

From: <Redacted SG staff>
Sent: 28 May 2020 08:59
To: SNHGOVERNMENT_RELATIONS; <Redacted SG staff>; <Redacted SG staff>; <Redacted SG staff>; <Redacted SG staff>
Cc: <Redacted SG staff>
Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

<Redacted SNH staff>

Thanks. I'll send the revised text forward for the Minister to approve and sign.

Best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 28 May 2020 08:02
To: <Redacted SG staff>; <Redacted SG staff>; <Redacted SG staff>; <Redacted SG staff>; <Redacted SG staff>; SNHGOVERNMENT_RELATIONS;
Cc: <Redacted SG staff>
Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

Hi <Redacted SG staff>

Please see some revised text below – the sheep are not rounded up and <Redacted constituent> knows that – they grab a lamb when they can get close enough.

<Redacted constituent> *has asked whether a licence was issued for the release of sheep on Hirta, St Kilda ~~to be~~ that have been captured for research purposes as part of the Soay Sheep Project. Scottish Natural Heritage did not at the time consider there to be a legislative requirement for the ~~rounding up~~ capture and later release of the sheep which were classed by them as livestock.*

Scottish Natural Heritage now consider that they would need to grant a licence for any future sheep researchers to ~~round up~~ capture and release the Soay sheep on St Kilda. ~~In addition, the current researchers will also be required to release the sheep following their capture for tagging.~~ Scottish Natural Heritage have powers under section 14 of the Wildlife and Countryside Act 1981 (as amended) to grant such a licence and applications may be sent to Licensing@nature.scot for consideration.

We've noted that they have asked for the rationale for granting a license and this isn't contained within the response, which may mean we get follow up correspondence.

Thanks

<Redacted SNH staff>

Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <redacted> m: <redacted>

From: <Redacted SG staff>

Sent: 27 May 2020 16:06

To: <Redacted SG staff>; SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>;<Redacted SG staff>

Cc: <Redacted SG staff>

Subject: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

Hi <Redacted SG staff>

Thank you for amending the draft. It strikes me that the current researchers should be made aware of this change as no doubt they will resume their research once the lockdown measures have been released; perhaps the response should therefore include that the Project will be notified accordingly.

Kind regards

<Redacted SG staff>

Wildlife & Protected Areas | Natural Resources Division | Environment & Forestry Directorate | Area 3G South | The Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | <Redacted>

From: <Redacted SG staff>

Sent: 27 May 2020 15:48

To: SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>;<Redacted SG staff>;<Redacted SG staff>

Cc: <Redacted SG staff>

Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

<Redacted SNH staff>, <Redacted SG staff>

Thanks for your clarifications. Would you be content with the following for the reply? I've hopefully taken on board both your suggestions.

Do you think there is some benefit in clearly mentioning that the current researchers will need to apply for permission to release? I've added suggested text in green but am happy to leave it out if you so advise.

Best wishes

<Redacted SG staff>

<Redacted constituent> *has asked whether a licence was issued for the sheep on Hirta, St Kilda to be captured for research purposes as part of the Soay Sheep Project. Scottish Natural Heritage did not at the time consider there to be a*

legislative requirement for the rounding up and later release of the sheep which were classed by them as livestock.

Scottish Natural Heritage now consider that they would need to grant a licence for any future sheep researchers to round up and release the Soay sheep on St Kilda. In addition, the current researchers will also be required to release the sheep following their capture for tagging. Scottish Natural Heritage have powers under section 14 of the Wildlife and Countryside Act 1981 (as amended) to grant such a licence and applications may be sent to Licensing@nature.scot for consideration.

From: SNHGOVERNMENT_RELATIONS

Sent: 27 May 2020 15:36

To: <Redacted SG staff>; <Redacted SG staff>; SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>;<Redacted SG staff>

Cc: <Redacted SG staff>

Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

Hi <Redacted SG staff>

A license has not previously been applied for, or issued, as we all thought the sheep were stock and were owned by NTS (we think that NTS think they own them too as they prevent anyone from removing them from the island).

