

## Wild Animals and Circuses (Wales) Bill

TUESDAY 7 JANUARY 2020: GENERAL PRINCIPLES DEBATE

### Key Points

- RSPCA Cymru urges Members of the Senedd to support the general principles of the Wild Animals and Circuses (Wales) Bill - as it continues its legislative journey. The Bill aims to make it an offence for operators of travelling circuses in Wales to perform with, or exhibit wild animals for entertainment purposes - a legislative change long discussed and overdue.
- Travelling circus life severely compromises welfare for wild animals. Confinement, stressful transportation, forced training and abnormal social groupings are all a grim reality for the animals - highlighting why this out-dated spectacle needs to be consigned to the history books.
- It is hoped Wales will soon join 45 other nations to have banned or restricted the use of wild animals in circuses. England and Scotland have already passed primary legislation, and it is crucial that Wales does not fall behind other UK nations on this key animal welfare issue; particularly given the process began here prior to our neighbours. A ban will make an important statement about societal norms and values towards animals in Wales.
- This legislation follows years of RSPCA campaigning on this issue; while overwhelming public support exists for a ban. RSPCA polling has consistently shown a large majority in favour of action, while 97% of respondents to a Welsh Government consultation supported a ban.
- We look forward to working with Members to secure improvements to the Bill. The RSPCA remains concerned that the Bill will still allow wild animals to travel in a circus, while loopholes could encourage performances to operate in different guises. We're also calling for a ban to be implemented sooner, and for enforcement and punishment provisions to be extended.
- An RSPCA petition ultimately attracted 9,000 signatures - and secured a Welsh Government-commissioned independent review into the issue, which found that life in a travelling circus was not a "good life" nor a "life worth living" for wild animals.

### Introduction

The Wild Animals and Circuses (Wales) Bill is a hugely welcome and long overdue piece of legislation. As introduced, it is a relatively short Bill which essentially "makes it an offence for a wild animal to be used in a travelling circus." The Welsh Government have said they are bringing forward the ban on "ethical grounds"<sup>1</sup>. The RSPCA has long led the campaign against the use of wild animals in circuses, highlighting the detrimental this has on animal welfare and pointing out that such activities are outdated and fail to reflect current public opinion on how animals should be treated and respected. It is paramount that such a ban is introduced to protect these animals, and to ensure Wales remains a leader both within

<sup>1</sup> Climate Change, Environment and Rural Affairs Committee, 18 July 2019

the UK and wider afield on animal welfare issues.

## What does the Bill do?

The Wild Animals and Circuses (Wales) Bill makes it an offence for the operator to use wild animals in travelling circuses in Wales, where that animal is performed or exhibited:

- The operator means the owner of the travelling circus or the individual that has overall responsibility for the travelling circus.
- A wild animal is one not commonly domesticated in the British Islands. This definition is aligned with that of the Zoo Licensing Act 1981 - and is supported by the RSPCA.
- A travelling circus is defined as a circus which travels from one place to another, for the purpose of providing entertainment.

Additionally, the Bill confers powers on Inspectors appointed by Welsh Government Ministers or local authorities to enforce the law. Enforcement powers include: powers of entry; inspection; search; and seizure of evidence, including the taking of a sample from an animal - but not the seizure of any animals.

Concerningly, the Bill has an enforcement date of 1 December 2020. The Welsh Government says this date will allow for a flexible transition period for those circuses who have wild animals in their shows. Circuses that have previously visited Wales with wild animals are based in England, where a similar ban on wild animal use comes into effect on 20 January 2020 and so we see no need for a transition period. The RSPCA hopes this delayed implementation will be revisited, to prevent another season of such circus productions touring Wales and compromising the welfare of wild animals.

The RSPCA believes the Bill is very clear in its set objectives - and will largely meet these. While we hope Members of the Senedd continue to back this ban and support the general principles of this legislation, we are also seeking definitions in the Bill to be tightened up, and loopholes to be closed, which - as presently drafted - could allow wild animals to be exhibited by travelling circuses under a different guise.

