

Consultation response: Animal Exhibits: The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020

November 2019

QUESTION 1:

Regulation 3 sets out that, for the purposes of determining whether something is a licensable activity, 'licensable activity' means:

- (a) keeping animals in Wales where those animals are being used for exhibition for educational or entertainment purposes,
 - (b) training animals in Wales where those animals are being used for exhibition for educational or entertainment purposes, or
 - (c) exhibiting animals in Wales for educational or entertainment purposes.
- (2) The licensable activity may take place with or without charge.
- (3) Exhibiting animals for the purpose of the licensable activity includes—
- (a) the exhibition of animals to any audience attending in person, and
 - (b) the recording of visual images of the animals by any form of technology that enables the display of such images.

If something is a licensable activity, in order to carry it out, a licence will be needed. Do you agree with this definition? Please provide reasons for your answer.

In the RSPCA's experience, exhibited animals are at high risk of experiencing welfare problems, both when being used for exhibition and at their permanent home site. We therefore welcome the Welsh Government's proposal to introduce a licensing scheme and to extend this beyond Mobile Animal Exhibits.

Exhibited animals are exposed to conditions widely known to cause stress and welfare problems, particularly given the repeated nature of such experiences. These include: frequent transport; small temporary housing; novel stimuli; suboptimal noise levels and environmental conditions and handling/close contact by members of the public. The RSPCA has encountered welfare problems in virtually all situations regarding exhibited animals. In the current situation there is also very little, and in many cases no, oversight of who sets up businesses and organisations of this sort, and therefore their level of competence, facilities, husbandry standards and so on.

The RSPCA agrees that the legislation should apply to all forms of production where animals are exhibited for education or entertainment purposes, including those that do not have a live audience, as is presently the case under the Performing Animals (Registration) Regulation 1925.

No definition is provided for 'exhibit' in the draft Regulations. The RSPCA defines performing animal, equivalent to exhibited animal, as '*an animal that is taken away from, or disturbed in, its usual environment and/or social group, or trained/set-up to perform specific desired behaviours for the purposes of public display.*' This reflects the actions and activities that are sources of potential stress, listed above. We have arrived at this definition after years of discussion, consideration and involvement in the planning and running of many and diverse types of productions. We urge the Welsh Government to use this wording to further define what is meant by 'exhibit'.

In addition to 'entertainment' and 'education', animals exhibited for the purpose of therapy should be included in these Regulations. For example, dogs are taken to university campuses with the aim of relieving students' stress. Puppies and kittens are taken to offices as a 'stress relief' for office workers, whilst purportedly helping to socialise the young animals. Reptile collections are taken to hospitals and retirement homes for similar reasons. This was reflected in the definition of MAEs in the Welsh Government's 2017 consultation on MAEs: '*individuals, groups or commercial enterprises that travel to exhibit domestic and/or wild animals, for entertainment, therapy, educational and/ or other purposes*'. This definition captured the diverse nature of these exhibits, and the ever evolving business models that arise that involve exhibiting animals.

The RSPCA is concerned that the definition of 'licensable activity' could be interpreted as undermining the proposed effect of the Animals and Circuses (Wales) Bill, under which it would be an offence to perform or exhibit a wild animal in a travelling circus (defined as a circus which travels from one place to another for the purpose of providing entertainment at these places). The definition of 'licensable activity' includes use of animals for entertainment purposes. There is nothing in the Regulations that stops animals being transported from place to place. There is no restriction on the kind of animals that may be kept/trained or exhibited in an animal exhibit. So, it seems that both of the below would be licensable activities under the Regulations:

- a) an animal exhibit travelling from place to place with wild animals, training and exhibiting them in a way which is the same as in circuses now.
- b) an animal exhibit containing wild animals from moving with a circus of domesticated animals and human performers.

We would urge that these issues are considered further within these draft Regulations and the proposed Circus Bill.

The RSPCA has on-going concerns about the way in which domestic animals are accommodated in travelling circuses. Whilst for some species our concerns are less marked than for commonly used wild animals, we nevertheless have concerns regarding their confinement, lack of free exercise, opportunities to perform natural behaviour and frequent transport; conditions that are inherent in travelling circuses. One key difference between most animal exhibits and travelling circuses is the return to a permanent home base where the ability to provide for the animals' needs is greater. Requiring animal exhibits to return to a home base for a suitable rest period before further exhibition would ensure animals are given the opportunity to rest and recuperate in an environment where their needs can be met.

QUESTION 2:

Regulation 3(4) lists a number of exempted activities that it is proposed will not be subject to this licensing scheme. The exempted activities will therefore not require a licence. These are:

- (a) Keeping animals primarily for dairy farming and livestock breeding and keeping,
- (b) Keeping or training animals for military or police purposes,
- (c) Keeping or training animals for sporting purposes,
- (d) Animals displaying learned behaviours which are taught for working purposes,

- (e) Any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981,
- (f) Keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act 1951,
- (g) Any activity permitted under a licence for a riding establishment under the Riding Establishments Act 1964.'