Now that their status has been confirmed by Animal Health, the Soay sheep on Hirta have changed from 'stock' to 'non-native species' and therefore it would be an offence to release them outwith their range. So the research project will now have to apply for a licence to re-release them following capture for tagging. The research is ongoing, and as mentioned previously monitors the individual sheep throughout their lifetime, although it is not happening at the moment due to coronavirus.

If you can alter the terms 'rounded up and herded' to 'captured' as suggested in my previous email, that should cover it. Hope that all makes sense.

Thanks

<Redacted SNH staff>

Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <redacted> m: <redacted>

From: <Redacted SG staff>

Sent: 27 May 2020 13:52

To: <Redacted SG staff>; SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>;<Redacted SG staff>

Cc: <Redacted SG staff>

Subject: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - Draft - 270520

Thank you <Redacted SNH staff>

This is most helpful.

<Redacted SG staff> – pending on what <Redacted SNH staff> comes back with, I would like to suggest some minor amendments which I have underlined as follows:

<Redacted Constituent> has asked whether a licence was issued for the sheep on Hirta, St Kilda to be rounded up and herded for research purposes as part of the Soay Sheep Project. Scottish Natural Heritage did not at the time consider there to be a legislative requirement for the rounding up and later release of the sheep which were classed by them as livestock.

Scottish Natural Heritage now consider that they would need to grant a licence for any future sheep researchers to round up and release the Soay sheep on St Kilda. Scottish Natural Heritage have powers under section 14 of the Wildlife and Countryside Act 1981 (as amended) to grant such a licence and applications may be sent to Licensing@nature.scot for consideration.

Kind regards

<Redacted SG staff>

Wildlife & Protected Areas | Natural Resources Division | Environment & Forestry Directorate | Area 3G South | The Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | <Redacted>

From: <Redacted SG staff>

Sent: 27 May 2020 13:11

To: SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>

Cc: <Redacted SG staff>

Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - 190520

<Redacted SNH staff> – Thanks for your e-mail with information on the need to license the Hirta sheep for research. If I understand correctly there was no licence issued previously, but that any future gathering for this purpose would need to be licensed under the 1981 Act. I am searching in the dark a little as I have no idea if the research is ongoing or if it has already ended.

I'd be grateful for **your and <Redacted SG staff>'s views** on the following suggested text body (the topping and tailing will be fairly standard). Please feel free to amend in terms of whether the research has not started/begun/finished and return to me **by close of play 29th May**.

<Redacted Constituent> has asked whether a licence was issued for the sheep on Hirta, St Kilda to be gathered and herded for research purposes as part of the Soay Sheep Project. Scottish Natural Heritage did not at the time consider there to be a

legislative requirement for the gathering and later release of the sheep which were classed by them as stock.

Scottish Natural Heritage now consider that they would need to grant a licence for any future sheep researchers to (gather?) and release the Soay sheep on St Kilda, following capture and handling. Scottish Natural Heritage have powers under the Wildlife and Countryside Act 1981 (as amended) to grant such a licence and applications may be sent to Licensing@nature.scot for consideration.

Thanks and best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 27 May 2020 10:02
To: <Redacted SG staff>; SNHGOVERNMENT_RELATIONS; <Redacted SG staff>;<Redacted SG staff>
Cc: <Redacted SG staff>
Subject: RE: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - 190520

Hi <Redacted SG staff>

Apologies for the delay in getting back to you, we've looked carefully into the situation and have the following advice.

Having reviewed the information available, SNH can confirm that Soay sheep are considered to be out with their native range under section 14 of the W&CA and therefore a licence would be required to release them after capturing and having them under control.

We previously regarded the Soay sheep on St Kilda as sheep stock and so would not have expected anyone gathering them for research to apply for a licence to re-release them once captured.

However, in light of the correspondence we were copied into where SG Animal Health and Welfare confirmed to <Redacted> that Soay sheep on St Kilda were not subject to Animal Health and Welfare Act 2006, we now consider that they are out with the control of any person and that a licence from SNH would be required in future to allow sheep researchers to re-release the Soay sheep on St Kilda, following capture and handling.

