

# **Wild Animals in Travelling Circuses (Scotland) Bill: Q & A**

**May 2017**

## **Wild Animals in Travelling Circuses (Scotland) Bill: Q & A**

### **Q.) Why are you introducing the Bill now?**

For many years there has been objection in society to the use of wild animals in travelling circuses. Full or partial bans now exist in many other EU and non EU countries and many local authorities do not allow travelling circuses with wild animals to use their land. Although travelling circuses with wild animals have not visited Scotland in recent years, public concern here was heightened following the story of Anne the elephant, who was abused by a keeper when she was at a circus in England.

In 2014 the Scottish Government ran a public consultation on proposals to ban such use on ethical grounds. A total of 2043 responses were received. The response was overwhelmingly in favour of a ban. Amongst other findings:

- 96% said there were no benefits to having wild animals in travelling circuses
- 98% agreed that the use of wild animals for performance in travelling circuses should be banned in Scotland
- 96% agreed that the use of wild animals for exhibition in travelling circuses should be banned in Scotland
- 96% said that concerns surrounding the travelling circus environment could only be resolved by a ban.

This is clearly an issue of great moral concern to the people of Scotland and a ban on the use of wild animals in travelling circuses was a manifesto commitment for the SNP.

### **Q.) What will the Bill actually do?**

This Bill will ban the use (performance, exhibition and display) of any wild animal in a travelling circus in Scotland. The ban would apply in Scotland only.

### **Q.) What are the ethical grounds for a ban?**

The Bill proposes to ban the use of wild animals in travelling circuses because of a combination of rational ethical objections that generally only apply to the use of wild animals in travelling circuses.

**Respect for wild animals** – Many people consider it morally wrong to make wild animals perform unnatural tricks simply to entertain the public. Many are also concerned about the damage that seeing the use of animals in such a manner could

cause to children and young adults as it promotes a perception of wild animals as an entertainment commodity rather than as sentient beings with their own purpose in life.

**Impact of travelling environments on an animal's nature** – A good life for a wild animal should allow it to fulfil its intrinsic nature. Wild animals in travelling circuses are generally kept for long periods in temporary, relatively barren travelling accommodation. They are also regularly transported, and these factors taken together mean the wild animals can generally not fulfil their natural activities. That is considered morally wrong, regardless of whether or not the animals can be proven to suffer, as it compromises that wild animal's intrinsic nature and well-being.

**Lack of justifiable benefit** – There are many uses of wild and domesticated animals by humans that raise similar ethical concerns to different degrees. However, despite a range of individual views, society as a whole remains willing to accept some ethical challenges where there are clear benefits to be obtained, such as providing reasonably priced food, education or helping conservation. However, using wild animals in travelling circuses purely for a particular form of entertainment, now considered to be distasteful by most, involves significant ethical concerns with very little if any widely perceived benefit.

#### **Q.) Why not licence wild animal use instead?**

A licensing scheme (as currently exists in England) might assist in protecting the welfare of wild travelling circus animals to some extent but would completely fail to address the ethical concerns clearly expressed in response to the Scottish Government's 2014 consultation; only a complete ban on use could fully resolve these concerns.

#### **Q.) Why not just ban big cats and elephants instead of all wild animals?**

Although there are particular concerns regarding certain species of animals in travelling circuses, the ethical basis for a ban applies to all wild animals. In the consultation, over 95% of respondents said a ban on all wild animals was required.

#### **Q.) Why not ban the use of wild animals in other situations?**

Wild animals are used for performance, display or exhibition in other situations, such as zoos or safari parks, displays by birds of prey at country fairs, or mobile animal encounters of various types. However, although these activities may raise some of the ethical objections to using wild animals in travelling circuses to varying degrees, the ethical objections do not all inevitably apply in these other situations. It also

appears that the ethical concerns about these activities are not shared within wider society to the same extent that the objections to wild animals in travelling circuses are.

The Scottish Government does however intend to review the registration or licensing requirements for these other uses of wild animals for performance, display or exhibition on welfare grounds.

**Q.) Will the Bill ban circuses from keeping wild animals without displaying them?**

No. It would be discriminatory to prevent anyone associated with a travelling circus from keeping wild animals when other businesses and private individuals are allowed to do so provided they comply with the appropriate legislation.