Do you agree with these exemptions? Can you think of an activity that would fall within the exemptions that you believe should be included within the scope of the licensing scheme? Can you think of an activity that would fall within the current definition of an Animal Exhibit that you believe should be exempted? Please provide evidence to support your comments.

(a) Keeping animals primarily for dairy farming and livestock breeding and keeping, and (d) Animals displaying learned behaviours which are taught for working purposes

All animals exhibited for entertainment purposes should have the same legal protection and standards met that ensure they experience a good standard of welfare. Animals exhibiting trained behaviours for entertainment purposes, and farmed animals that are taken to events for exhibition, are exposed to stressors that are not present in their normal daily lives. Animals will be transported to an event (which may be some distance away), housed temporarily at the event, exposed to crowds of noisy people, and other animals and stimuli to which they are not used to. Risks to their welfare are therefore heightened by being used for exhibition. The RSPCA would like to see these exemptions removed.

b) Keeping or training animals for military or police purposes:

The RSPCA is proposing that there are some animals kept for military purposes which should be subject to this licensing scheme. Regimental mascots are animals that are kept for ceremonial reasons rather than serving in combat or transport roles and are used for exhibition for entertainment purposes. To the best of our knowledge, only one regimental mascot resides in Wales although there are other regimental mascots with connections to Wales e.g. a Welsh mountain pony belonging to the Queen's Dragoon Guards also known as the Welsh Cavalry.

The current Welsh resident mascot, Shenkin IV, resides with the 3rd battalion of the Royal Welsh and was selected and taken from the Island of Orme in 2018. Ceremonial duties include being present at the National Armed Forces Day¹ and leading out the Welsh Rugby Union team at the Principality Stadium². We fully understand that, for many, regimental mascots are an important and long-standing tradition, and that Shenkin IV plays a unique role within the Regiment. Nevertheless, it is also vital to consider that taking feral or wild goats into captivity will have an impact on the animal involved. Further, as is the case for other exhibited animals, this animal will be exposed to a range of stimuli which have the potential to compromise his welfare including loud noises, transportation, unfamiliar environments and large crowds.

c) Keeping or training animals for sporting purposes:

The RSPCA is also proposing that greyhound racing in Wales should be subject to this licensing scheme as it too is clearly for the purposes of entertainment and is therefore a licensable activity under the proposed definition of an animal exhibit.

The evidence to support the inclusion of greyhound racing within these regulations is based on 1) the scale and nature of the industry, 2) the lack of regulation and 3) evidence of welfare concerns. Further information outlining the evidence to support each of these points is available in the Animal Welfare Network Wales' submission but summarised below for ease:

- 1) The industry is a significant entertainment activity, marketed as such and regularly attracts a substantial and varied audience.

¹ <https://www.dailypost.co.uk/whats-on/incredible-request-bbc-bosses-regimental-14841911>

² <https://www.bbc.co.uk/news/av/uk-wales-44405796/royal-welsh-regiment-s-goat-shenkin-explores-cardiff>

- 2) Unlike greyhound racing in other parts of the UK, and other similar sporting activities involving animals in Wales, it is not currently subject to any form of regulation.
- 3) There is evidence of welfare concerns both at and away from the race track including treatment of injuries and fatalities as well as the way in which the dogs are housed and managed.

We strongly believe that all animals exhibited for entertainment purposes need the same legal protection and those with responsibility for them must comply with, and meet, robust evidence based standards which ensure a good standard of welfare. This includes regimental mascots and racing greyhounds in Wales.

(e) Any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981

Licensed zoos increasingly offer a range of experiences where the public, for an additional charge, can interact with, feed and/or handle wild animals in the collection. Many also travel animals from the zoo to schools, children's parties, shows and fetes. Permanent housing of animals in licensed zoos are part of requisite zoo inspections, but exhibition is generally not, particularly for exhibitions that occur outside the zoo premises. Given the additional risks to animal welfare that we have outlined above, the RSPCA would like to see this exemption either removed or the zoo inspection process and associated standards of modern zoo practice, amended such that experiences and encounters, on- and off-site, are thoroughly inspected as part of the zoo inspection process.

(f) Keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act

If animals are exhibited in any way other than being displayed for sale, then an additional licence should be required under these proposed Regulations. Some licensed pet shops hold animal experiences on the premises, or take animals out for use in various types of encounters (e.g. to schools, weddings, fairs). As already outlined, these animals are exposed to stressors they would not normally encounter in a pet shop, and which are not accounted for in a pet shop inspection. The RSPCA would like to see this exemption either removed or the inspection process for pet shops amended such that experiences and encounters, on- and off-site, are thoroughly inspected as part of the inspection process.

In addition, there is an urgent need to review the Pet Animals Act 1951. This Act does not reflect modern animal welfare practice and fails to take account of new and emerging ways of selling animals, including the sale and advertisement of animals on the internet and social media and the growth in popularity of exotic pet species.

Animals kept primarily as pets

Although not specifically referenced in this question, a key exemption in the Accompanying Guidance document is 'Animals kept primarily as pets', including 'pet dogs exhibited at local dog shows once or twice a year for recreational purposes, donkeys at nativity plays; 'show and tell' activities by children in schools'.