SNH can issue a non-native species licence under this section of the W&CA:

16 (4) (c) The following provisions, namely – sections 14, 14ZC, 14A and 14AA do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

There isn't a standard application form for this type of licence. To apply for a licence, email Licensing@nature.scot and provide the following details:

- Name and address of person overseeing/ carrying out the work.
- Start date and end date. We can issue a long licence if it's part of the long-running Soay Sheep Project
- Species (Ovis aries)
- Number to animals be caught and released
- Location – island of, St Kilda + central grid ref
- Purpose – is it for scientific research, disease monitoring, animal welfare etc?
- Monitoring - a brief description of how the population is monitored
- Has the NNR manager agreed to the work? This is one of the standard licence conditions.

I hope this helps

Thanks

<Redacted SNH staff>

Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <redacted> m: <redacted>

From: <Redacted SG staff>

Sent: 19 May 2020 10:08

To: SNHGOVERNMENT_RELATIONS; <Redacted SG staff>; <Redacted SG staff>

Cc: <Redacted SG staff>

Subject: St Kilda Sheep Populations - Hirta - Alasdair Allan MSP - <Redacted Constituent> - (Case Ref: AA3758) - Asked SNH - 190520

<Redacted SG staff>

Thank you for your request.

<Redacted SNH staff> – I would be grateful if you could ask the SNH Licensing Team to check whether they issued a licence for research purposes regarding the Soay Sheep Project on the island of Hirta (St Kilda archipelago) as per the attached correspondence from the <Redacted>.

A response by cop Thursday, 21 May would be appreciated.

Kind regards

<Redacted SG staff>

Wildlife & Protected Areas | Natural Resources Division | Environment & Forestry Directorate | Area 3G South | The Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | <redacted>

=====

From: <Redacted SG staff>
Sent: 07 July 2020 14:50
To: SNHGOVERNMENT_RELATIONS
Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

<Redacted SNH staff>

Thanks. I will send you a signed copy of Ms Cunningham's reply when I get it.

Best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 07 July 2020 11:40
To: <Redacted SG staff>
Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Thanks <Redacted SG staff>, can we get a copy of the final response just in case it comes back again, either through you or directly to our CEO.

<Redacted SNH staff>
Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <Redacted>

From: <Redacted SG staff>
Sent: 07 July 2020 09:32
To: SNHGOVERNMENT_RELATIONS
Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

<Redacted SNH staff>

Thanks. I've lifted some of the text for the reply.

Best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 06 July 2020 14:38
To: <Redacted SG staff> ; SNHGOVERNMENT_RELATIONS
Cc: <Redacted SG staff>

Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Hi <Redacted SG staff>

Attached is the response to <Redacted> from our CEO, which sets out the position.

I think there has definitely been some confusion with this one, as it was NTS that wrote to <Redacted> on the 10 Feb, not us, but hopefully the attached will clear things up.

Let me know if you need anything else.

Thanks

<Redacted SNH staff>

Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <Redacted>

From: <Redacted SG staff>

Sent: 06 July 2020 12:43

To: SNHGOVERNMENT_RELATIONS

Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

<Redacted SNH staff>

Thanks. It was the CVO(S) who confirmed that the St K sheep are not livestock and don't come under the 2006 Act, and wrote to <Redacted Constituent> on that in February. That letter was attached to my earlier e-mail but I have attached it here in case you need it. CVO(s)'s letter suggests that your CEO wrote to <Redacted Constituent> on 10 February 2020 and that appears (my paraphrasing) not to support the St K sheep being subject to protection under the 2006 Act, except when gathered for a particular purpose.

I imagine that an acceptable compromise might be for SNH to treat the St K sheep as livestock and afford them the protections of the 2006 Act? While those would not legally apply, unless the sheep were gathered for a reason and under the control of man for a time, I don't think that there would be any ground for complaint if the sheep are afforded greater protection than under WANE/W&CA.

I'll wait for your CEO letter to add into the SG reply.

Best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 06 July 2020 11:38
To: <Redacted SG staff>
Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Thanks <Redacted SG staff>,

Our Area team think there has been some confusion as it was wasn't us that confirmed that the St Kilda sheep were not considered livestock under the Animal Welfare Act 2006.

