meat through our Eat Game brand and industry awards scheme.

In general, we welcome this consultation and the opportunity it affords to ensure the long-term sustainable management of Scotland's deer. Below are the key points that we believe should be appreciated when considering our responses:

1. We do not consider deer to be a national problem, indeed in many areas of Scotland the deer populations are well managed at an environmentally sustainable level. We do however accept that certain species in certain areas are a problem. We certainly would not want native deer (red & roe) to be considered as pests to be eradicated.
2. We believe that the Scottish government should address the impact of all herbivores on natural ecosystems and that this should be based on up to date and valid habitat impact assessments. There are huge climatic and geological differences across Scotland so the reliance on a blanket target population is ecologically nonsensical.

[1] BASC Membership Survey 2020
[2] BASC Stalking Survey 2020
[3] Scot Police personal communication 24/01/24
[4] Deer Management Qualifications Ltd personal communication 24/01/24
[5] The Economic, Environmental and Social Impact of Shooting in the UK, 2023

3. As stated above BASC is the main organisation representing deer stalkers (~42,000) and is the main provider of deer management training (~50% of all DSC1/2s annually). As such we are well placed to ensure the sector has the capacity to manage deer now and in the future.
4. We believe that the Scottish government should harness the potential of our deer stalker members to act as volunteer deer managers across many parts of Scotland. This is a more long-term, sustainable solution to the management of Scotland's deer population.
5. The Scottish government needs to invest in the venison supply chain to ensure that there are no bottlenecks and a final demand for all the extra venison that will be produced as a result of an increased cull.
6. BASC is keen to help deliver the deer management required across Scotland and will work with the Scottish government and its agencies to enable this.

Overview of the proposals

The narrative within the introduction to this consultation appears to blame the over population of deer for all loss of biodiversity when the truth is there are many factors affecting both the climate emergency and biodiversity loss. Making deer the number one culprit is very disingenuous of NatureScot (NS) especially when there are a whole host of domestic and wild herbivores impacting on Scotland's natural heritage. We would therefore prefer that native deer are not relegated to pest status and demonised as a national problem but rather discussed and managed at an appropriate level to deliver nature recovery and would like to see this as part of the narrative of any Scottish strategy.

The tenor of this consultation is authoritarian with great emphasis being placed on increasing the statutory powers of NatureScot. Just tinkering with legislation will not increase the number of deer shot and if the Scottish government are serious about reducing deer populations, then they need to look less at punitive measures and more at suitable incentives. Deer are no longer considered a financial asset by many landowners and deer management is a costly activity. Indeed Forest & Land Scotland (FLS) own figures[6] suggest that it costs at least £200 per deer shot. So, if it is in the public interest that landowners reduce their deer herds then surely it is only right that the public pay for such goods.

We are also concerned the market for venison has not been addressed at all. There needs to be much greater emphasis on ensuring there is a final market for the venison produced and that the supply chain has no bottlenecks. The Scottish government state that we need to cull another 50,000 deer per year but there is nothing in this consultation that addresses what we are going to do with these extra carcasses. The current Approved Game Handling Establishments (AGHEs) can barely cope with today's level of culling so without some serious investment in suitable plant, and marketing of final product, this quality protein will go to waste.

A guaranteed way to incentivise deer managers to cull more deer is, to have a higher market value for the carcasses. We propose a scheme is created whereby the Scottish government purchase carcasses from the Approved Game Handling Establishments (AGHEs) through a form of targeted incentive scheme. For example, if we need to cull more hinds then offer a premium through the AGHEs. As these carcasses would be paid for by the Government they could then be used as an excellent source of low carbon, healthy, low fat, high in nutrients protein to feed local communities and help in meeting some of the obesity and healthy food targets set out in Scotland's Good Food Nation[7] policy.

Finally, in much of the current government thinking on deer management in Scotland there appears to be no thought of an exit strategy. The use of contract cullers (as espoused by FLS) may be a successful short-term measure to affect a reduction in the deer population, but at some point, it will be unproductive for a contractor, especially if paid per carcass, to continue to operate. What will be required to maintain the lower populations are a multitude of trained local volunteers overseen by professional deer managers. This model of integrated community deer management[8] has been proposed by BASC to the Minister Lorna Slater.