Looking first at animal shows, such as dog shows, it is not wholly clear what is proposed. While the Accompanying Guidance states that animals kept primarily as pets will be exempt, the consultation document suggests otherwise - that there will not be a threshold and even those who exhibit their animals only once or twice a year will fall within what is defined as a licensable activity. Additionally, the Regulations state that the event organiser, if they have no interaction or responsibility for the animals, is not the licensee. Therefore, we can only assume that dog shows in Wales will be completely exempt from the Regulations, although this is unclear in the Regulations as they stand. As a comparison, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 require those who show their animals in return for a fee to have a licence, and so these may go further than these proposed Regulations. It is the RSPCA's view that shows should be in scope for licensing.

RSPCA Cymru believes that animal shows should be included in scope and that this would have a limited impact across Wales. Data for 2019 from Dog Show Central UK, which claims to be the central source of dog show information, suggests that 70 dog shows took place in Wales, in 13 of 22 local authority areas. Of these 70 shows, 24 took place in Monmouthshire, suggesting that a large number of exhibitors may have been travelling into Wales from England (full details are available on request). Seventy shows is small in comparison to the number of other establishments and shows which are already legally required to be licenced in Wales, for example breeding and boarding establishments, as well as horse shows. Data on other animals shows suggest very low numbers each year. For example, according to the Governing Council of the Cat Fancy, only one cat show was held in Wales in 2018/2019. The Donkey Breed Society lists three events in 2019 in Wales. RSPCA Cymru is of the opinion that the introduction of the Regulations will not be intrusive or onerous on either local authorities or individual exhibitors who should already be meeting the necessary welfare standards for their dogs. It is worth noting that the RSPCA holds dog shows of its own, with three taking place in 2019. The RSPCA is happy to open ourselves to inspection from the relevant local authorities, to show that we are committed to ensuring the welfare of animals as a priority.

Another risk of this exclusion criteria is that a significant number of mobile zoos, animal encounters and seasonal events, which were a driver for introducing these Regulations, will fall outside the scope of these Regulations. Seasonal exhibits are a prime example. Donkeys and reindeer over the Christmas season and rabbits and chicks over Easter are exhibited over restricted time periods over the course of the year. At other times of year, these animals may be used in exhibitions that fall outside the proposed scope (e.g. shows) or kept for companionship or hobby purposes. During the time when they are exhibited, these animals need protection, just as much as animals used throughout the year. As noted in our response to Question 4, these animals may be at an even greater risk of welfare problems due to not having been appropriately trained and prepared for exhibition.

An event organiser, or agent that organises the exhibition of animals, but does not own or train them themselves and thus has limited or no contact with the animals.

The RSPCA disagrees with this exemption, which is in the Accompanying Guidance. Those organising an exhibition hold some legal responsibility to the animals being exhibited under the Animal Welfare Act 2006. Many aspects that directly affect animal welfare are out with the owners control, such as the provision of adequate heating, presence of other animals on site, placement of the exhibit area, briefings of audience members and attending members of the public, adequate rest areas, timing and duration of exhibition and so. Exhibition organisers or agents may also be responsible for bringing animals in from many different sources that are unlicensed (under the proposed exemptions), such as animals kept primarily as pets in the case of pet shows. Similarly, the RSPCA is aware of numerous TV programmes where farm animals have been bought by a production company for the purpose of being exhibited in a programme and then returned back into the farming system at the end, or rehomed. It is vital that these animals are adequately protected by inclusion in the licensing regime. Removing this exemption would also deal with the situation outlined in Question 3 where an agent can buy in the services of many unlicensed pet owners who are ill-prepared to take all the necessary steps to protect their animals. If this exemption remains, the negative impact would be mitigated to some extent by requiring events using solely unlicensed animals to be licensed and requiring designation of a person responsible for the welfare of the animals.

Private events where audiences are not invited or intended to view animals.

Further guidance on what constitutes a 'private' event is needed, to help local authorities determine whether the public is meaningfully excluded from an event. For example, in the case of 'member only'

events, local authorities would need to satisfy themselves that the event was exempt from these Regulations. For example, that the organisation responsible for the show is a *bona fide* club; that members of the public cannot gain admittance to the event without membership; admittance by joining the club 'on the door' is on payment of a reasonable membership fee; and there are clear benefits of membership of the club identified in the membership documentation. There is also some guidance on this point for establishing whether zoos are open to the public, in Annex B to the Guide to the Zoo Licensing Act 1981.

QUESTION 3:

We are proposing that all Animal Exhibits that meet the licensing criteria should be licensed, irrespective of whether they charge a fee for that Exhibit or not i.e. it could apply to individuals, businesses, charities or other not-for-profit entities. This is considered appropriate as the intention of the Regulations is to ensure that animal welfare standards are met, and this is the case regardless of whether an activity is carried out for profit or not. Do you agree with this approach? Please give reasons for your answer.

