

**PE1736/A**

Scottish Government submission of 10 October 2019

As outlined in your letter, drivers are required to stop and report accidents involving the list of animals set out in section 170 (8) of the Road Traffic Act 1988. Road traffic law is a reserved matter and it is therefore not within the legislative competence of the Scottish Parliament to amend road traffic law.

Campaigners have previously suggested that Section 19 of the Animal Health and Welfare (Scotland) Act 2006 (relating to the offence of causing unnecessary suffering) could be amended to require motorists to report and incident causing “harm, damage, injury, or death to a cat.”

The suggested basis for this was that a motorist who hits a cat would know that the cat is likely to be suffering and would therefore be required under Section 10 of the 2006 Act to take action to prevent or reduce further suffering.

Whilst this is an interesting proposal, amending this Act in that way would still, in effect, alter road traffic law, which the Scottish Parliament is not able to do.

This is not an issue which has recently been discussed with Department for Transport officials. With this matter being reserved it may be helpful to contact the Department for Transport at <https://forms.dft.gov.uk/contact-dft-and-agencies/>.

Arranging the scanning of stray or dead domestic animals has long been best practice for anyone in Scotland finding them, so that the animal can either be returned to their keeper or the owner be given closure as appropriate.

With regards to current powers available to the Scottish Government in relation to the action called for in this petition – arrangements for animals found dead on trunk roads have been put in place by Transport Scotland.

Transport Scotland employs Operating Companies to undertake relevant works. The contract with these companies includes a requirement that if a domestic pet is found dead, they must remove any identification tags and give them to the police, together with a brief description of the animal.

The Operating Company must also attempt to contact the owner of the animal and must keep the carcass in a suitable facility for two weeks in case the owner wishes to claim it back.

The Scottish Government considers that scanning a microchip should be carried out as best practice when a domestic pet is found dead. Scottish Local Authorities are now carrying out scanning as a matter of course.

I hope that the information contained within this email will help with the Committee’s consideration of this Petition.