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**DEER COMMISSION FOR SCOTLAND  
CONSULTATION:**

**Close Seasons**

**SUBMISSION BY**

**SCOTTISH ESTATES BUSINESS GROUP**

**2<sup>nd</sup> February 2005**



## **DEER COMMISSION FOR SCOTLAND: CONSULTATION ON CLOSE SEASONS**

### **SUBMISSION BY SCOTTISH ESTATES BUSINESS GROUP**

#### **1. BACKGROUND**

SEBG represents a group of progressive land-based estates with significant agricultural and rural business interests. It aims to promote a modern business approach in the management of Scotland's land resource in ways which deliver social, economic and environmental benefits. The Group seeks to secure a sustainable and prosperous future for rural areas.

Estates are proven business models that assist the development of smaller rural businesses, and landowners and estates have a vital role to play in the ongoing and future development and prosperity of Scotland. SEBG is committed to rural economies and its members work hard across Scotland to stimulate enterprise and economic development.

#### **2. ANSWERS TO QUESTIONS POSED**

*Q2.1 Should there be a duty of care, prescribed in legislation, on those who manage deer? If so, why and how? Alternatively, should Codes be introduced?*

Deer are a wild species whose territory extends well beyond ownership boundaries, so management of wild deer can only be applied on a regional rather than individual basis, requiring collaboration between owners of the land within the deer range. Codes rather than legislation should be sufficient to deal with a duty of care, with perhaps professional stalkers being licensed by DCS to act as responsible people able to manage their own staff and sporting guests.

*Q2.2 Should all those who kill deer at any time, including sporting clients and first time shooters, be required to demonstrate that they are able to meet minimum standards of competency? If so, how?*

As the killing of deer involves both animal welfare and human safety implications, consideration should be given to applying a licensing system, but it should allow for a non licensed guest being permitted to shoot deer when under the supervision of a professional stalker. The existing deer management qualifications levels 1 and 2 may be suitable. An alternative could be the introduction of a general hunting qualification covering all species.

*Q3.1 Under current deer legislation, there is a requirement for a close season to be set for females. A close season for males is discretionary. Are there moral reasons for deer of all species and both sexes having a close season?*

Removing the protection of closed seasons cannot be in the best interests of the national deer herd or wider environmental and commercial interests. The welfare issues of dependant calves either running at foot or newly born being left by themselves dictate that females should not be shot at certain times of the year. Whilst there is no general welfare need to have a close season for males, in the interests of protecting our internationally renowned and economically essential open range red deer stalking industry, some protection should be provided to stags during their wintering period.

*Q3.2 Are there legitimate concerns arising from deer management /control during the close season that can be met through practitioners following Best Practice and voluntary codes of practice? Under what circumstance do you think that these decisions should be moderated by Government?*

It should be possible through codes and good practice for land managers to manage local deer issues within the context of other land uses but the industry is not yet ready for this degree of self regulation. However, national guidelines would help to avoid public access issues arising where presently there is an appreciation of when deer management operations have a legitimate priority over open access. In circumstances where legal protection on wintering stags was removed - and we do not support this - national guidelines should also recognize the essential contribution to the rural economy provided by red deer stags and promote a balanced management plan which takes into account their migratory requirements.

*Q3.3 Should seasons vary by species?*

Yes if legislation rather than codes is considered necessary. The two main variations between species which influences management are the times when they cast antlers and whether they live in woodland or open hill. Woodland deer generally require a longer open season to affect a cull and are subject to less harsh winter conditions.

*Q3.4 The relationships between climate, habitat and human management objectives are complex. Should seasons vary to take account of either geographical or habitat considerations and, if so, how could this be practically achieved and enforced?*

It is difficult to see how this could be applied in practice. Although there are regional variances to management brought about by climate, variations in climate from year to year within the same region can have just as much impact. There are valuable advantages in fixed national closed seasons which provide a best fit between the regional and annual fluctuations. The interface between deer management and public access is becoming increasingly important and fixed seasons are an important consistency.

*Q3.5 Should seasons take account of the stage of pregnancy?*

Welfare and ethical considerations should apply only to living animals although it must be recognised that a heavily pregnant female on the open range will be subject to unacceptable stress if cull operations continued into the spring. Also, the majority of stalkers find the prospect of taking females during the later part of pregnancy distasteful. As with permissions to cull out of season there are measures which currently allow this but both ethics and common sense should dictate that the measure is only employed when all other options are unavailable.

*Q3.6 When are juveniles no longer dependent on their mothers to the extent that there are no welfare implications?*

It is clearly understood by stalkers that when a milk hind is taken the calf will almost certainly die unless it is culled at the same time. Stalkers will attempt to kill the calf when the mother is culled and in most cases this is achieved. Dependence can continue until the calf is virtually a year old. However, lactation may extend beyond the period necessary to support life in the juvenile for other reasons, with juveniles moving in a herd able to learn life skills from the rest of the herd even if the mother is removed. So protection may only be required for the mother and juvenile first six months.