The RSPCA agrees with the proposal to not restrict licensing to those who make a business out of exhibiting animals. The current registration scheme that this Regulation replaces - The Performing Animals (Regulation) Act 1925 - is similarly not limited to businesses. Such a restriction is the case for Regulations in England: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This is already proving problematic, with reports of agents sourcing unlicensed pet animals for productions as a means of getting around the Regulations. As a result, animals are apparently being overworked, transported inappropriately and kept in unventilated vehicles when not being worked. Animals are exposed to many risks when used for exhibition, summarised elsewhere in this document, and it is the RSPCA's experience that these risks are present whether the exhibition is for profit or not for profit. The RSPCA, along with many other charities, conduct activities that would meet the licensing criteria and it is our position that we should be required to meet the same standards of animal welfare as others who are exhibiting animals for profit.

QUESTION 4:

The current definition of a licensable activity does not provide an exemption for people who may only exhibit their animals only once or twice a year. If an activity falls within the definition of 'licensable activity' then a licence is required. Do you agree with this approach? If not, do you think a threshold should be included, setting out the number of times someone can exhibit animals before requiring a licence? What would be an appropriate threshold? Do you feel this is enforceable? Please give reasons for your answer.

The RSPCA recognises the need to ensure the Regulations are proportionate and to prioritise resources to those activities that pose the greatest risk to animals.

The RSPCA is concerned that setting a threshold might encourage the use of inexperienced animals that have not been appropriately trained and prepared for exhibition, such as people's pets being used to film adverts. The owners of such animals are likely to be similarly inexperienced and, through no fault of their own, will not be best placed to advocate for their animals which will then suffer poor welfare as a result. As mentioned in question three, there are indications that this situation is arising in England. Welfare standards could, as a result, go down rather than up.

QUESTION 5:

There will be cost implications associated with this licensing scheme in so much as an Animal Exhibit licence will be subject to a fee payable to the relevant local authority by the licence applicant and, for

example, an applicant may need to improve their facilities to meet the licence conditions. Local authorities will also incur costs to manage the licensing scheme. Whilst the licensing fee should compensate for these costs, in some cases ongoing enforcement costs may exceed it. Costs may also be incurred for the justice system where prosecutions or appeals are taken forward. We would welcome any evidence of any potential financial impacts, both on Exhibitors and on local authorities, and any other persons or organisations you feel may be affected, which may occur as a result of the proposed licensing scheme. Please give reasons for your answer.

The RSPCA acknowledges there may be a cost to exhibitors in obtaining and meeting the standards of a licence, however it is incumbent upon all owners/keepers to meet the needs of the animals in their care and it is anticipated that any such costs would be much smaller than the veterinary, food and other outgoings associated with owning an animal. Where animals are to be used for entertainment, we believe the general public would expect a level of accountability and scrutiny to be in place to ensure the welfare needs of the animals involved are being met - such a system requires a modest cost to exhibitors and the enforcement bodies involved.

QUESTION 6:

We would like to know your views on any other effects you anticipate the draft Regulations could have on the Justice System. This includes operators of Animal Exhibits (for example, if they are prosecuted for not being licensed or are prosecuted for breach of a licence condition); local authorities as the enforcement authority; the court system; and any other persons or organisations you feel may be affected. What effects do you think there would be?

The decline in resources of local authorities over a number of years remains a significant concern for the RSPCA. The enforcement of these regulations and others concerning animal welfare standards, particularly in the commercial sector, are vulnerable to the funds and expertise local authorities are able to allocate to them. We would urge the Welsh Government to ensure sufficient funding is made available to local authorities so that they may ensure the necessary resources, including training, is available both for the administration of the licensing system and any potential court action.

QUESTION 7:

We feel the licensing scheme presents an opportunity for the Welsh tourist industry, of which Animal Exhibits play an important role. The licensing scheme will ensure that all licensed Animal Exhibits will be meeting the same welfare standards and will prove to visitors that we are a nation of animal lovers and the welfare of exhibited animals is taken seriously. We would like to know your views on the effects that the draft Regulations may have, particularly on rural businesses, people and communities. What effects do you think there would be?

The RSPCA agrees that the proposed regulations offer the potential for improvements in animal welfare as well as reassurance for members of the public, particularly those visiting from another area or country, about the standards required in Wales. Any potential impact from improving conditions for their animals or costs from obtaining a licence for the owner/keeper, is a necessary consequence of meeting the needs of their animals, as defined by the Animal Welfare Act.

QUESTION 8:

Schedule 1 of the Regulations contains a list of licence conditions that must be attached to every licence issued for the licensable activity. Are there any conditions that you do not consider appropriate, or alternatively, are there any conditions that you would expect to be included, which aren't? Do the licence

conditions provide sufficient flexibility, both from an operational and enforcement point of view? Please provide as many reasons to substantiate your views as possible.

1. Licence Display

The Regulations require that a copy of the licence is made available wherever the licensable activity is carried out, and that the licence is clearly and prominently displayed on any website. In order to provide further assurance to the public, we believe that a copy of the licence should be *on display*, wherever possible (such as at live events), as is the requirement for licenced zoos under the Zoo Licensing Act 1981. The licence number should also be displayed on any media that advertises the exhibition, not just websites, such as on social media, on flyers, adverts in newsletters etc. We also urge the Welsh Government to create a standard licence number format and a means for the public to check the validity of such numbers, to provide further public confidence in the Regulatory system.

