

RSPCA written submission to the Public Bill Committee on the Wild Animals in Circuses (No 2) Bill

1. About the RSPCA

1.1 The Royal Society for the Prevention of Cruelty to Animals is the world's oldest and the UK's largest animal welfare charity. We rescue, rehabilitate and rehome hundreds of thousands of animals each year. We offer advice on caring for animals and campaign to change laws to better protect them, which we then enforce through prosecution.

1.2 In all aspects of our work, the RSPCA always seeks to base its policies, strategies, and activities on the best available veterinary and scientific, technical and practical information, to ensure that our actions are appropriate and effective in promoting better welfare for animals.

2. Rationale for a ban:

2.1 The RSPCA believes that a ban on the use of wild animals in circuses is long overdue and the current Regulations are not sufficient. We welcome the Government's introduction of a Bill to achieve this.

2.2 A total of nineteen¹ wild animals, specifically six reindeer, four camels, four zebra, one fox, one macaw, two raccoons, and one zebu currently performing in two circuses² in England (this is a devolved matter). Circus life is likely to have a harmful effect on the welfare of many different types of animals³. Recent research by Bristol University found that all five of the 'freedoms' are compromised in travelling circuses and that extensive evidence reviewed supports a ban on the use of wild animals in travelling circuses on animal welfare grounds.⁴

2.3 Successive polls consistently show the majority of the public support a ban of wild animals in circuses⁵, for example polls from 2011 show 71% and 72% in favour⁶ and a more recent poll in 2018 showed 76% support a ban⁷. Furthermore, 94% of respondents to the Labour Government's consultation in 2009 wanted to see a ban⁸.

2.4 A number of other countries have banned the use of wild animals in circuses; Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, El Salvador, Estonia, Greece, Guatemala, Ireland, Israel, Italy, Latvia, Luxembourg, Malta, Mexico, the Netherlands, Panama, Paraguay, Peru, Scotland, Serbia, Singapore, Slovakia, Slovenia and Sweden.

¹ Pers Comm from Defra 03.05.19

² The circuses are Peter Jolly's circus and Circus Mondao

³ Harris S., Iossa G., & Soulsbury C. 2009 A review of wild animals in circuses. *Animal Welfare* 18: 129-140

⁴ [Dorning J., Harris S & Pickett H. 2016 The welfare of wild animals in travelling circuses. Report commissioned by the Welsh Government.](#)

⁵ 1999 MORI poll; 2005 MORI poll conducted on behalf of Animal Defenders International; 2006 Ipsos MORI poll English Omnibus survey conducted for RSPCA; 2006 Ipsos MORI poll Welsh Omnibus Survey conducted for RSPCA; 2006 ICM Research poll prepared on behalf of the Born Free Foundation by ICM Research.

⁶ ComRes for The Independent; YouGov for ADI, respectively

⁷ YouGov poll carried out between 4th - 5th March 2018. A weighted and representative sample of 1,643 GB adults (aged 18+).

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<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/foodfarm/farmanimal/welfare/documents/responses.pdf> (accessed 17.05.19)

3. Commentary on the Bill and potential amendments

3.1 Overall the RSPCA supports the Government's Bill, that received its Second Reading on 7th May 2019. However, having considered the Bill further there are a number of issues that remain outstanding:

- Lack of definition of 'travelling circus'
- Ability for courts to be able to deprive those convicted of offences of the animals
- Ability for police constables to enforce the law as well as appointed inspectors

3.2 When this issue was considered by the EFRA Select Committee as part of pre-legislative scrutiny in 2013⁹ the RSPCA suggested a definition of a travelling circus. This was: *A travelling circus means any company/group or institution which (i) travels from place to place for the purpose of giving performances, displays or exhibitions, and (ii) as part of which wild animals are kept or introduced (whether for the purpose of performance, display or otherwise).*

3.3 We had then, and continue to have, a number of reasons why we believe such a definition is needed. Firstly, the term 'circus' should not refer to the place but rather the group of people and animals that make up a circus. This more accurately reflects how circuses work, with acts coming and going from the company, and moving between different 'companies'. In addition this definition would prevent circuses touring with, but not exhibiting wild animals or using them in performance.

3.4 Such a definition should capture performances outside the typical circus tent, e.g. a tour of arenas, and any activity that involves touring from place to place, not returning to the home location. But it should not capture other performing animals as these should be returning to their home base, although it is a possibility that it captures some use of animals in this way where the next performance is nearby and so it is not worth going home first. However, we believe this is likely to be infrequent.

3.5 Use of the word "display" would ensure that less formal "exhibition" of animals is encompassed, such as animals in fields near public rights of way that are displayed in a manner that appears to promote the circus, or animals off the circus site shown next to circus posters.

3.6 The RSPCA believes that the Courts should have the power to deprive those convicted of offences of the animals, equivalent to section 33 of the Animal Welfare Act 2006. Otherwise, a circus operator can simply pay the resulting fine and keep breaching the legislation, and so its aim may not be achieved.

3.7 Although Clause 2 and Schedule 1 provide for certain appointed Inspectors to enforce this legislation the RSPCA believes such powers should be extended to police constables, as is the case in the Wild Animals in Travelling Circuses (Scotland) Act 2018. The RSPCA is interested to understand Defra's reasoning for limiting this.

3.8 Reading through the Bill and Explanatory Notes it would appear that appointed Inspectors may be able to search but they do not have any powers to seize animals. Thus the fate of any animals remains unclear and of concern from an animal welfare perspective.

3.9 The RSPCA believes that there should be guidance associated with the Bill and that it should be statutory and put out for public consultation.

⁹ <https://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/553/553.pdf>