

Petitioner submission of 9 October 2023

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

We respectfully suggest that the submissions by the Soay Sheep Project (SSP), National Trust for Scotland (NTS) and NatureScot raise some novel aspects that warrant comment.

Wild or feral

MSPs must by now be thoroughly confused as to whether the sheep on St Kilda are 'wild' or 'feral'. The Home Office provides clear definitions in [an advice note accompanying](#) the Animals (Scientific Procedures) Act 1986:

“A ‘wild’ animal species is one that has never been cared for or farmed by humans, and is not descended from domesticated individuals

A ‘feral’ animal is an animal living in the wild but descended from domesticated individuals.”

The Soay and Boreray sheep on St Kilda are breeds of domesticated sheep (*Ovis aries*) and are clearly 'feral' and not 'wild' animals. The differentiation is pivotal to understanding our petition and the guidance to the legislation.

Despite this, SSP has, for a number of years, been pushing a 'wild sheep' narrative, the inference being that their death from starvation is 'natural', and we do not need to consider their welfare.

Scottish Government (SG) and NTS appear to be following SSP's lead.

In their submission NTS use the word 'wild' sixteen times and 'feral' only five times, with four of those in quoted phrases, including the UNESCO World Heritage Site inscription (in which the feral sheep are cited for their *cultural* importance, not as wildlife).

NTS quote two SG letters to us: in Feb 2020 the sheep were '*feral animals living in a wild state*'; by March 2022 they are '*sheep living in a*

wild state' and the word 'feral' has disappeared. In the SG submission 'wild' is used ten times and 'feral' only three times (all within quoted phrases).

FOI202100253172 (2023-08-01 Appeal Review) has revealed some confusion within SG as to whether the sheep are 'wild' or 'feral' but one email gets it right:

"Scientifically speaking they are clearly feral, i.e. descendants of previously domesticated animals now living and breeding in a wild state".

NatureScot

Interestingly, NatureScot do not appear to be toeing the 'wild sheep' line, perhaps because, until copied into the Chief Veterinary Officer's February 2020 letter to us, they classed the sheep as 'livestock'. In their submission, 'wild' appears twice and 'feral' eight times.

NatureScot provide a link to their *Position Statement on Wildlife Welfare*. We offer one particularly pertinent quote from this document:

"...we do not consider death itself to be a welfare issue for the individual animal. What is important is managing the manner in which an animal lives and dies to avoid suffering".

NatureScot are correct in pointing out that our petition may have implications for other feral animals in Scotland but only because the current SG interpretation of the AHW Act calls into question their 'protected animal' status.

NatureScot are wrong to suggest that we are seeking a *change* to the guidance to the AHW Act. On the contrary, we are merely asking that recent ambiguities are clarified by MSPs, and the guidance be followed by SG.

Their final paragraph states:

"Such a change [sic; clarification?] would affect a significant number of landowners across Scotland. ... There may be unintended consequences if some landowners decide to remove the populations of feral livestock on their land rather than take on the burden of their welfare."

This is highly misleading because the AHW Act default setting is that landowners are not “responsible” and are therefore not subject to the ‘omission’ element of the Act.

Soay Sheep Project

The Hirta sheep are ideal for research into evolutionary genetics because of the high natural selection pressures on a population that suffers frequent winter starvation. FOI2021_00518 has revealed that SSP have advised NTS against intervening to reduce the suffering of the sheep. Included in the list of reasons is the following:

“From the perspective of the sheep research project, any form of management would make the populations less interesting for study and it would be likely that the researchers involved would eventually stop.”

Clearly SSP have a financial (and existential) interest in maintaining the status quo but is it ethical to actively campaign against measures to improve the welfare of their Village Bay study animals, especially when their arguments against intervention are extended to the rest of Hirta and, indeed, all three flocks of sheep on the archipelago?

SSP appear to have forgotten their early research, which concluded that physiological changes associated with domestication were responsible for the Soays' unusually high rate of population growth compared to truly wild sheep (see passage on page 3 of [Dr Allan's submission](#), quoted from a book co-edited by Professor Pemberton). The same author describes the effects on the Soays of the consequent starvation as ‘savage’.

We do not intend to get into arguments about the practicalities or economics of welfare management, except to say that the researchers gather 50-60% of their study sheep every August and, in our opinion as vets who have worked in the Western Isles for many years and are used to working with North European short-tailed breeds, non-lethal interventions to prevent overpopulation and dramatically reduce suffering (on Hirta at least) would be perfectly feasible.

The SSP version of the history of the Soays is highly selective. We recommend that MSPs read Professor Fleming's *Soay Sheep: The back-story*, in its entirety, since it describes the St Kildans' management of the Soays and Borerays and the importance they placed on Soay wool and meat.

Finally, may we suggest that MSPs consider the winter starvation of cattle and horses in Oostvaardersplassen as a more apposite comparison to St Kilda than the Saiga antelope of Kazakhstan or the wildebeest of the Serengeti. As in St Kilda, the animals were feral, had no predators and could not disperse or migrate. However, Oostvaardersplassen is far more accessible, and images of starving animals led to public outrage and welfare interventions were rapidly introduced. With St Kilda, there is minimal public disquiet simply because the public cannot go there in the winter months when the sheep are dying.