It was after the May Micase, that we realised that if the sheep weren't livestock then they must be considered as non-natives under the WANE Act, as sheep are not native to Britain.

We also have a letter to our CEO on the matter. The welfare aspect that the <Redacted> have raised is a valid one but to resolve that the sheep would have to be regarded as livestock again.

Once we have the response finalised from our CEO, I'll share it.

Thanks

<Redacted SNH staff>
Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <Redacted>

From: <Redacted SG staff>
Sent: 06 July 2020 11:16
To: SNHGOVERNMENT_RELATIONS
Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

<Redacted SNH staff>

Please find attached the correspondence from Allan (May e-mail) and the reply (June PDF). That was limited to the capture/release for research purposes.

Best wishes

<Redacted SG staff>

From: SNHGOVERNMENT_RELATIONS
Sent: 06 July 2020 10:48
To: <Redacted SG staff>

Subject: RE: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Hi <Redacted SG staff>

Could you forward me a copy of the reply that was sent in June to Mr Allan as I don't think we've seen it.

Thanks

<Redacted SNH staff>

Scottish Natural Heritage | Strathallan House | Castle Business Park | Stirling| FK9 4TZ | t: <Redacted>

From: <Redacted SG staff>

Sent: 03 July 2020 14:36

To: SNHGOVERNMENT_RELATIONS

Subject: FW: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Importance: High

Dear colleague

I'd be grateful if you could look at the attached Ministerial correspondence from A Allan MSP on the subject of the St Kilda sheep. It is due to be answered by 10 July 2020 and I would be grateful if you could let me know whether you will respond or provide a contribution on the questions asked by <Redacted Constituent>.

These questions appear to be:

- When did SNH reclassify the St Kilda sheep as 'protected animals under W&C Act 1981'; and
- What was SNH's scientific rationale for reclassification; and
- What was Cab Sec ECCLR's assessment of the moral issues the reclassification raises.

I have attached the Chief Veterinary Officer for Scotland's letter of February 2020 to <Redacted Constituent> for information., That explains why the sheep are not covered by the 2006 Act. Therefore I can't really see why he contends that the the 2006 Act offers protection to feral animals.

Best wishes

<Redacted SG staff>

From: <Redacted SG staff>
Sent: 01 July 2020 16:08
To: <Redacted SG staff>; <Redacted SG staff>
Subject: St Kilda sheep - Micase 202000053330 - A Allan MSP obo <Redacted Constituent> - Cab Sec ECCLR - 010720

Thank you <Redacted SG staff>

My understanding is that since the status of the sheep has been confirmed by Animal Health, the Soay sheep on Hirta have changed from 'stock' to 'non-native species' and therefore it would be an offence (Under the WCA) to release them outwith their range. So the research project will now have to apply for a licence to re-release them following capture for tagging. The research is ongoing, and as mentioned previously monitors the individual sheep throughout their lifetime, although it is not happening at the moment due to the Covid-19 crisis.

Perhaps this case should be reallocated to non-native species policy colleagues and I have copied in <Redacted SG staff> to see what his view is on this.

Kind regards

<Redacted SG staff>
Wildlife & Protected Areas | Natural Resources Division | Environment & Forestry Directorate | Area 3G South | The Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | <Redacted>

From: <Redacted SG staff>
Sent: 01 July 2020 15:34
To: <Redacted SG staff>
Subject: Micase 202000053330 - A Allan MSP obo <Redacted Constituent>

<Redacted SG staff>,

I'd be grateful for your thoughts on whether the attached Micase should be for yourself or answered directly by SNH? The reply is due up in Private Office by 10 July.

You may recall that the SG replied on the topic of St Kilda sheep through the Micase system (202000037834) at the end of May. <Redacted Constituent> has revisited the issue of St Kilda sheep, via Alasdair Allan MSP, in the attached correspondence.

<Redacted Constituent> now writes inquiring about the classification of the sheep by SNH as 'protected animals under W&C Act 1981' which he contends offers them less protection as 'feral animals under AHW Act 2006'. <Redacted Constituent> is asking when the change was made by SNH, its scientific rationale and Cab Sec ECCLR's assessment of the moral issues it raises.