## Why is a ban needed?

- **Grim realities of circus life impact welfare.** The itinerant nature of circuses means that the complex needs of wild animals cannot be adequately met in such an environment. Confinement, constant transportation, forced training and being placed in abnormal social groups are all grim realities associated with circus life - all of which can cause stress and welfare problems for the animals involved and do not educate the public or foster respect for animals. Accordingly, the RSPCA believes that the welfare benefits of a ban on this practice are clear and have long rendered Welsh Government action necessary.
- **Other UK nations have already acted.** The need for legislation on this matter has been further highlighted by action taken elsewhere in the UK. In England, the Wild Animals in Circuses (No.2) Bill has gained Royal Assent and will come into force in January 2020 - while in Scotland, the Wild Animals in Travelling Circuses (Scotland) Act 2018 implemented a ban on 28 May 2018.
- **The public support action.** There is also a clear strength of public feeling towards the issue of wild animals being exhibited in circuses. Polling has consistently shown that the public in Wales favour a ban on the use of wild animals in circuses, with 74 percent supporting a ban in 2015<sup>2</sup> and 97 percent of respondents to the Welsh Government's consultation on the matter backing a

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<sup>2</sup> Polling has shown that 74% support a ban on wild animals performing in circuses. Figure from YouGov Plc. Total sample size was 1,036 adults. Fieldwork was undertaken between 19th–22nd August 2015. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).

ban in 2018<sup>3</sup>.

- **A ban makes a huge statement for animals.** While a ban, in reality, will only directly impact a small number of animals - legislating will make a huge animal welfare statement, emphasising Wales' norms and values as a nation towards animals. It is hoped Wales will soon join almost 50 other countries in the world to have acted on this issue.

### RSPCA Cymru campaign & independent review

- **Decades of campaigning coming to an end.** The introduction of this Bill followed many years of action on this issue by RSPCA Cymru - incorporating numerous consultation responses, scientific papers, briefings, polling, public-facing events, street stalls, campaign actions and more.
- **Thousands back RSPCA petition.** Campaigning work included the presentation of a petition to the National Assembly for Wales. RSPCA Cymru's petition received 7,785 signatures when submitted to the Petitions Committee<sup>4</sup>, and ultimately attracted approximately 9,000 signatures.
- **Petition secures wide-ranging review.** This petition paved the way for an independent review of evidence related to animal welfare of animals used in travelling and non-travelling circuses - commissioned by the Welsh Government and undertaken by Professor Stephen Harris and colleagues.
- **Clear conclusions to independent review.** Harris' review notes how 'available scientific evidence indicates that captive wild animals in circuses and other travelling shows do not achieve their optimal welfare requirements'<sup>5</sup>, adding that evidence 'would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds'<sup>6</sup>. Crucially, they found that travelling circus life for wild animals 'does not appear to constitute either a good life or a life worth living'<sup>7</sup>.

### Improving the Bill

While the Bill, in its current form, meets its clear objectives, the RSPCA has concerns regarding particular definitions and enforcement processes of the legislation. We hope that the Bill can be further improved at stages 2 and stages 3 of its legislative journey, to address these issues, avoid loopholes and offer best protection to wild animals based in the setting of a travelling circus.

- **Stopping wild animals traveling with a circus.** Currently, the Bill only forbids wild animals being performed or exhibited for entertainment in a travelling circus environment. RSPCA Cymru believe that the scope of this wording may be too narrow in that it would still allow for a wild animal to be legally taken on tour with a travelling circus and trained for performance in Wales - perhaps for later exhibition in a country without a ban. This would expose that animal to the conditions that make itinerant circus life so inappropriate. To avoid such circumstances, section 1(2) of the Bill should be strengthened to add 'travels with' and 'is kept by' as additional sub-sections as to when a wild animal is considered to be legally used by a travelling circus.
- **Removing 'Educational Show' loophole.** Pertinently, specific reference to entertainment within the Bill's definition of a travelling circus could encourage operators to seek to continue touring under the guise of education in an attempt to circumvent the regulations. As such, RSPCA Cymru is concerned that the definition of travelling circuses used in the draft Bill means that performances that do not take place in a typical circus tent could be allowed to continue despite this effectively being the same welfare experience for the animals. Accordingly, we suggest that a

