



Ein cyf/Our ref MA-L/LG/0489/19

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National Assembly for Wales  
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3 October 2019

Dear Mike,

### **Wild Animals and Circuses (Wales) Bill**

Thank you for your letter of 25 September regarding the Wild Animals and Circuses (Wales) Bill. My responses to the Committee's questions are below.

- 1. Can you provide an explanation of the ethical justification for a ban on using wild animals, over and above that set out in the Explanatory Memorandum and given in your evidence to the Committee on 18 July?*

Travelling circuses have toured the United Kingdom for over two centuries. They are commercial operations which exist to provide entertainment. The number of travelling circuses using wild animals, and the number and variety of wild animals in those circuses, has greatly declined in recent years. The public appetite for this type of entertainment is not what it once was and there are now just two circuses touring England and Wales with wild animals. Both are based in England but regularly visit Wales. Each time they do there are renewed calls to ban the practice. The Welsh public and third sector organisations, including the British Veterinary Association, the Born Free Foundation and the RSPCA, have consistently supported and campaigned for a ban on the use of wild animals in travelling circuses.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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.<sup>1 2</sup>

In 2017 I consulted on the introduction of a licensing or registration scheme for mobile animal exhibits, including circuses. I also asked for views on banning the use of wild animals in travelling circuses. There was overwhelming support from respondents for a ban and I committed to exploring opportunities to bring forward legislation to do so.

Many of the calls for a ban focus on perceived animal welfare issues, and there is a strong body of opinion that the welfare needs of wild animals in travelling circuses cannot be met. The introduction of a ban on welfare grounds is considered in paragraphs 3.15 to 3.30 of the Explanatory Memorandum accompanying the Wild Animals and Circuses (Wales) Bill. I will not repeat the Explanatory Memorandum here, but I will briefly set out why using delegated powers in the Animal Welfare Act 2006 to ban the use of wild animals in travelling circuses would not be appropriate.

I would need to be satisfied there is compelling scientific evidence demonstrating the welfare of wild animals kept in travelling circuses is compromised in order to introduce a ban under the 2006 Act. Based on the evidence available, it cannot conclusively be proven the welfare of wild animals in travelling circuses is better or worse than animals in similar situations. I cannot, with confidence, say there are no welfare issues, rather, there is insufficient directly relevant scientific evidence of those issues available. Given the relatively small number of animals, and wide range of species which have different needs, it is doubted the results of any further research would be sufficiently meaningful and robust to better inform the debate.

In addition, both of the travelling circuses which regularly visit Wales have, for the last seven years, been licensed under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012. The regulations, made under the Animal Welfare Act 2006, have required travelling circuses to have in place care plans for their wild animals; keep specific records; notify the licensing authority of tour itineraries; have regular veterinary inspections; and adhere to specific welfare requirements for the training, performing, transport and environment of their wild animals. Despite the 2012 Regulations being unpopular with a number of animal welfare organisations opposed to the use of wild animals in travelling circuses, it has to be assumed both travelling circuses complied with the licensing requirements otherwise they would not be permitted to tour with their wild animals.

The Committee will be aware the 2012 Regulations expire on 19 January 2020, a day before the Wild Animals in Circuses Act 2019, prohibiting the use of wild animals in travelling circuses in England, is scheduled to come into force.

Over time, it has become clear that there are wider ethical considerations which go beyond the question of whether the welfare of wild animals in travelling circuses is compromised. With the coming into force of the Wales Act 2017, and the reserved powers model, we have the power in Wales to introduce primary legislation on ethical grounds.

Last year I consulted on primary legislation to ban the use of wild animals in travelling circuses in Wales, based on ethical grounds. There were over six and a half thousand responses to the consultation with 97% supporting my proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus. Whilst consultation exercises are not ballots or opinion polls, the overwhelming support from

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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/mglssueHistoryHome.aspx?IId=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/mglssueHistoryHome.aspx?IId=20656&Opt=0>>

respondents for the introduction of legislation to make it an offence for a wild animal to be used in a travelling circus is further indication of the strength of public feeling on this matter.

The Wild Animals and Circuses (Wales) Bill seeks to address ethical concerns by banning the use of wild animals in travelling circuses in Wales. This is the same approach taken by the Scottish and UK Governments which considered there was insufficient evidence to justify a ban on welfare grounds but sufficient justification to do so on an ethical grounds.

Using wild animals in travelling circuses is outdated and fails to reflect current public opinion on how animals should be treated and represented. There is no benefit to society or to the wild animals that justifies their use purely for our entertainment. It contributes little to further our understanding of wild animals and their natural behaviour, or to their conservation in the wild. It is doubtful the animals have a good quality of life, and certainly not a life that is in-keeping with members of their species kept in other environments, such as zoos which are heavily regulated, or free-living members of their species.

I am also concerned about the impact seeing wild animals perform in travelling circuses, purely for entertainment, has on the attitudes of people towards animals, particularly the developing attitudes of children. This is a view shared by many respondents to last year's consultation, who agree banning the use of wild animals in travelling circuses can contribute to encouraging respectful and responsible attitudes towards all species.

People can continue to enjoy travelling circuses, but we need to move on from wild animals being paraded around as a spectacle for our amusement. By banning the use of wild animals in travelling circuses we would join a growing number of countries which consider it unacceptable to use sentient beings in this outdated way.

*2. Can you provide an explanation of why you consider the ban a proportionate intervention, and how you have satisfied yourself that it complies with the rights set out in the Human Rights Act 1998?*

Banning the use of wild animals in travelling circuses will influence the characteristics of the two travelling circuses still using wild animals. The small and declining number of wild animals kept by travelling circuses suggests their presence is not a major factor in determining their popularity. It is possible, over time, travelling circuses will choose to no longer use wild animals. However, this is not guaranteed, and given the ethical argument I have set out above, I believe a ban is both proportionate and justified. Travelling circuses would continue to be welcome in Wales, provided they do not use wild animals.

The objective of this Bill is to prevent the use of wild animals in travelling circuses. I am satisfied the provisions of the Bill comply with the Human Rights Act 1998. Travelling circuses will be able to tour and perform as before, albeit without wild animals.

I have resisted calls for an outright ban on travelling circuses keeping animals. A ban on keeping wild animals would constitute the complete deprivation of property and engage the right to the peaceful enjoyment of possessions, which is protected by Article 1 of Protocol 1 to the European Convention on Human Rights. The Human Rights Act 1998 incorporates A1P1 into domestic British law. A1P1 provides that *'Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law'*. Controlling how an animal is used in a travelling circus environment is less of an interference than depriving an owner of it entirely. If travelling circuses choose to keep their wild animals, that is their prerogative, provided they do so within the law.

I am also satisfied the penalties and powers of enforcement are proportionate. The Schedule sets out the powers of entry including the conditions that must be satisfied before a warrant to enter a dwelling may be granted and the limitations of a warrant. These enforcement powers are not novel and mirror those already in place in other legislation.

I look forward to meeting the Committee again on 10 October to provide further evidence on the general principles of the Wild Animals and Circuses (Wales) Bill.

Regards,

A handwritten signature in black ink that reads "Lesley". The signature is written in a cursive style with a large, sweeping flourish at the bottom.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs