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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation – summary of responses

## Wild Animals in Travelling Circuses (Wales) Bill

January 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.



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## Executive Summary

- The eight week public consultation on the draft Wild Animals in Travelling Circuses (Wales) Bill was published on 1 October 2018. The Bill aims to address ethical concerns by banning the use of wild animals in travelling circuses in Wales.
- Respondents were asked to consider 14 questions relating to the general policy, the impact on children and young people, economic impacts, the provisions of the draft Bill and the impact on the Welsh language.
- The consultation did not seek views on whether the use of all animals in circuses should be banned, or whether the use of animals in any other form of entertainment should be banned.
- There were 6,546 responses to the consultation. This included 4576 via email, 1,961 via the online response form and nine postal submissions. Four thousand and nineteen of the email responses were identical and only answered the first two questions. They were sent as part of a campaign by the Born Free organisation.
- Ninety-seven percent of respondents support our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus.
- Ninety-seven percent of respondents agree banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals.
- Sixty percent of respondents are of the view that a ban would have an impact on the circus industry; the majority considered this to be a positive impact.
- Eighty-eight percent of respondents agree with the proposed offence as set out in the draft Bill and ninety percent agree the offence should apply to the travelling circus operator, even if the operator may not be the person using the wild animal.
- Ninety percent of respondents agree with the proposed definition of “operator”. Eighty-three percent agree with the definition of “wild animal”. And, 91% agree with the definition of “travelling circus”.
- Fifty-seven percent of respondents agree Welsh Ministers should have powers to make regulations to specify kinds of animal that are, or are not, to be regarded as wild. Seventy-eight percent agree Welsh Ministers should have powers to make regulations to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus.
- Seventy-eight percent of respondents agree with the enforcement provisions detailed in the Schedule.
- Almost all respondents believe banning the use of wild animals in travelling circuses would have neither a positive or negative effect on the Welsh language.
- Respondents are concerned about what will happen to the wild animals currently used by travelling circuses should a ban be implemented. Many are of the opinion they should be rehomed/retired to sanctuaries.

# 1. Consultation exercise

## 1.1 Background Information

The use of wild animals in travelling circuses generates strongly held opinions and a considerable degree of public and political interest.

We regularly receive calls from the general public and third sector organisations to introduce a ban on the use of wild animals in circuses. Concerns not only focus on the perceived animal welfare issues, but also on whether it is ethically acceptable to make wild animals travel, live in temporary accommodation and perform for our entertainment.

Petitions calling for a ban on the use of wild animals in circuses in Wales have twice been considered by the National Assembly for Wales' Petitions Committee:

- A petition submitted by RSPCA Cymru in October 2015 called for a ban on the use of wild animals in circuses.<sup>1</sup>
- A petition submitted by Linda Evelyn Joyce Jones calling for a ban on the use of wild animals in circuses in Wales was considered by the Petitions Committee in January 2018<sup>2</sup> and was debated in Plenary on 7 March 2018<sup>3</sup>.

In 2017 we consulted on the introduction of a licensing or registration scheme for Mobile Animal Exhibits (MAEs), including circuses.<sup>4</sup> We also asked for views on banning the use of wild animals in travelling circuses. There was overwhelming support from respondents for a ban and the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, committed to exploring opportunities to bring forward legislation to ban the use of wild animals in travelling circuses. The responses to the consultation echoed those submitted to previous consultations by the UK and Scottish Government's on this subject:

In 2009 Defra consulted on the use of wild animals in travelling circuses. Over 95% of respondents felt that it was not acceptable to use any species of wild animal in travelling circuses.<sup>5</sup>

The Scottish Government consulted on proposals to ban the use of wild animals in travelling circuses on ethical grounds in 2014. Respondents were overwhelmingly in favour of a ban, with, amongst other findings, almost 96% of the view that there are no benefits to having wild animals in travelling circuses.<sup>6</sup>

In July 2018, the First Minister made an Oral Statement on The Legislative Programme, announcing a Bill to ban the use of wild animals in travelling circuses would be brought before the Assembly in the next 12 months.

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<sup>1</sup> NAW, P-04-653 Ban the Use of Wild Animals in Circuses in Wales

<<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=13740&Opt=0>>

<sup>2</sup> NAW, P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales

<<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=20656&Opt=0>>

<sup>3</sup> NAW, Plenary (7 March 2018) <<http://record.assembly.wales/Plenary/4911>>

<sup>4</sup> Welsh Government Consultations, Mobile Animal Exhibits <<https://beta.gov.wales/mobile-animal-exhibits>>

<sup>5</sup> The National Archives, Defra, Consultation on the use of Wild Animals in Circuses, March 2010

<<http://webarchive.nationalarchives.gov.uk/20101109175937/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/>>

<sup>6</sup> Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland?, Consultation Analysis, May 2015 <<https://www.gov.scot/Resource/0048/00480385.pdf>>

## 1.2 Public Consultation

The eight week public consultation on the Wild Animals in Travelling Circuses (Wales) Bill was launched on 1 October 2018.<sup>7</sup> The consultation was published on the Welsh Government website and publicised in press notices, newsletters and via various social media platforms.

The consultation sought views on the draft legislative proposals to ban the use of wild animals in travelling circuses in Wales.