2. Registers, records, lists and notifications

Species should be recorded on the register, in addition to other details such as the name, age and sex of the animals.

Section 2(4) requires written notification of the movement of dangerous wild animals. We would suggest that both the DWA licensing authority and the local authority to which the animal is being moved are notified, if this is different, given the danger posed to members of the public should the animal escape. This would permit inspections to be carried out, if the local authority deem it necessary.

3. Use, number and type of animal

An additional condition relating to maximum stocking densities would prevent overcrowding. Wording from the England Regulations could be used for this purpose: *'The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.'*

8. Animal handling and interactions

In addition to protecting animals from 'pain, suffering, injury or disease', appropriate handling should also avoid fear, anxiety, stress and discomfort.

'No animals from a social species may be isolated or separated from others of their species for any longer than is necessary'. It is unclear what constitutes 'necessary'. It could be interpreted as 'necessary' for the exhibition, in which case social animals could be isolated for days or weeks as an exhibition is running (e.g. a theatre production). It is the RSPCA's view that separation should only occur for veterinary and/or welfare reasons and where this is necessary, the animals should be housed where they can see, hear and smell their companions.

Animals 'must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance'. This is very subjective and difficult to enforce. It is the RSPCA's view that animals should not be exhibited in locations where this is likely to occur and that this should be a condition of the licence. We have encountered snakes being used as props for photos in nightclubs, a pony being used for a themed nightclub event and plans to use various native wild animals in a pop-up cafe serving free alcoholic drinks on entry. Such venues are inappropriate as they carry a high risk that animals will be exposed to noisy, stressful situations and handled poorly.

Nursing mothers should not be removed from their usual home environment at all as this carries significant risks to the mother and her young, but this would currently be permitted under condition 8(10).

Condition 8(10) would also benefit from clarification that newborn, unweaned or dependent offspring must not be removed from their mothers at any time. This would avoid situations where such offspring may be removed for a brief period. For example, the RSPCA has dealt with a situation where a production wanted to remove newborn piglets briefly from their mother so that they could be held by a presenter, outdoors in the cold, while the presenter spoke to camera. This would have placed the piglet at serious risk of harm and be distressing for the mother.

Condition 9(7) relating to the exhibition of sick or injured animals, such as open days in rehabilitation centres, currently reads '9(7) Sick or injured animals must not be exhibited, other than where the purpose of the licensable activity is to care for such animals and the licensable activity does not cause the animal distress, or place people at risk from zoonoses or physical harm, e.g. being bitten.' Exhibition of such animals clearly comes with many risks, given the vulnerable state of the animals. As well as avoiding any distress, we believe that exhibition should not cause any level of stress, fear or anxiety.

9. Protection from pain, suffering , injury and disease

Condition (20) relating to transportation, as well as protecting animals from 'pain, suffering, injury and disease', animals should also be protected from distress, fear and anxiety.

Condition (21) requires a risk assessment to be carried out before each new exhibition event. The RSPCA welcomes this requirement but we feel the 'risk assessment' requires further clarification. In our experience, this term has caused confusion amongst those affected by the England Regulations which contains similar wording. First, in order to prevent any confusion with risk assessments that address risks to human health and safety, we suggest renaming 'risk assessment' to 'animal welfare impact assessment'.

QUESTION 9:

Schedule 2 of the Regulations contains details of persons who may not apply for a licence. This includes persons who have held a licence which has been revoked, or who have been disqualified, under the following legislation:

- [Animal Welfare \(Licensing of Animal Exhibits\) \(Wales\) Regulations 2020](#);
- [Animal Welfare \(Breeding of Dogs\) \(Wales\) Regulations 2014](#);
- [The Welfare of Wild Animals in Travelling Circuses \(England\) Regulations 2012](#);
- [The Welfare of Animals Act \(Northern Ireland\) 2011](#);
- [The Welfare of Racing Greyhounds Regulations 2010](#);
- [Animal Welfare Act 2006](#);
- [Animal Health and Welfare \(Scotland\) Act 2006](#);
- [Dangerous Dogs Act 1991](#);
- [Dogs \(Northern Ireland\) Order 1983](#);
- [Dangerous Wild Animals Act 1976](#);
- [Breeding of Dogs Act 1973](#);
- [Riding Establishments Act 1964](#);
- [Animal Boarding Establishments Act 1963](#);
- [Pet Animals Act 1951](#);
- [Protection of Animals \(Amendment\) Act 1954](#);
- [Performing Animals \(Regulation\) Act 1925](#);
- [Protection of Animals Act 1911](#);
- [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#);

- Zoo Licensing Act 1981.

Do you agree with this approach? Should any other legislation be included? Please give reasons for your answer.

The RSPCA fully supports this proposal.

QUESTION 10:

A Guidance document has been drafted to which local authorities must have regard in implementing the Regulations. Do you have any comments on the content of that guidance? Do you consider that additional guidance in connection with any particular provisions of the Regulations would be helpful? Please give reasons for your answer.

