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Wild Animals in Circuses (No 2) Bill

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Summary

There have been long running campaigns in the UK to ban the use of wild animals in travelling circuses, which is a devolved issue. A licencing scheme for wild animals in circuses, with a 2020 sunset clause, was introduced in England in 2013. The then Government also committed to the introduction of ban by end of 2015 and published a draft Bill for consultation.

The current Government set out in 2016 its intention to introduce legislation to ban the use of wild animals in circuses when parliamentary time allowed. On publication of a review of the existing regulation in 2018 it announced that it would enact a ban by 2020 and allow the licencing regulations to expire.

A short Bill was published on 30 May 2019, introducing a ban from 20 January 2020. Second reading of the Bill will take place on 7 May 2019.

Support for a ban

Following on from debate during the passage of the *Animal Welfare Act 2006* through Parliament, the Labour Government carried out a public consultation on how best to safeguard the welfare of wild animals in travelling circuses in England. At the time 94.5% of respondents considered that a ban on the use of wild animals in circuses would be the best option to achieve better welfare standards.

Licensing Scheme for Wild Animals in Circuses

In May 2011 the Coalition Government announced its decision to introduce a licensing scheme for wild animals in circuses in England, using powers provided by the *Animal Welfare Act 2006*. It considered that a complete ban would require primary legislation. It then consulted on the proposed licensing scheme. The regulations to bring in the licensing scheme came into force in January 2013.

How many animals are licenced?

Defra figures for 2018 show one licence application for five animals (one zebra, two camels and two reindeer), and a second for fourteen animals (one camel, four reindeer, one fox, three racoons, three zebra, a blue and gold macaw and one zebu).

Policy in the Devolved Administrations

The Scottish Government passed legislation to ban wild animals in travelling circuses in December 2017. The Welsh Government has carried out independent review on the evidence of animal welfare of wild animals in travelling and non-travelling circuses and has announced a ban will be introduced in 2019. Meanwhile, the Northern Ireland Executive has investigated the possibility of an all-island approach to the issue of wild animals in circuses through adoption of a Code of Practice. However, the Republic of Ireland banned wild animals in circuses in 2018.

Second Reading and Committee Stage

[Second Reading](#) of the Bill in the House of Commons took place on 7 May 2019. The Bill was welcomed across the House. [Committee stage](#) of the Bill took place on 21 and 22 May 2019. There were two sessions taking evidence from witnesses on 21 May, and line by line consideration of the Bill on 22 May.

Witnesses included animal welfare organisations, circus owners, the European Circus Association and the Chairman of the Circus Working Group. The Bill was unamended in Committee with one division on a failed opposition amendment. This would have allowed the Bill to be brought into force earlier than the January 2020 date proposed by the Government, with the aim of preventing any further animals being licenced before the ban comes into force. The Committee also discussed whether police constables should be given powers of entry and inspection in the Bill.

Further Stages

[Report and Third Reading](#) of the Bill in the House of Commons took place on 4 June 2019. The Bill is currently in the House of Lords, having had [Second Reading](#) and been to [Grand Committee](#). It will have its [Report Stage](#) on 17 July 2019. To date there have been no amendments to the Bill.

1. Background

There have been long running campaigns in the UK to ban the use of wild animals in travelling circuses. As animal welfare is a devolved matter this paper mainly covers policy in England. Policy and legislation in the devolved administration is covered in Section 5.

Following on from debate during the passage of the *Animal Welfare Act 2006* through Parliament, the Labour Government launched a consultation in December 2009 seeking views on how best to safeguard the welfare of wild animals in travelling circuses in England.¹ The consultation sought views on three possible options: a complete ban; voluntary self-regulation; or statutory regulation.

A summary of consultation responses was published in March 2010.² At the time 94.5% of respondents considered that a ban would be the best option to achieve better welfare standards for wild animals in circuses; 29.5% of respondents thought that visits from a trained inspector would also be an effective measure to safeguard the welfare of wild animals.

Respondents who favoured intervention, including animal welfare groups and a number of veterinary organisations, focused on the difficulty of a circus environment providing for the complex welfare needs of wild animals. Supporters of wild animals in circuses, including travelling circuses which used wild animals and their representative bodies, disputed the view that circuses cannot support the welfare needs of wild animals. They contended that animals were regularly inspected and highlighted the small number of successful prosecutions brought against circuses.³

The then Minister for the Department for Environment, Food and Rural Affairs (Defra), Jim Fitzpatrick, wrote a letter on publishing the consultation responses stating that he was minded to introduce a ban:

On the basis of the preliminary analysis that Defra's animal welfare team have done on the responses received, I am minded to pursue a ban on the use of wild animals in travelling circuses in England.