The earlier Micase was on the subject of the handling of the St Kilda sheep for research purposes and the following reply was given:

"<Redacted Constituent> has asked whether a licence was issued for the release of sheep on Hirta, St Kilda that have been captured for research purposes as part of the Soay Sheep Project. Scottish Natural Heritage did not at the time consider there to be a legislative requirement for the capture and later release of the sheep which were classed by them as livestock.

Scottish Natural Heritage now consider that they would need to grant a licence for any future sheep researchers to capture and release the Soay sheep on St Kilda. Scottish Natural Heritage have powers under section 14 of the Wildlife and Countryside Act 1981 (as amended) to grant such a licence and applications may be sent to Licensing@nature.scot for consideration."

I find <Redacted Constituent>'s contention that they could be protected under AHW Act 2006 as odd. Especially so when the Chief Veterinary Officer for Scotland wrote to him on 28 February 2020 (attached) noting that:

"The Scottish Government considers that, for the purposes of welfare legislation, the St Kilda sheep should be regarded in the same way as an unowned and unmanaged population of wild deer or other wild animals. We view that the provisions of the 2006 Act:

- (a) can be considered not to apply as although sheep as a species are commonly domesticated in the British Islands, the current populations of sheep on St Kilda, through an accident of history, can now be considered as distinct kinds that are not "commonly domesticated" in the British Islands;
- (b) would only apply if and when sheep are gathered up for a particular procedure – otherwise they are not under control as they are free to move anywhere; and
- (c) does not apply as the sheep are feral animals "living in a wild state".

Best wishes

<Redacted SG Staff>

ARD – Animal Health & Welfare; P Spur; Saughton House; Broomhouse Drive; Edinburgh; EH11 3XD

=====

Letter from SNH - 6 July 2020

<Redacted> by e-mail
6th July 2020

Dear <Redacted>

,Redacted SNH CEO> has asked me to reply to your letter of 15 June 2020 regarding the status of the sheep on St Kilda and to respond to the various questions you've raised.

Soay and Boreray Blackface sheep have developed on St Kilda from ancient breeds and are an important feature of the St Kilda World Heritage Site, as well as being valued by the rare breed sector.

We became aware that the sheep on St Kilda were not considered livestock in May this year, when we were asked by Scottish Government (SG), as part of Ministerial correspondence (generated by you and <redacted>), whether the sheep on St Kilda were covered by the W&CA 1981 (as amended). SG copied us into the correspondence, including the response from The Chief Vet, Animal Health and Welfare, to you both, which explained why they did not regard the St Kilda sheep as livestock under the terms of the Stock Welfare Act 2006.

We defer to the Chief Vet's view on that, so in response we advised SG that since the St Kilda sheep were not considered 'livestock' then they would be regarded as non-native animals under The Wildlife and Natural Environment (Scotland) Act 2011. This amended section 14 of the W&CA making it an offence to "release any animal outwith its native range." Previously it had been an offence to "release any animal of a kind which is not ordinarily resident in Great Britain in a wild state." The implications of this change were brought to the attention of stakeholders during the consultation on the Code of Practice on Non-Native Species in 2011. This would apply to all feral sheep not regarded as livestock, so that would include both Soay and Boreray Blackface sheep on St Kilda.

We were unable to discuss this issue with NTS staff, involved in managing St Kilda, as they were on furlough but when they return we shall make them aware of the situation and the need for a licence to re-release sheep, when they are caught for research purposes.

I hope this clarifies why we advised that the St Kilda sheep should be regarded as non-native if they are not considered to be livestock.

Yours sincerely

<Redacted SNH Staff>SNH Outer Hebrides

=====

From: <Redacted SG staff>
Sent: 06 August 2020 14:12
To: <Redacted SG staff>; Voas S (Sheila)
Cc: <Redacted SG staff>
Subject: RE: St Kilda sheep

Sheila, <Redacted SG staff>

Thanks for your comments. I have attached a clean version for <Redacted SG staff> to e-sign and send.

