



Briefing document

Banning the use of wild animals in circuses by utilising Section 12 of the Animal Welfare Act

74 PERCENT OF THE PUBLIC IN WALES SUPPORT A BAN ON THE USE OF WILD ANIMALS IN CIRCUSES¹

RSPCA Cymru decreed 14 February 2018 as a momentous day for animals, following the Welsh Government's announcement confirming their plans to "bring forward legislation to ban the use of wild animals in circuses in Wales"². The case for a ban has already been made however, RSPCA Cymru would encourage the use of Section 12 of the Animal Welfare Act 2006 to swiftly bring in regulations allowing a ban to come into force.

Background

RSPCA Cymru has long campaigned for an end to the use of wild animals in circuses in Wales, having been a key campaign since the creation of the National Assembly, with the issue being raised at RSPCA events, receptions and briefings since 2006, especially RSPCA Cymru's 'Wild Animal Welfare Indicator'³ report and 'Delivering for a Decade: 10 years of the Animal Welfare Act in Wales 2007 - 2017'⁴.

After the prospect of a ban being introduced by the UK Parliament in the 2010/2015 parliamentary session - with the consent of Assembly Members - failing to materialise, RSPCA Cymru launched a petition in 2015 calling for a ban in Wales ([Petition 04-653](#)).

The petition, which received 7,700 signatures from May 2015 to October 2015, was submitted to the Chair of the Petitions Committee. Subsequently the Welsh Government commissioned a scientific review, 'The Welfare of Wild Animals in Travelling Circuses', published in July 2016. The review concluded that "the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds".⁵

In 2013 a licensing system was introduced for circuses in England. However, the RSPCA is strongly opposed to the licensing of wild animals in circuses as they offer little protection for wild animals used in a circus environment which cannot, by its very nature meet the needs of the animals. The UK Government has stated in their review of the licensing regulations that when they expire in January 2020, "the Government does not intend to renew the Regulations as it intends to ensure that a legislative ban is introduced by then. The Regulations will then be allowed to expire."⁶ On 6 March, Trudy Harrison MP, will

¹These figures are from YouGov Plc. Total sample size was 1,036 adults. Fieldwork was undertaken between 19–22 August 2015. The survey was carried out online. The figures have been weighted and are representative (politically) of all Welsh adults (aged 18+).

² <http://gov.wales/about/cabinet/cabinetstatements/2018/MobileAnimalExhibits/?lang=en>

³ <http://politicalanimal.org.uk/wp-content/uploads/2015/10/Wild-animal-welfare-indicators-bilingual.pdf>

⁴ <http://politicalanimal.org.uk/wp-content/uploads/2017/03/RSPCA-delivering-for-a-decade-report-Bilingual.pdf>

⁵The welfare of wild animals in travelling circuses, Harris et al, 2016 pp2-4

http://politicalanimal.org.uk/wp-content/uploads/2017/01/The_welfare_of_wild_animals_in_travelling_circuses.pdf

⁶www.gov.uk/government/uploads/system/uploads/attachment_data/file/683306/wild-animals-circuses-post-implementation-review-feb2018.pdf

be introducing her Ten Minute Rule Motion to the House of Commons to make “provision for a bill to prohibit the use of wild animals in travelling circuses”⁷ which the RSPCA understands may receive UK Government support to progress.

Support for a ban

A concern for RSPCA Cymru is the recurrent theme from members of the public that they believe that the use of wild animals in circuses has already been banned in Wales. It is therefore encouraging that a YouGov Poll for RSPCA Cymru found that 74 percent of the public in Wales support a ban on wild animals performing in circuses in Wales.¹ The RSPCA Cymru petition has now reached in excess of 9,000 signatures, all from Wales, which has been gathered online and through a series of street stalls and events across Wales.

A ban is also supported by scientific evidence which clearly demonstrates that life within a travelling circus is likely to have harmful effects on animal welfare. Placing an animal in surroundings unsuitable for the species can cause serious stress and behavioural problems with potentially debilitating effects for each and every animal involved. Crucially the Welsh Government review by Professor Harris *et al.* ‘The welfare of wild animals in travelling circuses’ conclusively states that “available scientific evidence indicates that captive wild animals in circuses and other travelling animal shows do not achieve their optimal welfare requirements, as set out under the Animal Welfare Act 2006, and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds.”⁸

The complex needs of wild animals can never be adequately met in a circus environment with regular transport, cramped and bare temporary housing, forced training and performance all unavoidable realities for the animals in a travelling circus environment. The forced movement, human handling, noise, vibration, cage motion and confinement that are part and parcel of transportation are well documented sources of stress in a wide range of species. The cumulative⁹ effect of frequent transport events is a significant welfare problem for circus animals, and is one that cannot be overcome due to their itinerant nature. The vehicles used to transport animals from site to site are limited in size to the maximum dimension legally allowed on roads. This, coupled with the need to easily erect and dismantle enclosures and their contents, greatly limits both the size and complexity of environment that circus animals can be provided. For example, enclosures are on average a quarter of the size as the minimum recommended by zoos¹⁰. Circuses, and other entertainment or educational shows akin to circuses, are simply unable to provide wild animals with the standard of housing and care expected in modern zoos, which themselves are not without welfare problems, leading to an impoverished life³. Furthermore, circuses are purely for entertainment, making the ‘costs’ to animal welfare even more unacceptable.