A full analysis of the responses to the consultation will be completed before the summer recess and we will be able to comment in more detail in due course on how best to safeguard the welfare of these animals.

¹ Defra, *Consultation on the use of wild animals in travelling circuses*, December 2009

² Defra, *Initial summary of responses to the Defra public consultation exercise on the use of Wild Animals in Circuses*, March 2010

³ Defra, [Welfare of Wild Animals in Travelling Circuses: A Consultation](#), March 2012

2. Licensing wild animals in circuses

The Coalition Government announced its decision in May 2011 to introduce a licensing scheme for wild animals in circuses in England, using powers provided by the *Animal Welfare Act 2006*:

Any circuses in England that wish to have wild animals such as tigers, lions and elephants performing in them will need to demonstrate that they meet high animal welfare standards for each animal before they can be granted a licence to keep those animals. Areas being considered as part of licensing conditions include:

- the rules for transport of the animal, including how long animals can spend being transported without rest periods;
- the type of quarters that must be provided for the animal, including the size of the quarters and the facilities provided, including winter quarters;
- the treatment of animals by trainers and keepers, including performance and the training methods that may be used.⁴

At the time, there were significant concerns amongst animal welfare groups regarding the decision not to introduce a ban, supported by a campaign led by the Independent newspaper:

The Government's failure to ban wild animals in circuses has been criticised by a former expert adviser to the Department for Environment, Food and Rural Affairs (Defra) Raymond Ings, a specialist in elephant welfare who served on Defra's Zoos Forum for eight years, described the decision as "completely barking mad". He said circuses were "fundamentally unsuited" to keeping elephants, big cats, bears and other wild animals.

[...]

The debate about wild animals in circuses was ignited again last month when undercover footage showed a groom at Bobby Roberts Super Circus beating Britain's last circus elephant, Anne, with a pitchfork. Anne was relocated to a wildlife park. But more elephants could be imported, as they were two years ago when the Great British Circus borrowed three from Germany.

Circus owners say their animals have adequate space and are not mistreated during training. But animal-welfare groups complain that the animals spend long periods confined in "beast wagons" or enclosures, which are much smaller than those recommended for zoos.⁵

The written statement accompanying the announcement made reference to a court case challenging an Austrian ban on wild animals in circuses which might prevent a similar ban being implemented in the UK. James Paice, then the Minister for the Department for Environment, Food and Rural Affairs (Defra), further clarified the Government's position in response to an oral question:

⁴ ['Tough new licensing regime for wild animals in circuses'](#), Defra, 13 May 2011

⁵ ['Former adviser attacks circus animals 'failure''](#), *The Independent*, 16 May 2011

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The very strong legal advice that we have received, which is consistent with the case being prepared against Austria, is that a total ban on wild animals in circuses might well be seen as disproportionate action under the European Union services directive and under our own Human Rights Act 1998. We believe that to have pursued a ban in the light of that legal advice would have been irresponsible.⁶

2.1 Consultation

Following the unsuccessful legal challenges to the ban on wild animals in circuses in Austria, on 1 March 2012 the Coalition Government set out its intention to bring forward primary legislation at the earliest opportunity to introduce a ban. In the meantime, owners of travelling circuses would be required to meet new licensing standards to ensure high welfare conditions for wild animals.⁷ The then Animal Welfare Minister, Lord Taylor, said:

There is no place in today's society for wild animals being used for our entertainment in travelling circuses. Wild animals deserve our respect.

We have said many times we wanted to ban this outdated practice, but before we could do that there were serious legal issues we had to consider.

We are developing proposals to introduce a Bill as soon as Parliamentary time allows. In the meantime we are introducing a Circus Licensing Scheme to ensure decent conditions for wild animals in travelling circuses.⁸

At the same time, the Government launched a [public consultation on the proposed licensing scheme](#). Under the proposals anyone responsible for a travelling circus that used wild animals in a circus performance would need to hold a valid licence, meet strict welfare standards, prepare and follow plans for caring for every animal and have a retirement plan for each animal. The proposed welfare standards would cover all aspects of life for a wild animal in a travelling circus environment.⁹

Following analysis of the consultation responses the Government concluded that the proposed licensing scheme would be robust and workable.¹⁰ A summary of the responses to the consultation, along with the Government's response, are available the [Defra website](#).