Who and what to licence

Clarity is needed on who can be licensed. As stated above, the RSPCA believes that licences should be issued for the exhibition itself, at least in situations where the animal suppliers are not licensed.

Exhibition sites are to be inspected 'if necessary'. What criteria will be used to determine whether it is necessary? Inspection of home premises is certainly important, but exhibition exposes animals to a wide range of sources of stress, anxiety and harm and so inspections should also include exhibition sites.

Suitably qualified inspectors

With regards to zoo inspectors, it is important that they are suitably experienced in the species concerned, just as vets are required to be. For example, some zoo inspectors may be specialists in fish and so it would not be appropriate to consider them competent for the purpose of inspecting an exhibitor of sheep.

'Experienced private keepers or breeders' is a very broad term. A keeper can be very experienced, in that they have kept the species for many years, but it does not necessarily follow that the keeper has been upholding a good standard of welfare and is knowledgeable about current good practice.

Other sources of advice are animal welfare organisations that have experience in the species concerned and that can provide evidence-based guidance.

In-Scope activities

Guidance should reflect that the licensable activity includes *exhibiting* animals in Wales, as well a keeping or training animals for exhibition (Section 3(1)(c) of the Regulations).

Additional activities where animals are commonly exhibited include theatre productions, art exhibitions and photoshoots.

It is the RSPCA's view that removing species listed under the Dangerous Wild Animals Act 1976 from their home environment for exhibition should not be permitted under licence. The basis of the Dangerous Wild Animals Act is to protect members of the public and to keep licensed animals securely, which will not be the case if animals are moved around and held in temporary accommodation for exhibition to the public. If it is permitted, the local authority that issues the Dangerous Wild Animals licence should be informed, as well as the local authority in which the exhibition is to take place, if this is different.

The RSPCA welcomes inclusion of zoos granted a dispensation under Section 14(1)(a) of the Zoo Licensing Act 1981.

For 'Agricultural or animal care colleges', Regulation 3(2)(a) is referenced but we believe this should be Regulation 3(4)(a). Under the same point, it is clarified that exhibition can include domesticated pets and livestock. We feel this point is a helpful general point to make at the beginning of this section to elimination any doubt that these Regulations apply to all species, not just wild/exotic species.

We welcome the inclusion of animal-themed cafes in the list of activities that are 'in-scope'.

Out-of-scope activities

Guidance on 'Animals kept primarily for dairy farming and livestock breeding or keeping' makes it clear that animals that are visible to the public, but not trained to do anything, would not need a licence. It would be helpful to further clarify whether animals that can be petted and fed by the public fall under licence. These animals are effectively on exhibit, and fall under the RSPCA's definition of performing/exhibited animal as they are being disturbed in their usual environment for the purposes of public display.

'Training or exhibiting animals for sporting purposes'

Other common 'novelty' races that we feel should be in-scope include pig racing, sheep racing, rabbit showjumping, duck herding and mouse-racing. Whilst duck herding activity involves sheep dogs displaying behaviours that have been trained for working purposes, it is not a normal working activity and likely involves significant stress for the birds involved as their behaviour is driven by a desire to escape a potential predator.

Guidance on Condition 2(3): third bullet point: in our view, animals should also be given the opportunity to rest in a quiet area, away from members of the public and other people, during breaks. Animals should generally be moved to suitable, secure designated areas, unless doing so would be expected to impair welfare to a greater extent than remaining in the exhibition area.

Guidance on Condition 4(1): where animals hazardous to human health are exhibited, licence holders should be required to have a written human health and safety risk assessment available to inspectors on request and to everyone involved in the exhibition, as well as an emergency bite protocol with appropriate emergency numbers. In addition, it needs to be clear that a sufficient number of staff who are competent in the care and welfare of the animals involved should be 'on duty' to care for the animals.

Guidance on Condition 5(2): there should be sufficient resources for each individual animal in any shared enclosure such that all animals are able to undertake similar activities at the same time e.g. allow all birds to perch or feed at the same time.

Guidance for Condition 5(3): appropriate water quality is essential to avoid suffering and to provide for the needs of fish. If fish are to be introduced to a new aquarium for exhibition, appropriate water quality parameters must be demonstrated (using appropriate water quality testing kits), as well as temperature, *before* fish are introduced, with continued monitoring to ensure quality is maintained.

Guidance on Condition 5(8): an additional point is recommended. 'Resources include, but are not limited to, food, water, enrichment items and resting/sleeping areas.' Also 'Competition/dominance may be displayed as overt aggression or subordinate displays, as well as more subtle forms such as restriction of movement.'

Guidance for Condition 5(9): all handling should take place in a safe, secure environment where risk of injury for the animal is minimised (e.g. those handling small animals should sit on the floor to minimise the distance the animal falls if it is dropped).

Guidance on Condition 6(1): to allow inspectors to determine whether diets are appropriate, diet sheets should be readily available to staff for basic nutritional needs for each species or species group, and age group if appropriate.

