

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

WILD ANIMALS IN CIRCUSES (NO. 2) BILL

First Sitting

Tuesday 21 May 2019

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 25 May 2019

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The Committee consisted of the following Members:

Chairs: SIR DAVID AMESS, † MRS MADELEINE MOON

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|---|---|
| † Carmichael, Mr Alistair (<i>Orkney and Shetland</i>) (LD) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Chalk, Alex (<i>Cheltenham</i>) (Con) | † Reeves, Ellie (<i>Lewisham West and Penge</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| † Harrison, Trudy (<i>Copeland</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | † Turley, Anna (<i>Redcar</i>) (Lab/Co-op) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | Anwen Rees, Kenneth Fox, <i>Committee Clerks</i> |
| † Latham, Mrs Pauline (<i>Mid Derbyshire</i>) (Con) | † attended the Committee |
| † McCarthy, Kerry (<i>Bristol East</i>) (Lab) | |
| † Martin, Sandy (<i>Ipswich</i>) (Lab) | |
| † Newton, Sarah (<i>Truro and Falmouth</i>) (Con) | |

Witnesses

Dr Ros Clubb, Senior Scientific Manager, Royal Society for the Prevention of Cruelty to Animals

Daniella Dos Santos, Junior Vice President, British Veterinary Association

Nicola O'Brien, Campaigns Director, Freedom for Animals

Angie Greenaway, Executive Director, Animal Defenders International

Dr Chris Draper, Head of Animal Welfare in Captivity, Born Free Foundation

Jordi Casamitjana, Senior Campaign Manager, People for the Ethical Treatment of Animals UK

Public Bill Committee

Tuesday 21 May 2019

(Morning)

[MRS MADELEINE MOON *in the Chair*]

Wild Animals in Circuses (No. 2) Bill

9.25 am

The Chair: Before we begin, I have a few preliminary points. Please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the limited time available, I hope we can agree those matters without too much debate. I call the Minister to move the programme motion, which was agreed by the Programming Sub-Committee yesterday.

Ordered,

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 21 May) meet—
 - (a) at 2.00 pm on Tuesday 21 May;
 - (b) at 9.25 am and 2.00 pm on Wednesday 22 May;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|----------------|------------------------------|---|
| Tuesday 21 May | Until no later than 10.30 am | RSPCA; British Veterinary Association; Freedom for Animals |
| Tuesday 21 May | Until no later than 11.25 am | Born Free; Animal Defenders International; PETA |
| Tuesday 21 May | Until no later than 2.45 pm | Peter Jolly's Circus; Circus Mondao |
| Tuesday 21 May | Until no later than 3.30 pm | Circus Guild of Great Britain; European Circus Association |
| Tuesday 21 May | Until no later than 4.00 pm | Mike Radford OBE, Reader at the University of Aberdeen and Chairman of the Circus Working Group |

- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Wednesday 22 May.—(*David Rutley.*)

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*David Rutley.*)

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*David Rutley.*)

The Chair: Copies of written evidence the Committee receives will be made available in the Committee Room. We may now discuss our lines of questioning. If there are no requests, we will move on to hear oral evidence.

Examination of Witnesses

Dr Ros Clubb, Daniella Dos Santos and Nicola O'Brien gave evidence.

9.28 am

The Chair: Good morning, everyone. We will now hear oral evidence from the Royal Society for the Prevention of Cruelty to Animals, the British Veterinary Association, and Freedom for Animals. I remind all Members that questions should be limited to matters within the scope of the Bill, and that we must stick to the timings in the programme order the Committee has agreed. We have until 10.30 am for this session. Will the witnesses please introduce themselves for the record?

Nicola O'Brien: My name is Nicola O'Brien. I am campaigns director at Freedom for Animals.

Dr Ros Clubb: I am Ros Clubb. I am senior scientific manager in the wildlife department of the RSPCA.

Daniella Dos Santos: I am Daniella Dos Santos. I am the junior vice-president of the British Veterinary Association.

The Chair: Thank you. I am happy to take questions.

Q1 Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Thank you for coming. There seems to be lots of cross-party agreement on the principle behind the Bill—that wild animals should not be in circuses for our entertainment—but we have some questions about the detail of the Bill, and in particular the definition of a travelling circus. They stem from the desire to make sure the Bill is as comprehensive as possible, to ensure that in the future there will be no wiggle room or loopholes. What is your view of the current definition in the Bill? Is it sufficient, or could it be tightened up?

Dr Ros Clubb: From the RSPCA's perspective we are on the same line of thinking. We think it should be comprehensive, to capture the activities that are of concern, and that the public want ended—and that the RSPCA wants ended, as well. We favour a definition of a travelling circus very much in line with what is currently in the circus regulations that currently license wild animals in circuses. We favour a meaning of “travelling circus” as any company, group or institution that travels from place to place for the purpose of giving performances, displays or exhibitions, and as part of which wild animals are kept or introduced, whether for the purpose of performance, display or otherwise. Our main thinking is that we want the less formal display or exhibition of wild animals to be captured, meaning association with the circus and not necessarily just animals performing in the ring.

Nicola O'Brien: We feel similar on that. Also, we feel that it has been working, obviously, with those businesses that have registered under the travelling circus regulations.

It has been effective. It has not accidentally caught any other businesses that travel with animals for other purposes. We feel that that is a robust definition.

Daniella Dos Santos: From the BVA's perspective, while we are broadly in line, we have a slightly different take. We would support including the definition of a travelling circus in the Bill itself, but we would support a definition in line with that in the Wild Animals in Travelling Circuses (Scotland) Act 2018, so that there would be a cohesive understanding between them, and so that when it comes to implementation and enforcement there is no confusion about cross-border issues. We would favour a definition in line with the Scottish Act. Also, we feel that that would avoid unintended consequences for other types of animal displays that might move to temporary locations—for example, for educational purposes.

Q2 Trudy Harrison (Copeland) (Con): The RSPCA referred to the requirement for police constables to carry out checks and enforcement, as well as inspectors. Can you talk us through that?

Dr Ros Clubb: Certainly. It is similar to the Scottish Act. The powers to enter premises and gather and seize evidence lie with inspectors as well as constables. We favour that approach. It would be in line with the powers under the Animal Welfare Act 2006. It would give more flexibility. With temporary arrangements in relation to animal use, the police would be allowed to go in and investigate illegal activity and gather evidence. The RSPCA gets complaints about temporary events, and it is important to be able to get in there and gather evidence as they are going on. The police would be given that additional power to do so. If they needed expertise in terms of animal identification or anything along those lines, they could take a suitable expert with them.

Q3 Trudy Harrison: What would be the consequences of not having police constables available to do that?

Dr Ros Clubb: We feel it would be more restrictive in terms of what could be investigated. Also, if a complaint were made, presumably it would come to the Animal and Plant Health Agency, which would have to task it out to an inspector it had appointed. So while there would be a power to go and inspect, it would be more restrictive in terms of the availability of inspectors and their coverage across the country.

Q4 Trudy Harrison: And the very nature of a travelling circus means that it is transient, so we must have people available there and then to inspect.

Dr Ros Clubb: Exactly. Any illegal use of animals in that way might not be in the ring, or advertised on websites or in advertising material. It is probably more likely to be less obvious than that, and in association with the circus. It is very important to be able to get in there and gather that evidence while the circus is on site and the animals are there.

Q5 Rosie Duffield (Canterbury) (Lab): What is the panel's opinion on the current state of wild animals in circuses? Are the guidelines being enforced strongly enough?

Dr Ros Clubb: From the RSPCA's perspective, we did not agree with the introduction of licensing because we do not believe that the needs of animals can be met in a

travelling circus. We were not in favour of that, and we do not think that deals with the situation at hand. The constant travelling, the temporary enclosures and the restrictions they place on the environment and husbandry you can provide for those wild animals are not suitable. When you look at the standards in the circus regulations, you see that they are very different from, for example, those for licensed zoos. An animal in a circus is treated very differently from the same animal in a zoo, and we do not think that is good enough.

Daniella Dos Santos: I would second that. I do not think there is any way we can meet the welfare needs of wild animals in a travelling circus situation. They have very particular welfare needs and, by the nature of a circus, where they are constantly moving, the spaces they are provided with have to be smaller and more portable. Therefore, you are not going to meet their needs. Because of the requirements of performing and so on, their day-to-day routines are not going to be adhered to. Therefore, that may impact on their diet and so on. We would say their needs cannot be met under any circumstances.

Nicola O'Brien: We would say something very similar. I do not have anything to add on that.

Q6 Simon Hoare (North Dorset) (Con): I am a great supporter of this Bill and supported the proposal when it was made in a private Member's Bill promoted by my hon. Friend the Member for Colchester (Will Quince). May I check a couple of things? They may seem a little peripheral. First—this may sound the maddest question of all—are all circuses across Europe travelling by definition, or are there any permanently located circuses?

Nicola O'Brien: When we reviewed this a few years ago, there were two establishments in the UK that had been classed as circuses by their local authority. They had a theme park set-up and did not have an attached zoo, but they did have a sea lion show. They were deemed by the local authority to be circuses because they did not meet the Zoo Licensing Act 1981 requirements on numbers of animals and on animals being out on display all the time. I believe one of them has closed down; I am not sure of the current legal situation of the other location, but it has not changed, grown or added to its animal collection, so we believe it would still not meet the requirements of the Zoo Licensing Act. That is, to our knowledge, the only one in England.

Dr Ros Clubb: That is also my understanding of the situation.

Q7 Simon Hoare: Ms Dos Santos, in answer to an earlier question you referenced educational purposes. Will you clarify where you think pony rides, donkey rides and falconry displays sit? Although those animals are not travelling long distances regularly, they do a huge amount of travelling in the season. Would you like to see those things included in the scope of the Bill, or are we best to leave that for another time?

Daniella Dos Santos: My feeling would be that they would not come under this Bill, because ultimately those animals would have a permanent place to call home with appropriate facilities and appropriate housing, and with their environmental needs met. The travelling they do would be to go from the home environment to a display and back again, rather than being constantly on the move.

Q8 Simon Hoare: You are satisfied that they are effectively outwith the scope of the Bill.

Daniella Dos Santos: I believe so, yes.

Q9 Simon Hoare: My final question speaks to Mrs Harrison's question but it relates to inspectors. Inspectors are only as good as their powers. One thinks about the debate about police constables and police community support officers, for example. Do you envisage that there is enough under either the proposals or existing inspectory powers for inspectors to be able to go in and see each and every part of a travelling circus to satisfy themselves, and that they have the weapons and armoury to act in a speedy and expeditious way should they find a breach of what we hope will be the Act?

Dr Ros Clubb: From our perspective, we would like to see a couple of additional powers. We have talked about one already in terms of extending powers to constables as well as appointed inspectors.

Q10 Simon Hoare: To police constables?

Dr Ros Clubb: Yes. We would also like the power to seize an animal—that has been specifically excluded from the powers—so that if there is an issue, there is an opportunity to remove the animal from the situation rather than leave it there while an offence is being committed. We would also like to see more powers for the court to deprive someone of ownership of an animal, if it decides to do so.

Q11 Simon Hoare: On the issue of seizing an animal, I can understand how one might be able to seize a racoon, a fox or a squirrel. However, if it was something larger—for example, a camel—or if somebody was seriously in breach of the Act, one then has to think about the resources of high-welfare standards for kennelling purposes, in a general sense. I do not detect that there is a resource out there. People who have to round up dogs have enough difficulty. Were one to move in that direction, how do you meet that challenge?

Dr Ros Clubb: We would envisage that to be rarely used, but we think the powers should be there. There are powers under the Dangerous Wild Animals Act 1976 to seize animals that are kept without licence, which would cover the larger, more dangerous creatures. We have worked with organisations to remove animals of a zoo-type nature and board them, obviously looking at the provisions and whether the welfare of the animal will be at a reasonable level if we remove it.

The Chair: Can I ask everyone to speak up? This is a dreadful room for acoustics. It would be really helpful. I am certainly struggling at this end of the table. I am sure everyone must be having the same problem.

Simon Hoare: Is that an invitation to repeat all my questions?

The Chair: I was leaning forward to make sure that I could hear everything. My apologies for the room. The microphones are at their maximum, so there is nothing else I can do except ask people to speak up. A lady at the back has also indicated that she cannot hear, so it is not just me.

If Members have one or two questions that they want to run together, I am more than happy for them to do so. You do not have to limit yourself to one. Equally, if you want to come back later with another question, I am happy with that.

Q12 Sandy Martin (Ipswich) (Lab): Some of the people who argue that we should not pass the Bill or that we should water it down say that we need to be much stricter about the definition of wild animals. In particular, they say that if animals are born and bred and live all their lives in a circus environment and know nothing else, it is wrong for us to take them away from that environment. What is your view of the animal welfare of animals that are born and bred in a circus environment and have lived there all their lives?

Nicola O'Brien: There are, perhaps, animals that find themselves born and bred into a situation that is not in their best interests. That does not mean that is all they know and therefore a situation that they should remain in. When a wild animal is born in captivity, it is still a wild animal with the same needs as its counterparts living in the wild. What matters is the fact that the environment is limited and does not provide that wild environment, not whether that is all they have ever known. The aim should be to give those animals the best that we can give them. If we deem that a circus environment does not meet those needs, that is what is important, and removing them from that situation into a better situation is the aim of this, ultimately.

Dr Ros Clubb: We are in agreement that whether an animal is born in a circus environment or in the wild, it is fundamentally the same animal biologically and has the same needs. We are satisfied with the definition of "wild animal" in the Bill, because it is very close to the definition used in the Zoo Licensing Act, which has been well used and well understood for many years; this definition will provide parity with another piece of legislation. We are satisfied with the definition as long as it is clear that an animal born in captivity is not domesticated; it still falls within the definition of a wild animal.

Daniella Dos Santos: We also agree on the definition of "wild animal". Just because a wild animal is born in captivity does not make it domestic. It takes generations for an animal to become a domesticated animal. And a wild animal born in captivity will not necessarily have a life worth living, so we are not meeting their welfare needs. I do not think it is a justification: just because an animal is born in captivity does not mean that that is the best that we as a society can offer them.

Q13 Sandy Martin: What would you say to the argument that because animals are used for other purposes in other countries, that means that it is all right to use them to perform tricks in circuses in this country?

Daniella Dos Santos: We have a duty to lead. We have a duty to set out good animal welfare legislation and be at the forefront of animal welfare. It reflects directly on how we, as a human society, will respond to other humans and animals in our care. Just because something is occurring in a different country is not a justification for it happening here. I do think we need to put animal welfare above all else.

Dr Ros Clubb: In terms of the definition of “wild animal”, if an animal is not commonly domesticated in this country, we agree it should fit within that definition of a wild animal. The animals are not commonly kept as domesticated species, so they should fall within the “wild” category.

Nicola O’Brien: We have nothing to add, really.

Q14 Sarah Newton (Truro and Falmouth) (Con): Each of you has made the very good point that this is about travelling circuses; we need to have effective legislation, as people move around the country. And you have mentioned the Scottish definition and how you feel that it would be beneficial if this Bill were to include that definition. It is my understanding that the Welsh Assembly has a draft Bill as well, so could you comment on the draft Bill and how compatible you feel that that is with the Scottish legislation and potentially this Bill?

Dr Ros Clubb: In terms of a comparison with the Scottish Act, there are a number of differences, one of which is that, on the definition of “travelling”, that Act goes into a bit more detail. There is also a quite detailed guidance document that goes along with the Act. We would like to see a similarly detailed guidance document to go along with England’s Act, to help to provide the background in terms of what is and is not covered. Scotland’s Act includes powers for constables to go into premises and to gather and seize evidence, which we would like to see in England’s Bill. My understanding from the Welsh draft Bill that we have seen is that it is more similar to Scotland’s Act. It would be beneficial if there were parity between the Acts across those three areas, because the circuses are travelling, as you say. Some of that could be done within the Act itself, but there is also that route of providing additional guidance to help to marry up the pieces of legislation.

Nicola O’Brien: Again, we do not have much to add to that. Fundamentally, the Acts will have the same impact as to where the circuses can be and what they can do, in terms of using animals or not, so we feel that the pieces of legislation match up quite well, but again, we would include the comments made by the RSPCA.

Daniella Dos Santos: My only extra comment would be that the more parity that there is, the less likelihood there is for any confusion when it comes to cross-border implementation and enforcement.

Q15 Sarah Newton: What is really reassuring, from what you say, is that this can be dealt with either in the Bill or in guidance, and clarity and consistency can be achieved. You mentioned Scotland, and we have had a discussion about the role of the police in enforcement. It is my understanding that Department for Environment, Food and Rural Affairs inspectors have an important role to play in animal welfare. Would you comment on that and whether you feel that anything more could be considered alongside this Bill, in terms of the powers that the DEFRA animal welfare inspection regime has?

Dr Ros Clubb: From our understanding, the intention is for this Bill to appoint inspectors. We envisage something similar to what is happening with licensing; inspectors drawn from the zoo inspectorate have been appointed and have powers, as described in the Bill, to go into premises, inspect them, and seize and gather evidence. I envisage that that is what is planned. We would like

those powers extended to constables as well, so that there is additional flexibility and power to go into temporary venues at short notice, to investigate potentially illegal activity.

The Chair: Before we proceed, I remind everyone that it can be tempting to think of this session as a personal conversation between the person asking the question and the person replying. The rest of us would like to be involved. When you ask a question, please make sure that I can hear it—and everyone else at this end of the room—and also when giving the replies. Especially with women, there is tendency to lower the voice; do not do that. Just pretend you are a man and yell.

Q16 Sarah Newton: I want to come back to the point about the DEFRA inspections. DEFRA has a huge amount of expertise on animal welfare and has teams looking at the misuse of farm animals, as well as domesticated animals. Why do you feel that additional powers need to be given to the police over and above those that DEFRA animal welfare officers have?

Dr Ros Clubb: Really, to our mind it is about having flexibility and swiftness to go and investigate reports of illegal activity and breaches of this legislation, so that the police would have the powers to go in and investigate as well. We agree that there is a lot of expertise there, but we think it could be extended. Hopefully, there will not be frequent reported breaches of the legislation, but where there are we would like them investigated swiftly and thoroughly, with the powers that are in that area, as well as the appointed inspectors under the Bill.

Q17 Kerry McCarthy (Bristol East) (Lab): One of the things we were constantly told as we discussed this issue in Parliament over the last eight years, was that we could not introduce a ban because the EU would not let us. Now, 16 EU countries have—I hope—successfully introduced a ban. Can you tell us how it has worked in those countries? Has there been any need for enforcement or has the law been complied with? Are there any lessons we can learn from how those EU countries have done it?

Nicola O’Brien: If I am honest, I do not know much about that. We have been focused on the UK. Perhaps other panel members here or in the next session, such as Animal Defenders International, would have data about that.

Q18 Kerry McCarthy: Presumably, if it had been problematic it would have been more likely to have reached your attention than if it had worked well.

Nicola O’Brien: Yes, of course. In terms of us viewing the situation, it seems that circuses no longer have wild animals in those countries where bans have been implemented.

Dr Ros Clubb: That is our understanding as well. Up to 19 other countries in Europe have now introduced bans and there are 30 around the world. The situation varies hugely across the different countries, with many having many more circuses with wild animals than we do, but we are not aware of any enforcement issues in those countries.

The Chair: Before I proceed, gentlemen, if any of you are finding it close in here, please feel free to take your jackets off.

Q19 Mr Bob Seely (Isle of Wight) (Con): Tell me how I can ask this question, because it slightly relates to my own patch but I suspect it might relate to other places as well. I represent an island and we have lots of lovely falconers on the island. They do great shows in the summer but they sometimes also travel with their birds to the mainland. I do not know if I am asking you or whether I am just highlighting a point for the civil service team. I have assumed the definition of a travelling circus and it includes irregular or regular travelling. If it is irregular travelling, at what point do falconers, be they in Scotland or from the Isle of Wight, risk becoming a travelling circus? I would not want this law to be used against those people, first, because they are my constituents and secondly, because that is not the purpose of this law. Are we assuming that the definition of travelling circus is tight enough not to be used against people such as falconers, who might go and spend a night or two away from home with their birds?

The Chair: The questions are specifically for the witnesses and not for the civil servants.

Q20 Mr Seely: I am sure the civil servants have heard. Would the witnesses like to comment?

The Chair: Our attention should be on the witnesses.

Q21 Mr Seely: Thank you so much for your guidance, as ever.

Dr Ros Clubb: One of the reasons we would like a bit more guidance on the definition is to be clear about what is and is not out of scope. Scotland's Act has guidance that has a list of activities that are specifically excluded. We would envisage falconry displays as you described them being captured within this legislation. As you say, it is not the intent of this Bill and we think that should be covered elsewhere. It is not that we are not concerned about falcons and other raptors being used in that way, but we do not think it is within the scope of this Bill.

Q22 Mr Seely: So you want greater clarity. You are saying that the list—I have not seen the list—means that falconry is specifically excluded in the Scottish Act. You would like to see that same list applied to this Bill as well.

Dr Ros Clubb: In order to alleviate any concerns about activities being covered that are not intended to be, it would be useful to have some guidance around the scope and that would belong in guidance.

Q23 Mr Seely: What is your opinion on falconry? Do you think it is cruel the way people train hawks and other hunting bird species for these shows?

Dr Ros Clubb: It very much depends how it is done in our experience. We approach it as we would any other animal welfare issue, looking at how it is done, how the animals are kept, whether they are flown sufficiently. There are some concerning aspects of the practice in terms of restriction of normal behaviour, but we understand

that it varies very much with who is doing that practice. Within the legislation we are discussing, we do not see that being covered.

Q24 Mr Seely: Can you see the RSPCA calling for the ban of falconry at some point in the next decade or so, or is that not on your horizon at all?

Dr Ros Clubb: It is not on the horizon as far as I am aware.

Q25 Mr Seely: Having read your evidence, clearly we are all mindful of the point about circuses preventing wild animals from roaming, especially larger ones and so on. Is there the same strong case for small animals? There are very few numbers of travelling circus animals in this country. There are 19, I think, of which two are raccoons. Raccoons are not the same as zebra and much larger animals. They still need space but, if they are semi-tame, do they occupy the same moral ground as larger animals, in your opinion?

Daniella Dos Santos: They are still wild animals. Size should not come into the discussion of whether we are meeting their welfare needs. We are still not going to meet their behavioural or their enrichment needs in a travelling circus situation. Granted, the portable exhibits may be more suited to an animal of that size, but ultimately, we are still not meeting their welfare needs.

Nicola O'Brien: A large part of why we are here discussing this and considering a ban is that people are not comfortable with seeing wild animals being used in circuses. It does not matter what species they are; it is more about the fact that, although there are arguments about their welfare needs not being met in the environment, a large part of this is that people do not think we should use animals like that anymore.

Q26 Mr Seely: You are assuming 100% that that is likely. You say “people” think that—I would agree that a lot of people do, but I am not sure everybody does. You are slightly assuming that it is everybody.

Nicola O'Brien: Fair enough—not everybody, but going on the consultations carried out by the Government, and in Scotland and Wales, there is wide-ranging support for the Bill. That has already been discussed by Members. We have worked on this issue for 60 years—not me personally but the organisation has. The interactions we are having with people about this issue show strongly held beliefs that animals should not be used in this way, for welfare reasons but also relating to the use of wild animals in these environments.

Q27 Mr Seely: We have a fantastic zoo on the Island, which has some tigers that came from fairly horrible travelling circuses. I understand that the conditions they have now are much better than the conditions they had then. We know that there is a strong case for not having wild animals in circuses; are you saying there is enough of a gap between how well circuses treated animals and how well zoos treat animals, so we do not have the same problems letting animals be themselves in zoos? Does that question make sense? Do you see what I am trying to get at? Do zoos meet the required standard for caring and looking after animals compassionately, especially regarding the space arguments?

Dr Ros Clubb: I think they have the facilities to do so far more than a circus does, because of the fact that they are permanent. I do not think that applies in zoos

in their entirety—they very much vary across facilities—but they certainly have the ability to meet the animals' needs much more than a travelling circus.

Daniella Dos Santos: An environment that is more permanent can be better adapted to meet an animal's welfare needs than an environment that is constantly on the move. To pick up on the earlier point about the challenge that not everyone agrees, following a public consultation after Scotland introduced its Act, 98% of respondents backed the ban in Scotland, which is quite a large percentage of the public.

Q28 Luke Pollard: After the Second Reading debate when we talked about the 19 wild animals, I had a message from someone that asked, "Are they going to be destroyed or rehomed? What about the fox—how do you rehome a fox?" That was an interesting question because it showed that as a nation of animal lovers, we are concerned about what will happen to those 19 animals. Currently there is no provision in the Bill that prevents animals from being destroyed if taken off their owners. Is that something that you think is necessary, or are you sure that there are enough good homes out there for the zebus, zebras and raccoons, so they can be rehomed in a safe and decent way?

Dr Ros Clubb: The RSPCA has offered many times to help to rehome the wild animals that are currently used. We reiterate that offer. We do not believe that there would be a need to put any animals to sleep. Obviously, we are as concerned as members of the public about the fate of those animals. We feel they should be rehomed, and our concern is that they will continue to travel with the circus but not made to perform. From a welfare perspective, we have real concerns about their being put through regular transport, being kept in temporary accommodation and all the other issues we have with that.

Q29 Luke Pollard: Can I ask about the seizure of animals? In your written evidence you talked about the ability to deprive those convicted of the offences of the animals. It is implicit in the Bill that wild animals should not be kept after the Bill becomes law, but there is no provision in there to authorise the taking of those animals from their current owners. Do you think that requirement should be in the Bill, to make that crystal clear so that there is no doubt that current owners of wild animals should not have them after the Bill comes into force?

