

LEGISLATION

– A BARRIER TO COLLABORATIVE DEER MANAGEMENT?



ISSUE AND APPROACH

Management of wild deer in Britain is influenced by many different items of legislation. We analysed the evolution of key principles underlying legislation relating to deer, and the relationship between these and collaborative approaches to management. The rules and customs governing the hunting and use of wild deer have their roots deep in history, at least as far back as the Palaeolithic age. Key principles emerged as follows:

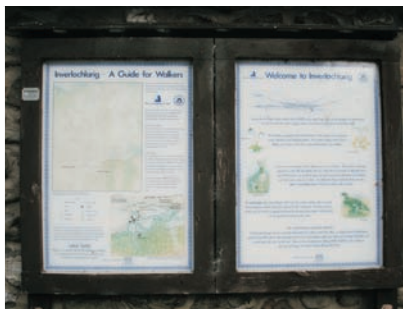
- **Early Britain (Pre 1066):** the notions of *res nullius* and trespass, and the creation of areas in which only the social elite could hunt all first formalised, particularly during Roman occupation.
- **Medieval period (1066-1650):** further restrictions put in place to protect deer and the right to hunt them with, for example, the introduction of legal seasons and the stringent implementation of the system of 'Forest Laws'.
- **Pre-industrial period (1651-1800):** 'Forest Laws' replaced by the broader 'Game Laws' removing the Crown's exclusive claim to all game in England and extending these rights to other landowners. Legislation strengthened to deter poaching, and extension of private property rights under the parliamentary Enclosure Acts (c.1750—1860).
- **The industrial period (1801- 1945):** strengthened controls over the legal market for venison through licensing to support the commercial sporting value of deer and the introduction of legal powers to protect tenant farmers from the impacts of deer
- **'Modern' period (1945-present):** legislation consolidates landowner rights and extends the notion of responsibility for deer impacts – e.g. the requirement to cull deer to protect natural heritage in Scotland. Establishment of Britain's only statutory agency with deer as the primary remit, the Deer Commission for Scotland. Today an enormous range of legislation influences deer management, including public health & safety, animal welfare, natural heritage and biodiversity, and land access.



SUMMARY

Deer hunting has, for the majority of its history, been an exclusive practice; under the control of landowners through a combination of tradition, culture, social networks, and economic wealth. Legislation has supplemented this exclusivity by limiting technology to kill deer, access to land (e.g. trespass), economic opportunities (e.g. licensed venison sales) and time (e.g. seasons and prohibition of night shooting). Legislation has created a number of rights for those with the opportunity to kill deer, particularly the right to exclude others, but at the same time given them very few responsibilities to address the impacts created, at least in part, by their management choices.

Collaborative management often demands an approach that is inclusive of a range of stakeholders, and within which at least some responsibility for taking management action is required. This is clearly in tension with the British legislative framework and thus significant innovation is likely to be necessary if legislation is to encourage collaboration. However, collaborative approaches may encourage non-legislative frameworks for deer management based more informally on consensus and agreed responsibilities.



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