In light of this, a growing list of other European countries including Austria, Greece and Malta have already banned animal performances in circuses, and most notably Scotland and the Republic of Ireland introducing bans from January 2018. A ban also receives wide political support with Plaid Cymru, the Welsh Conservatives and Welsh Liberal Democrats including a ban in their manifestos for the elections to the National Assembly for Wales 2016.

Introducing a ban under the Animal Welfare Act

The power to introduce a ban lies with the National Assembly for Wales - either under Section 12 of the Animal Welfare Act 2006 or via primary legislation. RSPCA Cymru has always believed that there are sufficient grounds, with respect to animal welfare, to support a ban on the use of wild animals in circuses and the issue has been a devolved competency under the Government of Wales Act 2006. However,

⁷<https://publications.parliament.uk/pa/cm201719/cmagenda/fb180222.htm>

⁸ The welfare of wild animals in travelling circuses, Harris et al, 2016. p4
http://politicalanimal.org.uk/wp-content/uploads/2017/01/The_welfare_of_wild_animals_in_travelling_circuses.pdf

⁹ Opinion of the Scientific Panel on Animal Health and Welfare (2004) on a request from the Commission related to the welfare of animals during transport. EFSA Journal 44: 1-36

¹⁰ Iossa G, Soulsbury CD, Harris S (2009) Are wild animals suited to a travelling circus life? Animal Welfare 18: 129-140

primary legislation can be a complex and lengthy process whereas the Animal Welfare Act 2006 offers an ideal route, which was utilised in 2010 when Wales led the UK and joined eight other countries in the World by introducing a ban on the use of shock collars. More than 10 years ago, during the creation of the Animal Welfare Act, the banning of wild animals in circuses was raised as a clear example of how the Act can take direct action to improve animal welfare and a framework was designed for regulations to be easily introduced under Section 12.

In Scotland, the Scottish Government chose to introduce a ban on wild animals in circuses using primary legislation, laying the Wild Animals in Travelling Circuses (Scotland) Bill in May 2017, as a means to ban the practice on ethical grounds. The Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham MSP, stated that the bill “makes a clear statement to the world that the Scottish people respect the innate character of wild animals and will not tolerate their subjection to a nomadic lifestyle as a spectacle for entertainment”.¹¹ The Bill received Royal Assent on 24 January 2018.

However, the Irish Government used Section 3 of the Animal Health and Welfare Act 2013¹² - similar to Wales’ Animal Welfare Act 2006 and Section 12 - to introduce the Circuses (Prohibition on Use of Wild Animals) Regulations 2017 which were signed into law on 9 November and came into effect on 1 January 2018. The Minister for Agriculture, Food and the Marine, Michael Creed TD, said “The use of wild animals for entertainment purposes in circuses can no longer be permitted. This is the general view of the public at large and a position I am happy to endorse. This is a progressive move, reflective of our commitment to animal welfare”.¹³

The Minister also welcomed the fact that local authorities in Ireland had been “reflecting societal concern on the issue”¹³ by prohibiting the use of public land for circuses which contain wild animals - replicating actions that have been taken by local authorities across Wales where, as of 2016, 45% of local authorities who responded to an RSPCA Cymru survey have implemented a ban on council land.

Conclusion

Despite circuses still being legally allowed to use wild animals since the Animal Welfare Act came into the force over ten years ago, the campaigning, Government consultations and research conducted since then has ensured that the next steps, in bringing in a ban, are supported by independent, scientific research and overwhelming public and political agreement. The Welsh Government’s own independent scientific report leaves no room for confusion that using wild animals in circuses is bad for welfare.

The examples in Scotland and Ireland clearly show that it is possible to implement bans through either primary legislation on ethical grounds or utilising existing legislation on a welfare basis; which was significantly quicker for the Irish Government, saving vital parliamentary time.

RSPCA Cymru would encourage Assembly Members and the Welsh Government to consider introducing a ban through Section 12 of the Animal Welfare Act, utilising the act for its intended purpose, responding quickly to the public’s concerns and reduce the burden on parliamentary resources.

It is essential that Wales keeps pace with the other nations of the UK and the only acceptable solution to protect the welfare of wild animals in a circus environment is to implement an outright ban on this practice.

¹¹ http://www.heraldsotland.com/news/15784912.Scotland_bans_use_of_wild_animals_in_travelling_circuses/

¹² <http://www.irishstatutebook.ie/eli/2013/act/15/enacted/en/html>

¹³ <https://www.agriculture.gov.ie/press/pressreleases/2017/november/title,112524,en.html>