Dr Ros Clubb: We would like it written into the Bill that animals could not continue to tour. We understand that that will lead to the deprivation of ownership of animals, and legally that might be tricky, but we are concerned that allowing traveling circuses to continue to keep and travel around with those wild animals does not deal with the welfare issues for those particular animals—although it would potentially stop more animals coming into that situation—or the risk of illegal use along the way. The definition we suggested would prevent those, but we understand that it might be tricky to get that written into the legislation.

Q30 Luke Pollard: This was picked up in the answer that Nicola gave a moment ago about public views towards this. My sense from the research and the consultation that the last Labour Government did on this, albeit a decade ago, is that there is massive overwhelming

public support for this actually being put into law. From your point of view, and from the experience of Scotland and other countries that have done this, is there a reaction afterwards? Are the general public coming back and saying, "Where are the zebras in the circus display?"? They are actually supportive of this?

Nicola O'Brien: We have not had anything like that, and I do not think there has been any large public uproar or any need for a review. This is something that people have wanted. In fact, we find that most people think it is already banned. They are really surprised when we talk about this Bill being another great opportunity to come and discuss this industry and to perhaps ban it. They think, "Wasn't this banned a long time ago?" That is probably because there has been political activity over the years and we have seen such a decline in the number of wild animals being used in circuses and the number of circuses offering those animals. So yes, we think it is going smoothly and is what people want.

Q31 Luke Pollard: Have you seen a movement of animals from countries that have implemented bans, such as Scotland, into countries that have not? Would this effectively encourage a trade in circus animals, such as raccoons being shipped from England to a country that would continue to allow them to be exhibited in circuses?

Nicola O'Brien: I do not believe any circuses using wild animals were based in Scotland—very occasionally one would travel up—so I do not think it is possible to see that effect. I guess in Ireland, where there is a ban, some of those circuses have moved on, so yes, I guess that is a potential outcome.

Q32 Mr Alistair Carmichael (Orkney and Shetland) (LD): To look at some of the practical applications of this, in relation to your answer to the hon. Member for Plymouth, Sutton and Devonport, in Scotland—my knowledge relates to the operation of this in a Scottish context—there would be a general power of forfeiture at the end of a prosecution, made on the motion of the prosecutor. Would you not have the same power in England?

Dr Ros Clubb: My understanding is that, as the legislation is currently written, we would not. For example, I think there are powers of forfeiture in the Fur Farming (Prohibition) Act 2000, so we would be looking for a similar kind of deprivation.

Q33 Mr Carmichael: So an express power of forfeiture would be necessary in the Bill?

Dr Ros Clubb: Yes.

Q34 Mr Carmichael: Thank you, that is helpful. To pick up the point that the hon. Member for Truro and Falmouth made about the interaction between DEFRA inspectors and police constables, is it your understanding that in practical terms operating DEFRA inspectors will get new powers under this Bill?

Dr Ros Clubb: That is my understanding.

Q35 Mr Carmichael: In practical terms, is it not the case that their inspections will for the most part be focused on animal welfare considerations, rather than on prosecution?

Dr Ros Clubb: If the same inspectors who are operating under the circus licensing regulations are involved, they very much go and inspect to check that the standards are being met as outlined in those regulations. The question is whether that would proceed to a prosecution. That is a question we have: if there were signs of illegal use and evidence of use, who would make that call?

Q36 Mr Carmichael: The point I am driving at is that there is a difference between someone focusing on acquiring evidence, if that is the main purpose of their job—as it would be for a police constable—and the approach that might be taken by somebody whose primary concern and function relates to the maintenance of animal welfare standards. I do not want to put words in your mouth but, for the benefit of the written record, you need to give me some.

Dr Ros Clubb: I see your point. Yes.

Q37 Mr Carmichael: Also, in practical terms, is it not the case that a lot of the time we will at least need to take a multi-agency approach? If you are a DEFRA inspector going into a situation, you may want police constables in attendance with you. Is that also fair comment?

Dr Ros Clubb: Yes, that is fair.

Q38 Mr Carmichael: If you have people there exercising functions under the Act, does it not make good sense for everybody to have powers to gather evidence in the normal way?

Dr Ros Clubb: Yes.

Q39 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): Thank you very much for your contributions, which are much appreciated. When DEFRA carried out its public consultation, 95% of the public supported a ban. I am interested in your views, either anecdotally or through any other survey data that you have seen, on whether the public's view has changed significantly since that time, which was 10 years ago.

Daniella Dos Santos: I would say that most people think there already is a ban; their belief is that this not happening any more. I would suggest there has been no significant change in public support.

Dr Ros Clubb: From the public opinion polls that we have seen over the years, support has remained at a similar level. The majority, when questioned, believe that there should be a ban. Anecdotally and from talking to people, including our supporters, many people believe that a ban has already been passed and are not even aware that this practice is still allowed to continue.

Nicola O'Brien: As I said before, people are surprised that we are still talking about this and that all animals are not banned in circuses. People are really surprised that there has not been legislation in England on this yet. We have seen an increase in frustration that there is not a ban in place yet. We think public opinion is still as strong. Again, the consultations carried out in Wales and Scotland more recently show wide public support for a ban.

Q40 David Rutley: Questions have been raised around seizures and disqualification. Under the Animal Welfare Act 2006, there are powers for seizure. This Bill would be based on a rationale of ethics, as we discussed on

Second Reading. If there are any animal welfare issues, the enforcement powers would be available to seize the animal under the Animal Welfare Act 2006. The courts are also empowered to disqualify those who have held those animals. Notwithstanding your concerns, those are strong powers. Do you accept that they will have some real weight in this area?

Dr Ros Clubb: We accept that those powers exist and, where there is evidence of animal welfare issues in contravention of the Animal Welfare Act, those powers could come into play. We absolutely accept that. Similarly, there are powers of seizure for species that fall under the Dangerous Wild Animals Act 1976. Our concern is if neither of those apply, something might fall between the cracks. Our angle is to be consistent and ensure that any illegal use can be addressed with those powers.

Q41 David Rutley: There has been a lot of discussion around travelling circuses in Scotland and Wales. The Governments there—in their various stages of taking this legislation through—have not felt the need to define what a circus is, and neither did the Environment, Food and Rural Affairs Committee when it was dealing with its evidence. Should we have a different approach here?

Daniella Dos Santos: From the BVA's perspective, our issue is that the meaning of "travelling circus" is not defined in the Bill. We would support the inclusion in the Bill of a definition in line with the one used in the Scottish Bill.

Dr Ros Clubb: From our perspective, our main concern is to ensure that the activities meant to be captured by this are captured. Part of that could be covered in statutory guidance, if it was associated with the Bill, to ensure that the less formal use of animals associated with circuses is captured and that there is more guidance around what is meant by "travelling circus".

Nicola O'Brien: I have nothing further to add.

Q42 Sir Oliver Heald (North East Hertfordshire) (Con): Birds are covered by the Bill because the Animal Welfare Act 2006 defines an animal as being a vertebrate. Is that correct?

Dr Ros Clubb: Yes that is correct.

Q43 Sir Oliver Heald: Are there any birds that would still be able to perform in a travelling circus if this Bill was passed?

Dr Ros Clubb: Using the definition of "wild animal", some species that fell outwith the definition could potentially be used in travelling circuses if they wished to use them. The guidance under the Zoo Licensing Act 1981 gives examples of species that are and are not covered within the definition of wild animal. Presumably that would be used in a similar way to define the species that could be used in a travelling circus.

Q44 Sir Oliver Heald: Would that be birds that are commonly kept as pets, such as budgerigars and parrots?

Dr Ros Clubb: They are considered to be domesticated.

Q45 Sir Oliver Heald: What about birds used in magic shows such as doves? Would they be covered?

Dr Ros Clubb: I would not envisage magic shows as falling within the definition of travelling circuses. Those animals could potentially be covered by licensing of exhibited animals in England, were there to be a business being made out of that, if they met those criteria.

Q46 Sir Oliver Heald: So they could be covered by the Bill?

Dr Ros Clubb: I would not envisage that they would be covered by the Bill.

Q47 Sir Oliver Heald: Falconry displays go back to the middle ages and are long-established events. Is falconry and keeping a falcon equivalent to domesticating a falcon or not?

Dr Ros Clubb: In terms of the domestication process, it is the selective breeding of animals for a particular purpose and fundamentally changing the physiology and behaviour of that species. We would not envisage that animals used in falconry would fit that definition.

Q48 Sir Oliver Heald: They would remain wild. In your evidence from the RSPCA, you suggest that you wanted a wider definition of “travelling circus” to include any company or group that travels from place to place to give performances, displays or exhibitions involving wild animals either being kept or introduced for display. If that definition was adopted, why would that not include the sort of activity referred to by my hon. Friend the Member for Isle of Wight: falconers from the Isle of Wight doing shows on the mainland?

Dr Ros Clubb: From our perspective, the key difference between those activities is that animals are generally returning to a permanent home base between shows or displays. From an animal welfare perspective, one of the issues is animals being used in travelling circuses, because it is much easier to provide for those animals’ needs in a permanent facility.

Q49 Sir Oliver Heald: If a travelling circus did a deal with one of the falconers in the constituency of my hon. Friend the Member for Isle of Wight to do some shows, introducing the falconry exhibition as part of the show, would that be covered by this Bill?

Dr Ros Clubb: I would think so, because it would be part of the circus.

Q50 Sir Oliver Heald: If one of those falconers decided, rather than travelling back to the Isle of Wight every night, to make arrangements with farmers to put birds in a particular aviary overnight and do a tour, would they be covered by the Bill?

Dr Ros Clubb: That is where the guidance would need to come in. If the desire was to exclude those activities, they would have to be listed as out of scope. Animals are used in many different ways in exhibition and performance, so what is within scope needs to be as clear as possible.

Q51 Sir Oliver Heald: Is it not true that if your definition of a travelling circus was included, it would make it more likely that falconers would be covered?

Dr Ros Clubb: If they are not coming back to a home base but travelling from one place to another, then yes.

Q52 Sir Oliver Heald: But you are still arguing that the wider definition that you give in paragraph 3.2 of your evidence—a definition that is not in the Bill—is needed. You want that.

Dr Ros Clubb: Yes, we would like that. If that is not feasible—we do not want to hold up the passage of this Bill, which is very much needed and is something that

the RSPCA has campaigned on for decades—there could be scope to provide additional guidance and statutory guidance associated with the Bill to further outline what activities are in scope.

Sir Oliver Heald: I am a strong supporter of this Bill, but I just wanted to find out where we are with birds.

Q53 Anna Turley (Redcar) (Lab/Co-op): Thank you very much for your evidence this morning. It is clear that there is support for the Bill not only in Parliament but in the wider public, as we have heard. Given that you here to give evidence and given your level of expertise, can you remind us of the reason and purpose of this Bill? Please set out as specifically as you can the impact that being in circuses has on the welfare and mental and physical health of wild animals. Why are we here? Why is the Bill behind public opinion? Can you reiterate from an evidence-based, veterinary perspective why it is wrong to have wild animals in circuses?

Daniella Dos Santos: There are a couple of points. Wild animals have complex instinctive natural behaviour patterns. The nature of the travelling circus—when they are being moved from one place to another, without a fixed, permanent habitat—means that they cannot exhibit their natural behaviours. As I mentioned, the enclosures that they are provided with are often far too small for them to exhibit natural behaviours.

Also, performing for human gratification is not a natural behaviour. From a psychological perspective, that is a serious issue for these animals. They will be working to timetables and shows. Some of these animals may be nocturnal or need to eat at certain times of day, or even all day. Their eating and dietary patterns will be altered. They will also have social grouping or isolation requirements, depending on the species. As a consequence of circuses moving these animals from place to place, often either they are not housed appropriately, in a socially complex structure—zebras should have a socially complex structure—or they are housed in inappropriate groups, because it is easier to house them closer together and so on. Prey and predator species might be living in close proximity, which puts them under an undue amount of stress as well.

Dr Ros Clubb: I agree with that point. We would argue that there is quite a lot of evidence about what wild animals need and what is bad for their welfare in general terms. There is extensive research showing that regular transport and barren temporary enclosures are bad for welfare. The most recent study, commissioned by the Welsh Government from the University of Bristol researchers, cites extensive evidence that life in a travelling circus will not provide a good life for those animals and that their welfare needs cannot be met. The evidence has always been there but has very much come to the fore. The public wants to see animals treated well. Times have changed; we can see from opinion polls that people do not want to see wild animals in circuses any more.

The Chair: We have five minutes left for this panel. I currently have five Members who wish to ask a question, and I intend to take those who have not yet done so. May I please ask everyone to be succinct?

Q54 Alex Chalk (Cheltenham) (Con): On the points you made about human gratification and being moved from place to place, how far does that go? Although

[Alex Chalk]

horses, for example, are not wild animals, they are ridden, used for human gratification and moved around to races for three-day events. Is that inherently cruel?

Daniella Dos Santos: The scope of the Bill is specifically about wild animals. The use of domesticated animals is a completely different discussion to be had. Here, the point to focus on is that these are wild animals, not domesticated ones.

Q55 Alex Chalk: Just on that point, is there a distinction, in that wild animals would feel more traumatised than domesticated animals?

Daniella Dos Santos: Domesticated animals have come to be under the care of humans for generations, have been bred to exhibit traits that we find useful and find life under the influence of humans less stressful than a wild animal would.

Q56 Ellie Reeves (Lewisham West and Penge) (Lab): You talk very compellingly about wild animals in circuses and their welfare. There is nothing in the Bill about domesticated animals in circuses. Do you have any views about whether that should be in scope, or whether there are welfare needs of domesticated animals that are not currently addressed?

Nicola O'Brien: Our organisation feels that those should also be banned from circuses. We feel that there are welfare needs of domestic animals that, again, are difficult to meet in a circus environment. The transportation—the loading and off-loading, and being transported—has its impact. A large part of the Bill is about ethics, and we feel that people are uncomfortable with animals being used in circuses, full stop, not necessarily with whether they are wild or domesticated. There is probably a difference: they are probably more concerned about wild animals because of their wild nature and freedom. There is definitely the argument that domestic animals are more suited to being around humans in the kind of environments that we house them in. However, we also recognise that the Bill is about wild animals. That was the question put to the public in the consultation—that is the focus for today—but this is something that we would also like to see prohibited in future.

Dr Ros Clubb: From the RSPCA's perspective, we also have a position against the use of any animal in circuses. We have concerns because of issues such as the travelling, temporary enclosure and so on, of domestic animals. As Nicola said, in some cases the concern is probably less, because they are more adapted to a captive environment; nevertheless, concerns remain. We are very much minded that this legislation is focused on wild animals. That is where the opportunity lies to make change.

Q57 Sandy Martin: I want to ask quickly about the problem that might arise if there is nothing in the Bill about the seizure of the animals and care for them afterwards. There was an allegation in the evidence we have been sent that, after the ban was introduced in Mexico, a large number of animals were destroyed. Do you think that powers to seize animals and ensure that they are properly cared for afterwards would be important parts of any Bill that was going to protect the animals?

The Chair: Single-word answers and quickly, please.

Daniella Dos Santos: Yes, we would welcome guidance.

Dr Ros Clubb: Yes, we would also welcome that.

Nicola O'Brien: Yes.

Sandy Martin: Thank you.

The Chair: That brings us to the end of the time allotted for the Committee to ask questions—we really do count it down in seconds in this place. I thank the witnesses on behalf of the Committee for their evidence and Committee members for being so tolerant and withdrawing questions at the end.

Examination of Witnesses

Angie Greenaway, Dr Chris Draper and Jordi Casamitjana gave evidence.

10.31 am

The Chair: We will now hear oral evidence from Animal Defenders International, the Born Free Foundation, and PETA. We have until 11.25 am for this session. Will the witnesses please introduce themselves?

Angie Greenaway: I am Angie Greenaway, executive director of Animal Defenders International.

Dr Chris Draper: I am Dr Chris Draper, head of animal welfare in captivity at the Born Free Foundation.

Jordi Casamitjana: I am Jordi Casamitjana, senior campaigns manager for PETA—People for the Ethical Treatment of Animals UK.

Q58 Luke Pollard: I would like to ask about the definition of a travelling circus, especially from an international perspective, given that a number of countries have similar bans. Do you think the definition needs more clarity in the Bill, and if so, are there good examples that we could learn from in those countries that have banned wild animals in circuses?

Angie Greenaway: We would like the definition of a travelling circus to be similar to that in the regulations, as the RSPCA said. The regulations specify that the definition applies to wild animals, but a travelling circus could have wild and/or domestic animals. We would like that to be clarified, possibly for other purposes, and to make it clear that the definition does not concern only wild animals.

Dr Chris Draper: There is definitely a need for clarity around the definition—that view seems to be shared by a number of people. My feeling is that that could be in the Bill or in statutory guidance—either would be appropriate. Perhaps the simplest mechanism would be guidance, as that would allow for specific exclusions of practices such as falconry that were mentioned in the previous session, and that do not need to be captured within the Bill.

Jordi Casamitjana: I agree with Chris. This could be done through the Bill or through guidance, but guidance is probably the best option. That will allow us more flexibility for future activities that we might not foresee at the moment but that could fall under the definition. The term “travelling circus” is already very straightforward—“travelling” means moving from place to place, and “circus” can be interpreted as involving some sort of performance, so that clearly states what we

are talking about: it is a group of people who move from place to place to perform with wild animals. In that regard the term is already well defined, but there might be grey areas where guidance could help.

Q59 Luke Pollard: This question is similar to the one that my hon. Friend the Member for Bristol East asked the previous panel about the international experience of this ban. Do these bans work internationally? Where are they working best, and are there lessons to be learned not only from the laws that ban wild animals in circuses, but how those laws are implemented and enforced?

Angie Greenaway: Forty-five countries around the world have some form of ban, either on wild animals, all animals or certain species. Those bans have been introduced on different grounds. Some have been on ethical grounds, welfare grounds and even public safety grounds. The legislation is worded quite differently between countries. We have a lot of experience in South America, where we have conducted investigations that have then led to a public outcry and legislation being brought in. In those countries, we have helped to enforce legislation: in Bolivia, Peru and currently in Guatemala, where we are taking the animals from the circuses and relocating them to sanctuaries and even, in a few cases, releasing them back into the wild where it is possible to have a rehabilitation programme. They are having a much better life away from the conditions that are very similar to how animals are kept in this country as well.

Dr Chris Draper: The only point I add to that is that the various bans that have been brought in internationally have tackled countries with very different scales of industry, from some even smaller than that in England up to some of our close neighbours in Europe that still have very large circus industries that are under scrutiny for a ban. Some have also included mandatory confiscation as part of the process of bringing in the ban rather than as an enforcement action after a ban has been brought in.

Jordi Casamitjana: I think bans like this work because they are easy to enforce. There is not a regulation element in these laws that requires a criteria that might vary from country to country, from inspector to inspector. This is very straightforward. Either you have wild animals or you do not. So it is easy to find out whether you have them or not. There is a transition process when you start a ban like that, when you have to tackle the cases of animals present in circuses. From an enforcement point of view, it is a very straightforward ban. That is why they work everywhere.

Q60 Luke Pollard: There is a sense sometimes that Britain is leading the way in animal welfare. In some areas we are, but in this area we seem to be very slow and a proposal that was initially put forward by the last Labour Government—that was when I had brown rather than grey hair, it was that long ago—has taken a very long time to get here. Are there any lessons that can be learned about how these types of issues can be hurried through? Are there things that have changed in the period when this was first proposed that you think are missing from the Bill as it currently stands?

Angie Greenaway: It is really unfortunate that it has taken us so long for us to get to this point. Half of the bans in place around the world have passed while we

have been talking about the issue and drafting legislation and thinking about it. We have found ourselves woefully behind countries such as Iran and Bolivia. All over the world, these countries have acted—and quite quickly as well. The period from public opinion being against it to legislating has been quite short—usually no more than just a few years—whereas for us it has taken so much longer, which is unfortunate.

I wanted to touch on your last question re the bans. A number of countries do not have travelling circuses based in their own country, like in Wales: they do not have any wild animal circuses based there but they visit from England. That is the case in quite a few of the countries that brought in bans. They did not have any circuses in place but they were visiting from other countries. That has been the case with some of the bans that have come in.

Dr Chris Draper: From my perspective, I first became involved in looking at this issue in about 2004, 2005, when it was the Animal Welfare Bill. In the subsequent delays to tackling this issue, it is worth noting the introduction of new species to circuses travelling around Great Britain. We have the particular example of elephants, where they were on their way out of the industry and one of the circuses that existed a few years ago decided to bring in a new elephant act. That is quite a strong lesson that we need to act now and not just look at the fact that there might be only 19 animals. It is the fact that the number could increase. Admittedly, that is unlikely in its current format but there is still that possibility for new animals and new acts to be brought in.

Jordi Casamitjana: When I talk to many people in other countries, they are always quite surprised to realise that we have not banned wild animals in circuses yet, when it happens so often. Nothing has changed since Bolivia banned all animals in circuses some time ago that justifies the delay. Only the fear that there might be a problem that is not there, because when it is banned anywhere else, there is no problem. The public understand it. Society has moved along. This is an issue that is totally understood and the practicalities are easily solvable, so it is surprising we have not done it yet.

Q61 Sarah Newton: I would like to come back to some of the questions I was asking before, given the breadth of your experience. This is about enforcement. In our country we have got the Department for Environment, Food and Rural Affairs, and quite well defined animal welfare standards. DEFRA inspectors have a lot of power to make sure animals are properly cared for and, if they find that they are not, to confiscate and prosecute. I represent a large rural constituency. Most of my farmers, of course, are fantastic farmers, but, sadly, we do have some quite notorious prosecutions for very poor animal welfare, and the powers have worked really well.

Some of the witnesses have suggested to us that in addition to the existing DEFRA regulatory framework, our police force should be involved. What value, if any, do you think that that would bring? Can you draw on your international experience? Who is best placed to do the enforcement?

Dr Chris Draper: From my perspective, in the current situation with DEFRA inspectors inspecting circuses, they would be doing it within a licensing regime. Those

are circuses that have been in effect pre-approved on the basis of an application, and DEFRA inspectors are going to ensure that they are complying with the current standards. That is a very different kettle of fish from the involvement of, for example, the police, whose experience is more in examining criminality, and chain of evidence-type procedures. I think there is a role for both bodies in the investigation of the potential use of animals in a circus after a ban.

Jordi Casamitjana: I agree. I think it should be both, because we are talking about different things, here. One would be finding out whether the circus had a wild animal, contrary to the Act. The other would be checking the conditions of the animals that were there. There might be situations where the law was breached and there was a wild animal, but there was a need to check whether animal welfare legislation applied, so as to confiscate the animal if it was being kept in bad conditions. The latter would be a job for a DEFRA inspector—finding out about the conditions—but the police could easily deal with enforcement on the question whether there was a wild animal or not. I think there is room for both.

Q62 Sir Oliver Heald: Some of the rarest birds are new world parrots—macaws. They are threatened with extinction. Some of them are hybridised for the pet market, so there are parrots—macaws—that could be classified as pets and as commonly domesticated. We have heard from the RSPCA that certain birds—budgerigars and parrots—are probably not covered by the Bill. Do you think we need a bit of clarity about this? If animals that are close to extinction are not covered, that would clearly be wrong. One of the animals listed among the 19 currently in travelling circuses, is, of course, a blue and gold macaw. I wondered what your thoughts were.

Dr Chris Draper: There is obviously a lot of confusion about the term “domestication” and it crops up within the definition of a wild animal. I suspect some of that could be tackled quite simply. Domestication is a long-term biological process that involves selection by humans for particular desired traits within animals, over multiple generations. The timescale we are talking about is hundreds, if not thousands or tens of thousands of years. That is not the same as hybridisation or having animals in captivity for a couple of generations; those are not a domestication process and have no resemblance to one.

Q63 Sir Oliver Heald: If I could just interrupt you, we have heard from the RSPCA that there are birds that would be considered domesticated.

Dr Chris Draper: That is correct.

Q64 Sir Oliver Heald: I mentioned parrots and budgerigars.

Dr Chris Draper: I do not believe most parrot species would be considered domesticated; but budgerigars would be.

Q65 Sir Oliver Heald: I would be worried if parrots that are close to extinction were not covered by the Bill.

Dr Chris Draper: In my understanding I think it would be a very sensible application of the guidance relating to the definition of wild animals in the Zoo Licensing Act 1981, which, I think we heard previously,

has been tried and tested and is useful guidance. That does specify that budgerigars and canaries could be considered domesticated in this sense, because they have been kept and selectively bred in this country for, I would say, well over 100, 200 years in some cases. To my understanding, that has never been stretched to include any other parrot species. I might be forgetting one or two, but generally speaking parrots would be considered wild animals under the Zoo Licensing Act, and I see no reason for them not to be considered so in this Bill.

Sir Oliver Heald: So you do not think it needs clarifying at all.

Jordi Casamitjana: I can help on this, because I have the guidance. It is correct: budgerigars would be included and parrots would not. Parrots are considered wild and would be protected, even if they are hybridised. The Zoo Licensing Act discussed that—it was an issue—because some types of licence would apply differently whether an animal in a collection is wild or not. That discussion has taken place for a long time, and that is why the Secretary of State developed very specific guidance. There are several columns that indicate clearly what is a wild animal and provide definitions for what might be borderline. It is all very well defined. All parrots will be protected.

