

P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales

Y Pwyllgor Deisebau | 23 Ionawr 2018
Petitions Committee | 23 January 2018

Research Briefing:

Petition number: [P-05-796](#)

Petition title: Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales

Text of petition: We call on the Welsh Assembly to ask the Welsh Government to ban the use of wild animals in circuses in Wales. Animal Welfare (except hunting and animal experimentation) is a devolved matter in Wales.

In December 2015 Rebecca Evans AM (then Deputy Minister for Farming and Food) said "The Welsh Government believes there is no place for the use of wild animals in circuses".

Under her instructions the WG commissioned an independent report which took evidence from over 600 experts in the field. This report was published in July 2016, and the conclusions it reached were clear.

The report stated "The scientific evidence indicates that captive wild animals in travelling circuses do not active their optimal welfare requirements set out under the Animal Welfare Act of 2006". The report also stated "Life for wild animals in travelling circuses and mobile zoos does not constitute either a "good life" or a "life worth living".

In December 2016 Lesley Griffiths AM (Cabinet Secretary for Environment and Rural Affairs) stated that the WG were working towards a licensing system, similar to the one currently operated by DEFRA in England. It should be noted that this system was put in place by the UK Government in 2011 as a temporary measure until a ban was put into place.

It can clearly be shown by the licensing documents available in the public dominion that this licensing system fails the animals. The two animal circuses currently licensed by DEFRA have repeatedly breached the conditions of their licences, and had them suspended at one time or another.

In a poll carried out by RSPCA Cymru 74% of the Welsh public wanted this outdated practice banned. They also submitted a petition to The Petitions Committee of the Welsh Assembly in 2015.

Background

Animal welfare in Wales

The Assembly has legislative competence in relation to “animal health and welfare” pursuant to paragraph 1 of Schedule 7 to the *Government of Wales Act 2006*. The *Wales Act 2017* will not change the Assembly’s competence in respect of animal welfare.

The [Animal Welfare Act 2006](#) is the principal piece of animal welfare legislation in Wales and contains the general laws relating to animal welfare. It also gives the Welsh Ministers a range of powers, for example:

- section 12 – making regulations to promote animal welfare;
- section 13 – licensing or registration of activities involving animals; and
- section 14 – making of codes of practice.

(section 16 covers the making or revising of codes of practice by the Assembly).

As [stated on the Welsh Government’s website](#), under the [Performing Animals \(Regulations\) Act 1925](#) those who exhibit, use or train a performing animal in Wales [must be registered with their local authority](#) (this does not apply to training or exhibiting animals for use by military, police, or for agriculture and sport). This legislation gives powers to the police and councils to enter and inspect premises where animals are being trained and exhibited to check that animals are kept in suitable conditions that meet health, welfare and safety standards. Non-registration carries a fine of up to £2,500 and if a complaint of cruelty is proven it can lead to individuals being banned from future exhibiting or training of performing animals.

England

In England, the [Welfare of Wild Animals in Travelling Circuses \(England\) Regulations 2012](#) requires that all travelling circuses that use wild animals must be licensed. The licensing conditions set out requirements for:

- Provision of care plans;
- Controlling who may access the animals;
- Arranging for full veterinarian care; and
- Welfare requirements for display, training and performance, as well as environment and transportation.

The regulations were made under section 13 of the *Animal Welfare Act 2006*. [Guidance \(PDF 654KB\)](#) was introduced November 2012 that contains animal welfare standards to be

complied with by licence holders. Regulation 1(4) contains a 'sunset' clause that means the regulations will cease to have effect seven years after they come into force.

The UK Government has considered on several occasions banning the use of wild animals in circuses. On 16 April 2013, the Department for Environment, Food and Rural Affairs (Defra) published a draft bill aimed at banning the use of wild animals in travelling circuses in England from December 2015. In its scrutiny report the Environment, Food and Rural Affairs (EFRA) Select Committee [recommended](#) that the Government revise its approach to the bill, suggesting a proscribed list of wild animals in circuses rather than a complete ban. The UK Government's [response](#) rejected this. The Committee also commented that it would be desirable for such a ban to be UK-wide. The government responded:

As the Committee is aware, Defra Minister Lord de Mauley wrote to his three counterparts in the Devolved Administrations last November offering to extend the territorial scope of the Bill to their countries. The Government remains committed to working with the Devolved Administrations on reaching a coordinated position on this matter before a Bill is introduced. [...] The Minister for Natural Resources and Food in the Welsh Government, Alun Davies, has already written to Lord de Mauley confirming he would want his officials to work with Defra to produce a Bill that applies to England and Wales.

On 20 February 2017, a [private Members bill entitled *Wild Animals in Circuses \(Prohibition\) Bill 2016-17*](#) was introduced in the House of Commons. Covering only England, it was expected to have its second reading on 12 May 2017, however, following the UK General Election, the Bill fell. No such similar legislation is currently listed in the 2017-19 Bills before Parliament, or draft Bills for 2017-18.

National Assembly for Wales action

The use of wild animals in circuses has received considerable public attention and was the focus of a previous petition in the Fourth Assembly ([P-04-653](#)). Submitted by RSCPA Cymru, it called for a ban on the use of wild animals in circuses. The then Deputy Minister for Farming and Food, Rebecca Evans AM, responded to the petition by announcing an independent review of the evidence on welfare of animals in travelling and non-travelling circuses. Following this, the Petitions Committee agreed to close the petition.

The matter is also frequently the topic of questions in the Assembly. On 16 October 2017, Sian Gwenllian AM, [asked the Welsh Government](#) if there are any current legal barriers that prohibit the use of wild animals in circuses in Wales, and if these barriers would disappear in April 2018 (the expected commencement date for many provisions of the Wales Act 2017). The Cabinet Secretary for Energy, Planning and Rural Affairs responded that there were no legal barriers. On 15 November 2017 a [written question](#) from Steffan Lewis AM asked for a

written statement on the introduction of a ban on animal circuses in Wales. The Cabinet Secretary responded:

There is concern the welfare needs of some animals kept by Mobile Animal Exhibits (MAEs), including hawking displays, reindeer at Christmas events and, of course, performing wild animals in circuses cannot be met in a travelling environment. MAEs are diverse and there is no standard licensing regime or requirement for routine inspection. We must decide whether or not a change of policy and/or the law is required to protect the welfare of animals in MAEs. A licensing or registration scheme could improve the welfare of animals in travelling environments and also legitimise businesses operating as MAEs in Wales.

I recently consulted on the introduction of a licensing or registration scheme for MAEs. The consultation also asked for views on banning the use of wild animals in circuses. Officials are now analysing responses to the consultation, the first on this subject, which will be used to inform the next steps and I will make a statement on this before 15th December.

Details of the outcome of the consultation will be published on the Welsh Government website in due course.

Welsh Government action

Independent review into animal welfare issues in circuses

As already stated, the Welsh Government, in response to RSPCA Cymru's previous petition, commissioned an independent review into animal welfare issues in circuses that [reported](#) in January 2016. In examining the welfare (physical and mental) of animals in travelling circuses, it found that:

The available scientific evidence indicated that captive wild animals in circuses and other travelling shows do not achieve their optimal welfare requirements, as set out under the Animal Welfare Act 2006, and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds.

This report highlights a 2009 survey by the RSPCA (updated in 2016) that found ten Welsh local authorities had banned circuses on their land.

Consultation on Mobile Animal Exhibits

A [Ministerial statement](#) on 15 December 2016 by the then Cabinet Secretary for Environment and Rural Affairs set out that she was keen to address the welfare of animals used by 'Mobile Animal Exhibits' (MAEs) including circuses. It highlighted that her officials were working on developing a licensing or registration scheme for MAEs, which would address inspection and enforcement. The Welsh Government [consulted](#) (17 July to 8 October 2017) on the feasibility of such a system for MAEs that display domestic and exotic animals in Wales. The consultation document highlighted the following situation in Wales:

A data capture survey was carried out with Local Authorities in Wales at the beginning of 2017 which revealed there to be at least 53 MAES based in Wales. [...]

MAEs are diverse and there is no standard licensing regime or requirements for routine inspection. Some MAES are registered under The Performing Animals (Regulation) Act 1925. This is a lifetime registration with no specific inspection requirements. As such, it is unlikely that the welfare standards of many of Wales' performing animals are regularly assessed.

The statement also advises that the Cabinet Secretary had:

...not dismissed the possibility of a future ban on the use of wild animals in circuses in Wales and [has] kept the window open on the possibility of still being included in any UK Government Bill brought forward on this issue. However, we cannot wait forever for that possibility to arise.

The consultation, therefore, also sought views on Wales banning the use of wild animals in circuses.

A written statement and a Summary of Responses were [published](#) by the Welsh Government on 14 December 2017. In light of "majority of respondents" agreeing that there should be a licensing or registration regime for MAEs (with most favouring licensing over registration), the written statement indicates that the Cabinet Secretary has tasked officials with the development of a licensing scheme for MAEs. This will be subject to a public consultation and a Regulatory Impact Assessment. On the matter of a ban, the Summary of Responses states:

The strong feeling amongst respondents regarding a ban on the use of wild animals in circuses in Wales must be acknowledged. Officials will continue to work with Defra and the Devolved Administrations to consider cross-border issues.

Wales Animal Health and Welfare Framework

The Welsh Government's [Wales Animal Health and Welfare Framework 2017-18 Implementation Plan](#) sets out two key delivery milestones for MAEs. Firstly, to consult on the feasibility for introducing a licensing or registration scheme for MAEs, and for this consultation to seek views on the banning of the use of wild animals in circuses. Secondly, to present the findings of the public consultation and next steps to the then Cabinet Secretary for Environment and Rural Affairs.

The implementation plan states:

Under the Wales Act 2017, there is now scope to consider the option of banning the use of wild animals in circuses.

Response to petition

A response to the petition was received from the Cabinet Secretary on 29 November 2017. This reiterates the position set out in the Welsh Government's MAEs consultation. She notes

that responses to the consultation are being used to inform the next steps for a licensing or registration scheme for MAEs. She also states:

At present there are no circuses based in Wales and I have not dismissed the possibility of working with the UK Government to bring in a joint ban on the use of wild animals in circuses. Officials attend regular meeting with Defra and the Devolved Administrations and are committed to moving this policy area forward.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.