[6] Section 14 Agriculture and Forestry - The management of wild deer in Scotland: Deer Working Group report - gov.scot (www.gov.scot)
[7] Food and drink - gov.scot (www.gov.scot)
[8] Layout 1 (basc.org.uk)

Almost all deer management stakeholders accept that there are considerable merits of integrating communities in the management of Scotland's deer – particularly in the lowland context. By this we mean giving trained recreational deer stalkers more opportunities to manage deer in their local area, as well as widening community participation in deer stalking through the provision of training. The benefits of community integration are numerous, and the foundations of this vision are highly sustainable. It will build resilience into the management framework; it will enable a sustainable food source to be harvested, processed and consumed locally; it will effectively and flexibly protect the environment; it will improve economic productivity; and it will enhance community knowledge of deer impacts and benefits.

Achieving greater community integration will require a concerted effort by a diversity of stakeholders – including local communities, landowners, shooting organisations, statutory agencies and environmental NGOs. Only through collaborative working will key barriers – such as land availability, training provision, lack of infrastructure and supply chains – be effectively overcome. The Community Integrated Deer Management proposal would allow trained stalkers access to local publicly owned land, thus empowering local communities and reducing the expenditure on contracts. Many Scandinavian countries use this model currently and it is proven to be a successful strategy. This could be further developed by the Scottish government to ensure that we can manage our deer populations cost effectively and sustainably into perpetuity.

Theme 1: Enhancing the Natural Environment

Question: Do you agree that NatureScot should be able to intervene, through DMNROs, to ensure that action is taken to manage deer, where deer management has been identified as a key part of nature restoration?
Answer options:
• *Yes*
• *No*
• *Don't know*

Question: Do you agree with our proposed criteria for a DMNRO that:
• *They can only be ordered where there is social, economic or environmental benefits to be achieved through nature restoration, and*
• *additional deer management is a key factor or one of the key factors in securing that benefit?*
Answer options:
• *Yes*
• *No*
• *Don't know*
• *I don't agree with DMNROs*

Question: If you answered no to the previous question, what criteria, if any, would you recommend?
Answer options:
• *There should be no criteria/restrictions,*
• *There should be more criteria/restrictions,*
• *I don't agree with DMNROs*
• *Don't know*

Please provide reasons for your answer here

BASC does not agree with the principle or rationale behind DMNROs and we believe that landowners could potentially have recourse to legal action as a result of the imposition of such a poorly thought-out system of site designations. We are disappointed that the Scottish government is pursuing a single-minded approach to trying to solve deer management issues in Scotland by inventing even more penalising measures. We do agree that there are some areas where the deer population needs to be reduced to enable nature to recover but think that suitable amendment of current legislation will enable this, with the caveat that control orders are the last resort and that landowners should be offered suitable financial and other assistance first.

Question: Do you agree that NatureScot should be able to require a person who is subject of a DMNRO to undertake a range of actions to achieve deer management objectives in these circumstances? Such actions could include:
• *reductions in deer numbers, by setting a target density or a specified cull over a period of time*
• *deer fencing, e.g. requiring fencing to be put in place by landholdings with high deer numbers to prevent those deer damaging restoration projects elsewhere within the DMNRO area*
• *specified additional work to support deer management including habitat assessments, more detailed cull plans, and cull reporting.*

Answer options:
• *Yes*
• *No*
• *Don't know*

Question: Do you agree that if financial incentives for deer management are created, individuals subject to DMNROs should be automatically eligible for such support?
Answer options:
• *Yes*
• *No*
• *Don't know*

Question: Do you agree that non-compliance with DMNROs should be treated in the same way as non-compliance with existing control schemes ie:
• *It would be an offence*
• *It would carry a maximum fine of £40,000 or 3 months imprisonment or both.*

Answer options:
• *Yes*
• *No*
• *Don't know*

Question: Do you agree that NatureScot should be able to recover costs from the landowner where they are required to intervene as a result of non-compliance with DMNROs?

Answer options:
• *Yes*
• *No*
• *Don't know*

Question: If you do not support cost recovery, what alternative non-compliance measures, if any, would you recommend?

Please provide any further comments on the questions in this section here

Current legislation permits NatureScot (NS) to establish control schemes to require owners or occupiers to manage deer on their land. A control order can be issued to prevent serious damage to woodland or agriculture, serious injury to livestock or danger to public safety.[9] These orders follow either failure by an owner or occupier to comply with a control agreement (s.7) or where it has been impossible to secure such an agreement. They are, therefore, very much a measure of last resort. Failure to comply with a control order is a criminal offence.[10] Therefore the current Deer (Scotland) Act 1996 ('the Act') contains well-defined procedures for the implementation of control orders, and there is no need for any other legislation.