Q66 Sir Oliver Heald: You are happy that it is pretty clear which birds are or are not protected, and there is no need for me to worry.

Jordi Casamitjana: It is very clear, because it is based on the Zoo Licensing Act.

Angie Greenaway: At the moment there is a circus with domestic animals—it has a budgerigar act, and that classes as domestic. Another circus has a macaw, which is classed as a wild animal. So, as you say, those distinctions have been made on species, and it is already happening.

Sir Oliver Heald: And you are happy with how it will work in future if the Bill is passed.

Angie Greenaway: Yes.

Q67 Sir Oliver Heald: Circuses can have magic acts, which often use doves. Is that a problem? Would they be domesticated or not?

Jordi Casamitjana: According to the definition, doves are domesticated. Therefore, they would not be included.

Q68 Sir Oliver Heald: So dove acts would be acceptable. Finally, some falconry acts fly with a lure, and there are other birds such as owls in the display. If one of those acts was contracted by a travelling circus, would that be covered or not?

Jordi Casamitjana: It would be covered by the Act. That would be a wild animal—all falconry birds are wild animals, so that would not be allowed.

Q69 Sir Oliver Heald: The RSPCA has defined a travelling circus as

“any company/group...which...travels from place to place...giving performances, displays or exhibitions”

with wild animals, and so on. If we were to accept that definition, would that cover the falconry activity that

Bob Seely was talking about earlier, where an act would go out from the Isle of Wight to the mainland and do a tour, in effect?

Dr Chris Draper: From my perspective, the difference that needs to be explored in the definition is whether a circus is itinerant and on the road from place to place, versus other types of animal exhibitions, which return to a home base either that same day or after a set amount of days. I would say the public are more concerned about the itinerant aspect of things as well because of the perceived and actual impact on animals' welfare. I am not saying that there is an absolutely crystal clear division between the two, but it could be caught quite nicely within statutory guidance, with specific exemptions for falconry activities and that kind of thing.

Q70 Rosie Duffield: As I understand it, an important part of the work your organisations do is to trace where these animals may have come from, and the 19 listed are not native to the UK. Will the Bill help you in that work, particularly in working with DEFRA and perhaps the police? Would it strengthen your powers to trace those origins and perhaps return those animals to their original home?

Dr Chris Draper: That is a very interesting question. For the most part, unless I am completely forgetting one or two, these animals will have come from a variety of sources within the captive industry, so they will almost certainly have been captive bred. They may or may not have been linked to private ownership, existing circuses or the zoo industry. There is a close connection between those three things that continues to exist to this day. How that applies to these particular individual 19 or so animals has not been easy to establish, in my opinion.

Jordi Casamitjana: I would say, although it might or might not help people in individual cases, the purpose of the Act is not to address these 19 individuals, it is to address all the other possible animals that could come from now on. This is what the Act is all about. The fact there are 19 makes it easier to enforce and manage and find a place. It still will give it some strength, morally speaking, and the public will still be behind it if the 19 were 190—it would be the same situation. It would be a logistical problem, but from the point of view of ideology, why one animal should be banned would not change. In this case, the law has to be seen as a law to prevent a problem from arising in the future, rather than to solve a problem that already exists.

Q71 Trudy Harrison: This bans the use of wild animals. I had an initial thought: "Why would any travelling circus take a redundant wild animal along with it, because it would cost money to feed it?" However, recognising that circus organisers and animal trainers will love their animals and will have developed a bond over many years, there is the risk of animals travelling with the circus but not being used. Could their welfare be even more at risk because they may not get the attention and exercise that would have come from performing? Do you also agree that that is a risk to those existing animals and potentially to animals that are bred from them in the future?

Angie Greenaway: I think it is less of an issue in the future. I know there was a worry that when the draft legislation was first published in 2013 it did not directly

address that. There is a risk that could happen. We hope it is unlikely, as you say, because of the cost and the effort to travel around with these animals and the fact that their welfare will be compromised. The public do not want to see these animals and that is why they want the ban. We hope they will do the right thing and give up their animals to be relocated at appropriate facilities. I know in their retirement plans it says that they would have a permanent base at their winter quarters. That is what we hope will happen. We accept there is a risk that could happen.

Dr Chris Draper: We would like the definition of "use" to include being kept within a travelling circus environment. We are fairly convinced that is the only way to ensure the welfare of these animals is met. A large problem comes from the itinerant nature of things. I share your concern that these animals may not be visible enough to have a welfare problem identified by a member of the public, for example.

Conversely, there may be the opposite, where animals are officially not classed as being used, but are still used as a draw to the circus, if, say, they are pitched in an enclosure next to the circus camp. That is still a draw to the public and the animals are there, albeit tangentially, to attract people to the circus. That needs careful scrutiny.

Jordi Casamitjana: I agree with Chris. Keeping the animals might be an issue. It might be something that needs to be looked at. Hence the role of the inspectors. The inspectors are the ones who, possibly, once they have gone to check a particular circus might see an animal that is wild but has not been used in the performance. They might start to ask questions: "Why is that animal here if it is not used in the performance? Should we apply the Animal Welfare Act? Should we ask questions about why it is moving from place to place if it is a wild animal that requires a different type of lifestyle and husbandry?" Then, perhaps, animal welfare will be advised. That is why it is important never to forget the inspectors, especially in the transition process when moving from having animals to not having them at all. If there are no animals in the future, the inspectors will not be needed, but they are needed now. I agree, a potential risk needs to be addressed and the inspectors can help that.

Q72 Trudy Harrison: In the interest of animal welfare, is it more important that we ban the wild animals from accompanying the circus, or that we have a transition plan in place for each and every one of the 19 wild animals?

Jordi Casamitjana: I think the important thing is to create a ban that prevents more animals being added to the equation and then deal with the 19. I think the ban is the first step, because that prevents any future problems from arising, and then you can deal with the 19 animals.

Dr Chris Draper indicated assent.

Q73 Sandy Martin: I would like to return to protection of animals that are currently in circuses and, indeed, protection of any animals that might be introduced into circuses in the future. First, have you had any experience in other countries of animals being put down as a result of bans? Do you know of that happening? Secondly, do you agree that we need to have in the Bill powers of seizure, and powers to ensure safe and sensible rehoming or rehabilitation of animals that are seized to protect their welfare?

Angie Greenaway: We have not come across any specific cases of euthanasia; I know you mentioned Mexico earlier. We have pulled together some information that we can provide to the Committee, but a lot of fake reports were put out. There were photos of animals, which were not the animals that were in the circus, showing them killed, but it was not the case—it was fake news. Obviously, circuses are not happy if you are legislating, because you are stopping part of their livelihood, so there will be a lot of stories and rumours. You have to look to see the truth behind that.

Whether this is dealt with in the guidance or something else, we and the public would really like to see these animals have a better life at the end of this. Even in winter quarters, as our investigations have shown, there are issues. There are animals that are abused and how they are kept might not be appropriate—there might not be the space to keep them. It would be better, and I am sure it is what the public want, if the legislation ensured that those animals have a better life afterwards.

Dr Chris Draper: I concur. Born Free has said repeatedly, alongside the RSPCA, that we would happily work with Government, the circuses and any other stakeholders to ensure a good retirement for any animals currently in use. I think it is worth reiterating that the proposed ban is on the use and therefore the activity. It is on the use of wild animals in circuses; it is not a ban on circus proprietors owning animals. There is a distinction to be made there.

That said, I think it is very much in the public interest that a plan is put in place, either within the guidance or through some other mechanism, to reassure people that the animals' needs are not going to be compromised and that they will live out their life in the best possible situation.

Jordi Casamitjana: I would welcome a power of seizure—having something in the Bill that gives that power. It would not be used all the time, but would be an extra tool to be sure that problems do not occur. In cases where there is a conflict in terms of the owner not wanting to relinquish the animals or not wanting to take the animals to the RSPCA, Born Free sanctuaries or places where they could be rehabilitated, having that power would, I think, be a positive thing.

Q74 Sandy Martin: Also, you mentioned one circus trying to reintroduce elephants in this country. Three of the respondents to this Bill have suggested that elephants and lions could and possibly would be reintroduced to circuses in this country, even under the current licensing regime. Therefore, do you believe that, if possible, we should introduce this ban sooner than 20 January 2020?

Dr Chris Draper: In an ideal situation, absolutely. I think the risk of new—well, they are not new. The risk of species that are not currently in use being introduced is very real. There was, as I understand it, an application by a big cat exhibitor for a licence under the current system. In my understanding, the current licensing system was put in place as a temporary stopgap, but the unfortunate consequence of it is that it legitimises the use of animals in circuses. I think we need to do an about-turn from that fairly quickly, and if that can be done before January next year, so much the better.

Jordi Casamitjana: I agree: the sooner, the better.

Angie Greenaway: I agree. Our organisation conducted the investigation of those elephants when they came to a circus in this country. There is actually an act that toured multiple countries across Europe. Our investigation found evidence of chaining for 11 hours of the day and abuse from both the person caring for the elephant and the presenter. That is a real worry. A lot of these elephants have been captured from the wild and still perform in circuses. Anne the elephant was permanently chained in her winter quarters and violently beaten. The thought that that could happen fills us with dread.

It has been a few years since big cats have been in this country, but our investigations have shown that they are kept caged most of the day and exhibit stereotypical pacing behaviour to show that they cannot cope with the environment they are in. All wild animals suffer in circuses, but elephants and big cats suffer especially.

Q75 Mr Seely: Are you and other welfare groups happy that there are sufficient powers in the Animal Welfare Act 2006 for the police to intervene and take action against circuses and owners who abuse animals in the traveling circus format that we are talking about?

Dr Chris Draper: The point we discussed a little earlier about giving powers to the police for site visits and inspections and seizures would be an improvement on the current draft of the Bill. I defer to the RSPCA's experience on the existing powers, given that it works so closely on those issues.

Jordi Casamitjana: In terms of animal welfare, the Animal Welfare Act comprehensively covers that. The bit it does not cover is in identifying whether there is a wild animal in the circus. You need powers in the Bill specifically for that purpose. It does not need to be a DEFRA inspector to cover that—it could be the police as well—but you need that extra power to be able to enter a location and find out which animals are kept there, whether they perform and whether they are wild. That is kind of beyond the Animal Welfare Act.

Angie Greenaway: I agree and defer to the RSPCA. Our issue is that we have exposed suffering and violence where inspections have not. It is about being aware. While these animals are allowed to be used, it is quite difficult to obtain evidence of their suffering. It takes long-term observation, and inspectors who just come for a couple of hours might miss things that are happening behind the scenes.

Q76 Mr Seely: I am very grateful to Oliver Heald for doing such a good job defending the rights of Island falconers. However, on a serious point, this is not only about people in remote places who cannot necessarily go back to the animal's home overnight. I know that the previous three individuals answered this question, and I would like you to do so as well. I want to make sure that, in your opinion, there will not be wiggle room in the Act for falconers—whether they are in Scotland or the Shetland islands or Cumbria or Cornwall or the Isle of Wight, where you have to travel, where they could be away—to be challenged by animal welfare campaigning groups such as yourselves over the way they treat those animals if some of their work away where the animals are held captive and live is seen to be irregular. What is your opinion on that?

Dr Chris Draper: Taking what you said as examples, it sounds as like there is a justifiable challenge for the animals' welfare based on the traveling you describe,

but I do not think this is the legislative instrument to do that under; I think it would be better served looking at it differently, under the Animal Welfare Act, for example. I think it is important to keep the focus of the Bill as narrow as possible, to traveling circuses, as has been defined in common usage and as has been attempted to be defined in other constituencies—in Scotland and around Europe—in order to achieve what the public want and to protect the animals in use. I would not want the Bill to be derailed by greying the area into things like falconry when that could be specifically excluded, but that does not negate my concerns about the welfare of birds in falconry.

Q77 Mr Seely: I think the answer to that is that I cannot imagine a circumstance where it becomes so irregular and so often that it would potentially qualify. The problem is, as we know from the Government over the years, unintended consequences are often the consequences of things that were not intended in the first place, so the less wiggle room there is, the better the clarity of the law and the better people know the guidelines within which they can operate. Would you agree?

Jordi Casamitjana: We are against the use of any animal for entertainment purposes, but that does not mean that we are going to use the law to address the use of all animals for entertainment purposes. Obviously, the law deals only with wild animals. We are also against the use of any animal in circuses, domestic included, but the law does not cover that. If the law is specific enough, it will cover only the bits that the law defines—and I think it is specific enough. That does not mean that we are going to stop campaigning against the use of any type of animal, because there are other laws that might deal with that.

Q78 Mr Seely: Out of interest, do you think that show jumping or falconry are inherently cruel? You could say that they are not what wild animals are there for. Therefore, there are animal rights campaigners who would say that we should outlaw racing—so goodbye, Cheltenham—falconry and show jumping, and that we should get rid of a lot of those things because we are forcing animals to do something that is unnatural for them, even if they have done it for generations. What is your opinion on that?

Jordi Casamitjana: Certainly, we are those animal rights people who say that. We believe that animals have an intrinsic value and they have the right to choose what they want to do. If you force them to do activities that they are uncomfortable about, and they are stressed by the way they are being trained, that should stop, because there is no need for it—there is no need for those things. That is our general attitude to using animals for entertainment in a blanket entertainment context and for all the animals involved.

Having said that, there are different ways to deal with it. One is to stop people doing them. You do not have to use bans all the time to stop activities; you can persuade people to stop doing those activities. The level of cruelty in each case varies to the point where you might have laws such as this one, which address those entertainment activities where animals are used that most people already recognise as cruel—most people, even if not all. That is what will happen.

The progress of animal protection over the years has always been pushing the envelope to the next phase, and people are starting to recognise animal suffering which they did not recognise before. They are sentient beings. That will obviously have an effect over the years. The obvious first step, however, is to deal with the cases that are the worst of all. Of all captive animals kept, and all animals used in entertainment, the circus, in my opinion, is the worst.

Q79 Mr Seely: You used the words “free to choose”. Animals respond to their behaviour types; they do not have freedom of choice in the same way that humans do. When you talk about being free to choose, you are getting into a grey area, are you not? A lot of people would dispute the idea that animals are free. Okay, going to a circus is not natural behaviour for an animal—I get that—but what about galloping with a human on?

Jordi Casamitjana: I agree that there is a grey area and different interpretations. I am an animal welfare expert—that is my background. The fact that the behaviour is used in a domestic environment does not mean that that behaviour is the behaviour that the animal would use if it was alive and doing it their way.

For instance, an animal running from a predator is natural behaviour, but running too much is no longer natural behaviour, nor is running for another purpose, because it has been hit or for other reasons. There might be behaviours that have their origins in natural behaviour that have been forced and modified to the extent that they become an animal welfare concern. From that point of view, you can say that even humans have some behaviours that are instinctive and some that are learned. That is no different from any animal. We have feelings; they have feelings. We have intentions; they have intentions.

Angie Greenaway: Regarding the legislation, we know there is long-standing public and political support and commitment to legislate on the issue, as opposed to some of the other issues. People probably accept that there are welfare issues involved with those and things that we might speak out against, but there are inherent welfare issues with the travelling nature of the circus.

We also accept that there are issues with domesticated animals in travelling circuses. Actually, most opinion polls show that there is majority support for a ban on those species as well, although it is not quite as high as wild animals and it has obviously not been consulted on and debated. We would like that to be addressed in the future. There have been so many arguments about the science, the consultation process and all the markers along the way over the past 10-plus years. That is why it is really important to get this legislation through. I am sure people will address some of these other issues in due course.

Q80 David Rutley: Thank you for your contributions. Do you as groups agree that societal attitudes towards wild animals in circuses have changed over time? Why do you think that might be? What are the drivers of that? I am interested in your thoughts about public perception.

Angie Greenaway: That is something we have seen over the past 20 or even 30 years. Public opinion polls have shown that there has been consistent support—70% or 80%—for a ban. The Government consultations in England, Wales and Scotland show that 94.5% to 98% are in favour of a ban. I think some of that is because people generally are more aware of the needs and the

lives of animals through documentary programmes, scientific research that comes out and investigations by groups such as ours, which expose living conditions and the training and handling techniques used in circuses. When people are aware of that inherent suffering, attitudes change, and over time that is happening not just in this country but all over the world.

Dr Chris Draper: All I would add is that I think public attitudes have reached a crescendo. They perhaps reached a crescendo quite a few years ago and we have been kept waiting. This dates back to discussions in Parliament in the 1920s, in the run-up to the Performing Animals (Regulation) Act 1925. Concerns have been raised about how animals fare when they are used for entertainment and exhibition in circuses. Those concerns never went away, but awareness increased of what was going on behind the scenes. This is not just about people's ethical and moral consideration of animals, as it was in those days. It is an emerging picture, but the picture is consistent: the public are now united against the use of animals in this way.

Jordi Casamitjana: I would go even further than that. Some 300 or 400 metres from here, years ago, there was badger baiting, bear baiting and bull baiting going on. In 1835 we banned those activities. There was already a concern then that having wild animals in a circus-like spectacle, where they fought with each other for entertainment purposes, was wrong. The enlightenment—this political, social and philosophical movement—started there, and it has not finished. Time is constantly moving. Our views about how we treat animals are opening up. We see animals as sentient more than we used to. We realise they are suffering. We realise their needs better than before. This drive towards a belief that we do not have the right to impose suffering on animals just for entertainment purposes has continued. It is not surprising that it has taken some time, but it has never stopped—and it will never stop, because that is what social progress does.

Q81 David Rutley: On the discussion about defining travelling circuses in the Bill, there are concerns, which we have discussed at length, that defining them too narrowly may mean that certain activities, such as falconry, cannot happen. It sounds as if you would be quite understanding of an approach that involved using guidance to define things more clearly. I think one of you actually said that might be a more flexible approach that could adapt to changing circumstances in the years ahead. Obviously, primary and secondary legislation can take time. It would be interesting to hear your more definitive views on that. If we were to move forward with guidance, would your organisations be willing to get involved in that process and help review it?

Angie Greenaway: Yes, we would be very happy to contribute to that and to comment on the Scottish legislation as well. Guidance is needed for clarification. As Committee members have mentioned, there are circumstances in which people are not sure whether the legislation would cover something. Guidance would help provide clarity.

Dr Chris Draper: Statutory guidance is necessary in this case; leaving things with an industry-led guidelines approach would not be wise. In terms of the statutory guidelines type of approach, I would be more than happy for Born Free to be part of that process.

Jordi Casamitjana: I would also be happy to be involved. Guidelines give special flexibility, so you can perceive problems and make modifications in the future, when there is suddenly an unforeseen type of activity. We have the reality right now; there is a variety of activities, and therefore it is already neweded right now.

Q82 Luke Pollard: I wanted to go back to Angie's written submission, which talks about the circus animals suffering. There is a general understanding that banning wild animals from circuses is a good thing, and we want to do that, but I have not yet heard—apart from in small bits—about the levels of suffering that we have in circuses at the moment. There is a sense that that has already been banned, so any animals that are already there must be well treated; otherwise, how would people pay money to go to a circus if they felt animals were not well treated? Can you give us a sense of your assessment of the welfare of the animals we have in circuses in the UK currently? What is the best way to assess the wellbeing of an animal in any type of captive environment, especially one where they are subject to so much touring and travelling?

Angie Greenaway: I think the British Veterinary Association covered it well when they talked about the inherent welfare issues of travelling and the fact that the accommodation needs to be small and collapsible and to be put on the back of the trucks. Big cats, even though they are not currently touring, will be in a series of small cages on the back of a lorry; that is their permanent accommodation. Sometimes they might have access to an exercise enclosure, but it will only be for x hours during the day. Elephants will be kept chained all night, at least, and possibly all day.

Other circus animals, such as camels and zebras, might be tethered and on their own. Obviously, they are herd species, so those are unnatural social groupings, which was touched upon earlier. The provision of the accommodation is not suitable, nor is the constant travel. The report by Professor Harris, commissioned by the Welsh Government, said that there is no evidence to show that these animals get used to the travel. Some people think it does not matter and say, "Oh, they've been touring for years." That is still going to be a stressful experience that will compromise their welfare.

There are issues across the board, but also those that are species-specific, depending on how the animals are socially grouped, managed and trained. The welfare of the animals is compromised, and that has been accepted by veterinary bodies. The scientific evidence is overwhelming about the issues involved.

Q83 Luke Pollard: Are there any concerns at the moment that the keepers and those who are employed to look after wild animals in circuses are, in themselves, doing things that are deliberately cruel? Or is it the fact that keeping wild animals in circuses is, as a practice, cruel? Do you have any examples of mistreatment of animals currently?

Angie Greenaway: In itself, the very practice will compromise the welfare of animals, but there are examples. When we did an investigation of Peter Jolly's Circus, the camel was being tormented; it was spat at. There are different things, but it is hard to get at those—that involves investigations. The longer the term that you

can observe them, the more you will see more, as we have found ourselves. It will be a picture that builds, but it is difficult to see if you are just visiting a circus. You might see it from stereotypical behaviour that animals will do to show that they are not coping with their environment—a behaviour that is not seen in the wild. With the big cats, it could be pacing back and forth. It could be head bobbing or weaving, which has been documented by DEFRA about one of the circus camels. There are tell-tale signs, but some of it is about the nature of species. If you are a prey species, you will not show how you are feeling. Some of these things are not apparent, so we will not be able to see just by looking at these animals how much they are suffering.

Jordi Casamitjana: I could add something more specific. The training is often ignored. The problem, when you inspect a performance, is that you do not see the training—you just see the performance. My inspectors inspect a circus and see how the animals are kept and how they perform, but they do not see how they are trained. The methods used train animals to behave in an unnatural way. That is the only thing the circus makes the animals do—unnatural behaviours. That is why they are entertaining—because they are unusual. That forces the animals out of their instincts and their comfort zone and to change their behaviour. Often, that creates fear and distress.

There are positive reinforcement methods, but positive does not mean benign. It means adding a stimulus, as opposed to negative enforcement, which removes a

stimulus. Positive reinforcement means, when you see a behaviour, you use a stimulus to make it happen again—to reinforce it. That might be running; if an animal is running in circles, that animal might be running initially from fear, and that is reinforced by the sound of the whip. The whip is the stimulus that produces constant fear. You can condition the animals to react to something, in training, that causes pain, but that, in performance, is just a noise. In the performance, you just hear the noise, but you do not see the pain associated with the training, which the animal remembers, and that is why he is forced to act. All this suffering, which is often not seen, is inherent in the whole performance element.

There is testimony from Sam Haddock, who was a trainer of elephants in Ringling Bros. PETA got his testimony out to the public in 2009. Everything was recorded. He was training small elephants, and it was very cruel. He admitted, “Look, this is the only way I can do it. Being cruel is part of the way I can train these animals. There is no other way they can learn.”

The Chair: If there are no further questions from Members, I thank the witnesses for their evidence.

Ordered, That the debate be now adjourned.—(*Iain Stewart.*)

11.22 am

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

WILD ANIMALS IN CIRCUSES (NO. 2) BILL

Second Sitting

Tuesday 21 May 2019

(Afternoon)

CONTENTS

Examination of witnesses.
Adjourned till Wednesday 22 May at twenty-five minutes past
Nine o'clock.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 25 May 2019

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The Committee consisted of the following Members:

Chairs: † SIR DAVID AMESS, MRS MADELEINE MOON

| | |
|---|---|
| Carmichael, Mr Alistair (<i>Orkney and Shetland</i>) (LD) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Chalk, Alex (<i>Cheltenham</i>) (Con) | † Reeves, Ellie (<i>Lewisham West and Penge</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| † Harrison, Trudy (<i>Copeland</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | † Turley, Anna (<i>Redcar</i>) (Lab/Co-op) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | Anwen Rees, Kenneth Fox, <i>Committee Clerks</i> |
| † Latham, Mrs Pauline (<i>Mid Derbyshire</i>) (Con) | † attended the Committee |
| McCarthy, Kerry (<i>Bristol East</i>) (Lab) | |
| † Martin, Sandy (<i>Ipswich</i>) (Lab) | |
| † Newton, Sarah (<i>Truro and Falmouth</i>) (Con) | |

Witnesses

Peter Jolly Snr, Peter Jolly's Circus

Carol MacManus, Circus Mondao

Martin Lacey Jr, European Circus Association

Mrs Rona Brown, Government Liaison Officer, Circus Guild of Great Britain

Mr Mike Radford OBE, University of Aberdeen and Chairman of the Circus Working Group

Public Bill Committee

Tuesday 21 May 2019

(Afternoon)

[SIR DAVID AMESS *in the Chair*]

Wild Animals in Circuses (No. 2) Bill

2 pm

The Committee deliberated in private.

Examination of Witnesses

Peter Jolly Snr and Carol MacManus gave evidence.

2.1 pm

The Chair: Good afternoon everyone and, in particular, welcome to our two witnesses. I say immediately to our witnesses that parliamentarians are as not as ghastly as they are painted. We are used to being robust with each other but we do understand that, for our witnesses, this is often the first time you have done such a thing, so deep breaths, relax and enjoy it. Although these evidence sessions are relatively new in terms of parliamentary procedure, the idea is, before we scrutinise the Bill, we are trying to get evidence so that we produce the best legislation possible. Can you project your voices, please, and kindly introduce yourselves?

Peter Jolly: I am Peter Jolly of Peter Jolly's Circus.

Carol MacManus: Carol MacManus of Circus Mondao.

The Chair: Colleagues, we have until 2.45 pm for this session.

Q84 Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Thank you for joining us today. This morning we heard evidence from animal welfare groups talking about how important it is that wild animals are banned in circuses. As circus operators, can you give us your perspective on the Bill and also on the role of wild animals for entertainment?

