

Research Briefing

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Animals (Low-Welfare Activities Abroad) Bill



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Summary

There have been number of long-running campaigns to raise awareness about the negative welfare implications of some activities involving close encounters with wild animals outside the UK, and which are available to those who live in the UK when travelling abroad.

Activities that [animal welfare campaigners have raised concerns](#) about include elephant rides, dolphinariums and close encounters with big cats.

The [Animals \(Low-Welfare Activities Abroad\) Bill](#) is a Private Member's Bill which has been put forward by Angela Richardson. It aims to prohibit the sale, the offering for sale and the advertisement in England, Wales and Northern Ireland of low-welfare animal activities which take place abroad.

As animal welfare is devolved, animal activities which would fall within the ban would be defined in regulations by the relevant national authority.

[Explanatory Notes](#) from the Department for the Environment, Food and Rural Affairs have been published alongside the Bill.

[Second Reading of the Animals \(Low-Welfare Activities Abroad\) Bill](#) took place on 3 February 2023.

The [Committee Stage of the Bill](#) took place on 8 March 2023, during this no amendments were introduced. The Bill was agreed without amendment and without division.

[Remaining stages of the Bill](#) are scheduled to take place in the Commons on 17 March 2023

1 Background

There have been number of long-running campaigns to raise awareness about the negative welfare implications of some activities involving close encounters wild animals in other countries, and which are available to those who live in the UK when travelling abroad.

The [Animals \(Low-Welfare Activities Abroad\) Bill](#) is a Private Member's Bill put forward by Angela Richardson which aims to prohibit the sale and advertising of activities abroad which involve low standards of welfare for animals.

[Explanatory Notes](#) from the Department for the Environment, Food and Rural Affairs have been published alongside the Bill.

Animal welfare is a devolved matter. The provisions in the Bill cover England, Wales and Northern Ireland only.

1.1 Low-welfare animal activities abroad

World Animal Protection, an animal welfare charity, identified the ten cruellest animal tourist attractions in their 2016 report [Checking out Cruelty](#). The ratings were based on animals' ability to experience five freedoms:

- from hunger and thirst
- from discomfort
- from pain, injury and disease
- from fear and distress
- freedom to behave normally ¹

The list of most harmful activities reflects a range of impacts on animals, including being separated from their parents when very young to facilitate training, cruel training methods, inability to exhibit natural behaviours in captivity and stress associated with handling:

- Elephant rides
- Tiger cub selfies
- Walking with lions
- Visiting bear parks
- Holding turtles

¹ AWP, [Checking out Cruelty](#), 2016

- Dolphin attractions
- Dancing monkeys
- Touring civet coffee plantations
- Snake charming
- Crocodile farms²

1.2

Role of the travel industry

World Animal Protection published [a report examining the availability of these kind of experience from 13 UK travel companies](#). It looked at the availability of shows, rides and interactive experiences generally with a focus on dolphin, primates, elephant and big cat attractions. It found a number of travel companies promoted or sold tickets directly on their websites. The [Real Responsible Traveller Report \[PDF\]](#) called for more robust policies from travel companies:

... that protect wildlife at tourist attractions to which they sell tickets and promote. Travel companies must educate and empower customers to make animal-friendly travel decisions. This involves ‘choice editing’, the process of controlling or limiting the choices available to consumers to reach an end goal, in this case, removing cruel wildlife tourism activities and promoting wildlife-friendly.³

The report highlighted the wider negative impact these activities can have on conservation, together with the benefit of well managed wildlife activities:

Captive wildlife tourism often requires the removal of wild animals from their natural habitats, or separation from their families at an early age if captive bred and is linked to the legal and illegal wildlife trade. Keeping wildlife in captivity for entertainment offers no genuine benefit to the conservation of the species.

[...]

However, some wildlife attractions are humane and ethical and contribute to the protection of wild animal populations, harnessing tourism’s potential to be an economic rationale for protecting nature. These attractions may include observing wild animals responsibly in their natural habitats from a safe and respectful distance. They may also involve viewing them in genuine sanctuaries or wildlife-friendly facilities that are part of efforts to phase out captive wild animal use for tourist entertainment.⁴

² AWP, [Checking out Cruelty](#), 2016

³ WAP, [The Real Responsible Traveller](#), December 2022

⁴ WAP, [The Real Responsible Traveller](#), December 2022

Examples of humane and ethical attractions put forward by World Animal Protection are the [Borneo Orangutan Survival Foundation Ecolodge](#) and the [Libearty Bear Sanctuary in Romania](#).