[9] Deer (Scotland) Act 1996, s.8.
[10] Deer (Scotland) Act 1996, s.13.

The proposed DMNROs, by contrast, are not so clearly defined in either substance or procedure, which raises questions around proportionality. While the prevention of 'serious damage to woodland' can be defined with relative ease for the purposes of the Act, the terminology used for DMNROs is much less certain e.g. 'restoration of nature', 'encouraging natural regeneration', 'natural capital enhancement', 'social, economic or environmental benefits'. Each of these terms is open to wide and subjective interpretation. At this stage, the failure to provide any indication of the Scottish Government's interpretation of these terms is a cause for real concern. Without such definition, there is a risk of owners or occupiers being subjected to a DMNRO without clear objectives in mind. Perhaps more insidiously, a proposed DMNRO would force owners or occupiers potentially to engage in a lengthy and costly objection process.

When compared with existing powers, the Scottish Government is clear a DMNRO will *not* be assessed against an established and objective baseline for damage. Instead, the assessment will be at the discretion of NS where there are 'social, economic or environmental benefits' from nature restoration. The absence of such an objective baseline as found in control schemes leaves any decision-making on the imposition of a DMNRO to NS officials. This raises obvious concerns because it affords NS wide, discretionary powers for the achievement of vague and unclear policy goals. Inevitably, this will lead them to being applied in an arbitrary manner. Owners or occupiers would have no clear idea as to whether their land was being managed in a fashion compliant with NS's goals or definition of 'nature restoration'. As such, it would be impossible for any owner or occupier to be certain they would not be subjected to a DMNRO. There is nothing in the proposed DMNRO to suggest the use of objective and well-defined criteria, this must be a cause of concern especially when interference with property rights and/prosecution might result.

As the language in the consultation is unclear or vague there is a potential for a human rights challenge under the Human Rights Act 1998 (HRA) and European Convention on Human Rights (ECHR). The appropriate provisions here would be Article 1 of Protocol 1 to the ECHR (A1P1), the right to the peaceful enjoyment of possessions. In line with many other human rights provisions, any intervention must be lawful, necessary and proportionate. The first of these would be satisfied by the passing of the proposed law, it is the second and third that would be problematic as discussed below.

1. A1P1 claims can be divided into three: a general failure to respect peaceful enjoyment of possessions, deprivation and the control of their use. A DMNRO would likely not amount to deprivation as defined by case law. However, an argument could be made that a DMNRO constitutes a control of the use of land. In *Chassagnou & Others v France (1999)* the Grand Chamber of the European Court of Human Rights held the compulsory transfer of hunting rights from a landowner to a regional hunting association constituted an unnecessary control of use of the applicants' property. This was despite the Court recognising the French State had a legitimate interest in encouraging the rational management of game stocks.[11] A similar ruling developing *Chassagnou* can be found in *Herrmann v Germany*.[12] Parallels can obviously be drawn between *Chassagnou* and the DMNRO particularly where the latter could be used to authorise agents of NS to enter land

[11] *Chassagnou & Others v France* [GC] (1999) at [79].
[12] *Herrmann v Germany* [GC] (2012) Case No 9300/07.

and to cull deer. An owner or occupier would have little choice but to allow entry on pain of criminal sanction.

2. A wider application of A1P1 would be that a DMNRO amounts to interference with the peaceful enjoyment of property, the first criterion under A1P1. Clearly a DMNRO constitutes an interference. The next step is to consider if such interference is justified in pursuit of a legitimate aim by reasonably proportionate methods.[13] The 'legitimate aim' in this context would be to 'control the use of property in accordance with the general interest'. Although states have been afforded a wide margin of appreciation (i.e. discretion) to determine what is in the 'general interest',[14] any controls imposed must comply with the principle of lawfulness.[15] This includes ensuring domestic law is accessible, *precise* and *foreseeable*.[16] Nature restoration is, as highlighted above, a vague concept and it has not been demonstrated how nature restoration is strictly in the 'general interest' when compared against other equally valid interests. Similarly, other goals such as 'natural capital enhancement' and the even vaguer 'social, economic or environmental benefits' are ill-defined. Given the problems with defining the aims of the legislation, it is yet more difficult to argue those aims are legitimate and that the proposals comply with the doctrine of lawfulness.

