

PE2021/L: Ensure the definition of protected animals in the Animal Health and Welfare (Scotland) Act 2006 applies to the sheep on St Kilda

Scottish Government written submission, 19 June 2024

Thank you for letter of 7 May 2024 regarding the Citizen Participation and Public Petitions Committee's consideration of the above petition and highlighting the evidence it has received.

Having reviewed the evidence provided as part of the Committee's consideration of this petition, the Scottish Government does not consider there is a need to clarify the definition of protected animals in the Animal Health and Welfare (Scotland) Act 2006 and associated guidance. As detailed in our response to the Committee dated 9 May 2023, the Scottish Government considers this unique historical flock to be protected by the Wild Mammals (Protection) Act 1996, in the same way as any unowned and unmanaged population of wild deer.

The Scottish Government does however recognise the point raised by OneKind which was highlighted at the Committee's meeting on 1 May 2024: that there could be a moral duty for the landowners or others to safeguard the welfare of the sheep in this unique and historically associated flock.

With regards to the correspondence between the Scottish Government and the National Trust for Scotland of June 2009, the Scottish Government has been unable to locate the document. The Scottish Government operates an electronic record and document management system (eRDM) which is used to store and manage our official documents and records. It also links to other Scottish Government systems, for example, to back up the documents from ministerial correspondence systems. These systems are subject to the Scottish Government's retention and disposal policy. Information and records are retained only as long as they are required to support Scottish Government in its business requirements and legal obligations. At the end of that time, the records are either destroyed or transferred to the National Records of Scotland for permanent preservation. The policy sets out periods for which particular classes of records are retained in accordance with legal, audit and operational requirements.

Searches have been conducted of Scottish Government systems, but we have been unable to find the letter referred to above. After checking with our Records Management Team, they have informed us that the relevant 2009 correspondence folder in eRDM in which a copy of the letter would have been kept was deleted in 2019 as part of the routine disposal cycle of the system. We are therefore unable to provide it in whole or in part.

Yours sincerely,

Animal Welfare Policy Team