

Minister for Europe, External Affairs and Culture
Ministear airson na h-Eòrpa, Cultair agus Chùisean Tìoibh a-muigh
Linda Fabiani MSP/BPA

T/F: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk



Mrs Elizabeth Burns CMG OBE
Chair
HEACS
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Our ref/Ar faidhle: 2008/0014907

12 May 2008

Dear Elizabeth,

Thank you for your letter of 11 April regarding the HEACS report on the need to review heritage legislation in Scotland.

You express concern on behalf of the Council that it has not received “a properly argued response to the case made for a review.”

I would want the Council to be in no doubt that my conclusion on the case for a review, set out in my letter to you of 12 December, was based on my own extensive consideration of all the arguments. I am afraid I cannot share the Council’s view that it was entitled to a more detailed response: the comparison with other reports is misplaced – longer responses were provided simply because these reports were by contrast made up of large numbers of detailed recommendations. Neither would I see that the Council was entitled to a longer response simply because we did not agree with the advice it gave, disappointing though I recognise that outcome clearly was.

Your letter raises particularly the way views on stakeholders may have been represented in the decision-making process. Can I assure you that nothing you say about stakeholder views comes as a surprise? In reaching my view on this issue I entirely understood that there would be disappointment in the sector: but I am sure the Council would not have expected that to be the only consideration here. In reaching my view, I necessarily weighed up many factors - not only issues specific to heritage matters, but also of course how the Council’s recommendation related to our wider agenda in government.

Victoria Quay, Edinburgh EH6 6QQ
Cidhe Bhictoria, Dun Eideann EH6 6QQ
www.scotland.gov.uk



I hope you will understand if I do not deal with all the detailed points made in the correspondence. I should take up one other specific point, however. Your letter notes that the Council is disconcerted by the lack of detail it has received on the various legislative changes which we think might merit consideration. On the basis of the work done with stakeholders over the past year and more, I can assure you that we are currently looking very carefully at the issues which might sensibly be addressed through legislative change and how to take that forward. I would simply invite the Council to note that we will be communicating further with the sector and other interested bodies on this as and when we are in a position to say more.

The purpose of HEACS is, of course, to provide advice. However, the nature of advice is that it is not always accepted and I fully recognise that on some occasions members of the Council who have devoted considerable time to an issue will be disappointed and have an understandable desire to know more. However, as these exchanges show, I do not believe that that is a productive or rewarding process for either side, particularly when the underlying issue is in fact a fundamental difference of judgement about the issues concerned.

I regret that this will be a disappointing response, but I hope that we can now agree that what now matters is to focus energies on our respective forward programmes of work.

yours sincerely
Linda Fabiani

LINDA FABIANI