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<sup>3</sup> Welsh Government Written statement: [summary of responses to the consultation on the draft Wild Animals in Travelling Circuses \(Wales\) Bill](#), 30 January 2019

<sup>4</sup> National Assembly for Wales Petitions Committee, P-04-653 Ban the Use of Wild Animals in Circuses in Wales

<sup>5</sup> Dorning, Harris and Pickett - [The welfare of wild animals in travelling circuses](#), p4.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid*, p47.

travelling circus is defined as ‘any company, group or institution which travels from place to place for the purpose of giving performances, displays for exhibitions’, removing some of the ambiguity found within the draft Bill and closing feared loopholes. In the absence of tightening the proposed legal definition, the RSPCA calls for clarity from the Welsh Government that a travelling circus retaining wild animals could instead be subjected to the provisions contained within the Zoo Licensing Act 1981 - offering limited though insufficient safeguards via inspection.

- **Date bill comes into force.** Currently, and concerningly, the Bill is set to come into force on 1 December 2020, meaning that the summer of 2020 may provide another tour of Wales for those travelling circuses that play home to wild animals. RSPCA Cymru believes this is unnecessary - and an unacceptably long wait. England’s ban on the use of wild animals in travelling circuses comes into effect on 20 January 2020, while Scotland’s ban came into force in 2018. We believe the legislation should be amended so it comes into force as soon as is legally possible, thus reducing the prospect of wild animals facing further touring in a travelling circus and living in the associated, unacceptable conditions which compromise welfare.
- **Powers of enforcement.** The draft Bill confers powers of entry to appointed inspectors if they have reasonable grounds to believe an offence is being committed. While such powers are proportionate and fair to the nature of the legislation, RSPCA Cymru would welcome the extension of these powers to automatically include police constables - as is the case in the Wild Animals in Travelling Circuses (Scotland) Act 2018, strengthening enforcement of the legislation.
- **Disqualification should be an option.** The RSPCA supports the extension of the Bill so that it empowers the Courts to disqualify offenders from keeping wild animals for a set period of time - a move which would prevent repeat offenders and deliver - we believe - a fair and more proportionate punishment.

### International picture & bans elsewhere

An estimated 45 countries, nations or states have already banned or restricted the use of either all, or some wild animals in circuses<sup>8</sup>. Additionally, many states in the United States and other regions have introduced bans within their jurisdiction<sup>9</sup>. This demonstrates the support of, and precedent for, the Wild Animals and Circuses (Wales) Bill which exists on a global scale.

Austria		Belgium		Bolivia	
Bosnia and Herzegovina		Bulgaria		Colombia	
Costa Rica		Croatia		Cyprus	
Czech Republic		Denmark		Ecuador	
El Salvador		England		Estonia	
Finland		Greece		Guatemala	

<sup>8</sup> [Written evidence submitted by Animal Defenders International](#) - UK Parliament Public Bill Committee, Wild Animals in Circuses (No.2) Bill

<sup>9</sup> Animal Defenders International say 96 partial or full bans on performing animals have been introduced in jurisdictions in the United States of America, in 32 states. They also reference Statewide bans in New Jersey, Hawaii and California.

Hungary		India		Iran	
Israel		Italy		Latvia	
Lebanon		Luxembourg		Malta	
Mexico		Netherlands		North Macedonia	
Norway		Panama		Paraguay	
Peru		Poland		Portugal	
Republic of Ireland		Romania		Scotland	
Serbia		Singapore		Slovakia	
Slovenia		Sweden		Taiwan	

- Within Wales, some local authorities have banned the use of wild animals in circuses on land which they control. It was previously thought that as many as ten Welsh local authorities had banned circuses on their land<sup>10</sup>. However, only six Councils in Wales recently confirmed that such localised bans are in place via an Animal Welfare Network for Wales FOI request<sup>11</sup>.

<sup>10</sup> Senedd Research - Wild animals in circuses: Assembly to debate petition, 27 February 2018

<sup>11</sup> Animal Welfare Network for Wales, freedom of information request to all local authorities in Wales - 2019. All except Cardiff had responded.