2.2 Licensing Scheme Regulations

Draft regulations to bring in the new licensing scheme were laid before Parliament on 12 July 2012. At the same time the Government announced that drafting of legislation to bring in a full ban was underway.¹¹

⁶ [HC Deb 19 May 2011 c497](#)

⁷ ['Circuses to be banned from using performing wild animals'](#), *Defra*, 1 March 2012

⁸ *Ibid*

⁹ *Ibid*

¹⁰ [HC Deb 12 July 2012 c43WS](#)

¹¹ ['Circus update: plan to ban wild animals progresses'](#), *Defra*, 12 July 2012

The Ministerial Statement announcing the publication made clear there would be detailed licensing conditions covering all aspects of welfare in a travelling circus which would have to be met and adhered to.

Formal inspections would be undertaken by Government-appointed vets before a licence could be issued or renewed.

The regulations would be subject to a full review by the Secretary of State within 5 years of them coming into force. Furthermore, as the Government intended the licensing scheme to be an interim measure, the regulations contained their own 'sunset' provisions, which mean they will automatically expire in January 2020. In November 2012 Defra published [detailed guidance](#) on how to meet the requirements of the regulations. The [Welfare of Wild Animals in Travelling Circuses \(England\) Regulation 2013](#) came into force in January 2013

How many animals are licensed?

In November 2013 the Government confirmed the total number and species of animals licensed under the scheme

A total of 28 wild animals are covered by licences, including: six reindeer, six snakes, four zebras, four tigers, three camels, two lions, one ankole, one fox and one raccoon.¹²

In 2015, 18 wild animals were licensed for use by two circuses during the circus touring season.¹³ The figures for 2018 confirmed one licence application for five animals (one zebra, two camels and two reindeer) and a second for fourteen animals (one camel, four reindeer, one fox, three racoons, three zebras, a blue and gold macaw and one zebu).¹⁴

3. Introducing a ban

The then Government published a [draft *Wild Animals in Circuses Bill*](#) April 2013 together with an explanation of why primary legislation was needed to achieve a lawful ban of wild animals in travelling circuses:

In October 2007 the report 'Wild Animals in Travelling Circuses: The Report of the Chairman of the Circus Working Group'¹⁵ (commonly referred to as the 'Radford Report'), commissioned by the previous Government, concluded that, in terms of using the delegated powers in the Animal Welfare Act 2006 to introduce a ban, after reviewing the available scientific evidence submitted, 'there appears to be little evidence to demonstrate that the welfare of animals kept in travelling circuses is any better or worse than that of animals kept in other captive environments'. Therefore, in the absence of any compelling scientific evidence, any attempt to ban the use of an animal using the delegated powers provided by the Animal Welfare Act would fail the test of proportionality, and primary legislation is needed to 'have any realistic prospect of achieving a lawful ban'.¹⁶

¹² [PQ 171646 \[Animal Welfare: Circuses\], 4 November 2013 c18W](#)

¹³ [PQ 27601 \[Animal Welfare: Circuses\], 26 February 2016](#)

¹⁴ [Circuses: Wildlife: Written question - 219475](#)

¹⁵ [Wild Animals in Travelling Circuses: The Report of the Chairman of the Circus Working Group](#), October 2007

¹⁶ Defra, [Wild Animals in Circuses](#), Cm 8538, April 2013, p.6

3.1 Draft Wild Animals in Circuses Bill 2013

The [draft Bill](#) made it an offence for any circus operator to use a wild animal in performance or exhibition in a travelling circus in England. It also made provision for inspectors and enforcement. The existing licensing regulations were intended to remain in place until the Bill became law.

The Bill document outlined why the Government considered it inappropriate to continue to use wild animals in circuses:

- It is not necessary to use wild animals in travelling circuses to experience the circus;
- wild animals are just that and are not naturally suited to travelling circuses and may suffer as a result of being unable to fulfil their instinctive natural behaviour;
- we should feel duty-bound to recognise that wild animals have intrinsic value, and respect their inherent wildness and its implications for their treatment; and
- the practice adds nothing to the understanding and conservation of wild animals and the natural environment.

The key elements of the draft *Wild Animals in Circuses Bill* were set out by the Government as follows:

The draft Wild Animals in Circuses Bill prohibits the use of wild animals in travelling circuses in England. Wild animals are defined by the Bill as any vertebrate animal of a kind which is not normally domesticated in Great Britain – a similar definition to that used in the Zoo Licensing Act 1981 for a wild animal. An offence is committed by a circus operator where any wild animal is used in performance or exhibition in the operator's travelling circus. The maximum penalty on summary conviction for breach of the prohibition on use of wild animals proposed under the draft Bill is a fine not exceeding level 5 on the standard scale (currently £5,000).