## 1.3 The Consultation Questions

Respondents were asked to consider fourteen questions:

1. Do you agree with our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus?
2. Do you agree banning the use of wild animals in travelling circuses will have a positive impact on the attitudes of children and young people towards animals? Do you have any evidence to support your view that you would like to share with us?
3. Do you consider that a ban on wild animals in travelling circuses could have an impact on circuses, or on other related industries? What would the impact be and why?
4. Do you agree with the proposed offence?
5. Do you agree that the offence should apply to the travelling circus operator even if the operator may not be the person using the wild animal?
6. Do you agree with the definition of “operator”?
7. Do you agree with the definition of “wild animal”?
8. Do you agree with the inclusion of section 3(3) which would allow for regulations to be made to specify kinds of animal that are, or are not, to be regarded as wild? Regulations would be made by Welsh Ministers (see section 7 of the draft Bill).
9. Do you agree with the definition of “travelling circus”?
10. Do you agree with the inclusion of section 4(4) which would allow for regulations to be made to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus? Regulations are to be made by Welsh Ministers (see section 7 of the draft Bill).
11. Do you agree with the enforcement provisions detailed in the Schedule?
12. We would like to know your views on the effects the Wild Animals in Travelling Circuses (Wales) Bill would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
13. Please also explain how you believe the proposed Wild Animals in Travelling Circuses (Wales) Bill could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language

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<sup>7</sup> Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill  
<<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

14. Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

## 2. Responses to the Consultation

There were 6,546 responses to the consultation, including 4576 email responses, 1,961 responses via the online response form, and nine postal submissions. The organisations which responded are listed at Annex A.

Not all respondents answered every question. Some respondents did not directly answer any of the questions. Where this was the case, and for the purpose of this document, the responses have been allocated to the questions where they best fit. In addition, where respondents did answer the specific questions, parts of those answers may have been reallocated to another question where they best fit.

### 2.1 Question 1: Do you agree with our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus?

Ninety-seven percent of respondents support our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus.

In a joint response, the British Veterinary Association (BVA) and British Veterinary Zoological Society (BVZS) wrote they *“have consistently supported a ban on wild animals in travelling circuses in the UK and campaigned for a number of years on this issue. Together with the Born Free Foundation, Captive Animals’ Protection Society and the RSPCA, BVA has called for a complete ban as quickly as possible, to end the use of wild animals to entertain people. We supported the ban in Scotland and we support the proposed ban in England.”*

RSPCA Cymru is another organisation that is opposed to the use of wild animals in travelling circuses: *“The practice of touring with wild animals in a circus is outdated and fails to reflect current public opinion on how animals should be treated and represented - indeed an RSPCA petition in Wales gathered 7,700 signatures from just May to October in 2015. The RSPCA therefore welcomes the Welsh Government’s Wild Animals in Circuses Bill to ban the use of wild animals in travelling circuses in Wales, which would bring it in line with an ever-growing list of countries that have instituted bans. At the time of writing, 30 countries around the world and 19 in Europe had banned circuses using wild animals.”*

Similar views were echoed by the majority of respondents who oppose the use of wild animals in travelling circuses. Some examples are provided below:

- *“It is wrong to use animals for entertainment and make them perform activities not natural to them for this purpose. They are sentient beings and deserve respect, protection, dignity, consideration and compassion.”* (respondent wishes to remain anonymous)
- *“Animals should not be used for entertainment in this day and age.”* (Jayne Dendle)

- *“There is no place for live animals in travelling circuses. This is the 21st Century and society should know better.”* (Yolande Kenny)
- *“Having wild animals in circuses doing tricks for our amusement belongs to an archaic, ignorant past.”* (Elizabeth Maisonpierre)
- *“No wild animals should be kept for amusement, entertainment, sport or profit - it is ethically wrong to exploit wild animals in an unfamiliar environment.”* (Ilona Sekacz)
- *“I believe it to be an outdated and unnecessary form of entertainment in the 21st century.”* (respondent wishes to remain anonymous)

Not all respondents agree with the proposed ban, being of the view that travelling circuses are well regulated and maintain high welfare standards:

- *“All circuses with wild animals touring in the U.K. are regulated by the U.K. government through DEFRA and have to meet high standards of animal welfare. Many studies have shown that animals in circus do not suffer. I refer you to Dr Kylie Worthington’s report commissioned by the RSPCA.”* (Reg Challinor)
- *“I have after visiting both of the traveling circuses mentioned never witnessed any animal in their care being ill-treated in any way, to the contrary all the animals have been well cared for, well fed, in clean hygienic, ample sized conditions. None of the animals have been witnessed doing anything or being trained to do anything that the animal would not do in wild environments.”* (Mr W Docksey)

The Circus Guild of Great Britain is also of the opinion that the current legislation and licensing scheme is sufficient, and that a ban is not necessary: *“There is no reason to ban all wild animals in travelling circuses. The two licensed circuses have proved throughout their years of being licensed that there are no welfare problems with regards to the livestock they travel with. The licensed circuses have 7 Mandatory inspections a year, 3 by inspectors from Defra Vets and 4 from their own lead vets. The licensed circuses have kept to the conditions, have passed all their inspections, have proven their integrity with regards to their care for the animals. They also comply with all the conditions under the Animal Welfare Act 2006, including all transport and all other laws relating to owning and working with animals. Given the findings of the 5 year review, the Welsh Governments and Defra inspections to ban grazing stock it would be a complete malfunction of the rule of law to ban. In law circuses can only be banned from keeping and travelling with wild animals if they have been prosecuted and found guilty of breaking any relevant animal welfare laws and other laws regarding travelling with animals.”*

Some respondents do not believe the use of wild animals in travelling circuses is an issue, as they view captive bred species as no longer being wild:

- *“The term ‘wild animal’ is being used incorrectly, circus animals are not wild. Like zoo animals, they were born in captivity and are habituated to humans. They would not survive in the wild, therefore they are not wild. Any animal that has been trained to interact with humans can not be considered wild.”* (Rebecca Bullock)

Other respondents are opposed to a ban because they believe there is merit in using wild animals in circuses, either for educational or conservation reasons. Some examples are provided below:

- *“Seeing animals including wild animals in a circus is very educational, as well as working towards safe breeding programs I feel it benefits wildlife as well as bringing sometimes a rare chance to see such majestic animals up close.”* (Kayley Netting)
- *“Circuses and zoos introduce us to the wild. They are part of a world in which we see the human animal bond and in which that bond is protected. People who do not professionally work with wild animals are not competent to control their future. The wild is not a wonderful place. Neither are most sanctuaries. Wild animals can get better care, have better lives in circuses and zoos. If you ban these animals, you are contributing to the extinction of their species. Nobody loves what they only see in a picture book enough to have their life changed for the better.”* (respondent wishes to remain anonymous)
- *“Most circuses help keep breeds of wild animals going. A lot of animals are decreasing in the wild. We need circus and zoos to keep them alive and breeding for future generations.”* (respondent wishes to remain anonymous)

## **2.2 Question 2: Do you agree banning the use of wild animals in travelling circuses will have a positive impact on the attitudes of children and young people towards animals? Do you have any evidence to support your view that you would like to share with us?**

Ninety-seven percent of respondents agree that banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. The reasons given for this are varied. Many respondents feel that a ban would engender more respect for animals, as sentient beings.