Peter Jolly: From my perspective, we have been licensed for seven years. We have had more than 40 inspections in those seven years, all of which have been satisfactory, if not more than satisfactory. Like any other inspection, there are tiny little things that have to be rectified and they have been rectified immediately. There is no reason that the animals that are in circus now cannot remain in circus, because the inspectors have inspected them that many times. We work with them all the time. That is our life.

Carol MacManus: The Department for Environment, Food and Rural Affairs did a review on the report, and the report, I think, is outstanding: the animal welfare of the circus was of a very high standard over the five to six years that we have done the licensing. We are still licensed at the moment to keep our wild animals in circuses. I do not believe they are wild animals; they are exotic animals. None of the animals we own is wild. They are exotic animals, all born and bred in this country. Reindeer are classified as wild animals only in a circus. They are not wild anywhere else in the UK.

Q85 Luke Pollard: From your point of view and the way you run your businesses, can you explain what efforts you make around animal welfare? We heard this morning about issues of cruelty towards animals and the sense that this ban is overwhelmingly supported by the British public, which I imagine includes those people who attend and watch circuses. I will be grateful for your perspectives on that.

Peter Jolly: From the animal welfare side of it, our animals do the very minimum performing in a day. For the majority of the day they are outside grazing. Myself and Carol—

Carol MacManus: Spoil our animals.

Peter Jolly: They are grazing animals—hoofed animals—for the majority of the day, apart from maybe one or two hours, they are outside grazing. Their veterinary care is top, because our licence requires us to keep records on a daily basis. Four times a day, for every single animal, we have to record the weather, the environment, what food they have had and what we have done with them, such as if we walk them from the paddock to the big top. There are no welfare problems at all.

Carol MacManus: We did a survey while we were doing the tours of the circus in 2010—I know that is a while back now—that 10,000 people filled in, and 84% was positive. Some of them did not even realise what the survey was and just ticked all the boxes because they weren't really reading it. You say that an overwhelming majority want to ban animals in circuses, but the majority of those people are against us having animals in any form of entertainment. Slowly but surely you will find that they try to ban everything.

Q86 Simon Hoare (North Dorset) (Con): What animals do you keep?

Peter Jolly: Do you mean animals or what are classified as wild animals?

Simon Hoare: The animals that would be covered by the Bill, were it to become an Act.

Peter Jolly: Camels, zebra, reindeer, an Indian cow, a fox, two raccoons and a macaw.

Carol MacManus: And I have one zebra, two camels and two reindeer that I believe are questionable anyway.

Q87 Alex Chalk (Cheltenham) (Con): Because they are not reindeer?

Carol MacManus: Because they are not really wild in this country—only if they are owned by a circus.

Q88 Simon Hoare: There is always this fine divide, and because one can does not necessarily mean that one should. Do you think, in this day and age, with the popular access to wildlife television programmes and conservation and so on, that animals should be used for entertainment in that way? What good is that doing, apart from entertaining?

Peter Jolly: It is not just the entertainment in the ring. We have children coming to the circus who have never seen, smelled or touched a camel. I have a fox that is now 15 years old that I hand-reared from three or four days old. The only foxes that children see are on the side of the road, dead. They do not see these animals. Safari parks and zoos are very good in their own way, but not everybody can afford to go to a zoo or safari park, because they are very expensive.

Simon Hoare: Mr Jolly, I quite specifically did not mention zoos or safari parks, because I think you can construct a perfectly—the question I asked was whether, with access to internet and television—

Peter Jolly: It is not the same. You cannot smell an animal on the internet or on the television.

Simon Hoare: Having smelled camels, I think I would prefer not to have to smell them.

Carol MacManus: Are you saying we smell?

Simon Hoare: Not you, Ms McManus, but camels are not known for their—you do not find them on the Estée Lauder counter, do you?

Carol MacManus: No.

Q89 Simon Hoare: So the question is whether you should use them in that way.

Peter Jolly: Yes.

Carol MacManus: Why not?

Q90 Simon Hoare: Could you give me your justification for that?

Peter Jolly: My service is a family service. It is family orientated, so we deal with a lot of children. They do not get to see these things. Why should we deprive those children of contact with live animals? They are not wild animals; they are live animals. As Carol said, our animals, in our eyes, are exotic, not wild animals.

Q91 Sandy Martin (Ipswich) (Lab): I believe you are basing some of your evidence on the idea that the animals that you have are domesticated; you mention, Ms MacManus, that camels are domesticated in most areas of the world. However, at least one person has written to us saying that elephants have been domesticated for thousands of years. They could be counted as domesticated animals.

Carol MacManus: But we do not have any elephants.

Q92 Sandy Martin: I am not suggesting that you do; I am asking whether you believe that elephants should be counted as domesticated animals. If so, why should we not allow elephants in a circus? We had a submission from the Fédération Mondiale du Cirque, suggesting that all circuses should have animals, including lions, and a submission from a circus in Germany that also has lions, making the case that having lions in circuses is perfectly acceptable. Were it possible for you to have elephants and lions, would you? Also, do you agree that if we do not ban wild animals in circuses there is every possibility that somebody else will come in with a circus that has elephants or lions, or both?

Peter Jolly: My point of view is that I do not have elephants or lions at the moment, and I do not intend to, so that would not apply to me. Obviously, I cannot speak for another circus coming in from abroad. That is up to the Government, in terms of imports and exports, and whether DEFRA would allow them in. I cannot see why, if a circus came over from another country, it should not operate.

Carol MacManus: There are not many—no, I should not say that really. The regulations with DEFRA should have carried on. I do not believe that they should have stopped. That would have stopped any issues with anybody who did not keep their animals correctly. What we had to do for the DEFRA regulations was more stringent

than what zoos, safari parks or any other industry has to do. If someone does it correctly, why should there not be other kinds of animals in circuses? However, at the moment we are arguing for our animals. We do not have any elephants or cats.

Q93 Sir Oliver Heald (North East Hertfordshire) (Con): On the definition, let us start with birds. We are told that budgerigars and canaries are not wild animals; they are domesticated in Great Britain. However, apparently macaws are considered wild. You have described some other issues. How clear do you think the definition is of what is or is not domesticated?

Peter Jolly: There are a few animals. I have a miniature cow that is on the circus licence. It should not be on the circus licence; it is a cow. Hundreds of people keep macaws as pets. Mine has bigger facilities than any pet macaw. He is allowed to free fly, and he has a large enclosure when he is not free flying. I got him from a home that kept him in a 2 foot by 3 foot cage. These animals, in some hands, are allowed and are classified as non-wild, but because the word “circus” is added to the licence they are classified as a wild animal.

Q94 Sir Oliver Heald: Carol, you mentioned exotic animals. An exotic pet is a wild animal that is being kept as a pet, is it not? So is an exotic animal not a wild animal?

Carol MacManus: No, it is an exotic animal.

Q95 Sir Oliver Heald: What is the difference?

Peter Jolly: My macaw was born in captivity. It was not wild-caught.

Q96 Sir Oliver Heald: May I turn to Carol for a minute? You keep talking about exotic animals.

Carol MacManus: They are exotic.

Q97 Sir Oliver Heald: An exotic animal is just a wild animal. An exotic pet is a wild animal that is kept as a pet.

Carol MacManus: Possibly, but I have a cockerel. He is the only animal on our circus that is likely to attack you. Is he a wild cockerel or a domesticated cockerel? He is aggressive.

Q98 Sir Oliver Heald: I am just trying to work out the definition that you are trying to give us. What do you mean by an exotic animal?

Peter Jolly: It is usually one that is domesticated in other countries, but may not be domesticated here, such as a camel. We classify that as exotic. My cow is an exotic cow, because it comes from India.

Q99 Sir Oliver Heald: We were told earlier that some of the wild animals are disrupted and upset by a lot of travel. They are essentially wild, and although you may persuade them to perform by a form of training, moving them from place to place disrupts and upsets them. It is just wrong, we are told.

Peter Jolly: It is the opposite.

Carol MacManus: I think it will be more distressing and upsetting when there is a ban and I have to either leave or rehome my baby camel and his father. We have already had to leave them behind once before, because we could not take them to a site, and the baby camel spent the whole week crying.

Q100 Sir Oliver Heald: Yes, but what about my point that an itinerant lifestyle for wild animals, which are the ones covered by the Bill, is wrong because it upsets them and disrupts them?

Peter Jolly: It does not upset them.

Carol MacManus: Who says it upsets them?

Sir Oliver Heald: It is unnatural to their way of life.

Carol MacManus: No, it is not.

Peter Jolly: My camels load themselves when it is time to go to the next place. We do not have to lead them like a horse or anything; they get into the trailer themselves.

Simon Hoare: So did Pavlov's dog.

Q101 Sir Oliver Heald: So what is the difference between your camel and a horse?

Peter Jolly: We treat it like one. We lead it the same and treat it the same.

Carol MacManus: None of our animals shows any sign of stress at all when they are travelling. In fact, some stress tests have been done on lions, which are wild animals. I am sure that Mr Lacey will tell you about that later, because I do not know the ins and outs of it, but proper stress tests have been performed.

Q102 Sir Oliver Heald: Are there any animals that you would say should not perform?

Carol MacManus: No.

Q103 Ellie Reeves (Lewisham West and Penge) (Lab): Some of the answers to Mr Hoare's questions were about children being able to see the animals because they are in a circus. Is that different from going to see an animal in a safari park, for example, where the animal is in a habitat in which it is not required to perform? In a way, safari parks try to recreate the natural habitats that animals live in, whereas in a circus the animal is expected to perform for a crowd, which is completely at odds with what it would do in the wild. I want to challenge some of the comments that you made. What would you say in response to that?

Peter Jolly: I would rather that an animal perform in a circus than that it be in a safari park, where there are hundreds of cars going by with fumes, noise and children banging on the windows. There is no comparison. Our animals are calm and are handled gently; they are not in a safari park situation, where youngsters and the cars driving past are upsetting them. We do not do that.

Q104 Ellie Reeves: What about when they are packed up and have to travel from place to place?

Peter Jolly: We do not pack them up.

Q105 Ellie Reeves: But they move around, do they not?

Peter Jolly: Our animals are transported; we do not pack them up. We pack the tent up.

Carol MacManus: Zoo animals are moved around, too, but they are generally not used to it. I am not an expert on zoo animals, but I believe that most of them

are usually sedated to be moved around, or at least to be put in the transporters. We do not do any of that. All our animals are quite happy to move along the road. They travel next to the same companion that they have travelled with all the time. They are used to the other animals, used to the environment and used to us. There is nothing strange or stressful.

Q106 Ellie Reeves: How often do they have to be transported?

Carol MacManus: We move once a week, on a Sunday.

Peter Jolly: We move once a week.

Carol MacManus: Then they have two days off, because generally we do not work on Monday and Tuesday, and then they work—if you can call it work—from Wednesday to Sunday. They appear for about two minutes in the circus ring. They are not over-stressed.

Peter Jolly: Ours are the same.

Carol MacManus: In 2013, we had 85,000 attendants at our circus. We know that some people are saying, "Oh, we're not doing very well this year," but with animals we seem to be doing fine. People come to see our animals.

Q107 Trudy Harrison (Copeland) (Con): Mr Jolly, you referred to your two racoons and your fox, zebra and camels. If there was a ban, what would happen to those animals?

Peter Jolly: Nothing. I would change my business to something else, but the animals would stop with me.

Q108 Trudy Harrison: What proportion are they of the entertainment you provide with the circus? What other acts does it include? I have not been to your circus myself.

Peter Jolly: Clowns, acrobats, wire walking, juggling, a western act, an eastern act.

Trudy Harrison: Surely you would not want to give all that up if wild animals were not permitted in circuses.

Peter Jolly: I would. It is my 70th year this year, so I am not going to change from doing the animals now. I have done them all my life, so I am not going to change now.

Carol MacManus: I do not really know. I have not really got a plan. I have inquired, and several places would take them. I do not really want to give them away but I cannot see them happy at home—they would not be happy at home on their own. The other animals would carry on travelling with the circus. So, I do not really know. I have not got that far yet.

Q109 Trudy Harrison: Did you say that the wild animals would continue to travel with the circus?

Carol MacManus: No, I did not say that.

Trudy Harrison: I am sorry; I misheard you.

Carol MacManus: I said that they would not be happy being left at home.

Q110 Anna Turley (Redcar) (Lab/Co-op): Thank you very much for coming to give evidence. Could you talk us through a bit more about how you look after animals, and what their sleeping conditions and training regime are like? Could you talk us through an average day for the animals?

Peter Jolly: An average day starts at about 8 o'clock. My grazing animals are outside. They have inside and outside access, so it is up to them whether they go out or come in. They are cleaned, mucked out, fed any concentrated food that is required, and watered. Young animals in training go into the circus tent and are walked through, to start with. With all the animals, we walk them into the tent so that they can see the atmosphere, and we feed them as we are doing it. That might be for 15 minutes, and they then go back out into their paddocks for the rest of the day.

At 4 o'clock, we bring them in to what we call the stable tent, where they are kept before the performance, and they are groomed and checked over. If they wear any sort of headdress or harness, that is where those are fitted. They do their performance, which lasts anything up to three to four minutes. They stay in that tent until the end of the whole performance and then go back out to the grazing. That is a typical day for them.

Q111 Anna Turley: That is really helpful, thank you. What sort of performance is it? What do they typically do?

Peter Jolly: The camels and the zebras basically walk around the ring. They stand on what we call pedestal stands and the zebra walks in and out of them. I have a donkey and a lamb in the same act, and a miniature cow, and it lasts anything up to three minutes.

Q112 Anna Turley: How long would it take to train an animal to do that?

Peter Jolly: The training starts when they are young and it is not training them in tricks. The training is in teaching them to lead, and to come to you when you want them. With all our animals, we can go to the edge of our enclosure and call them and they will come up to us, and that is done only by reward and training.

Carol MacManus: It is trust.

Q113 Anna Turley: That is a question I was going to ask. During those training stages, what happens if an animal does not comply or does not respond?

Peter Jolly: You take it out. It is very similar to with children. If children start doing work wrong, the more you push them the worse it gets. So all you do is say, "Right, that's it. Training session over. Start tomorrow again".

Carol MacManus: It is all little and often.

Peter Jolly: It is all done by reward. Some of it is clicker training, and some of it is by reward.

Q114 Anna Turley: You said that you have substantial regulation to monitor all that. Have you had any issues where you have had to bring vets in, or any crises in the last year? What sort of situations have you had?

Peter Jolly: No crises. We have had two inspections this year up to now. We have had no health problems. In our regime you have to worm, and the lead vet has to check them four times a year. You have to record any tiny problem like worming and things like that. It all has to be checked. We also take weights four times a year.

Q115 Anna Turley: So you have not had to call a vet for any of your wild animals?

Carol MacManus: Not since the start of this year, no, if you are counting this year.

Peter Jolly: Only the inspection vets.

The Chair: We have under 20 minutes left. Four colleagues have indicated that they want to speak before the Minister does. If anyone else wants to say something, could they catch my eye?

Q116 Sarah Newton (Truro and Falmouth) (Con): May I just say, Mr Jolly and Ms MacManus, that you are coming across as people who care very much for your animals?

Carol MacManus: We do.

Peter Jolly: We're a family.

Sarah Newton: I can hear that.

Peter Jolly: My grandchildren are in the circus now. It is a family business that uses animals. We are similar to farms.

Carol MacManus: I do not know how many of you have a pet, but if you had a pet dog and somebody told you, "We're going to ban pet ownership", how would you feel?

Q117 Sarah Newton: I can understand that this is very difficult and emotional for you. We can appreciate that. It is a whole way of life for you. What has struck me from what you have said is that in addition to the wild animals—you call them exotic animals—you have other animals. You might be thinking, "If this does come through, we'll look to diversify. We may have other animals," because clearly you love animals and you think children should have these opportunities. Could you talk to us about how you might diversify—maybe you could have some snakes?

Carol MacManus: They are wild animals, so we cannot have them either.

Q118 Sarah Newton: Are there any other sorts of animals that you—

Peter Jolly: It is only ponies—I have ponies—and donkeys, goats, that sort of thing. They are the only things. Llamas are not classified as wild.

Q119 Sarah Newton: So you would carry on doing what you were doing but you would have other animals that were not considered to be exotic or wild animals?

Peter Jolly: Or we could go off and do country shows and things like that with the animals that we have.

Q120 Sarah Newton: Talk me through that. You feel that you would be able to keep the animals you have, which are wild animals—although you call them exotic animals—but do something else with them.

Peter Jolly: We could do film work and county shows. We could still have a circus, but outside.

Q121 Sarah Newton: Do you feel the definitions in the Bill would enable you to do that?

Peter Jolly: I think the word "circus" needs to be clarified. Saying that it has to be in a big top is not correct. A circus can be anywhere.

Q122 Mrs Pauline Latham (Mid Derbyshire) (Con): Clearly, you are very fond of your animals and have had them for a very long time. Mr Jolly, you said that you would not continue, but you are Peter Jolly senior, so obviously your children and grandchildren are involved.

Peter Jolly: There is a junior.

Mrs Latham: Would they continue with the circus or would they close it down?

Peter Jolly: They might continue with the domestic animals, but they would not part with the exotics. They would move on to other work with the exotics.

Q123 Mrs Latham: You said you would take them to county shows if the ban came into being. What sort of things would you be doing at county shows?

Peter Jolly: A circus.

Q124 Mrs Latham: So if we decide to go down the route of banning wild animals in circuses, we also need to look at the definition of a circus. You said you have llamas and goats. What other animals do you have? Do you have dogs?

Peter Jolly: Yes—dogs, fan-tailed pigeons.

Q125 Mrs Latham: Do you have doves?

Peter Jolly: People call them doves, but they are actually fan-tailed pigeons. People always call them doves for some unknown reason. We have dogs, goats, llamas, ponies, donkeys.

Q126 Mrs Latham: What about you, Ms MacManus?

Carol MacManus: We have eight horses, five ponies, a mule, a donkey, five llamas, two camels, one zebra, 38 pigeons, six doves, two reindeer, 10 dogs, six ducks, four chickens, two cats.

Q127 Mrs Latham: If the ban came into place and you could not use the wild animals, you would continue with the other animals.

Carol MacManus: Yes.

Q128 Mrs Latham: You both said that you either would not get rid of them or would not know what to do with them, and that they could not stay at home. If you were doing county shows, though, that would not be every week.

Peter Jolly: No.

Mrs Latham: It would be occasional use, presumably.

Carol MacManus: If we got work every week, would there be a difference? If we were working through winter-time with our reindeer jobs, we could be out every single day.

Mrs Latham: Yes, because of Santa Claus.

Carol MacManus: And we could be taking them up and down the country, all over the place—much further than we ever travel.

Q129 Mrs Latham: I don't know about that, but I have seen reindeer in situations at Christmas. I do not know where they have come from or whether they are resident there, but I think it is the fact that they are moving every single week that is seen as the problem.

Carol MacManus: But it is fine for reindeer and racing camels to be going up and down the motorway to different places and strange county shows, with maybe a drag-racing car going off next to you. I have had the circus in a county show area, when we were at Bakewell, and it is not nice.

Q130 Mrs Latham: You were talking about being in safari parks, where cars were going past them, but in the confined space of a circus ring there are hundreds of people around them, in very close proximity, tapping, cheering, shouting,

Carol MacManus: I think they quite like it, actually. Our zebra doesn't like it if he does not perform; if, for any reason, he does not perform, he gets stressed. He knows when the music is on. He stands waiting at his door for the young lad to take him across to the ring to work with me—there is only one handler who handles him. He likes performing. When I had my old zebras, they used to free-range around the site. They would always be in the big top, where the shade was, or wandering round the site.

Q131 Simon Hoare: I think you have given us food for thought. To pick up on what Ms Newton said, it is clear that you care very much about the welfare of your animals, and you are operating under a strong and robust regulatory regime at the moment. I am slightly confused about the point about car noise in a safari park.

Peter Jolly: I was talking about fumes.

Simon Hoare: You did speak about noise as well. Unless your audience is made up of children who subscribe to the Trappist way of life, they will make some noise. All I have to do is take my jacket off the hook and my dogs know that we are going for a walk—animals will always respond to those sorts of things.

Ms MacManus, your submission to us is dismissive of ethics, if I can put it that way. I can understand why you make that argument, but I want to ask whether you accept two things. First, do you accept that one rotten apple will spoil the barrel? In your sector, poor behaviour has shone a spotlight on the whole issue, which means that the good, the bad and the ugly get hit in exactly the same way.

Secondly, I do not say this to draw a direct comparison, but I am pretty certain that the family who were fourth generation bull or bear-baiters would have said, "But we've always done this; it is our way of life", because that is what they would have known. Things change when perception and attitudes change. This almost goes back to my first question: do you accept that, just because one can, that does not necessarily mean that one should, and that in the general national consciousness the time of having wild/exotic animals in a circus for entertainment or educational purposes has reached its sell-by date, has passed and is a bit old hat, and that people want to move on because our ranking of animals has changed and is evolving?

Carol MacManus: No.

Peter Jolly: The majority of people still want to see circuses. You are talking about a handful of people who hit the media, Facebook and all that, who are whipping up this hysteria. When we go to a village or a small town,

everybody wants to come and see the circus, which contradicts that. We would be out of business if we didn't have the general public coming to visit us.

Simon Hoare: That's a fair market counter-argument that you put.

Carol MacManus: And we have moved with the times and we do make improvements—everybody makes improvements all the time.

Peter Jolly: Just having the licensing scheme is moving forward. That was a move forward.

Carol MacManus: Anybody here should read that before they make their decision, because the review on our reports speaks volumes.

Q132 Alex Chalk: Two things. First, your basic argument, as I understand it, is that any wild animal—or exotic animal, as you call it—should be able to perform in these circuses.

Peter Jolly: We might not want to use them, but what we are saying is that if they can be kept according to the proper methods and welfare, you should be allowed them. You should not be allowed them if you cannot meet the stringent welfare standards.

Q133 Alex Chalk: May I ask you a couple of questions about that, then, and take, for example, a tiger? Tigers are solitary animals. Would you agree with that?

Peter Jolly: Yes.

Q134 Alex Chalk: They roam across wide areas when they are in the natural world. Do you agree with that?

Peter Jolly: Yes.

Q135 Alex Chalk: They very often have habitats of 60 sq km. Would you agree with that?

Peter Jolly: Yes, in the wild.

Q136 Alex Chalk: So would you agree that to put them in a circus would be to put them in a wholly artificial environment?

Carol MacManus: I do not think these are questions that you need to be asking us.

Peter Jolly: You are asking me, but I have not got tigers, so I cannot answer the question.

Q137 Alex Chalk: Okay. The next thing I want to ask is this. You have horses on the one hand and camels on the other—you have camels, correct?

Peter Jolly: Yes.

Q138 Alex Chalk: Do you detect any difference in the way that those two animals experience being in a circus? Before you answer, the evidence we heard this morning was, "Don't worry, Mr Chalk. Horses are different because they've been domesticated over centuries." My question is whether the experience of a camel is in fact any different from that of a horse.

Carol MacManus: I think that the camels are much more laid back and less likely to get spooked. The horses pick up on little things and decide, "Oh, I don't like that today. I don't like that spotlight." The camels

just come in and do their little job. Sometimes the baby will have a little dance. They are definitely much more laid back and calm than the horses.

Alex Chalk: That is all I wanted to ask.

Q139 Mr Bob Seely (Isle of Wight) (Con): For my own understanding, and hopefully that of the Committee, I will try not to repeat things, but ask about a few things that seem to be at the heart of the argument and of the debate. You are saying that these animals are not, in any meaningful sense, wild, because they have been domesticated all their lives. Have they been tamed to the same extent as domesticated animals would be in this country?

Peter Jolly: All our animals are, yes.

Q140 Mr Seely: So they are not wild animals according to a definition of the word that you would accept. They are just non-traditional kept animals.

Peter Jolly: That is right.

Q141 Mr Seely: You are saying that the evidence shows—correct me if I am wrong; if you could point to the evidence, that would be great—that their levels of stress are no different from other animals. One of the central arguments we heard this morning was that being in a circus was not true to their nature.

Peter Jolly: The thing is, we cannot explain it without people actually coming to see it. You have to see it for yourself. The animals are not stressed in any way. They are happy in the environment they are in. They are as far away from wild animals as you can get. We class it as handling; taming is not a word we use.

Q142 Mr Seely: Because they have not known an alternative existence that, according to people this morning, would have been more true to their nature.

Peter Jolly: Camels have always been kept by one nation or another.

Carol MacManus: There is evidence on the internet that there are only 100 wild camels left and that there are three different species of camel: the domestic dromedary, the domestic Bactrian and the feral Bactrian. We definitely do not have the feral Bactrian.

Q143 Mr Seely: The second central point seems to be the generalised discussion about whether having animals in circuses is an idea whose time has passed. You are obviously disputing that. Will you continue to keep animals in your circus, but just non-wild, legal ones that are more domesticated—horses and dogs?

Carol MacManus: Well, we will have to. We will be forced to do that if the ban comes in, won't we? We will still continue with animals in circus, yes.

Q144 Mr Seely: So you will continue with animals, but obviously not the "wild" ones, although you are challenging the definition of what is wild?

Carol MacManus: Yes.

Peter Jolly: Yes.

Q145 Mr Seely: Okay. One of the problems, as one of my colleagues mentioned earlier, is that there has been some bad publicity about this, which has obviously

[Mr Seely]

damaged the cause of having “wild” animals in circuses. Do you accept that there is a considerable difference, as Mr Chalk was saying, between having hunters such as lions and tigers in circuses, who do roam wildly and are in pain in an enclosed space, and more passive animals such as camels?

Peter Jolly: We can't really comment on that, because we do not have them. We do not work with them to see that.

Q146 Mr Seely: Fair enough, sir, but in your lifetime you will have come across circuses with wild hunters and not just—sorry, I do not know the correct term for something that is not a hunter.

Peter Jolly: Predator.

Q147 Mr Seely: Yes. Apart from the fox, you do not have predators in your circus nowadays.

Peter Jolly: No.

Q148 Mr Seely: Do you accept that there would have been a difference—morally or practically—between having predators such as a lion or a tiger and having non-predators in a circus?

Carol MacManus: Not if they are kept correctly, no.

Peter Jolly: It is all down to them being kept correctly, and to animal welfare standards being high. You have got to provide the facilities.

Q149 Mr Seely: I am guessing here because I am no expert on this, but it seems to be a more complex argument to make that you can hold a lion or a tiger in a captive environment and give that animal a happy life, in the same way as you can a camel. I can actually readily accept the argument for the camel, given that camels hang out with people and have done for thousands of years.

Peter Jolly: My camels are in 10 acres of ground at the moment.

Carol MacManus: We are not asking for that. We are asking if there is any possibility, somehow or other, to make a little amendment so that our animals can carry on travelling—

The Chair: I will have to interrupt. We only have three minutes left.

Q150 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): I just have a couple of questions. Thanks for coming along today—we appreciate it. In terms of the animals we are talking about now and the ones you have, I understand that you want them to carry on travelling. As you know, the legislation we are considering at the moment does not allow for that, so I just wanted to ask again about retirement plans for the animals. Mr Jolly, you seemed to indicate that this might be enough for you to decide that you do not want to carry on in the circus arena anymore, and you, Ms MacManus, you were not too clear what was going on.

Carol MacManus: I don't think it is fair on the animals.

David Rutley: Understood.

Carol MacManus: If I leave my camels behind, I would have to leave some llamas and horses behind just to keep them company. They were really stressed when I could not take them to Spalding.

Q151 David Rutley: When you talk about leaving them behind, do you have people at your winter base all the time?

Carol MacManus: I wouldn't just turn them all out in the field and hope they were still there when I got back next week or next year.

Q152 David Rutley: Forgive me, I do not know how your operating model works. You do have people at your winter quarters throughout the year?

Carol MacManus: At the moment, no, but we would have to put that in place, because we would have to look after the animals.

Q153 David Rutley: So that would mean that, although you do not have definitive plans, you have options for your two reindeer, your zebra and your two camels.

Carol MacManus: If it makes a difference on the Bill, I could say I am just going to have them all put to sleep, but I do not think it would make any difference. So, yes, there are plans in place.

Q154 David Rutley: Thank you very much.

I have one other quick question. There is a lot of public interest in this Bill, and some people want to see this happen as soon possible. If the legislation was put in place before 20 January 2020—I think that is the deadline; is that right?—would you be able to cope with that in terms of your plans?

Carol MacManus: But I thought we were still licensed and that our licence was valid until January 2020. I am not a lawyer, so I do not know. I would have to get a lawyer on to that case. I thought we were safe until January 2020.

Q155 David Rutley: Mr Jolly, any thoughts on that?

Peter Jolly: If it goes on till 2020, we are in the winter quarters anyway.

Carol MacManus: But say a ban comes in next week.

Q156 David Rutley: It will not be next week, but what if it was brought forward earlier?

Peter Jolly: We travel until November.

Carol MacManus: Won't that contradict the legislation that is in place?

The Chair: Order. I am sorry, but the time has passed so quickly. I want to thank our two witnesses for the time you spent with us. We thank you for your full and frank responses to the questions. You have given very valuable evidence to the Committee. Thank you very much indeed.

Carol MacManus: Thank you for having us.

Examination of Witnesses

Martin Lacey Jr and Mrs Rona Brown gave evidence.

2.45 pm

The Chair: We will now hear oral evidence from the European Circus Association and the Circus Guild of Great Britain. I do not think I have to repeat what I said

to the previous witnesses, because you were already sitting in the audience. Would you kindly introduce yourselves and perhaps make a brief opening statement?

Rona Brown: My name is Rona Brown, and I am a wild animal trainer. I worked in the film industry with wild animals for 60 years. A lot of the animals I get come from the circus, because they are the ones that are handled, reared, used to travelling and used to being told what to do. They do not mind lights, music and people. They are easy to work, and they love doing the work. That is what I have done all my life. I am also a betweeny person for the circuses and DEFRA.

Martin Lacey: Hello, Sir David Amess. Thank you very much for having me. It is very good that you are giving us a bit of time to speak. My name is Martin Lacey. I was born in Sunderland, and I left England when I was 17 years old, so I hope you understand my English—I am always thinking in German. My family comes from a zoo background, not from a circus background. I became an artist at the age of 18 with my lions, and I have been all over Europe working with them. I have won the most prizes that any artist could win; I have won animal welfare prizes for my show. I also work with politicians in Germany, Italy and Spain.

Q157 Luke Pollard: You heard the questions we asked the last panel in relation to animal husbandry and the welfare of wild animals in circuses in the UK. Martin, from an international perspective, when bans have been introduced elsewhere—you said that you travel with your animals—can you expand on what difference that has made to the business? How has operating in countries where there are bans affected the business of travelling circuses?

Martin Lacey: The problem is that, due to animal rights groups—I have seen this many times when I work with politicians—you are very ill-informed. What bans are there? The bans we are talking about are in eastern Europe, where there should rightly be a ban, because they cannot even look after themselves, let alone animals. You have to understand that places like Germany have a very high standard. In fact, it was great to see DEFRA put these regulations in place. That is what circuses need to go on in the future. Animal welfare is, absolutely, very important.

I have read that animal rights groups say that they have a ban in Italy, which is not true, and that there is a ban in Austria, but there were no circuses in Austria to fight for circuses. Therefore, the wording has changed, which makes you believe that there are bans everywhere. There are problems in Germany—of course we have problems. We have some towns where they say they do not want to have wild animals, and we have been successful every time with legal action.

There are so many studies and facts—this is not what I say; it is actually facts—that show that animals are good in the circus. That can answer many questions that were asked before. It was already proven in the 1980s by the RSPCA and Dr Marthe Kiley-Worthington—I think the last report was in 2010—that it is a fact that animals can be good in a circus. Therefore, although you ask me about the change of bans in Europe—I work in Germany, Spain and Monte Carlo, where they have the biggest circus festival in the world—there are no bans. Yes, other

countries have bans, but I have never worked in those countries. It is not brought out in the right way. I mean, Cyprus—I do not even know the circus that would have been in Cyprus. So there are places with bans, but it is a bit wishy-washy.

Q158 Luke Pollard: Thank you for that answer. If I may, Mrs Brown, I found your written evidence very interesting—how you put across your case. Your submission said that the Bill is

“discriminatory; disproportionate; driven by animal welfare groups”.

Do you think that there is an animal welfare problem with wild animals in circuses at the moment? This morning, the animal welfare groups provided examples of animals they regarded as poorly treated and out of their natural environment, causing them a great deal of stress. I am wondering how the evidence that we heard this morning fits with your view that the Bill is unnecessary.

Rona Brown: I think it is totally unnecessary, because we have laws that cover and look after animals in circuses. When the circus regulations came in, there was a circus that had lions and tigers, and it worked very well. It depends whose hands the animals are in, and whether they are any good or not, so that the animals are looked after properly. The circus regulations have ensured that animal welfare is good, that the animals are looked after properly, that the people who look after them understand what they are doing, and that there is no unjust behaviour towards the animals.

When I said that the Bill was driven by animal welfare, I meant animal welfare rights—people who think this is wrong, and try to convince everyone else in the world that it is wrong. In every industry, in every sector, there are people who do wrong things. You have to have laws to protect whatever they are dealing with—whether that is children, old-age people, animals or whatever—and that is where the regulations have done really well, because they can ban the bad people, not give them a licence, and make sure that they are doing the right things, and they can also support the ones who do it correctly.

All people who go to see the circus have a choice about whether they want to see circuses, and they have chosen to see one. It is all very well saying that 97% of the British public support a ban, but there were only 12,000 replies. What have we got? Sixty-six million people? So that is miniscule—the people who replied. The people—families and children—who go to see the circus think it is wonderful. They do not like bad circuses, and neither do I—I have seen bad circuses, and I know what I like and do not like. I do not like the bad ones, but I will support good ones, and I support the licensing system we have.

The Chair: I should have advised everyone at the start that this session can run until 3.30 pm.

Q159 Mr Seely: You said, Martin, that animals can be good in a circus. When you say “good”, do you mean that they can lead happy and fulfilled lives despite the fact that a circus is very alien to the natural environment that, technically, the animals were designed to appreciate?

Martin Lacey: I understand all your questions because, like I said before, I have learned from work with politicians that they do not understand so much about the circus. What we have to understand is that the circus is 250 years old. I am an animal trainer; that has evolved in the circus over 250 years. I was at boarding school in Lincoln, and I had these questions from my friends in the RAF, the Army and normal life—not circus life. Stress really interested me: do animals have stress when they travel from town to town?

I was the first person to do stress tests on my lions, when many people said, “Don’t do that, because they might have stress.” No, we love our animals, and we want to see whether it is really bad for them to travel. I was the first person to do checks with my lions—with lions in Africa and with lions in Zürich zoo in Switzerland. It was a private handler and me, looking at whether the animals do not do enough. The studies showed that my animals were more busy; in fact, we had to ensure that they did not do too much. A lion needs 18 to 22 hours’ rest. When you have two shows a day and training, they have a very full day.

As I said, my family comes from zoos. My mother and father said those things in the 1960s, and everybody thought that they were crazy. They were doing shows in the zoo—they owned Sherwood zoo and Sunderland zoo. They then went into working with the animals, because it was proved, again on facts—Marthe Kiley-Worthington—that the animals benefit from training.

Q160 Mr Seely: But it has to be animals that are brought up in that environment, not taking a wild animal. It is a bit like when you bring up a kid. You either give it a very stable life, or if you are going to go around the world—

Martin Lacey: Absolutely correct. It is exactly what Rona was saying: you have good and bad in every walk of life. We have good politicians and bad politicians; we have good animal trainers and bad animal trainers. I have worked with big cats since I was 17. We are inspected every week by the vets in Germany. The inspections are a little more rigorous than in England, and a prosecution has never been brought against me. In fact, the vets always speak about my work.

When you ask me about animals in the circus, you have to understand many things. Things have changed. I keep hearing about “tricks”. There are no tricks in a modern circus; it is natural movement. We are working with animals. My lions are 22 generations born in the circus. Yes, they would still be classed as wild animals, and they still have their instincts. However, it is just like when a dog walks around before it lies down on the floor. Those are instincts that dogs have from when they were wild dogs, because they were getting rid of the snakes on the floor before they lay down.

The instincts will stay in the animal, but we have done all the scientific reports to see whether the animals have everything that they need. We have checked whether they are stressed, whether they have what they need in nature, whether they have their social group and whether they are busy enough. As animal trainers, we look for all those things. We asked for those studies to be done, and they are controlled studies with vets because we want the best for our animals. Everything has evolved. Zoos used to have animals in small cages, but they evolved into natural gardens. The circus has also evolved.

Q161 Mr Seely: Looking from the outside, apart from the social aspect, you have a pride of lions—I do not how many you have, but you have a bunch of lions—and then you have a bunch of lions in the wild. Your lions have social interaction, but how much they roam and what they do with their time is very different. You are arguing with confidence, based on the evidence that you are citing, that they can have as fulfilling and uncruel lives where you are as opposed to in the wild. That is an argument that some people find difficult to accept, and this morning’s witnesses argued very strongly against it. They said that it was inherently cruel.

Martin Lacey: First of all, I am talking about facts. This is not just what I say; it is fact, because we have done enough studies, although they have sadly not been listened to by the English Government. The RSPCA has also rubbished the studies that have been done.

We do not have much time, but afterwards I will give you the modern way lions live in a circus. I have a book; it is all in German, of course, but I have translated the foreword so that you can understand what it is about. There are lots of pictures that tell you what we do with the animals—if you are interested, after the meeting I have the books for you. It was very short notice; they told me on Thursday to come, and I flew in this morning from Frankfurt. I have done that for you so that you can understand that things have changed. I understand what you are saying, because for the last 20 years you have not had a circus with wild animals. Is that correct?

Rona Brown: We have, because at the beginning of the regulations Peter Jolly’s circus had three lions and two tigers.

Martin Lacey: Was it a good example?

Rona Brown: It was very well put together, yes. It was Peter’s licence, and Peter monitored it, looked after it and made sure that everything was correct. They left Peter’s circus after the first year, and on their own they have been unable to get a licence since. It shows that wild animals such as lions and tigers can be looked after properly and comply in the circus.

Q162 Mr Seely: What is their life expectancy in the wild and in your circus?

Martin Lacey: That is a very good question. In the wild, the life expectancy for a lion would be by nine to 11 years old. Because now, as we all know, the wild is getting less and less—there are controlled parks—lions are living to around 12 or 13. It is not like before. Very sadly, we do not know what will happen in the next 20 years, so we should actually support well-run circuses and zoos. For a lion in a circus or a zoo, the age expectancy would be around 15 to 17 years old. In fact, all the lions with me live more than 20 years. I lost a lion just last year that was 28 years old—I think that was probably the oldest lion in the world. We are very proud of that. We have had 22 generations of lions.

What is very important, and what you have to remember, is that animals in circuses are not inbred. From my experience, in a zoo—I am not knocking zoos because my family come from zoos—you are there to look at the animal. We work with the animals. It is very important that we have the Einsteins of the circus world. We are very careful of the bloodline, and because we have been very careful, my family—some of the biggest protectors of lions—can still breed lions for the next 60 years, for

future generations, with different bloodlines. That is very important when you see all the different problems in the wild.

Q163 The Chair: Before I call Sandy Martin, did I hear you correctly when you said that you have had those books translated, Mr Lacey?

Martin Lacey: Yes. It is in German, but I have added a foreword just so that you get the idea of the book.

The Chair: At the end of the sitting our Clerk will collect the book from you, and if colleagues are interested, they can get it copied.

Martin Lacey: Thank you.

Q164 Sandy Martin: Mr Lacey, are you saying that your lions were bred to perform and are bred in a circus environment?

Martin Lacey: My original lions, from my father, are from English zoos, and that goes back 22 generations. The last 12 generations were born in the circus.

Q165 Sandy Martin: Do you believe that the life that the lions lead in your circus can be justified by the fact that they are bred for that life?

Martin Lacey: I can justify that the animals are very healthy, and because it is a much easier life in the circus than in the wild. We have our own vets and the animals are well taken care of. Life expectancy is of course important, but you also have to remember—this is proven and I sent a link for a stress test in my written evidence—that circus animals not only live to an old age, but are very fit in old age, because they are always moving. It is like a human being: the minute you stop working, it goes downhill, so you always have to keep fit. The animals are kept fit by what they do.

Q166 Sandy Martin: Last week we had a debate about trophy hunting, and we heard about lions that are bred to be shot. They are very well cared for, because clearly if somebody is going to shoot a lion and put a trophy on their wall, they want it to look good and not to be bruised or damaged. The lions are very nicely cared for, right up to the moment they are shooed out into the field to be shot by trophy hunters. Do you think that justifies the way they were bred?

Martin Lacey: First, I was over in South Africa because I also have the Lacey Fund, which is basically a non-profit organisation that investigates trophy hunting. They are not healthy lions—they are inbred and very poorly. They are completely unhealthy. Can I justify breeding lions to shoot them? No, I cannot justify that at all.

Rona Brown: Neither can I.

Q167 Sandy Martin: On a slightly different track, you are very firm in your belief that the treatment of animals in circuses is ethical. Surely you accept that circuses used to have human exhibits as well as animal exhibits—people of reduced stature or with abnormalities. Joseph Merrick, for instance, who was also known as “the elephant man,” was exhibited in circuses. Those people were gawped at for entertainment purposes, and I imagine that you probably recognise that that was an unethical use of circuses.

Martin Lacey: Yes, but years ago we used to set people on fire and we used to have slavery. That is a different thing altogether—

Sandy Martin: But—

Martin Lacey: Just one second. First, we are looking at facts. I have noticed that we are now talking about ethics, which is probably a circus’s strongest point. The way that a child’s eyes open when they see those animals—no book or picture could ever do that for children. Given what you see when they come close to the animals, ethics is one of our strongest points in circuses, and not just because the animals are well taken care of.

The picture painted is that man and beast were never together. That is not true. It is only in the last 30 years that a picture has been painted that it is very bad that people and animals are together.

If we are talking about ethics, it is a very fine line. Ethically, we love our animals. Ethics is built on religion, and if you really go back and you believe in religion—Noah’s ark; that was a myth, or not a myth—you are talking about animals and people together, and saving animals. If we are talking about ethics, how can people save animals if you do not want people to be involved with animals?

They paint the picture that it is Disney in the wild. It is not Disney. I do not know if anybody has visited the wild, but there are some beautiful places—Kenya is very beautiful. I was in Botswana 10 years ago and there were rhinos. There are no more rhinos in Botswana. As long as the World Wildlife Fund keeps taking lots and lots of money and every time an animal becomes extinct, people such as myself and my family and well run circuses—you asked whether I believe in circuses; no, I believe in well run circuses, not all circuses—are the ones who will have the future gene pools for these animals.

Ethics is completely on the circus side, if we are talking about the ethics of animal ownership. Let us go to what you were just talking about—when there were shows with small people and bearded ladies. If we are talking about ethics and slavery, does that mean every person who owns a dog or cat does cannot have an animal anymore? It has gone a little bit too far. That is where you have a fine line of animal rights and animal welfare, and people have to find a fine balance. If you do not have your feet on the floor, this thing will go out of the window and we have become a real big show when it comes to ethics and animal rights. The local cat that kills a mouse will be in front of a jury for murdering a mouse. That is how far it goes. That is where ethics is really on the circus side.

Q168 Simon Hoare: Mrs Brown, I have read your evidence. Can I take you to something that confuses me, at the top of page 3? “They”—by which you mean circus families—

“pay their taxes and obey every animal welfare law. Their ethics of running a business and keeping families together is very high. This is how they treat their animals too. I would like to suggest that government would not ban them if they were a Muslim family.”

What do you mean by that?

Rona Brown: Can you say the last bit again?

Simon Hoare: This is in your written evidence:

“I would like to suggest that government would not ban them if they were a Muslim family.”

What do you mean by that?

Rona Brown: I need to find it. I have printed mine up in big letters.

Simon Hoare: This is at the bottom of the first paragraph on what is our page 3, which begins:

“The two circuses are family circuses”.

I can hand you my copy if that is easier.

Rona Brown: That is very kind of you. Is it this one, “Animals have no concept of demeaning”?

Simon Hoare: No, no, it is the reference to the Government not doing this “if they were a Muslim family.”

I think I have highlighted the extract. I was not certain of the point you were seeking to make.

Rona Brown: I am sorry, I cannot—

Simon Hoare: You are on the right page.

Rona Brown: Is it this one, which you have highlighted?

Simon Hoare: No, no, just above.

Rona Brown: I am sorry, I do know it off by heart. Is it this paragraph,

“The two circuses are family circuses, the Jolly’s are a Christian family, they keep their family together and keep within the law”?

Simon Hoare: Yes, it is the last sentence of that paragraph—the segue, of course, is the reference to Christian family at the start.

Rona Brown: “I would like to suggest that government would not ban them if they were a Muslim family”?

Simon Hoare: Yes. I wonder what you meant by that.

Rona Brown: Well, I meant by that that it seems to me that you have to be— I am a Christian and I feel that Christians are having a bad time at the moment. All other religions are looked upon as needing to be protected, whereas Christian families are ignored. I feel that this is—

Q169 Simon Hoare: Mrs Brown, I happen to be a practising Roman Catholic. Could I put it to you that I am not aware of anywhere in Catholic doctrine that gives me the right to run a circus? However, that might be a different matter.

Mr Lacey, could I turn to your evidence? Again, I must confess that I did not find it terribly compelling. If I take you to page 4, it states:

“We protect only what we know. Animals in the circus serve as ambassadors for their wild counterparts more personally and emotionally than any documentary on TV, thus the circus indirectly makes a contribution to conservation by showing how wonderful animals are and why humans should preserve them in the wild.”

I was not certain about the link between seeing animals up close in a circus and preserving them in the wild. You talked about natural behaviour and about how you are not seeking to make animals perform or entertain. If you look at page 11, that might be you in costume, in some purple sequinned garb.

Martin Lacey: Can I have a look at that?

Simon Hoare: You can, yes, if Sir David allows.

Martin Lacey: That is my brother.

Q170 Simon Hoare: Your brother? I got the family likeness. Could you tell me where in the natural world, not least because they are in different continents, you might find—

Martin Lacey: That just shows to me how much you do not know about animals. Lions and tigers were together 200 years ago; there were Indian lions. There is proof that lions and tigers were together.

Q171 Simon Hoare: But could you tell me now, in contemporary society—in real time, as it were—where you might find two tigers standing on the back of a lion?

Martin Lacey: First of all, this is based on trust. All that training is not done behind closed doors: if you had a live link right now, you could see my lions. They are all in outside areas. A lion on top of a tiger—if you go in the outside cage and you see them in a big outside area, they play. It is only a matter of you being able to do that with a command. They stretch on the back of a lion, and it shows a trust between the person, the animal, and the tiger. It is actually very beautiful. You have probably never seen that; you have seen the photo, of course, but you cannot see the whole movement. It is actually very beautiful to see this trust between them. In fact, that movement is so beautiful that my lion works also with tigers. They jump in the swimming pool—lions do not really like water, and they have a face like they do not really want to be in there. They actually think they are tigers.

Q172 Simon Hoare: Mr Lacey, I think we will have to disagree. You have made the point that beauty is clearly in the eye of the beholder. I see nothing beautiful in that photograph whatsoever. Nor do I see anything particularly beautiful, natural, educational or conservational in the photograph at the bottom of page 14, where a man who does not look like you—he may be a second cousin once removed—is sitting on the back of a lion that seems to be jumping from one rather large hamster wheel on to another.

Martin Lacey: You have to understand that we live in a changing world. That is in Russia. Russians have a completely different aspect on ways of training animals, and therefore when you work with people around the world—I was over in Moscow, for example, and I went to talk to them about animal welfare. When I was in Moscow, I saw people sat on the floor in the ice, waiting for bread. I thought to myself, “Why am I going over there talking about these animals when I see the animals are very warm, with nice big coats on them?” I saw their training.

Each country is very different. Because we have become very global, you have a photo like this. For example, my public do not want to see a lion jump through a hoop of fire. The hoop of fire is no problem; every police dog does that, because it is a sign of trust. It is not what I want to see nowadays.

The Chair: I must intervene now, because we only have 16 minutes left.

Simon Hoare: I have time for a final question.

The Chair: I am going to move on. I have at least five Members wanting to ask questions and I want to bring the Minister in.

Q173 Thangam Debbonaire (Bristol West) (Lab): I have a follow-up for Mrs Brown. My colleague asked why you thought it was necessary to suggest that the Government would not ban wild animals if the Jollys were a Muslim family. I would like to push you on that, because you said that you felt Christians were being ignored. That may well be so; I have no comment on that. It is not my experience, but you may well have that belief. However, how is that relevant to a ban on wild animals in circuses? Are you actually suggesting that Minister David Rutley sat down and thought, “How can I find a Bill that picks on Christians?”? Is that what you are suggesting?

Rona Brown: I am suggesting that it is discrimination against the circuses. This country allows other people to take their camels all around the countryside, and they say it is all right, because they go home at night. No, they do not; they go from show to show, to Scotland and back, here, there and everywhere. It is the same with other show animals—they are all allowed to do it. I am very strong on the religious bit, and I apologise for that—although I should not apologise for being religious. I feel that if the circuses were of a different creed, they might not be attacked so much—I do not think that they would be attacked so much. It seems like everybody hates the C-word, yet most of you—I do not know, because I do not know you personally—have probably got a dog. You look after your dog; you feed it. You do not let it drop things all around the house—

Q174 Thangam Debbonaire: I am sorry, Mrs Brown. I asked you about the comment on Muslims and whether you thought Mr Rutley had deliberately picked a piece of legislation—that is what you are alleging—

Rona Brown: That is my opinion.

Mr Seely: What on earth has this got to do with a Bill about wild animals?

Thangam Debbonaire: This is in Mrs Brown’s evidence, and I want to know what she thinks it has to do with the Bill.

The Chair: Order. The Clerk and I had a discussion about this. We are talking about something that was submitted as evidence. Perhaps you could make just one more point and then we will move on to the next question.

Q175 Thangam Debbonaire: Mr Lacey, you referred to the past abuses of people in circuses as irrelevant. You referred to slavery and said it was also irrelevant because things move on. I think you might have missed the point that my colleague was trying to make. Things do indeed move on, and both Houses now believe that time has moved on sufficiently to ban the use of wild animals in circuses. This is a very specific Bill. You made a comparison to a cat murdering a mouse—the slippery slope argument. This is a very tightly drawn Bill. I wonder if we could focus you on the Bill—not on where it might lead, but on the Bill itself. What exactly do you have against us deciding that we would like to ban the use of wild animals in circuses?

Martin Lacey: I can answer that very quickly. On Muslims, I do not know what we are talking about. On circuses, everybody should look at how a circus is run. Black, white or green—it does not matter what colour you are.