3. Proportionality is the final element that has to be demonstrated: is the proposal in pursuit of a legitimate aim *and* are the methods of achieving that aim proportionate? In short this is about striking a balance between the 'general interest' of the community and the interests of the property owner (or occupier). It is well-established that decisions placing an unfair burden on owners or occupiers will breach A1P1 if a fair balance is not struck. There are several factors affecting whether the balance is fair e.g. the existence and appropriateness of procedural safeguards; the severity of penalties imposed on property owners; the manner and duration of the measures; the extent to which the owner (or occupier) is at fault or innocent. Clearly there are issues relating to the above. For instance, the manner and duration of DMNROs is unclear from the proposals. Given the point highlighted above at [4],[17] it would seem difficult for NS to determine whether an owner or occupier is at fault or innocent. Where a scheme has an arbitrary or irrational effect, such as requiring compliance with uncertain objectives, it is more likely that it fails to strike a fair balance.[18] Where impacts are severe e.g. loss of livelihood or the imposition of criminal sanction, the less likely it is that measures will be proportionate.[19]

If NS are determined to introduce DMNROs then we believe that amending existing powers in the Deer (Scotland) Act 1996 would be preferable. It would take advantage of an already clear, well-defined and well-established procedure. Statutory amendment would be straightforward with 'nature restoration' being added to the list of permitted reasons for the imposition of a control scheme. This has several advantages including simplicity and it would prevent any

[13] *Beyeler v Italy* [GC] (2000) Case No 33202/96 at [108-114].
[14] *James v UK* [1986] 8 EHRR 123; *Jacobsen v Sweden* [1990] 12 EHRR 56.
[15] *Iatridis v Greece* [2000] 30 EHRR 97.
[16] *Hentrich v France* [1994] 18 EHRR 440; *Lithgow v UK* (1986) 8 EHRR 329.
[17] i.e. that owners will have no clear idea as to whether their land was being managed in a fashion compliant with NS's goals or definition of 'nature restoration'.
[18] *R (Kensall) v Secretary of State for Environment* [2003] EWHC Admin 459.
[19] *R (Mott) v Environment Agency* [2018] UKSC 10.

unforeseen and unwarranted interactions between the Deer (Scotland) Act 1996 and the proposed legislation.

In summary, BASC does not agree with the principle or rationale behind DMNROs and we believe that landowners could potentially have recourse to legal action as a result of the imposition of such a poorly thought-out system of site designations. We are disappointed that the Scottish government is pursuing a single-minded approach to trying to solve deer management issues in Scotland by inventing even more penalising measures.

Surely a better approach would be to acknowledge that deer management is a costly exercise and if a certain level of cull was required to restore nature in an area, then a system of financial incentives should be offered to those landowners to help them achieve the desired deer population level. If the payments recognised the true costs and potential profits foregone, as occurs with other land management grants (e.g. the NS Goose Management Scheme), then sufficient owners could be persuaded to participate to ensure a real impact across the landscape.

Theme 2: Compulsory Powers and Compliance

Question: Do you agree with our proposals that would allow changes to the types of information which can be requested by NatureScot (under section 40 of the 1996 Act), to be made via secondary legislation?

Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals that the period of time over which NatureScot can ask for information on planned future culls should be increased from 12 months up to a period of 5 years?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals that NatureScot should be able to use emergency powers under Section 10 of the Deer (Scotland) Act 1996, which include the ability to enter land to undertake short term deer management actions for a period of up to 28 days, to tackle damage to the natural heritage?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals that where NatureScot have intervened and carried out deer management actions as a result of these emergency powers, they should be able to recover reasonable costs?
Answer options:
- *Yes*
- *No*
- *Don't know*

Please provide any further comments on the proposals set out in this section here.

BASC does not agree with the principle of compulsory cull returns no matter what information is requested and certainly asking for future cull plans will be a meaningless exercise. A far better way to obtain information about the national cull would be to incentivise owners/occupiers to submit their information. If as suggested above a premium was paid by the Scottish government for hinds culled then NS would have all this data readily to hand, this could include future cull plans so that NS could agree the levels of payment to each property.

As argued in Theme 1, BASC is against the imposition of yet another form of control order (DMNROs) and therefore we agree with the proposal to extend the powers of NS under Section 10 of the Deer (Scotland) Act to include damage to natural heritage. However, the definition of 'damage to natural heritage' needs to be clearly elucidated so that it is obvious to all concerned when such emergency powers are necessary.