The draft Bill contains a consequential amendment to the Dangerous Wild Animals Act 1976 that would remove the current exemption from the licensing provisions in that Act for a dangerous wild animal kept in a circus in England. If the prohibition contained in the draft Bill comes into force, there should be no dangerous vertebrate animals, as listed in the 1976 Act, remaining in circuses that would require the exemption.¹⁷

The aim at the time was for the Bill to come into force at the end of 2015.¹⁸ The draft Bill was welcomed by animal protection groups.¹⁹

3.2 Pre-legislative Scrutiny of the Draft Bill

EFRA Committee Report

The [Environment, Food and Rural Affairs \(EFRA\) Select Committee](#) carried out pre-legislative scrutiny of the draft Bill.

¹⁷ Defra, [Wild Animals in Circuses](#), Cm 8538, April 2013

¹⁸ *Ibid*, p.20

¹⁹ '[We welcome draft legislation to ban wild animal circuses](#)', *RSPCA*, 18 April 2013

The [EFRA Committee report](#) was published on 9 July 2013.²⁰ The report looked at the various views and principle of a ban on wild circus animals, and discussed clauses in the draft Bill, how it would work in practice, and the European dimension. One of the main conclusions was that rather than an outright ban there should be a proscribed list of animals:

We recommend that the Government revise its approach to the Bill so that a Schedule be attached that contains a proscribed list of animals which can no longer be used in travelling circuses. Initially, for example, there would be a ban on all big cat species and elephants but not on, say, snakes, camels, zebras or racoons. The Secretary of State should have the power through secondary legislation to amend the list in future to reflect prevailing social and cultural attitudes. Those animals not on the proscribed list should, nevertheless, still be protected by the new licensing regime introduced in 2012, which should continue.²¹

The report also recommended that enforcement powers be extended to the police,²² and urged the Government to pursue discussions with counterparts in the Devolved Administrations with a view to reaching a co-ordinated position.²³

Government response

The EFRA Committee published [the Government's response](#) to their report on 22 October 2013. The Government welcomed the Committee's support for the Government's position that there remained insufficient evidence for a ban on welfare grounds, and therefore a ban could not be brought in under the *Animal Welfare Act 2006*.²⁴

However, the Government rejected the Committee's recommendation that a Schedule be attached to the Bill listing animals which can no longer be used in travelling circuses – such as big cats and elephants:

The arguments that the Government has put forward in support of the proposed ban do not appear to lead to the conclusion that it is still acceptable to still use some species of wild animal but not others. The issue that the Government has been asked to address is not the number of wild animals used in travelling circuses, nor their species, but the fact that they are used at all.²⁵

The Government also rejected the Committee's recommendation that enforcement powers be extended to the police because Defra appointed inspectors would likely be better qualified in identifying and handling species of wild animal.²⁶

²⁰ EFRA Committee, [Fourth Report of Session 2013-14: Wild Animals in Circuses](#), HC 553, 19 July 2013

²¹ Ibid, Para. 17

²² Ibid, Para. 24

²³ Ibid, Para. 26

²⁴ EFRA Committee, [Wild Animals in Circuses: Government Response to the Committee's Fourth Report of Session 2013-14](#), HC 746, 22 October 2013, p. 1

²⁵ Ibid, p. 1

²⁶ Ibid, p. 3

3.3 Regulations Review and 2020 Ban

In a written response in February 2016, the current Government reiterated its intention to introduce the Bill when parliamentary time allowed.²⁷ The Government followed this by publishing a [post implementation review](#) of the regulations in January 2018. According to the review, inspections of circuses found a compliance rate of over 90% with the conditions in the Regulations. It concluded that:

The burdens of these Regulations are low and the licensing regime has ensured that animal welfare needs have been met without imposing excessive costs.

The review also included a commitment to ban wild animals in travelling circuses in England by 2020, and allowing the licencing regulations to expire by then:

It is unclear whether the Regulations themselves have kept down the number of wild animals in travelling circuses. The introduction of a rigorously enforced licensing regime, combined with a commitment by the Government to introduce a ban, may have dissuaded some circuses from investing in wild animal acts and seeking a licence. However, with no counterfactual of a licensing scheme being introduced, but without a commitment to introduce a ban, this is impossible to demonstrate conclusively. All that can be shown is that the number of wild animals used in travelling circuses in England since the introduction of the Regulations has remained low.