A number of travel companies have excluded certain animal attractions from their offer following campaigns from animal welfare charities. Expedia group [wildlife guidelines](#) state, [since November 2021](#), that they will not feature interactions with captive whales or dolphins; and will limit activities that feature animal interactions to those with domestic animals. TripAdvisor [has strengthened its policies](#) over time to exclude dolphin and whale attractions, and limited sale of attractions which allow direct contact with animal in captivity.

ABTA, the travel association for tour operators and travel agents in the UK, has published information on animal welfare for its members. It describes its role in this area as developing and providing guidance to its members and their suppliers on animal welfare. ABTA publishes [guidance on basic welfare requirements and unacceptable practice](#). It also publishes [more detailed guidance](#) on animals in captive environments, elephants in captive environments, unacceptable practices, wildlife viewing and working animals. Compliance with this is not a requirement for membership.

1.3

Proposals for UK legislation

The Government set out proposals to ban the advertising of low-welfare activities in its [Action Plan for Animal Welfare](#) published in May 2021. This set out a number of measures aimed at increasing the UK's animal advocacy abroad, including ensuring business did not benefit from selling low-welfare animal attractions:

In line with setting a global example on animal welfare, we also want to make sure that businesses do not benefit from selling attractions, activities or experiences to tourists involving the unacceptable treatment of animals. For example, animals such as Asian elephants may be subjected to cruel and brutal training practices to ensure their obedience. We will legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad. Our intention is that this will steer tourists towards visiting attractions that involve animals being cared for and treated properly.⁵

Legislation on this was in a proposed Animals Abroad Bill which was expected to be put forward by the Government. The [Environment, Food and Rural Affairs Committee initiated an enquiry into the Bill](#), which was subsequently paused in November 2021, awaiting publication of the Bill by the Government.

⁵ Defra, [Action Plan for Animal Welfare](#), 12 May 2021

Since then, the Government has supported a number of Private Members Bills which have addressed some of the policy proposals put forward in the Animal Plan. This includes the [Shark Fins Bill](#), which would ban the import and export of shark fins, started in the Commons and is waiting for Second Reading date in the Lords, and the [Hunting Trophies \(Import Prohibition\) Bill](#) which is due for Report Stage in the House of Commons on 17 March 2023.

Whale and Dolphin Conservation, which campaigns to end the captivity of whales and dolphins, has previously expressed disappointment at the lack of legislation in the UK to ban the sale of “cruel whale and dolphin shows”. It summarised the [reasons for its opposition to the shows](#):

Whales and dolphins travel up to 100 miles a day in the wild. No small concrete tank can replicate this freedom. Captivity causes mental stress for those held who also live shorter lives than they would in the ocean.⁶

Save the Asian Elephant (STAE) campaigns to end the captivity and mistreatment of Asian elephants in South-East Asia. They have called for [a number of actions](#), including an end to the use of elephants in tourist attractions. They have also called for legislation in the UK:

A new UK law to prohibit the advertising, promotion or sale of unethical Asian elephant related holidays and facilities – genuine sanctuaries only.⁷

An [Adjournment Debate on animal welfare in overseas tourism](#) took place in the House of Commons on 24 January 2023 led by Harry Smith. During this the debate he [set out the case for a ban on advertising](#):

Responsible tourism is an increasingly important factor to many travellers and some tourists have been shocked to see the high level of suffering by wild animals involved in unethical attractions abroad, including Asian elephants, which are sometimes snatched from their forest homes and families as young elephants to supply tourist attractions, nothing more than commercial profit, monetary gain and entertainment for the tourist trade. A UK ban on advertising of overseas attractions where Asian elephants and their babies are brutalised for tourism fun has deep and comprehensive support across Great Britain.

Such a ban would steer demand and therefore supply to ethical venues where elephants and humans are safe from abuse and fatalities. Companies selling wildlife entertainment venues lead tourists to assume such activities are acceptable, when in fact they are inhumane and cause harm to wildlife. There needs to be new legislation banning the promotion of holidays and tours that include exploitative animal encounters in their advertisements, helping to end the miserable abuse by making such unethical advertising illegal.⁸

⁶ WDC, [Ban on promoting whale and dolphin captive cruelty missing from Queen’s speech](#), 10 May 2022

⁷ STAE, [STAE’s proposals and policies](#) [website visited 31 January 2023]

⁸ [HC Deb 24 January 2023 C984](#)

Responding to the debate Rebecca Pow, The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs did not commit to legislation [but supported animal aware tourism](#) stating:

The Government are hopeful that the purchasing patterns of tourists from this country will send a strong global statement that we, as a nation, will oppose the unacceptable treatment of animals abroad.⁹

Existing regulation of adverts featuring animals

In the UK, the advertising regulatory system is a mixture of self-regulation for non-broadcast advertising and co-regulation for broadcast advertising. The [Advertising Standards Authority](#) (ASA) is the UK's single independent advertising regulator in all mediums, it does this by enforcing the Advertising Codes.¹⁰ For non-broadcast adverts the rules contained in the CAP Code are designed to ensure that all advertising is "legal, decent, honest and truthful".