Guidance on Condition 6(6): an additional point is recommended: 'If water bottles are used, they must be checked daily for leaks and/or blockages. Daily checks must also be made to ensure that water is able to flow through the bottle. Water must be located away from the sleeping area to help prevent this becoming damp or waterlogged if the bottle leaks.'

Guidance on Condition 7(2): to avoid a situation where exhibition itself is the only time animals can move fully, additional wording could be added such that 'This must be in addition to the exhibition itself, to allow animals more choice and control over their actions.'

Guidance for Condition 7(5): further detail on preparing animals for exhibition is recommended. 'Animals must be gradually habituated using positive reinforcement techniques to all likely conditions, props, and costumes, noises and other stimuli they will experience during exhibition, such that they do not display signs of fear, distress, anxiety or discomfort on exposure.' And further detail on acceptable methods of training and preparation: 'Food motivation must not be used to the detriment of the animal's health and welfare. Sedatives, tranquilisers and drugs should not be used for training purposes.' Lastly, regarding the presence of a vet on set, if animals of a species listed on the Dangerous Wild Animals Act 1976 are used then we feel that a vet presence should be required. Specifically a vet who is experienced in restraining and immobilisation procedures, and who has appropriate species-specific restraint equipment available in case of an emergency.

Guidance for Condition 8(6) and 8(7): suggested guidance for this condition is as follows: 'Everyone on the exhibition site who will come into contact with the animals (including audience, actors and production crew) must be informed about what kinds of animals will be used, how to behave around them (including sudden/loud noises such as applause), or movements that might frighten the animals and/or make them panic or react aggressively. Everyone coming into contact with exhibited animals must be briefed on how to minimise the risks of diseases that can be transmitted between humans and animals.'

Guidance on Condition 8(8): further guidance on handwashing facilities for those who handle the animals would help minimise risk of disease transfer: 'Soap and hygienic hand drying facilities must be available and offered to anyone handling animals before and after handling. Alcoholic gel is not considered a suitable alternative to soap and running water.'

Guidance on Condition 9(5): we recommend further guidance on minimising disease transfer risks where vulnerable groups are involved: 'Where animals are used for demonstrations, education or similar outreach programmes involving high risk groups, such as young school children or the elderly, there must be a written programme of disease surveillance and records kept demonstrating the implementation of the disease surveillance programme and any actions taken where potentially zoonotic diseases have been identified. This must be written with the assistance of the collection's veterinarian.'

Guidance on Condition 9(7): relating to the exhibition of sick or injured animals, such as animal rehabilitation centre open days, would benefit from some rewording to further protect these vulnerable animals. Underlined text below are our additions/amendments:

- consultation with a veterinary surgeon prior to exhibiting sick or injured animals must be undertaken to assess the appropriateness of the exhibit and the written outcome of that consultation must be available for inspection. This must be incorporated in the animal welfare impact assessment.
- any exhibit which features animals that are sick or injured (for example, open days at animal rehabilitation centres) must be respectful and mindful of the condition of the animals. Exhibition must not negatively impact on their recovery or wellbeing, or (where applicable) their chance of successful release and survival in the wild.
- any person who has access to sick or injured animals must be made aware in advance of any special arrangements that must be followed to safeguard the animals' health and welfare. This includes ensuring that the number of people, time spent near the animals and noise levels are all kept to an absolute minimum.
- members of the public must not have access to any animals where their presence causes the animal distress or may hinder their recovery or wellbeing, or (where applicable) their chance of successful release and survival in the wild.
- members of the public are not permitted to handle sick or injured animals. Handling must only be done by competent staff who are experienced in working with these animals. Animals must only be handled as part of their routine care and treatment. Those handling the animals must wear gloves at all times and other appropriate PPE when required by associated protocols.'
- where exhibits include native wild animals that are intended for release back into the wild, access to those animals must be kept to a minimum to avoid imprinting and particular care taken to minimise exposure to people.

Guidance on Condition 9(9): preventative health care, including antiparasitic treatments, should also be appropriate to the species.

Guidance for Condition 9(14): animals on exhibit should be checked regularly throughout the exhibition, and immediately before and after.

Guidance on Condition 9(19): an addition suggested point to include is: 'Consideration must be given on whether it is necessary to transport animals when the temperature poses risk to an individual. Where possible such journeys should be postponed until the temperature returns to normal.'

Guidance on Condition 9(20): as noted in our answer to question 8, we suggest renaming 'risk assessment' to 'animal welfare impact assessment' and using this term in the Guidance to this condition. Additional Guidance could also be needed to make it clear that animal welfare impact assessments need to be continually updated as and when circumstances change. This industry is often fast paced with frequent changes made, sometimes at the last minute. Animal welfare may suffer as a result of unforeseen circumstances if risk assessments are not regularly updated.

Taxa-specific guidance

Further guidance on the requirements for different types of animals would help guide inspectors. A similar format to guidance for pet vending in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 could be used. This could focus on the most commonly exhibited species, and provide more detail on, for example, what constitutes a suitable environment, both at the

permanent and temporary site and on aspects that are particularly pertinent to the welfare of specific types of animals, such as water quality for fish.