Thangam Debbonaire: I did not bring up religion.

Martin Lacey: For 250 years, circuses have been run together with all religions. It is actually a very good thing, because we all have respect for each other. As far as religion is concerned, circuses are great. I will make just one point on your question about slavery—I did not bring that up; they did. The circus has moved on. I understand your comments because I see the pictures you have in your head, but I do not think you have visited a modern circus. It is very sad that you are making a decision on something about which you have been ill-informed. I am trying to say that your arguments are very far back.

Q176 Thangam Debbonaire: The Welsh Government commissioned a report by Bristol University, which found extensive evidence that supports a ban. Are you aware of that report?

Martin Lacey: Which report was that?

Thangam Debbonaire: It was a report by Bristol University that was commissioned by the Welsh Government.

Martin Lacey: The Welsh Government?

Rona Brown: To be fair to the Welsh Assembly, they were the only people in positions like yours who came to see the circuses. They wanted to bring in a licence for mobile animal exhibits. They were thinking about doing that, and they came and asked me whether they could visit the circuses to inspect them. I asked the circuses and, quite rightly, they said, “Yes, no problem. Come at any time,” so it was arranged. They came to the circuses to do inspections. They brought vets, local authority people and people like yourselves. They came and inspected the circuses, and wrote the most glowing reports. We were very pleased. I cannot honestly say the same about the Department for Environment, Food and Rural Affairs at this time, because we do not believe that any of you have ever come to see any of the circuses.

Martin Lacey: I do not know about the report. Given that I do everything for my animals, we have had many reports and they have always been positive. It has been proven time and again. I do not know about the report.

The Chair: We have only 10 minutes left and there are still four or five more Members who want to speak.

Q177 Sir Oliver Heald: Mrs Brown, I believe your livelihood is providing animals to the movie industry and television.

Rona Brown: The film industry, yes.

Q178 Sir Oliver Heald: And you get them mainly from circuses, or are they the ones you prefer?

Rona Brown: Yes, most of the wild ones. They are a huge resource to the film industry. I was in charge of the animals in a movie called “Flyboys”, which had a lion in it—this was quite a few years back. I provided the lion.

It came from a British circus. The movie cost £90 million, and £60 million of that was spent in the UK, on UK staff, presenters, actors and everything else—unfortunately not all on the lion. We travelled all around the countryside working with the lion. We travelled here to there to there—location to location, travelling, like they do on the circus—and we worked. Had I not been able to secure that happy, healthy, friendly lion, they would have made the movie abroad and we would have lost that input. I have had zebras off Mr Jolly's circus in movies.

Q179 Sir Oliver Heald: From your point of view, you have a clear financial interest in ensuring that as many wild animals and types of wild animals are in circuses.

Rona Brown: I am really sorry, but I cannot hear you.

Sir Oliver Heald: You have a financial interest in ensuring that as many different kinds of wild animals are available in circuses for your use.

Rona Brown: First of all, I have no financial interest in it, because I am retired. Secondly, there are other places to get wild animals from. A lot of movies now, because of the shortage in the UK, are made abroad. I made a movie in Malaysia with 23 elephants because we had no elephants here. I made a film in Thailand with 14 orangutans. They take their money elsewhere.

Q180 Sir Oliver Heald: When I was a child, you could go to a circus and you could see orangutans, gorillas—every conceivable kind of animal. Of course, that has changed over the years because people no longer accept it. Do you not think the old days have gone, Mrs Brown?

Rona Brown: Yes, of course they have, and I would not like to see primates back in the circus. I have to declare an interest here—I would not sanction it. I would not like it at all.

Q181 Sir Oliver Heald: What about you, Mr Lacey, because you are using primates in the circus, are you not?

Martin Lacey: Primates? Not at all.

Sir Oliver Heald: Right. You are just big cats.

Martin Lacey: Big cats—correct.

Q182 Sir Oliver Heald: Is there any particular kind of wild animal that you would say should not be in a circus?

Martin Lacey: I think the answer to that was kind of said before. I am not the person who can set laws. There are standards, and I think that animal welfare and what animals need are much more understood. I think therefore that the experts who write the laws and the vets who stow the animals need to find out what the animals need. I do not think it is a question of banning; I think it is a question of having legislation where you say, “That animal needs this, this, this and this. Can the owner provide that?” If they cannot provide that, they should not have the animal. That is the end of the story. I do not think it is a question of banning.

Q183 Sir Oliver Heald: “Any wild animal should be able to be in a circus.” Is that your view?

Martin Lacey: If you can give them what they need. I am not an expert in primates—I do not know what they need. If you can give them what they need—for example, a zoo understands what a primate needs—I have no problem at all.

Q184 Sir Oliver Heald: Is it not time to put the old days behind us?

Martin Lacey: When was the last time you visited a circus?

Sir Oliver Heald: A long time ago.

Martin Lacey: I would invite you to us. I am sure you would love to see me work with my animals and show the beauty of my animals. I sent a link—you have to check the links. I think it is very sad that England does not have the shows that we see in Monte Carlo. Every British person who comes to visit us loves it.

Rona Brown: And the old times are behind us. We used to put little boys up chimneys to sweep them. We do not do that any more. They do not do this in circuses any more, and they have not done for the last 20 years.

Sir Oliver Heald: That is because we changed the law.

Q185 Rosie Duffield (Canterbury) (Lab): We have heard today from the RSPCA, the British Veterinary Association, Freedom for Animals, Animal Defenders International, Born Free and PETA. Why do you think that they are all so supportive of this Bill if, like you say, you are so concerned about animal welfare? You obviously do a lot and invest a lot of money. Why are they so supportive of the ban on wild animals?

Martin Lacey: I definitely think there were problems in circuses before. It has been going on for 40 years. Forty years ago, in England, there was definitely a situation where you had good and bad circuses. That is where it started. The truth is, you only have to go on PETA's website—I do not have to give it publicity. Its ideology is to have no animals anyway. That is its future, and how it wants to do things. Everybody sitting here should know that. There is a lot of money made out of emotional pictures of animals not being taken care of. The problem is that it just comes down to laws, and that is why we need your help. Basically, as long as the regulations are at a high standard, those black sheep cannot go on with what they are doing. That is what I do in Germany now. We push, push, push for the laws to make it very difficult. The German shows bring a lot of eastern shows over without the standards for the animals, and that ruins our future.

That is the secret to everything. I do not think the answer is just to ban something. The answer is to find out what those animals need for welfare and listen to the experts, then go on and find out what is best for the animals. After the RSPCA did its study and rubbished Dr Marthe Kiley-Worthington, I do not take that seriously anymore. I certainly do not take PETA seriously. A lot of groups would make a lot of money out of these social media and media campaigns.

The Chair: If there are no further questions from colleagues, I call the Minister.

Q186 David Rutley: Thank you very much. I have one question, but first I just want to reassure the circus families who are still in the room that there is no discrimination involved in the basis for this legislation; there is certainly nothing to do with religious discrimination. I think all the Members around this table can agree on that. I hope that those families get that clear sentiment here today, notwithstanding the fact that I understand it is a difficult time for them.

I want to ask this of the two witnesses in front of us. Do you recognise that the public perception of using wild animals in circuses is fundamentally changing? If not, what do you consider to be the reason that most travelling circuses in the UK have stopped using wild animals?

Martin Lacey: It is definitely now much harder to run. There are a lot of costs in taking care of animals. Just for my lions, we have our own lion clinic just outside Munich, and it costs €20,000 a month just to feed the lions. Obviously, the expense is very high.

We have 1.1 million visitors in the summer season. There are 450,000 people in Munich who visit us in our own circus building. There is obviously a lot of interest there, but I would agree there is a lot of scepticism about circuses. Our way is just to be open. We are very open; we show everything. Everybody who knows us knows that we love and care for our animals.

Personally, I do a lot of scientific work. I know that I am good with animals, but to prove it to politicians I need to work with scientists, and we try to find out. We are doing another test now on stress. We did one with travelling and now we are doing another one to back that up. I think that is the future.

I have a son who is 11 years old. He flew over with me and he is interested in this. He loves his animals as well. For my future, that of my children and his children, we are showing and being open. It is possible to have animals in human care and to have a high standard.

Q187 David Rutley: Do you have any comments on the question, Mrs Brown?

Rona Brown: No, I think Martin said everything and I agree totally with him.

David Rutley: Thank you.

The Chair: Thank you both very much for the time you have spent with us. This has been a very robust session, but we have greatly appreciated the time that you have spent with us, the evidence you have given and the responses to our questions. Our Clerk will accept the books from you. If colleagues would like them translated into English, they are most welcome.

Rona Brown: May I just say something, Mr Chairman?

The Chair: Yes.

Rona Brown: I would like to apologise for upsetting you by using the “Muslim” word. It was not meant in any shameful way; it was just part and parcel of how the world seems to be treating different religions. I do apologise if I put the wrong word in.

The Chair: I am sure that the Committee will accept your apology in the spirit in which it was meant. Thank you both very much for your time here.

Rona Brown: You are welcome.

Examination of Witnesses

Mr Mike Radford OBE gave evidence.

3.30 pm

Q188 The Chair: Welcome, Mr Radford. You have been listening patiently to our proceedings. We have until 4 o'clock, which gives us just half an hour. Will you kindly introduce yourself and make a statement?

Mike Radford: Thank you very much, Sir David. I am Mike Radford. I am an academic lawyer from Aberdeen. My areas of expertise are animal welfare law and constitutional law. I also chaired the Circus Working Group in 2006-07 and issued a report at that time.

I hope that my written submission is of some help to the Committee. With your consent, Sir David, I think it would be useful to talk about some of the technical legal issues that surround the question. On the surface it looks straightforward, but the time that it has taken to reach this point indicates that it is significantly more complicated than on first thought. It has a welfare strand—the care and treatment of the animals—but at bottom it is an ethical issue. That is a question of judgment for Parliament to make.

The problem—I will be as quick as I can, but I think this is relevant—is that when the Animal Welfare Bill passed through Parliament in 2005-06, amendments were tabled in both Houses to ban the use of wild animals in circuses. The Government at the time did not want anything banned outright under the Act, so an agreement was made that the amendment would be withdrawn and that Ministers would ban particular types of animals by way of regulations under the authority of the Act. Ministers made the point that any ban would be based on scientific evidence. The Circus Working Group, which I chaired, was established as a result.

The Circus Working Group's first problem was that it had very narrow terms of reference. Performance and training were specifically excluded, largely because the Government at the time intended to deal with legislation dating from 1925. There was also an interdepartmental issue, because the Department for Culture, Media and Sport was involved with performance animals in television and film. The terms of reference were essentially narrowed to transport and housing. There was no money for research; it was essentially a literature review.

Both sides of the debate that you have been presented with today were invited to submit evidence, but it was not their evidence; it was published work that they wished the Circus Working Group to consider. That evidence was then passed to a sub-group, of which I was not a member—a scientific sub-group of international experts, whom I have named in my submission. They came to the conclusion that there was simply no knockout evidence that there was an overwhelming welfare issue. That is not to say that there was not a welfare issue; it is to say that there was no evidence.

That presented a problem for the Government, because the enabling power in the Animal Welfare Act 2006 provides for Ministers to introduce regulations to address welfare issues. The problem was that if there was no identifiable knockout welfare issue, an outright ban by way of regulation could have been challenged on the grounds that it was disproportionate.

The Chair: I just have to interrupt, because this is a half-hour session, not an hour session. Obviously, colleagues want to ask you questions.

Mike Radford: Yes, but this is really important.

The Chair: I am sure that it is important.

Mike Radford: Do you want to go to questions?

The Chair: Yes, that is what we are going to do now.

Q189 Luke Pollard: Thank you for your very helpful written evidence. One of my concerns about the Bill relates to the definitions of a travelling circus. I notice that in your written evidence, in section 5, you talk about your surprise that there is no definition of a travelling circus in the Bill, even though it defines other aspects of this. From the possibilities that you put down about a travelling circus, could you say why you think greater clarity on a definition is required in the Bill, and what the effect would be if there is not greater clarity and this becomes law?

Mike Radford: I can give a short answer: legal certainty. Everybody needs to know where they stand. One of the issues that came up this morning was about falconry and such things. What was not mentioned this morning was that last year Parliament introduced the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which have been in effect since 1 October. They cover not performance, but animals that are being kept or trained for exhibition. Those have to be kept in mind, because it means that, regardless of whether the animals are wild or in circuses, there is some regulation. The other issue is that it is local authorities that license. Local authorities are going to need to know whether in any given situation an animal falls within those regulations, or whether it is subject to this ban.

Luke Pollard: So greater clarity would be helpful.

Mike Radford: It is essential, I think.

Q190 Luke Pollard: I agree entirely. In your submission you refer not only to travelling circuses, but to the definition of “wild animal.” We heard from the RSPCA this morning that it is broadly comfortable with the definition of wild animal in the Bill. Can you expand on your thoughts about clarity around the term “wild animal”, especially in respect of domestication? We have heard evidence today about when an animal is a wild animal and not a domesticated animal.

Mike Radford: I think that we have to distinguish between a wild animal, a domesticated animal, a trained animal and a tame animal, which can all be different. We used to keep highland sheep, which are undoubtedly domesticated, but I would not say that they were tame in any way whatsoever. A cat is a domesticated animal, but many of you who have cats will know that it is difficult to describe them as “trained.” These terms are used interchangeably, but they are in fact different.

Domestication is a scientific concept. It is a scientific test and it goes into the genetics, the psychology and physiology of these animals. Domestication seems to take place over many generations. The Animal Welfare Act uses the term “not commonly domesticated in the British Islands”. That is also what appears in the Bill. It is one of those terms where we all think we know what it means, but when we look at the detail and at particular cases, we see that domestication turns not on geography, but on the state of an individual animal. An animal that is domesticated in scientific terms will be domesticated wherever it is.

Q191 Luke Pollard: Can I ask one final, quick question, since we have your expertise in front of us? You said that the Bill says “not commonly domesticated”. One of the areas we looked is whether the word should be “commonly” or “normally”. Is there a legal difference between those two aspects, given that you are looking for legal certainty?

Mike Radford: They are not terms of legal art; it would be for a court to decide. On certainty, Ms McManus talked about the racing camels. We go to our local agricultural show every year, 20 miles north of Inverness. Two or three years ago there were racing camels there. I assume that they were on a tour. They would not normally have been regarded as a circus performance, or circus undertaking; it was a troupe of camels. Again, Parliament needs to decide whether there is an ethical argument for the ban, and that is a matter of judgment. If there is, it then needs to make very clear definitions in the legislation of the animals and the context. Otherwise, it is going to be a mess.

Q192 Mr Seely: I shall try to ask three brief questions, because I know that other colleagues want to come in and we have less than 20 minutes. To put it crudely, what is wrong with keeping a camel, a zebra or a raccoon if in the same circus there are horses, and also if we as a society raise chickens and pigs, frankly in what are sometimes quite cruel circumstances, and then just eat them at the end of it?

Mike Radford: I am here as a lawyer, not as an ethicist or scientist, but it is clearly open to society to make a judgment and decide that all those are unacceptable, some are unacceptable or none is unacceptable. So far as wild or non-domesticated animals in circuses are concerned, my understanding is that there is a view, which seems to be shared in Parliament and among certain elements of the public, that it is no longer acceptable, time has moved on and non-domesticated animals should not be used for performance and entertainment in this way.

Q193 Mr Seely: We have had lots of conversations about polling. What do you think the polling actually suggests about the public mood—the true public mood, over a period of years—and what can you say about the public perception versus the human rights of circus owners? Clearly, we are shifting the balance against circus owners in relation to 19 animals in this country, including a couple of racoons, a zebra and the odd camel or two.

Mike Radford: I would answer that by giving examples of where attitudes have changed. Fur farming is a very good example: it was considered to be a perfectly acceptable agricultural undertaking. Parliament decided that it should be banned earlier this century, in 2000. The situation with hunting with hounds is that it has not been outlawed altogether, but it was put on a different basis, because public opinion and public perception moved on. I am not in a position to give you different percentages, but clearly it is up to Parliament—you as our representatives—to make that judgment.

Q194 Mr Seely: Do you have an opinion on that now, here?

Mike Radford: Sorry, on what?

Mr Seely: We are shifting the balance, so there is a public perception. Do you know what the polling is over approval ratings or disapproval ratings about “wild” animals in circuses, and how do you think that fits in with the human rights agenda, considering that in this society we use animals for food, entertainment and other things anyway? Where is that balance?

Mike Radford: My personal opinion is that the first thing that is important is trying to provide an animal with a decent standard of life. Whether that can be done in a circus or not is not for me to decide; it is for Parliament to decide.

Mr Seely: Okay, so you do not have an opinion on it.

Mike Radford: I do have an opinion, but I am here as a lawyer.

Q195 Mr Seely: Fair enough. I do not know whether you can answer this, but let me try you with one other question. Non-governmental organisations say that keeping wild, but trained, animals in circuses is cruel—we heard that very clearly this morning. The circus folk we heard this afternoon say that it is not. Do the NGOs make a good point, or do you think this is part of a journey whereby animals are effectively anthropomorphised—we project free choice and other human characteristics on to them—as part of an agenda that may or may not lead to the outlawing of falconry or bird shooting for sport in the years to come?

Mike Radford: Circuses have been subject to an offence of cruelty for a good number of years, going back to 1835. Standards, however, have changed during that time. Circuses have been subject to the Animal Welfare Act provisions since 2006. Let me give you an example of how attitudes change. This is not to do with circuses, but I think it illustrates the point. When I was young, if there was an unwanted litter of puppies or kittens on a farm in Cambridgeshire, where we lived, it was standard that they would have been drowned in the water butt. What else would you do? That is now an offence of causing unnecessary suffering, not because the law has changed—the term “unnecessary suffering” is exactly the same—but because public perceptions and attitudes have changed. It is about judgment and attitudes.

Q196 Sandy Martin: Mr Radford, in your first answer you were getting to the stage where you were telling us about the need for primary legislation to make this ban work. In the first sessions of evidence that we took today, we were discussing—several people mentioned it—the need for some provision for removing animals from circuses in extremis if there were no other way of dealing with the case and to make sure those animals are cared for. In your view, will it be more effective if those provisions were actually in the Bill, rather than simply being guidance?

Mike Radford: I think that as much should go in the Bill as possible. Guidance can be helpful, but it is not the same as legislative provisions, as you well understand. The question of how quickly a ban could be introduced was raised earlier. My view is that those who have a licence to use wild animals are entitled to have a legitimate expectation that their licence will remain in place until it expires, and they could have a claim for compensation if it was stopped earlier, but there is no expectation beyond the lifetime of the present licences.

Sandy Martin: Thank you very much.

Q197 Sir Oliver Heald: Do you think the definition of “wild animal” in the Bill is sufficiently clear? I will just make a couple of points. On birds, for example, we have heard that canaries and budgies are considered to be domesticated in Great Britain, but parrots are not—that is one example. Then we heard from the witness Carol MacManus this afternoon that most pack animals—things like llamas, donkeys and ponies—are considered domesticated, but camels are not. What is your take on that? Is it adequately clear if we specify an animal of a kind that is not commonly domesticated in Great Britain, when some of them may be domesticated but just not seen in Britain much?

Mike Radford: There is a difference between domesticated and tamed. There is a difference between domesticated and trained. The term “wild” is not important in this, because it is further defined by the test of domestication. It is domestication and what that means that is important. In my submission, I gave the example of Scotland, where in both the legislation and the guidance they have tried to further define what domestication means. Then there is a reserve enabling power, which enables a Minister by way of regulations to specify whether a particular type of animal is or is not.

Q198 Sir Oliver Heald: Just to help you with what I am concerned about, in the example you gave in paragraph 6.2 of your evidence, an expert Dorothy McKeegan talks about the training of cubs—I imagine you mean lion cubs. Nobody would disagree that they are still wild animals, even if they are trained. That is what she says—they

“still have very strong inherent and instinctive behavioural, physiological...needs”

that are

“slightly altered...by hand rearing”,

but they remain a wild animal in law. That is a clear example, but what about a camel?

Mike Radford: We are not talking about specific animals here. Remember that the test in the Bill is of a kind; one is looking at the type of animal in generality. The courts have already decided—way back in the 1930s, actually—that a camel is not a domesticated animal in Britain. It was a negligence case, not an animal welfare one, but the courts said that a camel could not be regarded as domesticated.

Q199 Sir Oliver Heald: So you do not think that there is any danger that we will get cases about camels and parakeets?

Mike Radford: Oh yes I do, absolutely, if the concept of domestication is not clearly defined. As you have seen today—even without a lot of scientific evidence—there is not a consensus. It is one of those words: we all think we know the meaning, but once we start to drill down, it can mean very different things to different people.

Q200 Sir Oliver Heald: It is pretty easy with a lion and, probably, a zebra, but once we get on to some of these other animals, it can be a bit more difficult, obviously.

Mike Radford: Yes, I agree.

Q201 David Rutley: Thanks again for the contributions today. As you probably heard in the earlier sessions, there has been a debate about police powers and whether constables should be able to inspect properties. Can you confirm your understanding that under the Animal Welfare Act 2006 the police have powers to intervene in welfare situations, and that the courts may seize and disqualify?

Mike Radford: Yes, but they may only do that under the offences defined in the Animal Welfare Act. If the issue is unnecessary suffering or failure to meet the animal's needs, in accordance with the welfare provisions the animal may be seized. If there were no welfare or suffering issues and the potential offence was simply that the animal was within the circus and that went against the ban, I doubt that the courts would allow seizure, because under the Animal Welfare Act seizure is allowed on the basis of an offence under the welfare Act being alleged to have been committed. The offence here would be under this legislation, not under the welfare Act.

The Chair: Mr Radford, I thank you for the time that you have spent in Committee this afternoon and for the expert evidence that you have given us. Thank you very much indeed.

Mike Radford: Thank you. I hope it is of some assistance.

The Chair: It certainly is. Colleagues, I remind you that the Committee starts tomorrow at 9.25 am; it will run until 11.25 am, in Committee Room 12. The afternoon sitting starts at 2 o'clock.

Ordered, That further consideration be now adjourned.
—(Iain Stewart.)

3.54 pm

Adjourned till Wednesday 11 May at twenty-five minutes past Nine o'clock.

**Written evidence to be reported to the
House**

WAC 01 Mrs Julie Williams

WAC 02 RSPCA

WAC 03 Mr D A Snee

WAC 04 David Moore

WAC 05 Reg Challinor

WAC 06 Esme Willis

WAC 07 Raymond Dolling

WAC 08 Chris Barltrop

WAC 09 Zoe Nelson

WAC 10 Animal Defenders International

WAC 11 Carol MacManus

WAC 12 Martin Lacey Jr

WAC 13 Born Free Foundation

WAC 14 Mike Radford OBE, Reader in Animal Welfare
Law and Public Law, University of AberdeenWAC 15 Rona Brown for the Circus Guild of Great
Britain and as CEO of PAWSI (Performing Animals
Welfare Standards International)

WAC 16 World Circus Federation

WAC 17 The Lacey Fund

WAC 18 David Kidd

WAC 19 European Circus Association

WAC 20 Freedom for Animals

WAC 21 John Dineley

WAC 22 Thomas Chipperfield

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

WILD ANIMALS IN CIRCUSES (NO. 2) BILL

Third Sitting

Wednesday 22 May 2019

CONTENTS

CLAUSES 1 to 4 agreed to.
New clauses considered.
SCHEDULE agreed to.
Bill to be reported, without amendment.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 26 May 2019

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The Committee consisted of the following Members:

Chairs: SIR DAVID AMESS, † MRS MADELEINE MOON

- | | |
|--|---|
| † Carmichael, Mr Alistair (<i>Orkney and Shetland</i>) (LD) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Chalk, Alex (<i>Cheltenham</i>) (Con) | † Reeves, Ellie (<i>Lewisham West and Penge</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| † Harrison, Trudy (<i>Copeland</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | † Turley, Anna (<i>Redcar</i>) (Lab/Co-op) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | |
| † Latham, Mrs Pauline (<i>Mid Derbyshire</i>) (Con) | Anwen Rees, Kenneth Fox, <i>Committee Clerk</i> |
| † McCarthy, Kerry (<i>Bristol East</i>) (Lab) | |
| † Martin, Sandy (<i>Ipswich</i>) (Lab) | † attended the Committee |
| Newton, Sarah (<i>Truro and Falmouth</i>) (Con) | |

Public Bill Committee

Wednesday 22 May 2019

[MRS MADELEINE MOON *in the Chair*]

Wild Animals in Circuses (No. 2) Bill

9.25 am

The Chair: Before we begin, I have a few preliminary points. First, gentlemen, given the warmth of the room, please feel free to remove your jackets. Please switch electronic devices to silent. Tea and coffee are not allowed during the sitting.

Today we begin line-by-line consideration of the Bill. The selection list for today's sitting, which is available in the room, shows how the selected amendments have been grouped for debate. Amendments grouped together are generally on the same issue or similar issues. Decisions take place not in the order that amendments are debated but in the order that they appear on the amendment paper. The selection list shows the order of debate. Decisions on amendments are taken when we come to the clause that the amendment affects. I plan to use my discretion to decide whether to allow separate stand part debates on individual clauses and schedules following debate on the relevant amendments.

Clause 1

PROHIBITION ON USE OF WILD ANIMALS IN TRAVELLING CIRCUSES IN ENGLAND

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 1, in clause 1, page 2, line 3, at end insert—

“‘travelling circus’ means a company or group of entertainers which (i) travels, whether regularly or irregularly, from place to place for the purpose of giving performances, displays or exhibitions, and (ii) as part of which animals may be kept or introduced (whether for the purpose of performance, exhibition, display or otherwise).”