On 11 March 2022, the [ASA published advice about featuring animals](#) in marketing communications. According to the ASA, it frequently receives complaints about the way in which animals have been featured in a UK advertisement, expressing concern about how the animals have been treated and/or the risk of harm and emulation. The ASA states:

The ASA will always take concerns about animal safety in ads seriously but will be careful to look at each case on its own merits. Even if the ASA decide that the presentation is the right side of the line in terms of the Codes, the number of complaints these issues usually attract means they often become subject to extensive media coverage, comment and debate, as well as criticism from animal protection groups and consumers alike.¹¹

⁹ [HC Deb 24 January 2023 c990](#)

¹⁰ [UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing](#), known as the 'CAP Code'

[UK Code of Broadcast Advertising](#), known as the 'BCAP Code'

¹¹ ASA, [Advice Online: Animals](#), 11 March 2022

2

The Bill

The [Animals \(Low-Welfare Activities Abroad\) Bill](#) would prohibit the sale and the offering for sale, and the advertisement, in the England, Wales and Northern Ireland of low-welfare animal activities that take place abroad.

Activities covered would be defined by each relevant national UK authorities in regulations and cover actions that would constitute an offence under the [Animal Welfare Act 2006](#) in England and Wales and the [Welfare of Animals Act \(Northern Ireland\) 2011](#).

[Explanatory Notes](#) from the Department for the Environment, Food and Rural Affairs (Defra) have been published alongside the Bill.

Trading standards would have powers of enforcement under the legislation. The penalty for anyone guilty of an offence would be a fine.

Defra's Explanatory Notes summarise the aim of the Bill as follows:

The Bill will establish a framework in order to reduce the sale in England and Northern Ireland, and prevalence and visibility of advertisements to members of the public in England and Northern Ireland, of low-welfare activities abroad – thereby encouraging domestic tourists to make welfare-positive decisions about which activities to undertake when holidaying abroad.¹²

2.1

The Bill in detail

Clause 1 of the Bill would prohibit the sale of low-welfare animal activities by any person in England, Wales or Northern Ireland. It would do this by making it an offence to sell, arrange or offer to treat anyone to “any right to observe or participate in an activity which involves an animal” and takes place outside the UK.

Animal welfare is a devolved responsibility so it will be up to each relevant national authority set out what these activities are in “activity regulations”. Animals are defined in the act as all vertebrates.

An activity will only be able to be included in the “activity regulations” if it involves keeping or treating an animal in way that would be illegal under the that nations animal welfare legislation.

¹² Animal (Low-Welfare Activities Abroad) Bill, [Explanatory Notes \[PDF\]](#), 1 February 2023

Clause 2 would prohibit the advertising of low-welfare animal activities (as set out in regulations) in England, Wales and Northern Ireland. This would include any person who in the course of business, publishes (or causes to be published), prints or distributes any advertisement in the UK.

The prohibition would not apply to material published abroad if not primarily intended for the UK market, other than if included in an in-flight magazine. A person would not commit an offence where the distribution of the advertisement is by means of electronic distribution, and the person did not carry out business in the UK at the time of distribution. Similarly, a person would not commit an offence by selling a publication to a member of the public.

As the Bill is currently drafted (clause 3), the time limitation periods contained in section 127 of the Magistrates Courts Act 1980 and Article 19 of the Magistrates' Courts (Northern Ireland) Order 1981 would not apply in relation to offences created under this Bill. In other words, the usual six-month time limit in which a prosecution for a summary offence must be brought would not apply. According to the Explanatory Notes, this is to ensure that prosecutions are not time-barred in complex cases. Under the Bill, individuals and company directors are liable to prosecution.

Under clause 4, provisions of the Bill would be enforced by a local weights and measures authority in England and Wales (i.e trading standards) and the Department for the Economy in Northern Ireland. The investigatory powers in Schedule 5 to the Consumer Rights Act 2015 would be available to both.

Where an enforcement authority is satisfied beyond reasonable doubt that a person has committed an offence under clauses 1 or 2 in the authority's area, the authority may impose a monetary penalty on the person, as set out in the Schedule

Clause 5 provides for powers for national authorities and the Secretary of State to make activity regulations using affirmative procedures.

The legislation would come into force two months after the Bill received Royal Assent.

3

Second Reading and Committee Stage

[Second Reading of the Animals \(Low-Welfare Activities Abroad\) Bill](#) took place on 3 February 2023.