Catholic Action for Animals believes using animals in circuses *“gives young people the impression that they exist for our purposes whatever the cost to them. Banning them will make it clear that they exist for their own purposes, and will encourage respect for animals among children.”*

RSPCA Cymru believes teaching animals to perform *“inappropriate tricks”* does not educate the public or foster respect for animals:

*“The RSPCA believes that the appreciation of animals as sentient beings and the need to provide them with a healthy and happy life are essential in the promotion and development of empathy towards them. Ensuring animals have their physical, behavioural and psychological needs met and their welfare safeguarded at all times is essential to this; as is their portrayal as such to the public.*

*There is evidence that the way in which wild animals are portrayed has an impact on the attitude and actions of the public. Research<sup>8</sup> found that, compared to people shown videos of chimpanzees in a species-appropriate natural setting, people shown chimpanzees in an unnatural, human-like context (‘entertainment chimpanzees’) had a lower understanding of how endangered they are in the wild and were less likely to say they would contribute financially to the conservation of the species. People shown them in the natural setting were also more likely to say they were unsuitable as pets.”*

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<sup>8</sup> Schroeffer, K. K., Rosati, A. G., Chartrand, T. & Hare, B. Use of “Entertainment” Chimpanzees in Commercials Distorts Public Perception Regarding Their Conservation status. *PLoS One* 6, 8 (2011). <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0026048>

The BVA and BVZS consider *“that the welfare of these animals is emblematic of the way we treat all animals under the care of humans and can negatively impact on the development of responsible and respectful attitudes towards animals. We are concerned that the continued use of wild animals in circuses has the potential to undermine the public’s understanding of animals as sentient beings with complex welfare needs, instead framing animals as commodities that can be used to perform unnatural behaviours for human entertainment and promoting sub-optimal welfare practices that may be extrapolated and influence the way humans treat all animals.”*

Similar views were echoed by the majority of respondents who agreed that banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. Some examples are provided below:

- *“Children learn from what they see, circuses using animals send a message that animals are for human entertainment, playthings and a means to earn money. This is not a message that we should be sending out to the children of Wales. They need to see animals as sentient beings.”* (Jayne Dendle)
- *“If children see animals used as a commodity to make money regardless of their welfare children can’t be expected to understand their responsibility to care for animals.”* (Mrs Ann Goodwin)
- *“We need to set a good example that animals are not simply for our entertainment but are beings that should be respected.”* (respondent wishes to remain anonymous)
- *“As a teacher I have seen the negative impact it has on children’s perception of animals and how it can lead to animal cruelty.”* (respondent wishes to remain anonymous)
- *“I work in conservation education. Children learn nothing about wild animals from seeing them in circuses. On the contrary it desensitises them to their real and actual needs. I also have my own children and see how much they learn about science and ecosystems from seeing animals in the wild and natural, not artificial habitats.”* (Kate Chabriere)

We asked respondents for any evidence to support their view that they could share with us. In their response, Animal Defenders International referenced research (including the research by Schroepfer *et al* on chimpanzees) to support their view that banning the use of wild animals in travelling circuses will have a positive impact on attitudes towards animals in children and young people especially, but also in people of all ages:

*“Animal circus acts do not teach respect for animals or appreciation of the species with whom we share our planet; in fact, they teach the opposite. With audiences shown a caricature, often presented to make the trainer look strong and brave, animals are forced to perform increasingly bizarre acts that are neither natural movements for them nor educational for those watching.*

*Detached from their natural environment, research has shown that the display of animals has a negative impact on the development of respectful and responsible attitudes towards animals for children and young people, the “marginal” potential educational benefit “likely to be outweighed by the negative impression generated by using wild animals for entertainment”.*<sup>9</sup>

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<sup>9</sup> Dorning, J., Harris, S., & Pickett, H. (2016). The welfare of wild animals in travelling circuses. <https://beta.gov.wales/welfare-wild-animals-travelling-circuses>

*Expressing concern about the negative effect on children who view them, a group of psychologists in Italy has stated that animal acts fail to encourage learning about the animals, instead creating a lack of respect and empathy.<sup>10</sup>*

*Studies on the attitudes of young people in Scotland toward wild animals in travelling circuses found that 81% of those surveyed agreed with a ban, with 57% agreeing that seeing wild animals in this way would make young people respect them less.<sup>11</sup>*

*Research shows that presenting animals as objects of fun and within a human environment, such as in a travelling circus, can negatively distort people's perception of their conservation status and harm efforts to protect their counterparts in the wild. For example "those viewing photographs of a chimpanzee standing next to a human" in one study "were 35.5% less likely to categorize chimpanzee populations as endangered/declining compared to those viewing photographs with the chimpanzee standing alone", the species' use in entertainment hindering "chimpanzee conservation efforts.". In another study "Viewing the primate in an anthropomorphic setting while in contact with a person.....increased likelihood of believing the animal was not endangered."<sup>12</sup>*

Several respondents, including organisations, expressed the view that seeing wild animals in a circus environment could desensitise children to the natural responses and non-verbal communication of animals, or lead to their objectification. According to People for the Ethical Treatment of Animals (Peta), *"experts in early childhood development have cautioned against taking children to circuses that force animals to perform after finding that such acts inhibit a child's ability to develop empathy towards both humans and animals alike by teaching them that other living beings are merely objects to be manipulated for their own enjoyment."*

A small percentage of respondents disagree that banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. The main reason given is that some respondents believe travelling circuses provide children with opportunities to see and learn about wild animals they would not otherwise have.