Finally, the objectives of the Regulations, to ensure the welfare needs of wild animals in travelling circuses are met, remain appropriate. The Government intends to ensure a legislative ban is enacted prior to January 2020. The Regulations would be allowed to expire, having appeared to have successfully fulfilled their original purpose

4. Wild Animals in Circuses (No 2) Bill

The Government published the [Wild Animals in Circuses \(No 2\) Bill](#) on 30 April 2018. This is because there is an existing a private members Bill before parliament, the [Wild Animals in Circuses Bill](#).

The Bill will ban wild animals in travelling circuses from 20 January 2020. On announcing the publication of the Bill, the Secretary of State for Environment Food and Rural affairs, Michael Gove, stated:

Travelling circuses are no place for wild animals in the 21st century and I am pleased that this legislation will put an end to this practice for good.

Today's announcement follows other measures we have taken to strengthen our position as a world leader on animal protection. This includes our ban on ivory sales to protect elephants, and delivering Finn's Law to strengthen the protection of service animals.²⁸

²⁷ [PQ 27601 \[Animal Welfare: Circuses\], 26 February 2016](#)

²⁸ Defra, [Gove delivers legislation to ban wild animals in circuses](#), 1 May 2019

The [press release](#) announcing the Bill also included welcoming statements from the Born Free Foundation, the RSPCA, Animal Defenders International and the British Veterinary Association.

4.1 What the Bill says

The [explanatory notes](#) summarised the provisions in the four clause Bill as follows:

1 The Bill makes it an offence for an operator of a travelling circus in England to use a "wild animal" in the circus. Wild animals are defined in the Bill as animals of a kind which are not commonly domesticated in Great Britain.

2 Operators of travelling circuses which currently use wild animals will have until 20 January 2020 to stop doing so, from which point it becomes an offence for the operator of the travelling circus to use the wild animal in exhibition or performance.

Clause 1 will introduce a ban in the use of wild animals in exhibitions or performances. Those convicted of an offence will be liable to an unlimited fine. **Clause 2** and **Schedule 1** sets out the inspection regime, including powers for the Secretary of State to appoint inspectors, and sets out their powers and responsibilities of inspector. Inspectors will be able to take two other people onto premises with them where they would have the same powers as inspectors.

Clause 3 covers consequential amendments, including removing exemptions for circuses of the requirement for a wild animal licence under the Section 5(2) of the [Dangerous Wild Animals Act 1976](#). The exemption remains for wild animals in circuses in Wales.

Clause 4 sets out the territorial extent of the Bill as England and Wales, and commencement as 20 January 2020.

The Bill, unlike the Welsh proposals (see below,) does not define travelling circus. The definition of animal is the same as that used in Section 1 of the [Animal Welfare Act 2006](#) which is "a vertebrate other than man". A wild animal is defined as one not commonly domesticated in Great Britain.

5. Devolved Administrations

Animal welfare is a devolved issue. Scotland implemented a ban on wild animals in travelling circuses in 2017. The Welsh Government introduced a [Wild Animals and Circuses \(Wales\) Bill](#) in July 2019.

5.1 Scotland

Between January and April 2014, the Scottish Government conducted a [public consultation](#) concerning the use of wild animals in travelling circuses. The purpose of the consultation was to identify any ethical concerns the public may associate with the use of wild animals in circuses. The consultation received 2043 responses, with the vast majority (98%) supporting a ban on the use of wild animals for performance in travelling circuses in Scotland. However, a minority of

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respondents, including groups affiliated to the circus industry, were strongly opposed to a ban.²⁹ The full [consultation analysis](#) was published in May 2015.

The Scottish Government subsequently confirmed that, in light of the public consultation, it would set out its plans for addressing this matter:

The results of a Scottish Government consultation showed overwhelming support for a ban on the use of wild animals in travelling circuses on ethical grounds. As that would require legislation, I am considering the best way forward, and the Scottish Government will set out plans in due course, certainly before the dissolution of Parliament.³⁰

The Scottish Government introduced the [Wild Animals in Travelling Circuses \(Scotland\) Bill](#) in May 2017 to ban wild animals in circuses:

In response to ongoing public concern about the wellbeing of wild animals in travelling circuses, the Scottish Government is seeking to prohibit their performance, display and exhibition. The Bill, introduced by the Scottish Government on the 10th of May, 2017, will not apply to static circuses.

Details of the consideration of the Bill, are available on the [Scottish Parliament website](#), including background papers and briefs. The [Wild Animals in Travelling Circuses \(Scotland\) Act](#) came into force in December 2017 and makes it an offence to use wild animals in travelling circuses.