This amendment would ensure the inclusion of circuses which tour venues other than a traditional circus tent, or which use animals for exhibition or display away from the circus site, or which do not regularly travel.

It is good to see hon. Members back in their places for another fun sitting. I am not sure this sitting will be as exciting as yesterday's second evidence session, but I will try to make it as enjoyable as I can for everyone involved. This is an important piece of legislation to free the 19 wild animals currently used for human entertainment in British circuses.

The Opposition's amendment 1 would insert into the Bill a clear definition of “travelling circus”. It is necessary to have legislative certainty about what a travelling circus is to ensure that there are no loopholes or “get out of jail free” cards for people who use wild animals for our entertainment.

Simon Hoare (North Dorset) (Con): Does the hon. Gentleman share my concern about Mr Jolly's evidence yesterday, which—no pun intended—slightly let the cat out of the bag? He said, “We don't have to be in a tent.

We could go to a county show. We could do exactly as we do at the moment and we wouldn't fall under the auspices of this Bill.” The hon. Gentleman makes a key point, and I urge the Minister to consider a broader definition.

Luke Pollard: I am grateful to the hon. Gentleman, who makes a good point. The narrow scope of the Bill means that we need to ensure that the circus element is tightly drawn and understood. A good point was made in the evidence session about the other environments in which wild animals can be displayed, but, although I am a fan of broadbrush interpretations and including as much animal welfare as we can, I fear that that might slip slightly outside the scope of the Bill. However, I echo the hon. Gentleman's request for the Minister to respond to the points that were raised in evidence yesterday.

It was obvious that the Government were not prepared for the level of cross-party concern that was raised on Second Reading that the Bill was missing a definition of a travelling circus, which was also raised a number of times by the organisations that we took evidence from yesterday. Our amendment seeks to use established wording, which will be familiar to people who have looked at other pieces of legislation that ban wild animals in circuses.

The Minister has a number of options. I think we have established that having a definition of a travelling circus would be beneficial. That definition can sit either in the Bill—in primary legislation—or in the guidance that accompanies it. There are merits to both options. If the definition sat in the Bill, it would be clear, it would have good legal standing and there would be legal certainty about it. Putting it in the guidance, however, would give us greater flexibility and perhaps allow us to include some of the environments that the hon. Member for North Dorset mentioned.

There are advantages to both approaches, and it would be worth the Minister reflecting on how the definition should be drawn. My preference is for a clear definition in the legislation. However, I know that the Minister has strong thoughts on this matter, and I would like to hear his views before deciding whether to press the amendment to a vote.

Sandy Martin (Ipswich) (Lab): I fully concur with my hon. Friend, but does he agree that it is a little anomalous that there are definitions in clause 1(5) of “animal” and “circus operator” but no definitions of a circus?

Luke Pollard: I agree with my hon. Friend about the Government's choice of definitions to include, or not to include, in the Bill. Indeed, in evidence, we heard stakeholders' concerns about the missing definition of what a travelling circus looks like and broad concerns about what “wild animal” means.

Having heard the evidence yesterday, Members on both sides of the Committee will think it important to ensure that we can comprehensively ban the use of wild animals in circuses. That means making sure that the legal definition is correct. We need to ensure, whether in the Bill or in guidance, that performances outwith a typical circus tent, such as on a tour of arenas or activity involving touring from place to place and not returning to the home location, are within scope. Our suggested definition refers not to a place but to the

group of people and animals making up a circus. That reflects more accurately how circuses work, as we heard yesterday.

The definition that we propose is in line with the guidance accompanying the Wild Animals in Travelling Circuses (Scotland) Act 2018. Scotland does not have regulations on licensing animals in entertainment. There is a chance that circuses in England could merely classify their animals as being used for entertainment. That might, for example, be the case for reindeers in the circus being used in Santa's grottoes. A definition of travelling circuses will provide clarity on what is in or out of scope. Without a robust definition of a travelling circus, there is a risk that wild animals could be used with entertainment licenses as part of performances that are travelling circuses in all but name.

In the evidence sessions yesterday, it was quite clear that the circus operators were keen to hold on to their animals and continue to use them in entertainment, perhaps under different licences, if only because of their close emotional bond with the animals that they currently own and use. There is overwhelming evidence that, if we do not define what a travelling circus is, that might create difficulties with enforcement, and there could be unintended consequences. As the hon. Member for Isle of Wight succinctly put it yesterday,

“unintended consequences are often the consequences of things that were not intended in the first place”.—[*Official Report, Wild Animals in Circuses (No.2) Public Bill Committee, 21 May 2019; c. 29, Q77.*]

The attempt to get a clear definition of a travelling circus is an attempt to prevent unintended consequences and to make the scope of the measure sufficiently tight to be legally enforceable.

I should be grateful if the Minister set out the options. Is primary legislation the right place for a clear definition of a travelling circus or would including it in guidance to be published by his Department carry similar weight and allow flexibility? I am interested in the end effect, and not necessarily the words on the page.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): It is good to see you in your rightful place, Mrs Moon. Thank you for all the work that you have been doing on the Bill.

Amendment 1 would introduce a definition of a travelling circus into the Bill. We recognise the concerns about the absence of a definition, but we cannot accept the amendment. We deliberately chose not to include a definition in clause 1 because we do not feel it is necessary or helpful. In fact, a specific definition might actually be unhelpful. We considered several definitions and found that those that were drawn too widely, as in amendment 1, might ban activities that we do not want to ban, such as falconry displays with accompanying entertainers that might travel to different county shows. We discussed that issue at length in the evidence sessions yesterday. Such displays would fall within the definition in amendment 1, but it is not our intention to ban them. They are clearly not travelling circuses.

Moreover, the definition in amendment 1 includes a reference to animals being

“kept or introduced (whether for the purpose of performance, exhibition, display or otherwise).”

To reflect for a minute on the word “otherwise”, it could capture any number of activities, including keeping wild animals as pets. The amendment would greatly expand the scope of the ban beyond performance and exhibition in a travelling circus, which I think is the public's primary concern, by far.

Conversely, any definition that is drawn too narrowly is problematic. Setting out in detail what a travelling circus is or is not could create loopholes or a list of ways for a travelling circus to avoid a ban altogether. If we said, for example, that a travelling circus had clowns, trapeze artists and so on, but one of them did not include a clown, it might not be included in the ban. There are therefore challenges either way. Rather than trying to define the term, it is better to use its common meaning. We believe that the courts will have no trouble at all in understanding what a travelling circus is or is not, and a “common understanding” approach will mean that it will always be relevant and move with the times.

The Government note that neither the Scottish Government, in their Wild Animals in Travelling Circuses (Scotland) Act 2018, nor the Welsh Government, in their draft Wild Animals in Travelling Circuses (Wales) Bill, have attempted to define the term “circus”. Likewise, the DEFRA's interim licensing regulations for wild animals in travelling circuses do not attempt to define “circus”, and the enforcement of the regulations has effectively protected the welfare of wild animals in circuses over the past six and a half years despite that.

However, to reassure the Committee, and learning from what the Scottish Government have done, we will be producing detailed guidance to accompany the introduction of the Act, to assist inspectors and circuses. It will set out clearly the types of activity that we consider will and will not be covered by the ban.

I note that the hon. Member for Plymouth, Sutton and Devonport has accepted that there are arguments in favour of putting the definition in either the legislation or the guidance. I am grateful to him for our conversations in this debate and outside the Committee. As he knows, we have been looking at this matter very carefully in DEFRA. I would like to reassure him that we have not taken the decision lightly, but we feel that taking the approach of having guidance will enable us to address his concerns and, I think, the concerns of the Committee in a pragmatic way.

It became clear in the evidence sessions yesterday that this is probably a more flexible approach as well. The challenge of defining the term tightly or expansively in the Bill is that that makes it more difficult for us to make changes. We know how long it has taken to get the legislation before us today, so the more pragmatic approach will be to list excluded activities, as we have seen in the Scottish guidance, which obviously is available to colleagues. It is interesting that bird of prey displays, festive reindeer displays, school and educational visits, animal handling sessions and animals being used for TV, community celebrations or zoo and safari park outreach activities are not included in the Scottish arrangements.

We would look to do something very similar. I cannot say definitively what it would be, because the other thing that I would like to assure the hon. Member for Plymouth, Sutton and Devonport and other members of the Committee of is that we want not only to learn from the Scottish Government's approach—it has been

[David Rutley]

very important for us to learn from that—but to seek the views of and engage with the animal welfare organisations that we heard from yesterday. I had a quick conversation with a number of them at the end of their session, and what they said then—obviously, it is for them to say this more formally once we reach a conclusion on this—was that they would be open to being engaged in helping to shape the guidance.

Luke Pollard: I am grateful that there is a willingness to engage with the people who gave evidence to the Committee yesterday. Will the Minister say whether other stakeholders, who were not able or not invited to attend the Committee yesterday, could also be involved in that process? Having a broad range of views could be helpful in doing the defining or at least creating guidance that would be as comprehensive as is required to do the job.

David Rutley: I agree with that. We do not want to have a cast of thousands, but I think that the hon. Gentleman was talking about people with expert knowledge and understanding particularly of animal welfare, rather than about extending this to people with other experience. From an animal welfare perspective, yes, we will do that. On that basis, I hope that the hon. Gentleman will feel able to withdraw his amendment.

Luke Pollard: Based on the assurances that the Minister has given, I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 5, in clause 1, page 2, line 4, leave out “commonly” and insert “normally”.

This amendment would align the definition of “wild animal” with that used in the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 and the Zoo Licensing Act 1981.

The Opposition are moving the amendment to ensure legislative consistency across the different pieces of animal welfare legislation and to avoid creating any legislative conflicts or loopholes. The Bill defines a wild animal as one that is “not commonly domesticated”. Although protected animals in the Animal Welfare Act 2006 are defined as “commonly domesticated”, the Zoo Licensing Act 1981 defines a wild animal as one that is “not normally domesticated”. I am not normally one to go into the minutiae of the meaning of words, but I would be grateful if the Minister set out why the definition is not aligned with the 1981 Act and gave a clear reassurance that there is no legal interpretation in the difference between “commonly” and “normally”, to make sure that we are consistent across our legislation.

David Rutley: The hon. Gentleman suggests that he does not get involved in the forensic detail, but I suggest that he does. We have been in enough debates and statutory instruments for me to know that he takes a forensic approach, so I expect nothing less than for him to go through the technical detail, which is the right thing to do.

The Government do not believe that the amendment is necessary, however. Amendment 5 seeks to align the definition of a wild animal in the Bill with the definitions used in the Zoo Licensing Act 1981 and the Welfare

of Wild Animals in Travelling Circuses (England) Regulations 2012. Both pieces of legislation define a wild animal as an animal that is

“not normally domesticated in Great Britain”.

Ellie Reeves (Lewisham West and Penge) (Lab): In the evidence sessions yesterday, several circus owners made the point that the animals in their circuses were exotic animals, rather than wild animals. To ensure that there is no ambiguity about that, it would be helpful if the Minister confirmed that the definition of wild animals in the Bill covers the 19 animals in circuses today.

David Rutley: That is a very good question, and it is important to get it on the record, because there was quite a tangle of conversations about different definitions. We are clear that those 19 animals are wild animals. We can have all sorts of technical debates—I hope we do not have them today, because I think we discussed it enough yesterday—about domestication, but we are clear that those 19 animals are included in the definition.

The Environment, Food and Rural Affairs Committee’s report, “Wild Animals in Circuses”, also noted the slight difference between the definition of wild animal in the draft Bill and in the 1981 Act. The Government were happy to explain their thinking in response to the Committee then, and I will do so again.

The term “animal” or “wild animal” is used in several places in the statute book, but there is no common definition of either. Our approach is in line with the definition of animal in section 1 of the Animal Welfare Act 2006, which refers to an animal being

“commonly domesticated in the British Islands”,

rather than “normally”. To reassure hon. Members, any difference in the precise wording does not have any material impact on the workings of the definition; the terms “commonly” and “normally” are interchangeable. I note that the Scottish Parliament’s Wild Animals in Travelling Circuses (Scotland) Act 2018 includes

“commonly domesticated in the British Islands”,

in its definition of a wild animal, as does the Welsh Government’s Wild Animals in Travelling Circuses (Wales) Bill.

I hope that this is a probing amendment—I get the sense that it is—and that I have been able to reassure hon. Members that there is no material difference between using “commonly” and “normally” in the definition of a wild animal. I hope that the hon. Member for Plymouth, Sutton and Devonport will feel able to withdraw the amendment.

Luke Pollard: I am not commonly or normally pedantic about such things, except for apostrophes. On this occasion, given the reassurance that the Minister has put on the record, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2

INSPECTIONS

Question proposed, That the clause stand part of the Bill.

9.45 am

David Rutley: The clause gives effect to the Bill's schedule, which makes provision for the appointment of inspectors and sets out their powers and duties under the Bill, including powers of entry, inspection, search and seizure. The Committee may wish to debate the inspection provisions when we consider the schedule.

Sandy Martin: It is a pleasure to serve under your chairmanship, Mrs Moon. The inspection regime, which is crucial—there is no point in passing legislation unless we can enforce it—does not enable police officers to take part in enforcement of the Bill. Members of the public would be a bit surprised to find out about there being areas of the law in which the police are not allowed to be involved, so I urge the Minister to reconsider whether the police should be involved and allowed to take part in inspections and enforcement of the Bill.

Kerry McCarthy (Bristol East) (Lab): I will be brief—if I had been a bit quicker off the mark, I would have intervened on the Minister. My concern is that, as with so many other aspects of the Minister's Department, although there will be powers for inspection, unless there is proper resourcing and people in place doing the job with the power to carry it through from start to finish, it all becomes pretty meaningless. We see that, for example, in the work of the Environment Agency. Will he reassure us that the power for action will mean something in practice?

David Rutley: I know that the hon. Lady has strong concerns about resourcing in other areas. In this case, we have inspectors with relevant experience based on what we do with zoos, and we will draw on those individuals for help. Given the small number of circuses we are talking about, we do not envisage that a huge amount of resource will be required for inspections. I respect her concerns on other issues, and no doubt we will debate those.

Kerry McCarthy: There have been reports that Anne the elephant, the subject of the *Daily Mail* campaign some eight years ago that led to the Bill, is not being kept in ideal conditions and is isolated. I had a conversation with the Minister about that after Second Reading and he undertook to check on her wellbeing. Has that been done?

David Rutley: It is an honour to be reminded in Committee of the commitments I have made. I will follow up that point, but I confess that I do not have that information to hand. I look to my trusted officials, who will get back to us on that later today.

The hon. Member for Ipswich raised the use of police. Paragraph 6 of the schedule allows inspectors to “use reasonable force” when necessary and also to take “up to two...persons” with them, which could include a police constable, when exercising the power of entry.

Sandy Martin: Paragraph 4 of the schedule repeatedly says “an inspector” and defines an inspector as someone appointed for the purpose of inspections. It does not mention police officers at all. I am not sure why the Minister thinks the police are being given any powers at all.

David Rutley: To reiterate, based on the work done by the Department, an inspector, or the persons whom the inspector takes with them, could be a police constable.

Sir Oliver Heald (North East Hertfordshire) (Con): Paragraph 8 to the schedule says:

“A person taken on to the premises”—

as one of the two other persons—

“may exercise any power conferred on an inspector...if the person is in the company of and under the supervision of an inspector”.

David Rutley: That is right. Just to confirm, one of those people could be a police constable.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Clause 3

CONSEQUENTIAL AMENDMENT

Question proposed. That the clause stand part of the Bill.

David Rutley: Clause 3 makes a minor amendment to the Dangerous Wild Animals Act 1976. The Act requires persons who wish to keep dangerous wild animals as listed by the Act to be licensed by the local authority. However, the Act currently exempts any dangerous wild animal kept in a circus from that requirement. Once the ban set out in this Bill comes into force, no dangerous vertebrate wild animals should be used in performances or exhibited as part of a travelling circus. The clause takes a belt-and-braces approach, making it clear that using dangerous wild vertebrate animals in a travelling circus is not allowed.

The 1976 Act applies to England, Wales and Scotland. The effect of the amendment to it will be that the exemption will no longer apply in England and Scotland. The Scottish Government, who have already introduced a ban on the use of wild animals in travelling circuses in Scotland—which we are grateful for and which sets out important lessons for us to learn here in England—have asked us to extend the amendment in the 1976 Act to Scotland. We are pleased to facilitate that request; the Scottish Government have agreed in principle to lodge a legislative consent motion.

The Act's exemption for circuses will remain in place in Wales, where the Welsh Government are currently considering introducing their own legislation on travelling circuses. If they wish to remove the exemption, the Welsh Government can do so when they introduce their own circus legislation.

For completeness, I should add that we have also discussed the Bill with officials in the Northern Ireland Government, but they are not in a position to consider a ban at this point.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4

EXTENT, COMMENCEMENT AND SHORT TITLE

Luke Pollard: I beg to move amendment 2, in clause 4, page 2, line 14, leave out “on 20 January 2020” and insert

“on such day as the Secretary of State may by regulations made by statutory instrument appoint, and no later than 20 January 2020.”

This amendment would enable the Act to be brought into force earlier than 20 January 2020.

[*Luke Pollard*]

Since the introduction of the Bill, it has been clear from the Second Reading debate, the evidence sessions and cross-party discussions that hon. Members on both sides of the House support a ban on the use of wild animals in circuses. The only question is when that should take place. The last Labour Government had hoped to introduce legislation around the time of the 2010 general election; sadly, that general election got in the way and we have had to wait nine years. I thank hon. Members on both sides of the House who have promoted private Members' Bills during that time in an attempt to legislate sooner.

The Bill's enforcement date is 20 January 2020. The amendment seeks to explore whether that date can be brought forward, so that we can ban the use of wild animals in circuses sooner. During yesterday's evidence, the Born Free Foundation said that there was a risk of new species and new animals being brought into travelling circuses before January 2020.

Ellie Reeves: We also heard during yesterday's evidence that 45 countries have already banned or restricted the use of wild animals in circuses, so we are behind the curve. Does my hon. Friend agree that there is no need for further delay?

Luke Pollard: I entirely agree. If we as a country had taken this action in 2009 or 2010, as proposed by the last Labour Government, we would not be here and we would not be chasing the pack. In Britain we like to think of ourselves as a nation of animal lovers—indeed, I believe we are—but we have to put that into practice. Every animal matters. It has taken nearly a decade to introduce this ban on the use of wild animals in circuses, and it is being introduced at a time when the Government are light in legislation, including the missing fisheries and agriculture Bills, on which we really need to make progress. I agree with my hon. Friend that there is an opportunity to bring forward the Bill's enforcement date.

During yesterday's evidence we heard that many circus animals are not used for entertainment purposes over the winter season. Peter Jolly said that he stops touring around November. I understand from conversations with the Minister that there is concern that bringing forward the commencement date would overlap with the current licensing arrangements. I am sympathetic to that view. The Opposition want the ban to be brought into effect as soon as possible, but we do not want taxpayers' money being spent on compensation. There is a balance to be struck and I would be grateful if the Minister could set out his thoughts on that.

I would also be grateful if the Minister could set out a clear direction for those circus operators who may be thinking of introducing new animals before the commencement of the ban. I certainly do not want a final hurrah for circus animals: "Your last chance to see the raccoons, the zebu and the macaw!" Given that circuses operate in a commercial environment, there will always be that last PR sell.

We have an opportunity to send a message that no additional animals or new species should be introduced to any circus. As we heard from Born Free yesterday, a big cat exhibitor has applied for a new licence, but that flies in the spirit of what we are trying to do.

We want to ensure that the powers come into force as soon as possible. The period between now and 20 January 2020 is important because, every single day that goes by, those animals remain in travelling circuses and potentially in cruel and unusual environments that may damage their wellbeing. More people are encouraged to presume that it is normal for those wild animals to be in a circus and that we as a country accept that.

We have established from public polling, as set out in yesterday's evidence and during the Minister's comments on Second Reading about the weight of consultation responses received by the Department, that the general population do not support the use of animals in circuses and that it should be brought to an end as soon as is reasonably possible. I would be grateful if the Minister could set out whether there is an opportunity to bring forward the commencement date. Our amendment would not prevent 20 January 2020 from being the commencement date. It refers to bringing forward the powers

"on such day as the Secretary of State may by regulations made by statutory instrument appoint, and no later than 20 January 2020."

The Government's proposed date would remain in legislation but they would have an opportunity to bring it forward. Ministers need to retain that important tool, especially to prevent any circus operators from using the provision as a last hurrah for the use of wild animals in circuses, and from introducing new species and animals for a final show before the commencement date. I would be grateful if the Minister could respond to those concerns.

David Rutley: I need to update the Committee on an important point raised by the hon. Member for Bristol East. Everything is okay with Anne, who was rehomed at Longleat zoo, which is licensed under the Zoo Licensing Act 1981. Anne was recently moved to a new purpose-built enclosure. She is not currently housed with other elephants but she does have other animals for company, so she is in a much better place. I thank the hon. Lady for raising the issue and I apologise for not providing that update previously. I hope I have made up ground there.

I will move on to the Bill, unless there are concerns about other animals. I will try my best to find out, though perhaps not quite as speedily.

Simon Hoare: Tarka the otter.

David Rutley: My hon. Friend the Member for North Dorset—soon to be right hon. no doubt—shows his age by mentioning Tarka the otter. Or is it timely?

Mr Alistair Carmichael (Orkney and Shetland) (LD): A children's classic is timeless.

David Rutley: I remember it well. We will move on to amendment 2, if that is all right with you, Mrs Moon.

The Chair: Please do.

David Rutley: The Government understand the sentiment behind amendment 2 but are not able to support it. We have committed to having a ban in place when the regulations expire and that is what we intend to deliver.

It is important to recognise that the two remaining circuses still using wild animals are businesses, despite the fact that there are practices not approved of by Parliament, which will need notice of when they need to

stop using wild animals. Both circuses are currently licensed by DEFRA to continue using wild animal acts, until the interim Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire on 19 January 2020.

The commencement date in the Bill deliberately aligns with the expiry date in the 2012 regulations, to ensure that the two circuses have absolute clarity about when they must stop using wild animal acts. In the Government's view, that allows sufficient time for both circuses to adjust the rest of their circus shows.

10 am

The Government have always been clear that any ban should not come into force while circuses are out on tour, and that once a licence was awarded, the circus should plan accordingly for that touring season. Introducing a ban before 20 January 2020 would require us to revoke existing licences, which would entitle the affected circuses to compensation.

The interim licensing regulations were reviewed last year and have been found to be successful in securing and monitoring the welfare of those remaining wild animals used by travelling circuses. The licensing regime combined with the Animal Welfare Act 2006 will continue to protect the welfare of those wild animals while this ban comes into effect. While the animals' welfare is protected, the Government are satisfied that commencing the legislation on 20 January 2020 is reasonable.

Even if we had a power to commence by order, as per the amendment, the Bill still has to be considered by the other place, and there would be no reason for departing from the usual practice of allowing for two months between Royal Assent and commencement. At best, the earliest the commencement could be brought forward to would be October, leaving only a few months between the commencement date in our Bill and the commencement date suggested by this amendment.

I hope this is a probing amendment. Having spoken to the hon. Member for Plymouth, Sutton and Devonport, I know he understands both sides of the debate on this amendment. Given my comments and the conversations we have had, I hope he will withdraw the amendment.

The hon. Gentleman made an important point about the final hurrah. I hope and believe that the owners of the different circuses that appeared before us in the evidence session yesterday fully understood the strength of opinion in Parliament on this issue. They will also understand that if they were to bring wild animals into a circus event at this point in time, there would be a strong public reaction. There might be an economic cost, because they will need to consider how they will look after those animals in retirement. Notwithstanding differences of opinion about the efficacy or rightfulness of the work that they do, the circuses seemed to be concerned about the welfare of animals.

Sandy Martin: Can the Minister give us a categorical assurance that those circuses that currently have licences to show animals cannot bring additional animals in for the last few months of the licence that they already have? Clearly, the close relationship between the two circuses that gave evidence yesterday and the gentleman from Circus Krone, who shows large numbers of big cats, suggests that he might want to bring his big cats over to this country, just to make a point.

David Rutley: I am going to wait for a little bit of inspiration to answer that question as fully as I would like. Any animals would need to be inspected first. The point that the hon. Gentleman raises is a good one, but there would be a requirement for those animals to be inspected.

Luke Pollard: I am trying to understand what the Minister said after his moment of inspiration. The implication is that there is a possibility that new animals and new species could be introduced, between now and the commencement date of the legislation on 20 January 2020. The only restriction in the licences is that these animals must be okay and subject to inspections; it does not prevent lions, tigers or elephants being introduced in the final few months of wild animals being allowed in circuses. Is that what the Minister is saying?

David Rutley: Clearly, those animals would need to be inspected. I understand the concerns that further animals could be introduced to those circuses in the last few months, but the circuses are licensed to use wild animals and we have no welfare grounds to refuse animals being added unless they are inspected.

Technically, Opposition Members have made an important point. However, I think circuses are under no illusions about public opinion on this, and certainly parliamentary opinion. It is also clear that there could be economic costs for them, so there is a disincentive to introduce new animals within the last few months. However, given the strength of concern, let me see what more we can do to raise awareness of and concerns about these issues.