Theme 3: Deer welfare

Question: Do you agree with our proposals that everyone shooting deer in Scotland should meet fit and competent standards as evidenced by having achieved at least Deer Stalking Certificate Level 1?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals to establish specified competence levels for those deer management activities which currently are only permissible under authorisation by NatureScot, such as night shooting, driving deer and out of season shooting? This would mean anyone undertaking these activities must have evidenced their competence levels and registered with NatureScot but would not need to apply for a specific authorisation to undertake these activities.
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals that the requirement for an individual authorisation from NatureScot to carry out activities such as night shooting, driving deer and out of season shooting could be replaced by registration on the Fit & Competent Register where deer managers must have evidenced their competency to undertake specified activities?
Answer options:
- *The Fit & Competent Register should replace individual authorisations for these activities*
- *There should be a Fit & Competent Register as well as individual authorisations for these activities*
- *There should only be individual authorisations for these activities*
- *Don't know*

Question: Do you agree with our proposals that use of a shotgun to kill deer should be subject to stricter regulation?
Answer options:
- *Use of a shotgun to shoot deer should require registration on the Fit & Competent Register*
- *Use of a shotgun to shoot deer should require registration on the Fit & Competent Register and an individual authorisation from NatureScot*
- *Use of a shotgun to shoot deer should require an individual authorisation from NatureScot*
- *Use of a shotgun to shoot deer should not be restricted at all*
- *Don't know*

Question: Do you agree with our proposals that any capture of live deer should be individually authorised by NatureScot?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree that NatureScot should develop a statutory Code of Practice, which could provide guidance and minimum standards on topics such as animal welfare and disease prevention, on the live capture of deer in Scotland in collaboration with stakeholders for use in future?
Answer options:
• *Yes*
• *No*
• *Don't know*

Please provide any further comments on the proposals set out in this section here.

BASC strongly disagrees with the proposal that anyone who shoots deer in Scotland must have achieved a mandatory minimum standard, as there is no evidence it is required. We have had only 3 claims through our members insurance, linked to deer stalking across the whole of the UK over the last 20 years, and only 1 of them was related to a firearm incident. Similarly, we are not aware of any welfare issues arising from legitimate deer management and would like to see the evidence it is required before such a draconian law was introduced.

As stated in our introduction BASC is a leader in deer management training and we strongly believe that high standards underpin the ethical management of deer. Our stance is that self-regulation from within the sector has achieved and will continue to maintain these standards and that mandatory testing will just create added bureaucracy and a significant barrier to new entrants.

The effect of this first proposal would be to effectively halve the number of active deer stalkers in Scotland overnight to less than 7,500. The long-term result of a mandatory requirement for training would see a further decline in the numbers of deer managers available to undertake the cull required as this would act as a significant barrier to entry into the sector.

The average age of BASC deer stalker members is 58, and unless we can provide easier access into the deer management sector, we will struggle to attract any new younger deer stalkers. This will have major impacts on our ability to control Scotland's deer herd in the future.

The deer management sector has an excellent record of training and development and BASC is strongly committed to training to ensure that those involved in the deer management sector demonstrate the highest standards at all times, but we firmly believe that voluntary self-regulation is the best way to achieve this, rather than a bureaucratic diktat.

There is nothing within this consultation on exactly how such a register would operate and we are highly sceptical that it could be made to work in an efficient and effective manner, and finally there is no indication of how it could be policed. The reality is that many people will be put off getting involved in deer management in Scotland rather than endure a needless paper exercise.

Instead of putting barriers in the way of new entrants we would like to see Forestry and Land Scotland provide opportunities for people to develop their deer management skills through access to the public forest. BASC has advocated for a system of community integrated deer management whereby local volunteers are trained and encouraged to undertake deer

management alongside and coordinated by the professional wildlife ranger staff of FLS. Similarly, if the Scottish government want to encourage greater uptake of qualifications within the deer management sector, then they should look to subsidise relevant training courses as the Forestry Commission have done in England.

We do agree with the use of a much-restricted Fit and Competent register, as currently operates, for deer managers who wish to undertake authorised activities, such as night shooting. As this will reduce the bureaucratic burden of having to apply for individual licences and make the whole process of using these additional tools more streamlined.