5.2 Wales

The use of wild animals in circuses has received considerable public attention in Wales.³¹ A RSPCA petition, which gained more than 7,000 signatures, was submitted to the Petitions Committee for consideration in October 2015.³²

In December 2015, the [Welsh Government announced](#) an independent review on the evidence of animal welfare, both physical and mental, of wild animals in travelling and non-travelling circuses. In response to a written question in February 2016 the Deputy Minister for Farming and Food, Rebecca Evans, explained the rationale for the independent review:

Rebecca Evans: We have received numerous requests to consider banning the use of wild animals in circuses that visit Wales. Despite discussions at official and Ministerial level, the UK Government has consistently failed to implement plans to implement a ban on an England and Wales basis.

The latest UK Government-commissioned independent report, 'Wild Animals in Travelling Circuses: The Report of the Chairman of the Circus Working Group' (commonly referred to as the 'Radford Report') was published more than eight years ago and I

²⁹ The Scottish Government, [Should the use of wild animals in travelling circuses be banned in Scotland? Consultation Analysis](#), May 2015

³⁰ [PO S40-05568, 24 February 2016](#)

³¹ ['Lion and tiger show in South Wales is cancelled after protests'](#), *Walesonline*, 7 October 2015

³² [P-04-653 Ban the Use of Wild Animals in Circuses in Wales](#) [Accessed 14 March 2016]

felt now was the time to review all the science and available literature from within the UK, Europe and further afield.³³

In March 2016, Rebecca Evans reported that a draft report of the independent review had been received by officials, and she had tasked the Chief Veterinary Officer to consider the final report and to seek advice from the Wales Animal Health and Welfare Framework Group and other Expert Groups.³⁴

The Welsh Government published the literature review and analysis of the scientific evidence on [the welfare of animals in travelling circuses](#) in April 2016. The conclusions of the review supported a ban:

Does the evidence currently available support a ban on the use of such animals in travelling environments?

We took into account the collective and cumulative effects of all aspects of management and the environment when considering the welfare of wild animals in travelling circuses and mobile zoos. The available scientific evidence indicates that captive wild animals in circuses and other travelling animal 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.³⁵

In July 2018 the Welsh Government announced it would be introducing a ban on wild animals in circuses within 12 months:

We will bring forward a Bill to ban the use of wild animals in travelling circuses.

Animal welfare is a priority for this government and the way we treat animals is an important reflection of the values of our society. Circuses are legitimate businesses and it is not our intention to outlaw all forms of circus entertainment in Wales.

But the use of wild animals in this context is outdated and ethically unacceptable. We will prohibit their use in travelling circuses in Wales.³⁶

This was followed by [a consultation](#) in October 2018 on the proposed legislation. [The summary of responses](#) set out that the proposals were generally welcome and reiterated the timetable for introducing the legislation.

The Welsh Government published the [Wild Animals and Circuses \(Wales\) Bill](#) on 8 July 2019. The [Explanatory Memorandum](#) summarised the provisions in the Bill as follows:

The Wild Animals and Circuses (Wales) Bill makes it an offence for a wild animal to be used in a travelling circus. A wild animal is used if the animal performs or is exhibited. The Bill will not affect the use of domesticated animals in circuses, nor will it prevent wild animals being used for entertainment in other settings.³⁷

³³ [WAQ69800 and WAQ69801, answered on 17 February 2016](#)

³⁴ [‘Written Statement - The Use of Wild Animals in Circuses’](#), *The Welsh Government*, 16 March 2016

³⁵ Welsh Government, [The Welfare of animals in travelling circuses](#), April 2016

³⁶ [The Welsh Government Legislative Programme](#), 17 July 2018

³⁷ Wild Animals and Circuses (Wales) Bill, Explanatory Memorandum incorporating the Regulatory Impact Assessment and Explanatory Notes, 8 July 2019

5.3 Northern Ireland

In response to a written question in March 2016 the Northern Ireland Executive confirmed that it was investigating the possibility of an all-island approach through adoption of a Code of Practice on an all-island basis:

My officials are engaging with officials from the Department of Agriculture, Food and the Marine (DAFM) in the south under the auspices of the North South Animal Welfare and Transport Working Group to continue to investigate the possibility of an all-island approach to the issue of wild animals in travelling circuses through adoption of a Code of Practice on an all-island basis. The purpose of a Code of Practice would be to ensure that operators are clear about their responsibilities to ensure that the welfare of animals is protected. My Department continues to monitor the position in other jurisdiction.³⁸