*Q3.7 Do juveniles require a close season?*

There are no welfare considerations in culling juveniles and no food benefits as there is in the farming industry. However, consistently culling from the juvenile stock will eventually produce a very uneven and unhealthy national deer herd.

*Q3.8 Do males require a close season?*

In principle no, since there are no dependency issues, however, in the open range, the male is at his most vulnerable during the late rut and wintering migration. Hill stags should therefore continue to be protected from November to June apart from where land management within the regional management group plan provides grounds for out of season authorisations. Bringing forward the hind season for red deer to include October would provide valuable additional time to achieve cull numbers.

*Q3.9 Should seasons be based purely on welfare or should they also take account of other factors such as venison quality, sporting objectives, damage, control cull effectiveness, access or other issues?*

Fundamentally the close seasons exist to protect the species from over exploitation and cruelty. Welfare issues should be the main driver in decision making but in cases of emergency - whether involving damage to habitat or human safety - the factors set out above should be given equal consideration. Cull seasons for roe and fallow are already more permissive than for red and consideration should be given to bringing forward the hind open season to the beginning of October. Such a move would help sporting objectives and venison quality while providing further opportunity to achieve cull targets within the existing period when the public are aware that intensive culling work is being carried out on the hills.

*Q3.10 Based on your responses provided in Point 3, please provide any suggestions for the dates that you should set as the close season for all four species of wild deer in Scotland, split by sex. In addition please provide a brief rationale for each of those dates.*

Hinds forward to beginning Oct and extend to the middle of March – stalking parties are out on the hills for the stag cull and could be starting to take in hinds when opportunities came up. Venison quality will be high and should enable hind cull to finish before the end of the year to assist game industry. Red deer hind seasons could probably be extended by a month at the end too. No additional welfare issues.

Apart from hill stags, male deer do not require legislative protection apart from that provided by national guidelines and codes of good practice. The existing closed season for hill stags should continue but the DCS should continue to operate a flexible and permissive system of releasing authorizations to deer managers where credible land management objectives require stag culls which require out of season shooting.

*Q4.1 When should the protection of property allow the taking or killing of deer once a close season has been set, and how should this be tested?*

The existing procedure which relies on the local knowledge of DCS deer officers addressing each case on an individual basis between the parties should be retained. Permissions to control where damage is occurring to agricultural land is legitimate and there is already a duty of care on land managers, backed up by permissions available from DCS, to control deer where they are causing environmental damage particularly in designated areas. Decisions should be entrusted to responsible managers on the ground.

*Q4.2 Do you agree that Section 25 of the Deer (Scotland) Act 1996 should be expanded in terms of deer welfare to include disease and starvation? Do you have any you would wish to add?*

Yes. This may be necessary for disease, for example, to control Louping Ill disease on a grouse moor. Re starvation, there would need to be demonstrable clear evidence that changing circumstances require a change in herd populations. Severe fluctuations in weather conditions during the winter will result in partial starvation but this should not be accepted as a cause to undertake significant culls in isolation.

*Q4.3 In the interests of public safety, when might deer be taken or killed in the close season?*

Culling to protect public safety in general should be permitted on all occasions despite the management circumstances, provided the root cause is also subject to mandatory control. Appropriate consideration should be given to welfare issues in all of the circumstances.

*Q4.4 To protect the natural heritage, should the taking or killing of deer be allowed once a close season has been set?*

Extending the control season as suggested above should provide sufficient time to complete annual culls, so long as special permissions can be granted where exceptional circumstances exist. Owners should also be encouraged to seek alternative options to protect special areas, the most obvious of which is fencing using designs which avoid risk of bird strikes. Only after such options have been exhausted should significant out of season controls be granted outwith large scale commercial forestry areas where deer exclusion is required and full time control is essential

*Q4.5 What means are there to prevent exceptions to close seasons being overused?*

Cull returns which are cross referenced to game processors records provide an indication to the DCS of where out of season culling is taking place. Deer management groups as part of their monitoring of the regional cull will also be aware of special circumstances. The gradual take up of formal deer management plans will also help to anticipate where out of season culling is expected which will highlight variances. DCS should have a sufficient relationship with estate owners or managers to know when a system was being abused. If responsible managers, approved by DCS, were given discretionary powers, there would be an incentive for them to retain this accreditation and not be 'struck off' which could damage their professional career.

*Q5.1 Should all who take or kill deer during the close seasons be subject to the same authorisation process?*

All those who take deer, apart from guests under the supervision of a professional stalker, should be obliged to hold basic deer management qualifications and be subject to DCS authorization for any operations taking place outwith the allowed periods apart from where public safety is at risk. All other circumstances should be addressed within the control periods and increasingly be taken into account during the consultation phase of regional deer management plans.

*Q5.2 How should owner/occupiers deal with an emergency situation within a closed season?*

Assuming the operator holds suitable qualification and experience, addressing an emergency situation promptly with responsible action is a matter of common sense rather than principle. The action should be reported immediately to DCS. An alternative would be to delegate these decisions to individuals through a licensing system.

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