Theme 4: Changes to close seasons

Question: Do you agree that the close season for female deer of all species should be the same?
Answer options:
• *Yes*
• *No*
• *Don't know*

Question: Do you agree that the close season for female deer of all species should be changed to cover the period of highest welfare risk, from 31 March to 30 September?
Answer options:
• *Yes*
• *No*
• *Don't know*

Question: If you do not agree with our proposals to change the season for female deer, what, if any, further actions would you recommend to support increased management of female deer?
A guaranteed way to incentivise deer managers to cull more deer is to have a higher market value for the low value carcasses. We propose a scheme is created whereby the Scottish government purchase carcasses from Approved Game Handling Establishments (AGHEs) through a form of targeted incentive scheme. For example, if we need to cull more female deer then offer a premium through the AGHEs. As these carcasses would be paid for by the Government they could then be used as an excellent source of low carbon, healthy, low fat, high in nutrients protein to local communities and help in meeting some of the obesity and healthy food targets set out in the Good Food Nation[20] policy.

Please provide any further comments on the questions in this section here.

BASC has no issues with the extension of all the female seasons to the 31st March. Indeed, we think the close season should actually commence on the 1st April. We do however have concerns about the proposal to move the start of the female season to the 1st October. There is growing evidence of later calving in red deer as a result of climate change. Several scientific studies[21&22] along with much anecdotal support from practitioners, have found red deer parturition dates have advanced by up to 12 days over the last few decades. Therefore, an earlier female cull could potentially result in hinds being shot that still have dependent young, especially if this phenomenon continues on this trajectory with forecast climate change.

We therefore believe that the female open season for all deer in Scotland should be changed to 1st November until 31st March to bring it in line with all the other UK nations, who have established these dates based on animal welfare considerations. This would still increase the length of the season by 29%. Where this is not sufficient time to achieve reduced impacts then deer managers will still have as a last resort, the option to follow best practice out of season shooting through authorisation by NS.

[20] Food and drink - gov.scot (www.gov.scot)
[21] The role of selection and evolution in changing parturition date in a red deer population
[22] Advancing breeding phenology in response to environmental change in a wild red deer population

Theme 5: Venison

Question: Do you agree that venison specific regulations should be repealed and venison should simply follow the same regulatory procedure as other wild meat and game products without the additional requirement of a Venison Dealers Licence?
Answer options:
• *Yes*
• *No*
• *Don't know*

Question: If no, do you agree that NatureScot should be able to gather more information from venison dealers on deer carcases and their use? For example, this could be used to help understand if there are areas of Scotland where there are insufficient facilities for processing venison or if there are other barriers.
Answer options:
• *Yes*
• *No*
• *Don't know*

Please provide any further comments on the questions in this section here.

We are concerned that the market for venison has not been addressed at all. There needs to be much greater emphasis on ensuring there is a final market for the venison produced and that the supply chain has no bottlenecks. The Scottish government state that we need to cull another 50,000 deer per year but there is nothing in this consultation that addresses what we are going to do with these extra carcasses. The current AGHEs can barely cope with today's level of culling so without some serious investment in suitable plant, and marketing of final product, this quality protein will go to waste.

For example, the Scottish government could provide support to AGHEs to develop their capacity, and finance local chillers or collection centres that would enable community deer stalkers to put their carcasses in to the public food chain. Furthermore, there needs to be a much bigger publicity campaign, not demonising deer, but promoting the ethical and food values of wild venison to the Scottish public.

Theme 6: Kept and farmed deer

Question: Do you agree with our proposals that the owner or occupier of land should be allowed to shoot stray farmed deer on that land in order to prevent damage by the deer, providing there is, by their assessment, no other reasonable or practical way to contain the deer?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: Do you agree with our proposals that anyone wishing to keep deer as private property (i.e. not for the purpose of farming or as an exhibit in a zoo) should require a licence to protect the welfare of those deer?
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: If you do not support the introduction of licensing for kept deer, what further action, if any, would you recommend to protect their welfare?

No comments

Question: Do you agree with our proposals that anyone seeking to release captive red or roe deer into the wild in Scotland should require authorisation from NatureScot, for example, deer which may have been caught and monitored for research purposes? This would also allow us to gain a better understanding of when and why people want to release captive red or roe deer into the wild.
Answer options:
- *Yes*
- *No*
- *Don't know*

Question: If you do not agree with our proposals that anyone releasing red or roe deer should require authorisation, what, if any, further actions would you recommend to ensure they do not cause damage to habitats, or pose a risk to wild deer populations?

Please provide any further comments on the proposals set out in this section here.

No comments