However, as I have said, apart from the powers of inspection, that is where we are at the moment. The key thing is that we want to get this ban in place as quickly as we can. Given the journey that we have been on, the good news is that it will be in place by 20 January. That is not too far off now.

Luke Pollard: I am concerned that, between now and the commencement date, new animals and new species could be brought into circuses. I do not agree with the Minister that the strength of public feeling was adequately understood by the circus operators yesterday. In fact, we heard oral and written evidence from Mrs Brown—I fundamentally disagree with her written evidence on several grounds—that she does not believe the strength of feeling in the DEFRA consultation, due to the size of the response compared with the UK population, even though that was a very good response for a DEFRA consultation.

I worry that there is a risk of a last hurrah for wild animals in circuses. The amendment does not change the 20 January 2020 date, but it provides the Minister with a stick to use should we be under the impression that additional wild animals and new species could be brought into circuses. Certainly, based on the strength of feeling among my constituents in Plymouth, if there is a risk of an elephant or big cat—a lion or tiger—or even an extra zebu or raccoon being brought into our circuses, they would want the Government to take steps to stop that from happening. I am absolutely certain that, in the event that Government compensation is only paid for animals already there, plenty of the British public would be willing to chip in a fiver to prevent an elephant from being brought into our circuses for a last hurrah.

[*Luke Pollard*]

On that basis, I disagree with the Minister on this. Because of the risk of new animals being brought into circuses, the powers proposed in the amendment are important. The amendment would not substantively change the commencement date but would provide a stick to ensure that no new animals are brought in before that date. I will press the amendment to a vote.

The Committee divided: Ayes 7, Noes 8.

Division No. 1]

AYES

| | |
|----------------------------|---------------|
| Carmichael, rh Mr Alistair | Martin, Sandy |
| Debonnaire, Thangam | Pollard, Luke |
| Duffield, Rosie | |
| McCarthy, Kerry | Reeves, Ellie |

NOES

| | |
|----------------------|---------------------|
| Chalk, Alex | Latham, Mrs Pauline |
| Harrison, Trudy | Rutley, David |
| Heald, rh Sir Oliver | Seely, Mr Bob |
| Hoare, Simon | Stewart, Iain |

Question accordingly negated.

Clause 4 ordered to stand part of the Bill.

New Clause 1

DISQUALIFICATION

(1) If a person is convicted of an offence under this Act, the court by or before which that person is convicted may, instead of or in addition to dealing with that person in any other way, make an order disqualifying him under any one or more of subsections (2) to (4) for such period as it thinks fit.

(2) Disqualification under this subsection disqualifies a person—

- (a) from owning wild animals,
- (b) from keeping wild animals,
- (c) from participating in the keeping of wild animals, and
- (d) from being party to an arrangement under which that person is entitled to control or influence the way in which wild animals are kept.

(3) Disqualification under this subsection disqualifies a person from dealing in wild animals.

(4) Disqualification under this subsection disqualifies a person—

- (a) from transporting wild animals, and
- (b) from arranging for the transport of wild animals.

(5) Disqualification under subsection (2), (3) or (4) may be imposed in relation to animals generally, or in relation to animals of one or more kinds.—(*Luke Pollard.*)

This amendment would enable a court to disqualify an offender from keeping wild animals and other activities.

Brought up, and read the First time.

Luke Pollard: I beg to move, That the clause be read a Second time.

The new clause is an attempt to consider what will happen if an offence is committed under the Act, and if wild animals are still being used in circuses after the legislation has commenced. We seek to understand what type of punishment and consequences there will be for repeat offending. For those in breach of the Act, the new clause proposes disqualification from owning or

keeping animals, or from participating in the keeping of animals. Should someone break the law on keeping wild animals and using them for entertainment in circuses, the new clause would introduced sufficient punishment to ensure that those animals could no longer be used, because the circus owners would be disqualified from keeping animals.

We heard yesterday about a number of domesticated animals, such as horses, that are used in circuses, and their use can continue because they are not wild animals. That provision would remain, but the new clause sends a strong signal that if the law is breached and wild animals are used in a circus, the owner would be disqualified from owning a wild animal.

We heard yesterday from one circus owner about the possibility that some wild animals would continue to tour with the circus, even though they would not be used for entertainment purposes, because of the owners' close affection or concern for the wellbeing of those animals. Committee members may have different views about the wellbeing of animals who continue to be taken on tour around the country, rather than put into a habitat that is as close as possible to their natural environment, and where they could live out the rest of their lives in freedom. However, the new clause would prevent owners of wild animals from owning, keeping or participating in keeping those wild animals, should there be a breach of the rules.

Sandy Martin: Does my hon. Friend agree that the main thrust of the new clause is not automatically to disqualify anybody who has been convicted of touring with a circus with animals, but that it gives the court the opportunity to make that a factor if the treatment of those animals has been bad enough? There are all sorts of different gradations of offence, and if there is a particularly serious offence, people would want the courts to have the opportunity to disqualify the owner from having animals at all.

Luke Pollard: I agree with my hon. Friend, and that leads into a question about the powers and consequences of the Bill. As a country, we have a number of pieces of good animal welfare legislation. Indeed, we are on the cusp of considering what is animal welfare legislation—meaning in the welfare of the animal—and what is a moral ban. This Bill will be enacted on ethical grounds. We, as a Parliament and a country, have decided that keeping wild animals in circuses is no longer something that we as a society want to participate in or to see. That legitimate and genuine concern is held by Members across the Committee and by our constituents. Beyond that, people want to know about the consequences for breaching these laws. Under existing protections for wild animals and other animal welfare provisions, certain types of punishment are already available. The new clause seeks to explore what punishments would be available to the courts for those offenders who continued to offend under the Act. Beyond that might be a civil sanction. I am trying to understand the consequences if someone breaks this law.

10.15 am

Mrs Pauline Latham (Mid Derbyshire) (Con): The hon. Gentleman mentions banning circus owners from owning wild animals. It was clear from yesterday's evidence session that those circus owners are very fond

of those animals and would be distraught if they were taken away. Will the hon. Gentleman clarify whether he intends that to be the consequence of what he said, or is it only following a breach that they would lose their animals? It seems unfortunate if he thinks that they should lose their animals instantly; they are obviously very fond of the animals and feel as if they are part of the family.

Luke Pollard: The hon. Lady raises a good point, which is worth getting on the record. It was clear from the evidence session yesterday that circus owners clearly have a genuine affection for their animals. Whether they should be able to use those animals for entertainment and, importantly, move them around the country in tight conditions is a different matter. I agree that circus owners have that affection, but I disagree with the way that affection is applied to their business model, if that makes sense.

We also heard that elements of cruelty accompany keeping animals in circuses. The new clause seeks to provide courts with an additional option to use in the event of a breach. Effectively, if a circus owner continued to exhibit wild animals as part of their entertainment, a court, on the basis of the regulations, the guidance and the Bill, would have the ability, on confirming a breach of the Bill, to apply a disqualification, should it see fit. That is important, because people who I have spoken to about this want to know that the animals are safe. If the law is breached and wild animals are used in a circus, and those animals continue to be owned and potentially used again by those operators, I imagine that most of my constituents would want those animals taken off those individuals.

The new clause includes the ability for the court effectively to decide to,

“instead of or in addition to dealing with that person in any other way, make an order disqualifying him under any one or more of subsections (2) to (4) for such period as it thinks fit.”

Disqualification under subsection (2) is from owning, keeping or participating in the keeping of wild animals. Effectively, the new clause provides a big stick for courts to ensure, if there is a breach, that there will be sufficient punishment, that those animals can be removed from that environment, and that there is a consequence for people who decide to keep wild animals and to continue to entertain people with them. Our new clause provides for not only the banning but the enforcement and the punishment.

Our purpose, in tabling the new clause, was to ask the Minister what potential punishments he envisages for a breach of Bill. I shall be grateful if he will set out what he anticipates will happen, in the event that a circus owner is in breach of the Bill.

David Rutley: The Government proposed a ban on the use of wild animals in travelling circuses on ethical grounds, as has been discussed. As a result, the penalties and enforcement powers in the Bill must be proportionate to the severity of the offence. The use of wild animals in a travelling circus has until now always been legal in this country. We seek to ban it because the Government, and I hope Parliament, recognise that it is an outdated practice.

The Bill is about sending a signal about the respect that we should show wild animals in the 21st century. If operators seek to be cruel to their wild animals—we

have not seen any recent evidence to suggest that they would—other laws are already in place to deal with those offences in a more proportionate way. The penalty for a circus operator found guilty of using a wild animal in a travelling circus is an unlimited fine. We think that is a proportionate penalty, as did the Environment, Food and Rural Affairs Committee when it undertook pre-legislative scrutiny of the Bill. The Committee also agreed that further disqualification powers were unnecessary. Where a travelling circus chose repeatedly to break the law—given the very public nature of the offence, we think that is highly unlikely—a court could hand out fines of increasing severity. A travelling circus would soon find it simply uneconomic to continue, in addition to the damage that would be caused to its reputation.

Of course, where evidence is found of a wild animal being mistreated in a travelling circus, the Animal Welfare Act 2006 will apply, as is currently the case. That Act already provides powers to seize animals and disqualify people from keeping animals should there be grounds for doing so. Those disqualification powers are proportionate to some of the wicked and cruel offences covered by that Act. Furthermore, the Dangerous Wild Animals Act 1976 contains powers to disqualify those convicted under that Act of an offence of not having sufficient licences in place.

The penalty in the Bill is an unlimited fine. As we have discussed, fines may increase in severity. It is useful to note that the Wild Animals in Travelling Circuses (Scotland) Act 2018 has a maximum fine of £5,000 and a criminal record, whereas the Bill will introduce for England a penalty of an unlimited fine plus a criminal record. The Bill empowers the authorities to put in place fines of increasing severity to make this activity not just illegal but increasingly uneconomic to pursue.

I hope that clarifies how the Government would seek to deal with the understandable concerns that the hon. Member for Plymouth, Sutton and Devonport has raised. I hope he understands that we do not need any disqualification powers in the Bill because there are disqualification powers elsewhere to address the other issues he raises. I hope that, on the strength of the points I have made, he feels he can withdraw the new clause.

Luke Pollard: On the basis of the Minister’s reassurances that there will be sufficient consequences for people who breach the law, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 2

POWERS OF SEIZURE: ANIMALS

“(1) Where an animal is seized under paragraph 7(k), an inspector or a constable may—

- (a) remove it, or arrange for it to be removed, to a place of safety;
- (b) care for it, or arrange for it to be cared for—
 - (i) on the premises where it was being kept when it was taken into possession, or
 - (ii) at such other place as he thinks fit.”—

(Luke Pollard.)
This amendment would enable an animal which has been seized to be removed and cared for appropriately.

Brought up, and read the First time.

Luke Pollard: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss amendment 3, in the schedule, page 4, line 38, leave out “except” and insert “including”.

This amendment would allow animals, held by those who are suspected of committing an offence under the Act, to be seized.

Luke Pollard: Effectively, new clause 2 and amendment 3 continue the theme we explored in our debate on new clause 1 about the potential seizure of animals. They seek to ensure that there are powers to seize an animal in the event of continued breaches of the Bill. Fundamentally, the constituents I represent want to know that, in the event of such a breach, it will be possible to take the animals to a place of safety. That is really important to them and, I imagine, to many Members.

New clause 2 would introduce a power to seize an animal in the event of a breach and would confer that power on an inspector or, as the Minister pointed out to my hon. Friend the Member for Ipswich, a constable. Amendment 3 would amend the schedule, which includes a curious form of words. It effectively states that an inspector may remove a number of things from any property where there is a wild animal, except the animal itself. Seizing evidence in support of a prosecution makes a lot of sense, and I imagine we all agree with that, but the schedule does not allow the removal of the animal itself. At what point does it become possible to rehome the animal in a safe and secure way? The Opposition are concerned that it is not clear that the Bill contains any powers to seize animals and ensure that they are rehomed satisfactorily.

New clause 2 and amendment 3 would set out clearly in the Bill that, in the event of breaches—in the event that wild animals are subjected to continued cruelty by being held in small cages in environments that are not suitable for their continued care—the animals can be seized and rehomed. From my understanding, that is not included in the Bill, and I would be grateful if the Minister set out under what circumstances he envisages any wild animal being seized and taken to a place of safety, from the commencement of the Act. I imagine that most people watching these deliberations would want to know that in the event of a breach, those animals are safe.

David Rutley: New clause 2 and amendment 3 seek to provide inspectors with powers to seize animals and make alternative arrangements to care for them. Although we understand the concern that, in some situations, animals might need to be removed from the premises on safety or welfare grounds, such powers are already provided for in existing legislation. As such, the amendments are not necessary.

The inspection powers provided by the Bill are only those that inspectors need to properly enforce the ban, including powers to enter and search premises, to examine animals and to seize objects. In this context, “premises” includes any vehicle, tent or moveable structure. In addition, inspectors have powers to video or photograph an animal, which would provide sufficient evidence of an offence.

We have not provided powers to seize animals during the course of an investigation or post-conviction penalty. In respect of pre-conviction seizure as evidence, that is

because it is unnecessary. If there are welfare or public safety concerns, animals can be seized under the Animal Welfare Act 2006 or the Dangerous Wild Animals Act 1976.

Sandy Martin: To use an analogy, it is often the case that if someone who owns a large tree that they want to remove hears that a tree preservation order is about to be placed on it, they will chop it down before the order can be placed. Is there not a real danger that if it is not possible to seize animals under certain circumstances when they are about to be removed from a circus, they may be destroyed before they can be rehoused?

David Rutley: That is an interesting point, but I think it is unlikely. There are protections, so if a circus owner was minded to do such a thing, I would have thought that we would have seen evidence of animal welfare concerns, which would be dealt with under the 2006 Act. I will explain in more detail as I proceed why we have come to that conclusion, which will hopefully answer the question more fully.

The Animal Welfare Act 2006 permits seizure if an animal is suffering, or if they are likely to suffer if their circumstances do not change. The Dangerous Wild Animals Act 1976 permits seizure of certain types of animals, including camels and zebras, if they are being kept without a licence under that Act or if a licensing condition is being breached. There is also no need to seize an animal to prove an offence has been committed under the Bill. As the Bill bans the use of animals in circuses, the evidence would need to establish that use. Simply establishing that the circus had a wild animal would not be sufficient.

We do not think that the seizure of an animal is appropriate post conviction. The only offence that a circus operator will have been convicted of is using a wild animal in a circus. To deprive them of the animal entirely would be unprecedented and clearly disproportionate, and would lead to the threat of or concern about legal challenge. I appreciate that there may be concerns about repeat offending, but there is no limit to the fine that can be imposed by the courts, as we discussed in relation to disqualification. The way to tackle the challenge is to escalate fines over time, so a repeat offender would soon find themselves out of business.

As I have already outlined, where there are welfare or public safety concerns, the Animal Welfare Act and Dangerous Wild Animals Act provide the powers to seize animals. On those grounds, I urge the hon. Member for Plymouth, Sutton and Devonport to withdraw the new clause.

Luke Pollard: Based on the reassurances that the Minister has given, that the welfare of the animals can be looked after, I am happy to withdraw the clause. However, I think there is a strong point about ensuring that none of the animals can be used should there be any breaches, and the welfare of those animals must be paramount. The reassurances that the Government Minister has given are sufficient to send a clear message on that point, so I beg to ask leave to withdraw the amendment.

New clause, by leave, withdrawn.

Schedule

INSPECTIONS

Question proposed, That the schedule be the schedule to the Bill.

10.30 am

The Chair: With this it will be convenient to discuss amendment 4, in the schedule, page 5, line 34, after “vehicle,” insert “including caravans, trucks and trailers.”

This amendment would ensure an inspector’s power of entry includes caravans, trucks and trailers.

Luke Pollard: Our amendment seeks to include the words “caravans, trucks and trailers” after “vehicle”, which comes under the broad definition that the Minister has mentioned in his previous remarks about movable structures. It aims to ensure the comprehensive nature of the schedule, and to ensure that all the areas where a wild animal could be stored or transported are covered by this legislation.

As we heard from yesterday’s evidence, some animals require larger travelling cages, and—I imagine—some require smaller travelling cages. Not knowing the precise size of a travelling cage for a raccoon, I imagine it is considerably smaller than that of a zebu. That means we need to make sure that the different types of vehicle that could transport and store any of those wild animals at any time are sufficiently encompassed in the law that we are scrutinising.

Sir Oliver Heald: I am slightly concerned about this from a legal point of view. Surely a vehicle is any instrument of conveyance, so if we qualify it by talking about “caravans, trucks and trailers”, are we not narrowing the definition?

Luke Pollard: I am grateful for that point; I think that the right hon. and learned Gentleman has got to the nub of what I am trying to get at with the Minister. I am trying to set out clearly what is included in the definition. We do not seek to qualify what a vehicle is; we stress “including” to make sure that definition includes those different movable structures and vehicles that could be home to any wild animals at any point. The right hon. and learned Gentleman has correctly identified my ruse: getting the Minister to put on record that all those different vehicles and movable structures would be included, to make sure that there can be no hiding place for any wild animal in the event of an inspection by an inspector or, as we heard earlier, a constable enforcing the requirements.

David Rutley: Amendment 4 seeks to add further clarity to a term that itself is already part of a definition. However, the Government do not believe the amendment is necessary. Paragraph 12 of the schedule provides a definition of premises, which already includes “any place”, but also

“in particular, includes—

- (a) any vehicle, and
- (b) any...movable structure.”

That is already a very broad list, which is also in line with the Police and Criminal Evidence Act 1984. The definition of premises in PACE includes “any vehicle” and

“any tent or movable structure”,

and those definitions are not further defined in the Act. Listing “caravans, trucks and trailers”, as in amendment 4, would not add anything to that definition, as those are already either vehicles or movable structures.

The purpose of a list within an inclusive definition is to extend that definition beyond what it might ordinarily be thought to include. It is not a list of examples, and including such a list runs the risk of inadvertently narrowing the definition, as my right hon. and learned Friend the Member for North East Hertfordshire has said. Specifying only vehicles that people might live in—a caravan, a truck or a trailer—suggests that the definition does not include, for example, cars or motorcycles. Again, I hope that this is a probing amendment, or at least one that seeks to clarify, and that the Committee is content that the explanation I have given means that further defining the phrase “premises” is not necessary. As such, I hope that the hon. Member for Plymouth, Sutton and Devonport will not press the amendment.

Luke Pollard: I thank the Minister for the reassurances he has given. I wanted to make sure that it was clearly set out on the record that any vehicles or potential locations where a wild animal could be stored were included in the definition, and I am grateful to the Minister for having set that out.

Mr Carmichael: I do not wish to detain the Committee for any great time, but the point made by the hon. Member for Ipswich about the power of police constables in relation to the exercise of search and seizure options is substantial and deserves the Committee’s attention. I come at it from the point of view of someone who, many years ago, made a living in the criminal courts as a solicitor, having worked as a procurator fiscal depute in Scotland and later as a defence solicitor.

I am aware of the presence of the right hon. and learned Member for North East Hertfordshire, who is a much more eminent source and should be taken much more seriously than me on these matters, but there is a small advantage from never having achieved such eminence: one perhaps has a better and fuller understanding of how things work at the sharp end and the practicalities of these matters. I am influenced in my thinking in particular by my experience working as a prosecutor, where the overwhelming number of reports we received—well in excess of 95%, I would guess—came from the police. However, there was always a small number from other reporting agencies including the Health and Safety Executive, the RSPCA—occasionally—the television licensing authority and the British Transport police.

It is fair to say that the approach taken by the other reporting agencies was not always as focused on a proper understanding of the laws of evidence as that evident from police reports. I say that gently, and not in any way to criticise those other bodies, because they all existed principally for other purposes. People do not become RSPCA inspectors or health and safety inspectors to gather evidence for prosecutions; people generally become RSPCA inspectors because they care about the welfare of animals, so that other focus is secondary.

To put it bluntly, people often do not understand the full legal significance of the way in which they go about their business. For that reason, there is substantial merit in giving police constables powers under the Bill. It is not necessarily desirable to leave it to the choice of the inspector to take along a police constable as one of the two other people they may take with them. If police constables are to be brought into inspections on a multi-agency basis, they should be there in their own right, able to exercise their own professional judgment

[Mr Carmichael]

as police officers and gatherers and observers of evidence, not simply as a bit of muscle behind the inspectors who have powers under the Bill.

The right hon. and learned Member for North East Hertfordshire points out, quite fairly, that anybody who is with an inspector has the powers of an inspector, but that is to be exercised under the direction of the inspectors, so in effect the only way in which a police constable can exercise the powers of an inspector is if they do so at the instruction of an inspector.

Again, my own background is as a procurator fiscal depute, so it was part of my job—because that is how the criminal justice system works in Scotland—occasionally to direct the police in an investigation. One always did that with extreme care and humility, because the police are exceptionally professional, but I, as a professional prosecutor, had a good understanding of the laws of evidence and that was how I was able to do it.

I just venture to suggest that an inspector given powers by the Department for Environment, Food and Rural Affairs under this schedule would not necessarily have the necessary background and understanding of the laws of evidence and procedure, and that ultimately, if things went wrong procedurally, we would not see successful prosecutions, which should be the outcome of a criminal offence.

I do not ask the Committee today to reject the schedule being agreed to as the schedule to the Bill, but I will say to the Minister that this is a serious matter requiring further consideration and that he should, if he can, undertake to give it that consideration. Otherwise, the House will, I think, want to revisit the matter on Report. Failing that, it will be, I suspect, given more rigorous and learned scrutiny in the other place.

Sandy Martin: Following the right hon. Gentleman's statement, which I largely concur with, I think that I ought briefly to make clear my view on this matter. We have a society in which people expect the rule of law to be maintained by the police. At the moment, the police face all sorts of problems, not least the lack of resources and of police officers. However, I think that most normal people in this country would expect that if any law were being broken, a police officer would be able to enforce that law, whether or not they had been invited in by somebody from DEFRA. I urge the Minister to think again about why it should be necessary for an inspector from DEFRA—an appointed inspector—to invite a police officer along with them before that police officer would be able to uphold the law.

Sir Oliver Heald: I thank the right hon. Member for Orkney and Shetland for the flattering picture that he painted of me.

Alex Chalk (Cheltenham) (Con): All true.

Sir Oliver Heald: I thank my hon. Friend very much. I just want to make a couple of points. It is true that in days gone by, there was perhaps a lack of attention to detail, but in recent times the Whitehall Prosecutors' Group has come together to try to ensure that there are high standards of training and effectiveness among prosecutors of all sorts. I wonder whether my hon.

Friend the Minister agrees with me that it is perhaps worth just mentioning to one of the Law Officers what has been said, just to ensure that this matter is brought to their attention and that there is proper superintendence of this legal process.

David Rutley: I thank right hon. and hon. Members for their contributions and I can assure them that we take seriously the comments that have been made, will review the points that have been made and will make sure that the most senior Law Officers look at this. They have done, and the general view that we have at the moment is that we do not believe that it would be appropriate or necessary for the police to enforce this legislation but, again, we will review that, based on comments that have been made. However, DEFRA-appointed inspectors are likely to be better qualified in identifying and, probably, handling species of wild animal. They have expert training and experience.

Given that the offence in clause 1 would have to happen in public, we do not believe that there will be many cases that will need investigating. It is quite an open offence that will be publicly obvious. It is also important to remember that police constables, when invited to take part in the inspection, if "in the company of an inspector" had been set out in the Bill, would have the same power of seizure of evidence as an inspector. They would be able to support the activities that go on there.

10.45 am

As I said, the primary matter to bear in mind is that there is a degree of expertise. That point was made yesterday by my hon. Friend the Member for Truro and Falmouth, who is not with us today: a number of experts in DEFRA have experience of dealing with animals. Although we respect the work that the police do—an amazing job across a wide range of activities—to expect them to have the same expertise as highly qualified DEFRA inspectors might be challenging. Notwithstanding that, I take the points that have been made, in what has been a very full and frank debate, and I will give that further investigation and review.

Schedule agreed to.

Luke Pollard: On a point of order, Mrs Moon. I am attempting a nebulous point of order so as to put on record my thanks to the DEFRA officials for the work that they have done. I also thank the animal welfare organisations and all those people who have fought for the ban on wild animals in circuses. Every wild animal matters. I hope the Minister will continue to push in his efforts to get the Bill through as fast as possible, so that we can get the six reindeer, four zebras, three camels, three raccoons, one fox—not for hunting—one macaw and one zebu into a place of safety, where they can enjoy the rest of their lives in as close to their natural habitat as possible.

David Rutley: Further to that point of order, Mrs Moon, regarding an oversight by the Minister in not recognising the important work by DEFRA officials who have been incredibly helpful in taking this forward over many years. I am grateful to countless Members of Parliament, who have not only supported this Committee and our work in the debate that took place about a week ago,

but those who have campaigned tirelessly on the issue. It is right to have done that and I am grateful to the hon. Member for Plymouth, Sutton and Devonport for bringing that to our attention. I also share in his thanks to those who participated in our evidence sessions and to you, Mrs Moon, for chairing our debate so well this morning.

The Chair: If there are no more spurious points of order, thank you everyone for your time.

Bill to be reported, without amendment.

10.48 am

Committee rose.

**Written evidence to be reported
to the House**

WAC 23 Petra Jackson, animal carer at Circus Mondao

WAC 24 Andrew Lewis

WAC 25 The Self Help Group for Farmers, Pet Owners
and Others experiencing difficulties with the RSPCA
(The SHG)WAC 26 Joint submission from the British Veterinary
Association (BVA) and the British Veterinary Zoological
Society (BVZS)