Warren Thomas Kelly was of the view that seeing animals *"in close contact with human trainers educates the children about animal keeping and training. Animal training is an art form celebrated and patronised by Royalty and enjoyed by many other children in European countries. If you instead conversed with the schools and held open mornings at the said circuses to watch the training of the wild animals you will see commitment passion and art. Wild animals in circuses well run and operated provide children with innocent nostalgia and important culture."*

According to the Circus Guild of Great Britain, the feedback they receive from the parents is *"very positive regarding what their children have learnt and want to enjoy again."*

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<sup>10</sup> Manzoni, A. (2016). Documento di psicologi sulle valenze antipedagogiche dell'uso degli animali in circhi, ellesagre, neglizoo.

<sup>11</sup> Letter from the Cabinet Secretary for Environment, Climate Change and Land Reform responding to the Committees Stage 1 Report on the Wild Animals in Travelling Circuses (Scotland) Bill, 5<sup>th</sup> October 2017. <[http://www.parliament.scot/S5\\_Environment/Inquiries/Circus\\_Bill\\_-\\_Stage\\_1\\_-\\_Stage\\_1\\_Report\\_SG\\_Response\\_-\\_RC\\_to\\_ECCLR\\_ctte.pdf](http://www.parliament.scot/S5_Environment/Inquiries/Circus_Bill_-_Stage_1_-_Stage_1_Report_SG_Response_-_RC_to_ECCLR_ctte.pdf)>

<sup>12</sup> Leighty, K.A., Valuska, A.J., Grand, A.P., Bettinger, T.L., Mellen, J.D., Ross, S.R., Boyle, P. and Ogden, J.J. (2015). Impact of visual context on public perceptions of non-human primate performers. PloSone, 10(2), e0118487. <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4340917/>>

Some examples from respondents who expressed similar views are provided below:

- *“Seeing the way animals are trained in the circus can have a very positive and educational value to children. Some circuses have open days where people can come along and watch the animals being trained. These serve to provide an insight to animal behaviour and psychology, and help children to understand the importance of correct care and treatment of animals.”* (respondent wishes to remain anonymous)
- *“As a mother of two, with several years’ experience helping care for the animals of a private training facility while a young teen, I can honestly say there is more to gain with than without. Children have an opportunity to be educated, empathetic, experience the awe of both the animals and the relationships possible and this will reflect on their need to conserve these in the real world (truly wild). Without this, they will fail to have that experience.”* (Victoria Simpson)

Some respondents are concerned the conservation of wild animals will suffer if children are denied the opportunity to see them in travelling circuses. Rebecca Bullock believes children, and adults, *“learn to love what they can physically see and touch. Giving them the opportunity to see these animals up close is the driving factor behind their desire to save their wild counterparts. How are we supposed to get people to want to protect actual wild animals if no one cares about them?”*

According to Dr Ted Friend, the *“first contact many world famous conservation biologists and veterinarians had with exotic animals was with circus animals. Children fall in love with the animals at circuses and the old saying that “you do not conserve what you do not know” is very true. Performances allow children to focus on the animal, what the animal is capable of doing, and draws their attention, much more so than animals on display in most zoos.”*

### **2.3 Question 3: Do you consider that a ban on wild animals in travelling circuses could have an impact on circuses, or on other related industries? What would the impact be and why?**

Sixty percent of respondents are of the view that a ban would have an impact on the circus industry; the majority considered this to be a positive impact. Many respondents believe that the public appetite for seeing wild animal acts has declined and more people would attend travelling circuses if they were not using wild animals.

RSPCA Cymru shared this view: *“The RSPCA believes that a ban on the use of wild animals in circuses will not adversely affect circuses’ revenue. It could in fact benefit circuses financially to not use animals and publicise this fact by appealing to a wider audience. Polls have consistently shown, including a YouGov poll for RSPCA Cymru which found 74 percent of the public in Wales support a ban on the use of wild animals in circuses, that the majority of the public find the use of wild animals in circuses unacceptable. Circus costs could also reduce in the event of a ban and animal-keeping staff moved to attend to domestic species, which would not be affected by this ban.”*

Similarly, People for the Ethical Treatment of Animals (Peta), agreed a ban could have a positive impact on circuses *“that currently use these archaic acts by giving them an impetus to reinvent themselves and thereby increasing their revenue.”* Peta went on to highlight successful circuses which do not use any animals, such as *“the hugely popular Cirque du Soleil”* which *“remain profitable, indicating, at the very least, that such use is not essential.”*

Some examples from respondents who expressed similar views are provided below:

- *“With a typical 2-hour circus show featuring wild animals for less than 15 minutes, it is not unreasonable for circuses to re-tool and re-shape their shows, considering the weight of evidence and public opinion.”* (Animal Defenders International)
- *“The banning of animals will have an impact but this need not be negative. Circuses without animals are fantastic - Cirque de Soleil being an obvious example but other far smaller operations are still brilliant to watch - gymnasts, aerial trapeze, dancers, magicians, clowns etc. All the fun of the circus but without the cruelty.”* (Julia Newton)
- *“Many industries have had to evolve over time - there are many things that used to be bought/sold/done as "entertainment" which are no longer acceptable to our society. There are many ways in which travelling circuses can be a source of entertainment - acrobatics, clowning, storytelling - the shows do not have to include animals. I think perhaps the opposite would be the case - that if circuses evolve away from using wild animals then they would find an increase in the number of people who would be interested to go along to a show.”* (respondent wishes to remain anonymous)