However, the Republic of Ireland introduced a ban on wild animals in circuses in January 2018.³⁹

6. Second Reading debate

During the [Second Reading debate](#), on 7 May 2019, the Bill was widely welcomed across the House. Introducing the Bill David Rutley, the Parliamentary Under-Secretary of State for the Environment, Food and Rural Affairs, noted that in 1990 there were 250 wild animals in 20 circuses in the UK, including tigers, lions and elephants. This has now been reduced to two travelling circuses with 19 animals.⁴⁰ The Minister also reassured members that the Government was in conversation with circus owners about the ban, and that circus owners were not planning to put their animals down as “they regarded these animals as part of their families”.⁴¹

During the debate concerns were raised about the lack of a definition of travelling circus in the Bill.⁴² The Minister set out that the ban in the Bill covered the use of wild animals for both performance or exhibition,⁴³ but that “defining a circus in specific way might be unhelpful, because it could provide parameters for an operator to seek to evade the ban”.⁴⁴ Further detailed information would be included in guidance.

The Minister also confirmed that the legislation would only apply to wild animals and that it would not stop circus operators from owning wild animals or using them for activities like TV or film work, as long as they were properly licenced. Nor would it lead to the banning of animal exhibits such as falconry displays, farm parks or displays in summer fêtes.⁴⁵

³⁸ [AQW 55137/11-16, 10 March 2016](#)

³⁹ The Irish Times, [Ban on use of wild animals in circuses as of 2018 welcomed](#), 9 November 2019

⁴⁰ HC Deb 7 May 2019 [c502](#)

⁴¹ HC Deb 7 May 2019 [c498](#)

⁴² HC Deb 7 May 2019 [c502](#)

⁴³ HC Deb 7 May 2019 [c502](#)

⁴⁴ HC Deb 7 May 2019 [c503](#)

⁴⁵ HC Deb 7 May 2019 [c504](#)

Speaking for the opposition, Luke Pollard, welcomed the Bill.⁴⁶ He set out issues to be explored further during Committee such as powers to seize animals, powers to disqualify repeat offenders from keeping animals and powers of entry for constables. The Bill was also supported by Dr Lisa Cameron speaking on behalf of the SNP.⁴⁷

Whilst welcoming the Bill, George Eustice but considered that it raised some anomalies, highlighting that while camels would be banned in circuses they could still be used for camel racing and that falconry displays travel between agricultural shows during the summer.⁴⁸

7. Committee Stage summary

[Committee stage](#) of the Bill took place on 21 and 22 May 2019. There were two sessions taking evidence from witnesses on 21 May, and a line by line consideration of the bill on 22 May. Witnesses included animal welfare organisations, circus owners, the European Circus Association and the Chairman of the Circus Working Group. The Bill was unamended in Committee with one division on a failed opposition amendment. This would have allowed the Bill to be brought into force earlier than the January 2020 date proposed by the Government.⁴⁹

During the evidence sessions there were differing views about whether the Bill should contain further definitions and detail of whether this would be left to guidance to be published alongside the Bill, as is [the case in Scotland](#). Mike Radford, Chair of the Circus Working Group, called for legal certainty in the Bill:

Parliament needs to decide whether there is an ethical argument for the ban, and that is a matter of judgment. If there is, it then needs to make very clear definitions in the legislation of the animals and the context. Otherwise, it is going to be a mess.⁵⁰

There was also discussion on whether police constables should also have powers under the legislation; the legislation would apply to hybridized wild animals; whether the ban should extend to animals travelling with a circuses, even if not exhibited; whether any further animals could be licenced under the current system before the legislation came into force; and on the difference between wild animals and domesticated animals. The issue of impact on wild animals travelling outside of a circus environment, which would not be covered by the legislation was also raised. Circus owners expressed the view that their animals were not wild, but instead exotic animals, normally domesticated in other countries.⁵¹

During the line by line consideration of the Bill the Minister clarified the following points:

⁴⁶ HC Deb 7 May 2019 [c505](#)

⁴⁷ HC Deb 7 May 2019 [c510](#)

⁴⁸ HC Deb 7 May 2019 [c509](#)

⁴⁹ PB Committee 22 May 2019 [c87](#)

⁵⁰ PB Committee 21 May 2019 [c66](#)

⁵¹ PB Committee 21 May 2019 [c40](#)

- In response to concerns that the legislation does not **define travelling circuses**, the Government will publish detailed guidance to assist inspectors and circuses.⁵²
- The legislation refers to “**commonly domesticated**” animals, as in the Animal Welfare Act 2006, rather than “not normally domesticated” animals as referred to in the Zoo Licencing Act 1981. The Minister assured Members that “the terms commonly and normally are interchangeable”.⁵³
- The Bill would grant powers to DEFRA appointed inspectors but not **police constables**, which was concern to Members. The Minister highlighted that legislation would allow inspectors to take a person onto the premises, and they would be able to exercise the same powers as inspectors:

Paragraph 6 of the schedule allows inspectors to “use reasonable force” when necessary and also to take “up to two...persons” with them, which could include a police constable, when exercising the power of entry.⁵⁴

However, various Members were unhappy with this response and raised the possibility of returning to the issue at Report.⁵⁵ In response the Minister committed to giving the issue “further investigation and review”.⁵⁶

An Opposition amendment, defeated on division, would have allowed the legislation to come into force **earlier than January 2020** aimed to address concerns that there was a risk of new species and new animals being brought into travelling circuses before January 2020.⁵⁷ However, the Government did not support this. The Minister stated that circuses are licenced until January 2020 and “it is important to recognise that the two remaining circuses still using wild animals are businesses”.⁵⁸ Introducing an earlier ban would require their licences to be revoked and due to the expected parliamentary timetabling “the earliest the commencement could be brought forward to would be October”.⁵⁹ The Opposition also proposed an amendment to include a **definition of travelling circus** in the Bill.⁶⁰

A withdrawn Opposition amendment would have allowed those who convicted under the legislation to be **disqualified from keeping animals**. In response the Minister responded that the penalty if found guilty under the Act would be an unlimited fine, which could increase in severity for repeat offenders. Furthermore, a wild animal being mistreated in a travelling circus would be covered by the Animal Welfare Act 2006, which does include powers to seize and disqualify owners.⁶¹ There are similar powers under the Wild Animals Licencing Act 1971.

⁵² PB Committee 22 May 2019 [c78](#)

⁵³ PB Committee 22 May 2019 [c80](#)

⁵⁴ PB Committee 22 May 2019 [c81](#)

⁵⁵ PB Committee 22 May 2019 [c95](#)

⁵⁶ PB Committee 22 May 2019 [c96](#)

⁵⁷ PB Committee 22 May 2019 [c83](#)

⁵⁸ PB Committee 22 May 2019 [c84](#)

⁵⁹ PB Committee 22 May 2019 [c85](#)

⁶⁰ PB Committee 22 May 2019 [c75](#)

⁶¹ PB Committee 22 May 2019 [c90](#)

A withdrawn Opposition amendment which would have allowed **wild animals to be seized** if being used in circuses, was opposed by the Minister for similar reasons. In addition, the Minister stated that the legislation was not aimed at depriving circus owners of their animals:

The only offence that a circus operator will have been convicted of is using a wild animal in a circus. To deprive them of the animal entirely would be unprecedented and clearly disproportionate and would lead to the threat of or concern about legal challenge. I appreciate that there may be concerns about repeat offending, but there is no limit to the fine that can be imposed by the courts, as we discussed in relation to disqualification.⁶²

8. Report and Third Reading

The [Commons Report Stage and Third Reading](#) of the Bill took place on 4 June 2019. The Bill was passed unamended and without divisions.

During the debate several amendments were debated with MPs returning to whether “domesticated” and “travelling circus” should be defined in the Bill.⁶³ The issue of whether the Bill should include police powers was also debated, together with the availability of DEFRA inspectors. The DEFRA Minister, David Rutley, told the House that view of the police was that:

While they would of course support DEFRA-appointed inspectors, should this be required, they do not want to take on the additional responsibility of being the primary enforcer of what is a very specialist area of business. They see their role as being one of support in keeping the peace when necessary to enable inspectors to conduct the work provided for in the Bill.⁶⁴

He also told the House that “DEFRA has approximately 50 circus and zoo licensing inspectors, who are qualified and experienced in identifying and, if need be, handling species of wild animals.”⁶⁵

9. Lords Stages

The Bill is currently in the House of Lords, having had [Second Reading](#) on 19 June 2019 and been to [Grand Committee](#) on 3 July 2019. It will it is due to have its [Report Stage](#) on 17 July 2019. There have been no divisions and no amendments to the Bill in the Lords to date.

⁶² PB Committee 22 May 2019 [c92](#)

⁶³ [HC Deb 4 June 2019 c81](#)

⁶⁴ [HC Deb 4 June 2019 c97](#)

⁶⁵ [HC Deb 4 June 2019 c97](#)

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