The [Committee Stage of the Bill](#) took place on 8 March 2023 and no amendments were introduced. The Bill was agreed without amendment and without division.

[Remaining stages of the Bill](#) are scheduled to take place in the Commons on 17 March 2023.

Second Reading

[Second Reading of the Animals \(Low-Welfare Activities Abroad\) Bill](#) took place on 3 February 2023. Introducing the Bill, Angela Richardson welcomed cross party support for the Bill and highlighted why the Bill was necessary. While she welcomed steps by some major UK travel companies to remove captive wildlife entertainment from their business, she referred to the majority of the “most influential travel companies in the UK” as continuing to “sell harmful, exploitative wildlife experiences, such as swimming with dolphins, wildlife shows, big cat petting and selfies, animal rides and bathing”.¹³

Angela Richardson explained the proposed legislation as prohibiting the sale, the offering for sale, and the advertisement, of low-welfare animal activities that take place abroad, and also set out her discussion with officials on when regulations might be introduced:

My understanding from discussions with officials is that following Royal Assent, the Department for Environment, Food and Rural Affairs will be able to consider consulting on the first application of the new powers in the Bill. There will be many, along with me, who look forward to the first of a series of regulations being put in place through statutory instruments following the successful completion of the Bill’s passage.¹⁴

Setting out the Government support for the Bill, Trudy Harrison, Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, summarised the aims of the legislation:

The Bill will ensure clarity. Animals used in the tourist trade are often subjected to brutal and cruel treatment to ensure their compliance. Our

¹³ [HC Deb, 3 February 2023 c601](#)

¹⁴ [HC Deb, 3 February 2023 c602](#)

concerns relate not just to the activities themselves, but to the severe training methods that are used to train and sometimes force the animals to behave in the desired way. Any change we can make here in the United Kingdom to raise animal welfare standards across the globe is a positive.¹⁵

Holly Lynch welcomed the legislation. She referred to the fact that wildlife tourism is “a diverse industry” and that it was “important to note that there are some responsible operators and ethical activities available”. She hoped that the legislation would result in “more responsible wildlife tourism where conservation underpins any such activities”.¹⁶

The majority of members spoke in support of the Bill. However, Sir Christopher Chope raised concerns about the lack of detail in the Bill, stating that the Bill was “potentially useful” but that “it does not specify exactly what is going to be done”:

We do not know what those “specific, unacceptable practices abroad” are, the advertising of which will be banned under the Bill. There should be a lot more specificity on the face of the Bill.¹⁷

The Minister did not comment generally on this, but Angela Richardson responded to this point:

I take some comfort from the Minister’s words that the Bill will mean specific regulations on specific species and will not capture a whole load of activities.¹⁸

However, the Minister did highlight Asian elephants, which would be covered under the Bill and were of particular concern:

There is no specific reference to Asian elephants in the Bill, but we anticipate they will be covered under the Bill. Alongside the general support for the measures in the Bill, there is particularly strong support for Government intervention in relation to low-welfare activities involving Asian elephants.¹⁹

Committee Stage

[Committee Stage of the Bill](#) took place on 8 March 2023. No amendments were introduced. The Bill was agreed without amendment and without division.

During the debate, Rebecca Pow, Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs summarised the legislation and

¹⁵ [HC Deb, 3 February 2023 c609](#)

¹⁶ [HC Deb, 3 February 2023 c607](#)

¹⁷ [HC Deb, 3 February 2023 c605](#)

¹⁸ [HC Deb, 3 February 2023 c610](#)

¹⁹ [HC Deb, 3 February 2023 c610](#)

explained how it would be implemented, with each animal activity being considered separately:

Bill enables the introduction of a domestic ban on the advertising and offering for sale of low-welfare animal activities abroad. It provides a framework under which secondary legislation can apply bans to the advertising and offering for sale of specific activities. That is key; it means that different categories of creatures may be looked at individually when serious evidence is brought forward, so that we get the regulations right for each category. There will be parliamentary scrutiny of those regulations, which is welcome.²⁰

She concluded by saying that “a ban will be implemented only when compelling evidence of the need for it is submitted”.²¹

She also explained why the legislation would not apply in Scotland and Wales, although the territorial extent of the Bill includes Wales:

The Bill extends to England, Wales and Northern Ireland. However, the provisions of the Bill apply to England and Northern Ireland only. This is a devolved matter, and it will be up to the relevant devolved Administrations to consider whether they would like to bring in a similar framework. We welcome Northern Ireland’s joining in with the Bill. Its provisions will come into force two months after the day on which it is passed.²²

²⁰ [PBC Deb 8 March 2023 c6](#)

²¹ [PBC Deb 8 March 2023 c7](#)

²² [PBC Deb 8 March 2023 c8](#)

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