Some respondents feel another positive impact for the circus industry would be a reduction in the costs associated with care and transportation of animals. One respondent, who wishes to remain anonymous, commented: *“Travelling with animals is costly and more time consuming (stopping for animal care, border control, etc.). Animal feed is expensive, animal "training" is expensive. Circuses have more to gain by not having animals as part of their act. Additionally, an increasing number of people are rejecting circuses because of their use of animals, so in fact, removing animals from the equation may increase their business.”*

Other potential benefits identified included travelling circuses being able to conduct their business without the presence of protesters:

- *“There are numerous non-animal circuses who currently tour Wales successfully, therefore Jolly's and Mondao would still be able to continue without their animals. They could potentially have more success than they currently do as they wouldn't have the protesters outside their gates every night and they could have more people attending as I know many people boycott animal circuses and would be more likely to attend once they don't have their animals.”* (Miss Katy John)

Some respondents believe the impact on the circuses and related industries would be negative, with attendances and ticket sales decreasing because the wild animals are the highlight:

- *“Most people go to circuses to see the animals. When the Ringling Circus in America retired their elephants, their attendance was reduced by 50% forcing them into bankruptcy, even though Ringling kept their other animal acts.”* (Dr Ted Friend)
- *“Ticket sales would reduce, more money would have to be spent on hiring in professional circus artistes to perform, larger venues would become too expensive for the circus to visit thus reducing the months the circus could afford to tour.”* (respondent wishes to remain anonymous)

Respondents identified the following potential negative impact on related industries:

- *“Animals are a big attraction in a circus - providing special food for the animals must involve specialist companies who would suffer financially if they were no longer used.”*

*Also, in the case of Peter Jolly's circus, they rent a large area of fields for the animals to graze when they are not performing - therefore, the land owners would lose out when less land is required for rental.” (Janet P.V. Jones)*

- *“Other forms of entertainment such as film and television often use animals from circuses and their trainers for their productions and there is a risk that such animals and skilled workers would no longer be available to these industries.” (Equity)*
- *“The impact on other related industries would be huge as the circus lawyers would fight the ban in court and use the related industries as a reason and evidence that government is cherry picking against circuses. This is discrimination and totally unfair, also race horses, donkeys on the beach, etc. would all suffer because circus would win a court case on a ban on grazing animals.” (Circus Guild of Great Britain)*

A number of respondents are concerned about what would happen to the wild animals currently used by travelling circuses if a ban were to be implemented, suggesting the animals would be impacted:

- *“The heaviest impact would be on the personal happiness and wellbeing of the animals, who would necessarily be ripped away from their families and homes. If they were allowed to stay with their circus families, but not perform, compensation would be required from the government for the duration of the animals' lives to make up for the financial deficit caused by continued nurturing in the face of reduced income caused by their retirement. An 'animal pension' if you will.” (respondent wishes to remain anonymous)*
- *“The impact on circus is that the animals and their human carers have a bond and separating the animals from the human carers will have a detrimental affect on the feelings of both the animals and the humans and will result in an act of cruelty.” (Reg Challinor)*

For the reasons set out above, a small number of respondents believe it would be more humane for the wild animals to be euthanized rather than rehomed.

#### **2.4 Question 4: Do you agree with the proposed offence?**

Eighty-eight percent of respondents agree with the proposed offence as set out in the draft Bill.

One respondent who wishes to remain anonymous believes if there is no offence for using wild animals in circuses *“then there will be no incentive for circuses to not use them, except for listening to the desires of the general public in that they no longer want to support an industry that profits off of animal abuse - and who is to say they will listen? An offence is absolutely necessary.”*

Animal Defenders International *“is satisfied that the Welsh Government is planning to make it an offence to use wild animals in travelling circuses in Wales. A ban is the economic and proportionate option given the difficulties of enforcing regulation in travelling shows, and is the approach sought by the public and animal experts.”*

In agreeing with the offence, Freedom for Animals suggests it be extended further to *“other persons”* who may use a wild animal in a circus without the operator’s knowledge. Caerphilly County Borough Council also suggested the offence should be extended to the person who handles the animal during performance or exhibition. Other respondents called

for the inclusion of provisions for tougher penalties for repeat offenders, including community or prison sentences.

There were also a number of respondents who expressed a wish to extend the offence to a travelling circus possessing/owning and/or transporting wild animals, for ethical reasons, and to avoid what they believe to be potential loopholes. RSPCA Cymru submitted the following comments, which include suggested amendments to the provisions of the draft Bill:

*“The proposed offence relates to a wild animal that ‘performs, or is exhibited’. A wild animal could still be taken on tour and trained for performance, and so be exposed to most conditions that make itinerant circus life objectionable due to associated welfare problems, as long as the animal is not performing or on exhibition. The draft Bill therefore has a narrower focus than the current Circus Regulations in England which apply to all wild animals ‘kept or introduced (whether for the purpose of performance, display or otherwise)’ into a travelling circus (regulation 2).*

*The terms “performs” and “is exhibited” tend to be defined in terms of putting (the animal) in a prominent place in order that it may readily be seen. Is there a risk that circuses with wild animals in tow will be able to sell private admission tickets, in more limited numbers, to view the animals and see them perform? In any case, the lack of a prohibition on wild animals being transported in travelling circuses would seem to make the policing of the ban more difficult and time intensive.*

*Clause 1(2) should be amended to: ‘For the purpose of subsection (1), a circus operator uses a wild animal in a travelling circus if the animal is kept by, travels with or performs or is exhibited as part of, the circus.’”*

A minority of respondents do not agree it should be an offence to use a wild animal in a travelling circus. These respondents were generally of the view that the current licensing regime is sufficient:

- *“How on earth can you bring an offence against someone who is displaying their own performing animal and already licensed to do so. You have NO right to dictate to people about their animals they have owned for generations. If the animals are healthy and vet checked and are kept in compliance with the guidelines already set out there is NO offence being committed.” (Warren Thomas Kelly)*
- *“Why should it be an offence for a circus to use wild animals if they are currently licenced under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 and have all the appropriate care plans and paperwork for all the wild animals, also that have had over 40 inspections by veterinary officials since 2012?” (Respondent wishes to remain anonymous)*

## **2.5 Question 5: Do you agree that the offence should apply to the travelling circus operator even if the operator may not be the person using the wild animal?**

Ninety percent of respondents agree the offence should apply to the travelling circus operator even if the operator may not be the person using the wild animal. However, in doing so, and in keeping with responses to question four, many respondents are of the view the offence should apply to the person using wild animal.