QUESTION 11:

We are proposing a three-year licence period for all licensable Animal Exhibits. Is this appropriate, or do you consider that there should be the option of providing a licence for a shorter period? Please provide reasons for your answer.

The RSPCA believes that licences should be issued for a maximum of one year as circumstances such as a change in proprietors can have a quick impact on the level of animal welfare in any establishment. If a three year term were to be introduced, the RSPCA would like to see local authorities given the flexibility - and actively encouraged - to assess the risk of the licensed person / premises falling below the standards set by the licence conditions after grant / renewal of a licence and allow them to grant licences for shorter periods, up to a maximum of three years. The Society recognises that inspections can be carried out during the term of a licence, but it would seem unlikely that these will be triggered other than on grant or renewal of a licence. We would encourage a discussion with local authorities to secure a commitment for a minimum number of unannounced 'spot-checks' each year, not least of all as a means of evaluating the effectiveness of the regulations.

QUESTION 12:

In the 2017 consultation, 60% of respondents felt that Animal Exhibits may have a negative impact on the attitudes of children and young people towards animals, for example by perceiving them as play things or commodities. Conversely, many respondents felt Animal Exhibits play a key role in introducing children and young people to animals in a controlled environment and where managed well, could play a positive role in educating children, young people and adults. In Schedule 1, paragraph 8(9) requires that the licence holder must 'where possible, promote public education and awareness, and respectful and responsible attitudes, in relation to the species being exhibited'. We feel this will result in a positive impact on the attitudes of children and young people towards animals, with Animal Exhibitors leading by example to inspire the next generation of animal owners and keepers. Do you agree? Please give reasons for your answer.

Inclusion of this requirement has the potential to have a positive impact and is welcomed by the RSPCA. The degree to which it has meaningful impact will very much depend on the criteria used, and proper enforcement of the requirement. The condition in paragraph 8(9) of Schedule 1 is open to subjective interpretation and is not an absolute obligation, in that it only applies 'where possible'. We would like to see 'where possible' removed and further guidance for local authorities on this point. Positive animal welfare should be encouraged through the appropriate depiction of animals, in ways that reflect and meet the five welfare needs of animals as set out in the Animal Welfare Act 2006. Further guidance on this can be found in the BVA's document, supported by the RSPCA, '[Pets in Advertising: A Social Concern](#): Good practice guidance for the responsible use of pet animals in advertising'. Although this guidance focuses on companion animals, many of the principles can be applied to other animals.

QUESTION 13:

There are some instances where an animal may be exhibited for a reason other than for entertainment or education. For example, for ornamental purposes (such as a fish tank in a restaurant) or animals that have been bred for sale (e.g. livestock, birds of prey, equines or other pets). As currently drafted, we would not expect exhibits of this nature to fall within the scope of the licensable activity.

Section 9 of the Animal Welfare Act 2006 places a duty on the person responsible for an animal to ensure its welfare. Not doing this is an offence. In light of this, are there any specific activities that you

feel should be included in the Regulations, that aren't protected elsewhere? Please give reasons for your answer.

There is a large grey area between 'In-scope 1. Mobile AEs' and 'Out-of-scope 3 Animals exhibited for ornamental purposes'. For example, corporate events that have nothing to do with animals may use animals as part of the dressing of the venue or private parties may use animals as ornaments but not advertise that animals will be there. These could be lucrative for animal suppliers and the animals used will be exposed to much, if not all, of the potential stressors as animals that are used in the 'In-scope' activities, such as transport, temporary housing and noisy crowds of people. There is also a contradiction between 'In-scope Bird of prey displays' and 'Out-of-scope 3 Animals exhibited for ornamental purposes': a display of perched birds of prey, even though a passive display, would be caught, but a passive display of fish in a tank at a restaurant would not. Although it seems appropriate that a fish tank at a restaurant would not need a licence, it is our view that a large scale ornamental display of animals would. This would therefore benefit from clarification, including where the threshold would lie in order to provide guidance to licensing local authorities.

QUESTION 18:

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, or have any comments on specific aspects of the draft Regulations or Guidance, use this space to report them. Please provide as much detail as possible.

There are powers under regulation 16(7) to suspend, vary or revoke a licence on the basis that it is necessary to protect the welfare of an animal, but there is no power for the local authority to deal with the animals in any way. The RSPCA urges that the Regulations set out the licensee/ex-licensee's responsibilities to ensure the animals' welfare during this period and, if these are not met, give the local authority the power to take the animals into possession.

Section 30 (1) lists information that local authorities are required to provide to the Minister. Data on the number of animals licensed, in addition to the types of animals involved, would help quantify the potential impact of these Regulations on animal welfare.

The RSPCA is an active member of the AWW and it is clear from discussions with other members that a significant level of confusion remains as to the definition of Animal Exhibits and the intention of the legislation to capture some or all such events/activities. Following the closure of this consultation phase, the AWW offers the ideal forum to discuss these issues in more detail, as members may reveal more issues and indeed potential solutions when discussing the complexities and sharing experiences collectively, particularly given the range of species and views across the membership.