Best wishes

<Redacted SG staff>

From: <Redacted SG staff>
Sent: 06 August 2020 14:00
To: Voas S (Sheila) ; <Redacted SG staff>
Cc: <Redacted SG staff>
Subject: RE: St Kilda sheep

<Redacted SG staff>
I have reordered this slightly – otherwise OK thanks.
<Redacted SG staff>

From: Voas S (Sheila)
Sent: 06 August 2020 13:28
To: <Redacted SG staff>; <Redacted SG staff>;
Cc: <Redacted SG staff>
Subject: RE: St Kilda sheep

Hi <Redacted SG staff>
Many thanks for taking this on. I have made a couple of changes – one to change <redacted> to <redacted> (<redacted> is his surname) and the other to say we will ask SNH about their classification of the sheep as livestock. I think we need to be seen to at least be responding to the fact that somewhere between us and them communication has broken down, and it hasn't been clear what legislation applied.

If you and <Redacted SG staff> are happy with the proposed changes I will ask <Redacted SG staff> to e sign and send.

Sheila

Sheila M Voas, BVM&S, ARAgS, FRCVS
Chief Veterinary Officer (Scotland)

Animal Health and Welfare Division,
Agriculture and Rural Economy Directorate,
The Scottish Government
Saughton House, Spur P, Edinburgh, EH11 3XD

From: <Redacted SG staff>
Sent: 06 August 2020 12:35
To: Voas S (Sheila) ; <Redacted SG staff>
Cc: <Redacted SG staff>
Subject: FW: St Kilda sheep

Sheila, <Redacted SG staff>

Mr <Redacted> has corresponded again on the issue of the St Kilda sheep. I have attached a draft reply for your consideration/approval. Also attached is information of your reply of 28 February 2020 to Messrs <redacted> and <redacted> and the relevant text from a couple of recent Micases on the assumption that Mr <Redacted> will have seen to responses.

It appears that Mr <Redacted> is assuming a change of status for the St Kilda sheep that has not been changed by the SG.

Hope this is helpful. Best wishes

<Redacted SG staff>

From: <Redacted>
Sent: 30 July 2020 17:39
To: <Redacted SG staff>
Cc: <Redacted>
Subject: St Kilda sheep

Dear <Redacted SG staff>

My sincere apologies for sending the draft of our letter to FSS by mistake. The intended recipient was my colleague, <Redacted>, and I must have sent it to <Redacted> (FSS) instead. I now attach a final version of the letter for Sheila's attention.

Regards
<Redacted>

DRAFT REPLY TO <REDACTED> FROM S VOAS, CHIEF VETERINARY OFFICER (SCOTLAND)

August 2020

Dear <Redacted> and <Redacted>

The Welfare of the St Kilda Sheep

Thank you for your letter of 30 June 2020 raising some further questions on the topic of the welfare of the St Kilda sheep. I am aware of the recent Ministerial correspondence cases on your behalf by Alasdair Allan MSP, the replies to which you will have seen.

The definition of animals protected by the 2006 Act has not changed since the full legislative process in the Scottish Parliament concluded with unanimous agreement on 31 May 2006 and was commenced on 6 October 2006. Such protected animals are defined as those that are:

- (a) of a kind which is commonly domesticated in the British Islands;
- (b) under the control of man on a permanent or temporary basis; or
- (c) not living in a wild state.

As noted in my letter to you of 28 February 2020 the St Kilda sheep should be regarded in the same way as an unowned and unmanaged population of wild deer or other wild animals and are not covered by the definition of protected animals under the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”) as:

- (a) can be considered not to apply as although sheep as a species are commonly domesticated in the British Islands, the current populations of sheep on St Kilda, through an accident of history, can now be considered as distinct kinds that are not commonly domesticated” in the British Islands;
- (b) would only apply if and when sheep are gathered up for a particular procedure – otherwise they are not under control as they are free to move anywhere; and
- (c) does not apply as the sheep are feral animals “living in a wild state”.

I will follow up with SNH their interpretation of the wildlife legislation up until May 2020 and what it was that prompted a change at that time.

I hope this reply is helpful.

Yours sincerely

Sheila Voas
Chief Veterinary Office Scotland

=====