Some examples from respondents who expressed this view are provided below:

- *“As they are the main operator then they are letting acts use animals in their circus, they will profit from it. So after evidence is gained both operator and the act should be prosecuted.”* (Neil Michael Edmundson)
- *“It should be ultimately the responsibility of the circus operator to ensure no animals are used by exhibition or performance, therefore the offence applies to the operator.”* (Jacqueline Farquhar)
- *“The operator is the one with overall responsibility - stop them and it should filter down. It should also apply to the owner, keeper and trainer”.* (K Jones)
- *“If you are the operator you are aware there are animals in the circus and are jointly responsible for their care.”* (Respondent wishes to remain anonymous)

A few respondents disagree that the offence should apply to the travelling circus operator because, in their view, the operator may not always be aware of performances using wild animals taking place.

## **2.6 Question 6: Do you agree with the definition of “operator”?**

Ninety percent of respondents agree with the proposed definition of “operator”.

Others are unsure of the definition and/or if “operator” is the correct term:

- *“I am not sure if that goes far enough as a description. Is it the Operator, the ring master, the owner of the circuses name or whatever business name they come under. Whomever is in charge of that circus then they are the ones liable along with the act.”* (Neil Michael Edmundson)
- *“Not sure I do agree with the definition of operator as it does not clearly define the nature of that role. It would be better to have a legal term that is clearly understood by all as for example the word manager.”* (Kerina Vasey)
- *“I think the word “owner” would be better. They are the people who tell the operators of the animals what to do.”* (Respondent wishes to remain anonymous)

## **2.7 Question 7: Do you agree with the definition of “wild animal”?**

Eighty-three percent of the respondents agree with the definition of “wild animal”.

Respondents recognised the definition at 3(1) in the draft Bill as being widely understood, accepted and in line with the Zoo Licensing Act 1981 (section 21(1))<sup>13</sup> and the Wild Animals in Travelling Circuses (Scotland) Act 2018 (section 2(1))<sup>14</sup>.

In accepting the definition, Animal Defenders International commented: *“It is important that the definition of “wild animal” is not distorted. Claims from circus associations that all circus animals are domestic, as a result of “living with men for generations”, is not in line with any scientifically recognised definition of domesticated species.”*

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<sup>13</sup> Zoo Licensing Act 1981 <[Zoo Licensing Act 1981](#)>

<sup>14</sup> Wild Animals in Travelling Circuses (Scotland) Act 2018 <[Wild Animals in Travelling Circuses \(Scotland\) Act 2018](#)>

The BVA and BVZS support the proposed definition, going on to say:

*“We believe that this ban should cover all wild animal species without exception. This is because the complex welfare needs of non-domesticated, wild animals cannot be met within a travelling circus; especially in terms of housing and being able to express normal behaviour.*

*No exceptions or welfare compromises should be made for particular species of wild animal. Any ban should be consistent and not allow for any loopholes or grey areas.*

*Some kinds of circus animals may be considered domesticated in their country of origin but are not currently commonly domesticated in the British Islands, perhaps only being kept in Wales in zoos or wildlife parks. For example, in their countries of origin, camels have been used for many thousands of years by man and have been adapted for such use through breeding to encourage certain traits. Although this kind of animal is kept in the UK, the majority are kept in a manner that does not involve on-going domestication. Zoos and wildlife parks generally aim to maintain genetically diverse collections – they do not normally continue genetic selection for the purpose for which an animal may have been domesticated in their country of origin. At the time of writing, camels, for example, are therefore considered to be wild for the purposes of the Act as they are not commonly domesticated in the British Isles.*

*This contrasts with the position of llamas. Llamas are considered to have long been domesticated in South America; they have been widely used as a meat and pack animal by Andean cultures since the Pre-Columbian era. This kind of animal is now widely found in the British Islands in a farming environment where there is on-going genetic selection to suit agricultural needs. Hence this kind of animal is commonly domesticated in the British Islands.”*

In agreeing with the definition at 3(1) some respondents suggest 3(2) should be removed, considering it unnecessary. RSPCA Cymru’s comments are representative of others received:

*“The RSPCA does not agree with the part of the definition dealing with domesticated animals and believe this section should be removed. It is inaccurate and open to interpretation and misuse. Under the current definition, breeding that induces any amount of change in an animal’s behaviour, life cycle or physiology could lead to the animal being classed as ‘domesticated’. Furthermore, breeding animals for ‘multiple generations’ simply means two or more generations, which is not the case, and we believe that this is not what is intended. Where animals have been domesticated through selective breeding to adapt to living alongside people, it has been for hundreds if not thousands of years. Claims could therefore be made that a captive-bred tiger that is the second generation bred in captivity is a domesticated animal. Such an interpretation would mean that zoos are full of domesticated animals. This is not the case; the needs of a captive-born tiger are fundamentally no different to those of its counterparts born in the wild. We suggest removing section 3(2) entirely and leaving the definition in section 3(1). A more preferable solution would be to align with interpretation of ‘wild animal’ in the Zoo Licensing Act 1981, outlined in Annex A of the ZLA’s Guide to the Act’s provisions. This would ensure parity with other legislation and avoid a situation where the same species is considered ‘wild’ in a zoo, but ‘domesticated’ when kept in a circus.”*

Some respondents, including Caerphilly County Borough Council, suggest the publication of species-lists for the avoidance of any doubt: *“The legislation should include a list specifying what is and what is not regarded as a wild animal.”*

A small number of respondents are of the view that animals used in travelling circuses would not fall under the proposed definition because they are captive bred as a result of selective breeding practices. A respondent who wishes to remain anonymous believes maintaining circus animals are wild is misleading because they *“have been bred within a circus environment and animal trainers would try and breed from animals that are the most cooperative and show the signs of being comfortable around humans”*. Another who wishes to remain anonymous commented that circus animals should be considered *“captive exotics”*, and not wild.

**2.8 Question 8: Do you agree with the inclusion of section 3(3) which would allow for regulations to be made to specify kinds of animal that are, or are not, to be regarded as wild? Regulations would be made by Welsh Ministers (see section 7 of the draft Bill).**

Many respondents answered this questions “yes” or “no” without providing a reason for their answer. Fifty-seven percent agree with the inclusion of section 3(3) which would allow for regulations to be made to specify kinds of animal that are, or are not, to be regarded as wild.

The BVA and BVZS are of the view that the inclusion of section 3(3) will enable the Welsh Government to provide *“clarity”*. This was the view of other respondents, some of whom suggest the use of hybrid animals or “semi-domestic” species/breeds as areas where such clarity may be required.

Forty-three percent of respondents disagree with the inclusion of section 3(3). Some see no reason for its inclusion, feeling that 3(1) alone is enough.

RSPCA Cymru made the following recommendations:

*“A more preferable solution would be to align with interpretation of ‘wild animal’ in the Zoo Licensing Act 1981, outlined in Annex A of the ZLA’s Guide to the Act’s provisions.<sup>15</sup> This would ensure parity with other legislation and avoid a situation where the same species is considered ‘wild’ in a zoo, but ‘domesticated’ when kept in a circus.*

*If the proposal were to be progressed, there must be a transparent mechanism and criteria for additions and removals to the list, including requiring a good quality evidence base, involvement of suitably qualified independent consultees and an ability to deal with disagreements and appeals.”*

Pact (Producers Alliance for Cinema and TV) does not agree with the inclusion of Section 3(3), believing the wording is *“unclear and needs more clarity”* and may lead to unintended consequences:

*“For example, the wording ‘regulations’ provides a potential opportunity for Welsh Ministers to widen the expression to have ‘wild animals’ include animals that are not wild, but perhaps used in film and TV productions. It does not promote sufficient foreseeability and certainty, and Pact are wary that this section could, in future, affect our members that produce films and programmes in Wales.*

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<sup>15</sup> Defra, 2012 <[Zoo Licensing Act 1981: Guide to the Acts provisions](#)>

*If Section 3(3) is included with its current wording, it must not be used to widen the scope of Section 3(1) beyond what would normally and reasonably fall under the definition of 'wild animals' as well as what animals are deemed as 'commonly domesticated' in Britain."*

## **2.9 Question 9: Do you agree with the definition of "travelling circus"?**

Ninety-one percent of respondents agree with the definition of "travelling circus".

Some respondents believe static circuses should also be captured by the provisions of the Bill:

- *"I believe this act should encompass all circuses, not simply the travelling circus as defined."* (Charlotte Starkey)
- *"I think all circuses should abide by these rules, travelling or not. Stationary locations doesn't make animal subjugation appropriate and still gives the wrong messages to children."* (Anika Mothersdale)
- *"Any organisation which uses animals for entertainment should be banned, whether a 'travelling' one or not. It would enable unscrupulous owners to claim theirs was not a 'travelling' organisation if it was listed as operating generally and would be a get-out in a case of prosecution. All circuses should be banned, travelling or otherwise."* (Sheila Whitworth)

Freedom for Animals made the following suggestion: *"If static circuses are to be excluded, we suggest that travelling circuses are defined by how many times they relocate in a specific timescale i.e. static circuses must not move more than once every three years."*

Some respondents consider 4(1) to be too vague; suggesting travelling circuses could rebrand their wild animal element as being educational to circumvent a ban. Whilst most did not provide alternative text, RSPCA Cymru suggested:

*"A more appropriate definition of 'travelling circus', largely the same as the definition in the Circus Regulations in England, is: 'A travelling circus means any company/group which travels from place to place for the purpose of giving performances, displays or exhibitions'. An alternative to 'company' or 'group' is 'institution', used in the Austrian Animal Welfare Act (2005): 'circus - an institution with performances that, among other things, fall within the domain of equestrian skills or animal dressage and that may include acrobatic presentations serious and comic acts, pantomimes as well as dancing and musical numbers'. The RSPCA is not suggesting that equestrian acts be prohibited but that emphasis on the company/group/institution, rather than place, more accurately reflects how circuses work, with acts often moving between circuses. It also circumvents the scenario of circuses exchanging their iconic tents for other temporary arrangements that may not be commonly recognised as a 'circus', or even travelling between permanent facilities around the country. Whilst the definition suggested above would prevent circuses touring with wild animals, it has the advantage of not impacting on the use of wild animals for the audio-visual industry, which reside at a home base when not being used for performance."*

Thomas Chipperfield believes the definition is too vague: *"I would go so far as to say that it is impossible to say what can be defined as being a circus in the 21st century."*

**2.10 Question 10: Do you agree with the inclusion of section 4(4) which would allow for regulations to be made to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus? Regulations are to be made by Welsh Ministers (see section 7 of the draft Bill).**

Seventy-eight percent of respondents agree with the inclusion of section 4(4) which would allow for regulations to be made to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus.

RSPCA Cymru commented that this would “safeguard against attempts to circumvent the regulations” and asked: “Could section 4(4) be used to ensure that a loophole does not arise whereby a circus can rebrand itself as a MAE [Mobile Animal Exhibit], or part human circus and part MAE, travelling together, and so avoid the ban having any impact on their use of wild animals?”

