

Wild Animals and Circuses (Wales) Bill

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RESCHEDULED DUE TO COVID-19 FOR: WEDNESDAY 8 JULY 2020

STAGE THREE CONSIDERATION - PLENARY DEBATE

This briefing is issued ahead of stage three plenary consideration of the Wild Animals and Circuses (Wales) Bill. Travelling circus life continues to severely compromise the welfare of wild animals. For too long, this practice has seen confinement, stressful transportation, forced training and abnormal social groupings a grim reality for the animals involved. While the legislation is very welcome, we remain keen to see further improvements to the Bill - including a full ban on wild animals travelling with a circus and implementation of the ban more quickly. We are pleased to have worked closely with Members of the Senedd throughout the scrutiny process, welcome all amendments tabled and encourage Members of the Senedd to support these to further improve this law. Regardless, however, these proceedings also mark the latest step on an important journey for this hugely welcome and long overdue piece of law - which should mark a cause for celebration. Indeed, RSPCA Cymru welcomes the cross-party support which has long existed within the National Assembly for Wales for ending this practice - bringing Wales into line with other nations in Great Britain, and making a hugely important statement concerning how policy matches societal norms and values towards animals; with public opinion in Wales consistently in favour of consigning this practice to the history books¹.

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.
- The Bill confers powers on Inspectors appointed by Welsh Government 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 animals.

AMENDMENT GROUPINGS:

Offence to Use Wild Animals in Travelling Circuses (Amendments 1, 3 and 2) - Group 1

Wider definition will protect welfare and meet public expectations. Currently, the Bill only forbids wild animals being performed or exhibited for entertainment in a travelling circus environment - a

¹ 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+).

definition which the RSPCA feels is too narrow. As drafted, the current wording will still allow a wild animal to be legally taken on tour with a travelling circus and trained for performance within Wales - perhaps for later exhibition in a country without a ban. RSPCA Cymru wants to see the expansion of the definition of what constitutes an offence under this legislation - to make it clear the 'use' of a wild animal in a travelling circus includes *training* with that circus, or - generally - *travelling* with that circus. Exposing a wild animal to forced training or travel with the circus is hugely inappropriate, and it is a concern that the legislation - as of yet - does not address these realities and their impact on animal welfare. Both amendments would bring the legislation closer into line with terminology used within the Republic of Ireland's legislative ban² - and offer clear recognition on the face of the Bill as to the issues they present to wild animals. The Climate Change, Environment and Rural Affairs Committee considered how, in the absence of a more complete ban than presently written into the Bill, the legislation may fail to meet the public's expectations³.

Ban is long overdue - and one final tour should be avoided. Despite being on the agenda for many years, Wales will be the final nation in Great Britain to introduce a ban. In England, the Wild Animals in Circuses Act came into force on 20 January 2020; while in Scotland a ban has been in force since 28 May 2018⁴. However, as drafted, Wales' proposed ban won't come into force until 1 December 2020; paving the way for one final tour in the summer of 2020 for travelling circuses that play home to wild animals - with Wales the only location where circus performance would, temporarily, remain a legal reality for wild animals. The Welsh Government have said they do not wish for Wales to "become a sanctuary"⁵ for travelling circuses - but current proposals risk creating such a situation this summer. RSPCA Cymru wishes to see a ban come into force as soon as possible - to end the compromised welfare wild animals face in the travelling circus environment.

Powers of Inspection (Amendments 4, 5, 6, 7, 8 and 9) - Group 2

Inspectors taking samples must be suitably trained to ensure welfare. The Bill currently allows inspectors exercising powers of entry to take a sample from an animal. It is essential for the welfare of any wild animal that - particularly when animal handling is involved - samples are taken by a suitably trained and knowledgeable individual. While this would not need to be a veterinary surgeon, any move to ensure samples are taken by those with an appropriate level of expertise in animal health and welfare is welcome for the Bill's animal welfare credentials. In many cases, the appointed inspector - such as a zoo inspector - may already have the necessary experience to take samples, but added guarantees around this are welcome.

² Republic of Ireland S.I. No. 482/2017 - Circuses (Prohibition on Use of Wild Animals) Regulations 2017. This states a person shall not be allowed to use a wild animal in a circus, and that any reference to a circus includes a reference to any place where animals used in a circus are kept or trained.

³ National Assembly for Wales, Climate Change, Environment and Rural Affairs Committee: Wild Animals and Circuses (Wales) Bill, Stage 1 Report

⁴ Wild Animals in Travelling Circuses (Scotland) Act 2018

⁵ National Assembly for Wales, Record of Proceedings, 9 July 2019