**Q.) Will the Bill ban `overwintering` of wild animals in Scotland?**

The Bill will prohibit the use for performance, exhibition or display of wild animals at travelling circus overwintering sites. However, banning the keeping of wild animals altogether by travelling circuses and their employees would be discriminatory as private individuals are not prohibited from keeping wild animals provided they comply with the appropriate legislation.

**Q.) What is a `wild animal`?**

In the Bill a wild animal means an animal other than one which is of a kind that is commonly domesticated in the British Islands. By domesticated we mean that animals of that kind have had their physiology, behaviour, or lifecycle altered as a result of the breeding or living conditions of multiple generations of animals of that kind being under human control. Individual "tame" wild animals are still wild animals in this Bill.

**Q.) Who will be affected by the ban?**

The ban would apply to any travelling circus with wild animals while they are touring in Scotland, regardless of where they are normally based.

## **Q.) Why aren't you banning the use of domestic animals in travelling circuses?**

The ethical argument for a ban in the case of wild animals is very strong; the argument for a ban on domestic animals is less clear cut.

**Other activities** - It must be recognised that there are many activities involving domesticated animals travelling and/or being kept in relatively barren environments, public viewing, and with little obvious wider benefit which are considered to be perfectly acceptable by society in general. For example, if it is considered acceptable for a budgie or a cat to be regularly transported and put on display at shows, a dog to regularly perform in agility rings, or a horse in show jumping rings, it would be difficult to argue that they should not similarly be allowed to perform in a travelling circus.

**Adaptation to environment/purpose** - By definition domestic animals are a kind of animal where the behaviour, life cycle, and/or physiology of has been altered as a result of breeding and living conditions being under human control for multiple generations. This is in order to better fit that kind of animal to the environment that their human carers place it in and the purpose they are used for. This means that the nature of domesticated animals is more in tune with and more able to be expressed in human-controlled environments than that of a wild animal.

We consider that it is more appropriate to continue to regulate the use of domesticated animals in travelling circuses at this time than to ban this activity. The use of domestic animals in travelling circuses in Scotland would continue to be protected under the Animal Health and Welfare Act 2006, which places a duty of care on anyone responsible for protected animals to ensure that the welfare needs of those animals are met and introduces a number of offences around causing unnecessary suffering or harm to the animals. In addition such use would continue to be covered by the Performing Animals Act 1925, which requires an operator using performing animals to register with a Local Authority in Scotland and provides powers to prohibit or restrict exhibition and training of performing animals in the instance of cruelty. The Scottish Government will be updating this legislation as part of wider planned work on animal welfare.

## **Q.) What effect will this have on the circus industry in Scotland?**

There are currently no travelling circuses in Scotland that use wild animals, and only 2 have visited Scotland in the last 8 years. The Bill will have no impact upon the wider travelling circus experience offered by circuses that currently successfully tour Scotland without wild animals. The impact of the Bill on the travelling circus industry and supporting businesses in Scotland should be minimal.

**Q.) Why are static circuses not included in the ban?**

Static circuses are not included as the ethical argument around the impact on a wild animal's nature is weaker in this case. This impact could be minimised in well-designed permanent accommodation and with environmental enrichment, much as in modern zoos.

As with travelling circuses, there are currently no static circuses with wild animals in Scotland.

**Q.) Will the Bill ban all travelling circuses in Scotland?**

No, it is only the use of wild animals in travelling circuses that will be banned. Travelling circuses that do not use animals at all and those that only use domesticated animals such as dogs, domestic cats, horses and budgies will not be affected.

**Q.) When will the ban come into force?**

The Bill was introduced in the Scottish Parliament on 10 May 2017 and is now with Parliament for consideration.

**Q.) How can I have my say?**

The Bill was introduced to the Scottish Parliament on 10 May 2017 and is now with the Parliament for consideration. You can keep abreast of progress at:  
<http://www.parliament.scot/parliamentarybusiness/Bills/104493.aspx>

**Q.) Where can I find out about existing legislation in this area?**

You can find out more about the existing legislation at:

- [The Animal Health and Welfare \(Scotland\) Act 2006](#)
- [The Performing Animals \(Regulation\) Act 1925](#)
- [Commission Regulation \(EC\) No. 1739/2005 laying down animal health requirements for the movement of circus animals between Member States](#)



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