Some respondents were concerned that lack of clarity in the wording of this section could result in loopholes, with circuses simply redefining themselves as being something else to avoid falling under this legislation:

- “A single broad definition would be more satisfactory than a list of specific types, unless the list were to be merely examples “such as”. It would be unfortunate to allow for any debates about whether what is clearly a circus entertainment under another name might escape the ban because its operator chose to describe it as (for example) an entertainment or show. Lists of specific types of entertainment covered by the ban could well leave loopholes. Better to be clear that the list is for illustration merely.” (Amanda Vance)
- “This must be given strict and careful consideration and not become a loophole for traveling circuses to continue to use wild animals.” (Katie Chabriere)

Pact disagrees with the inclusion of Section 4(4) in the draft Bill:

*“It’s our opinion that this section is too vague in relation to what a ‘travelling circus’ can constitute. We are wary that our members can be affected by this if they are filming with animals where the result of the filming is material of entertainment value – which is always the case for film and TV production.*

*If Section 4(4) is to become a part of the final Bill, we would like a guarantee that film and TV productions will not be affected by, or fall under the definition of what can be regarded as a ‘travelling circus’ for the purposes of the Act.”*

**2.11 Question 11: Do you agree with the enforcement provisions detailed in the Schedule?**

Seventy-eight percent of respondents agree with the enforcement provisions detailed in the Schedule. In agreeing, some respondents stressed the importance of any sanctions being strong enough to act as a deterrent:

- “The enforcement provisions need to be strong enough to deter anyone thinking of breaking the law on this.” (Respondent wishes to remain anonymous)
- “Although fines etc. need to be significant enough to deter.” (Jane Dendle)

Some respondents wish to see the powers of inspection etc. for an Authorised Inspector (section 11 of the Schedule) extended to include a provision to seize animals. RSPCA

Cymru is, overall, in favour of the enforcement provisions, but is amongst those suggesting an option to seize animals be included.

RSPCA Cymru also suggested the following: *“Courts should have the power to disqualify offenders from keeping wild animals, for example in order to deal with repeat offenders, as they can do for example with the Dangerous Wild Animals Act 1976 (DWAA), section 6(2).”* They also called for powers of entry to be extended to constables throughout the Schedule.

**2.12 Question 12: We would like to know your views on the effects the Wild Animals in Travelling Circuses (Wales) Bill would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Twelve percent of respondents answered this question. Almost all are of the view that there would be neither a positive or negative effect on the Welsh language, particularly as neither of the travelling circuses currently using wild animals is based in Wales. Some respondents believe banning the use of wild animals in travelling circuses may engender a positive response to Wales and the Welsh language.

Susan Maria Gavaghan believes a ban would be a *“very progressive, positive step from the Welsh government. Wales would be seen in a positive light and hopefully people would be encouraged to explore the Welsh language and treat it no less favourably than English.”*

**2.13 Question 13: Please also explain how you believe the proposed Wild Animals in Travelling Circuses (Wales) Bill could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

There were no recommendations for changes to the Wild Animals in Travelling Circuses (Wales) Bill to increase opportunities for people to use the Welsh language or for it to be treated no less favourably than the English language. No adverse effects on opportunities for people to use the Welsh language or on treating the Welsh language no less favourably than the English language were identified.

Some respondents suggested, with human acts potentially replacing wild animals acts, there may be more opportunity for the Welsh language to be used, particularly if travelling circuses incorporate local acts when visiting Wales.

**2.14 Question 14: Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

Four-hundred and eighty-nine respondents answered this question. Many used this as an opportunity to reiterate their views on the use of wild animals in travelling circuses.

In supporting our proposal to introduce a ban on the use of wild animals in travelling circuses, many respondents expressed concerns about what would happen to the animals

should a ban be brought in, seeking assurances they would be appropriately retired in suitable sanctuaries.

The BVA and BVZS is concerned a ban could have negative impacts on the welfare of those wild animals in existing travelling circuses if they are “*suddenly retired, having no residual economic value to the owner*”. They went on to say: “*It will be important to ensure that there is a robust transition process in place that ensures the welfare of existing animals. We are concerned that the current wording of the bill could result in unintended consequences for the welfare of wild animals kept by travelling circuses through a potential loop hole with regards to the successful enforcement of the Bill. We have concerns that permitting travelling circuses to keep wild animals as ‘pets’ and allowing their transport with travelling circuses may continue to compromise the welfare of these animals. Animals need to be retired to suitable permanent enclosures that ensure their long-term welfare needs and that are consistent with accepted best practice for similar species kept in zoos.*”

Whilst welcoming the proposed legislation, a number of respondents believe a ban on the use of all animals in circuses, be they wild or domesticated, would be preferable. Some examples are provided below:

- “*I would like to see no animals at all in circuses but I think the Bill will have more chance if it focuses on ‘wild animals’ first.*” (Elizabeth Maisonpierre)
- “*The basic issue is whether it is correct to have animals “performing” for entertainment. That this bill covers “wild” animals, is a start in the right direction, however, I believe that ultimately it should cover all animals.*” (Respondent wishes to remain anonymous)
- “*We believe that there is much evidence to support a ban on the use of domestic animals in circuses as they suffer many of the same issues that wild animals do in circuses....*” (Freedom for Animals)

### **3. Next Steps**

All comments on, and responses to, the consultation have been analysed. We will take into account the responses to inform the further development of the Wild Animals in Travelling Circuses (Wales) Bill.

The majority of respondents support our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus. A ban will send a clear message that the people of Wales believe this practice to be an outdated notion and ethically unacceptable.

## **Annex A - List of organisation which responded to the consultation**

Animal Defenders International (ADI)

British Veterinary Association (BVA)

British Veterinary Zoological Society (BVZS)

Caerphilly County Borough Council

Catholic Action for Animals

Circus Gerboa (Ireland)

Circus Guild of Great Britain (CGGB)

Club Amici del Circo (Italy)

Equity

Freedom for Animals

Gwynedd Council

People for the Ethical Treatment of Animals (PETA)

Producers Alliance for Cinema and TV (PACT)

RSPCA Cymru

The Self Help Group for Farmers, Pet Owners and Others experiencing difficulties with the RSPCA (The SHG)