



SPICe Briefing

Pàipear-ullachaidh SPICe

# Wild Animals in Travelling Circuses (Scotland) Bill

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This Scottish Government Bill would prohibit the performance, display and exhibition of wild animals in travelling circuses. It proposes to make causing or permitting a wild animal to be used in this way a criminal offence, liable to summary conviction.



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# Executive Summary

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.

A 2007 review commissioned by the UK Department for Environment, Food and Rural Affairs (DEFRA) found insufficient scientific evidence to support a science-based ban on the use of wild animals in travelling circuses. However, a 2016 review commissioned by the Welsh Government found a wealth of relevant scientific studies had been carried out after the 2007 Radford Review. Its authors concluded that *"The available scientific evidence indicates that captive wild animals in circuses and other travelling animal shows do not achieve their optimal welfare requirements... and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds"* (Dorning *et al* 2016 <sup>1</sup>).

As at 2016, 18 EU countries have banned or restricted the use of wild animals in travelling circuses, in addition to 14 other countries. <sup>1</sup> However the circus industry, and proponents of the use of wild animals in travelling circuses argue that it is an integral part of the cultural heritage of the 'classical circus', and that animal welfare is not undermined by the animals' accommodation, transportation, training, performance or exhibition.

The Scottish Government is introducing this Bill on ethical rather than welfare grounds.

# Background

'Circus' is Latin for a circle or ring, from which come the modern English uses '*circular arena surrounded by tiers of seats, for the exhibition of equestrian, acrobatic, and other performances*' and '*the company or 'troupe' of performers and their equipage*'<sup>2</sup>. The original Roman circuses may have been tracks for chariot or horse races. According to Borchard & Ferri<sup>3</sup> '*One of the first major entertainment complexes in ancient Rome was the Circus Maximus, a race-track with stands that held as many as 300,000 spectators who were entertained with brightly decorated four-horse chariots that raced around dangerous turns, lap after lap.*'

The use of wild animals in circuses may have its modern roots in places like the [London Hippodrome](#), which was designed for circus and variety performances as well as a menagerie. It opened in 1900 and had a 100,000 gallon tank for sea lions and polar bears. Simon notes that "*Moral opposition [has] dogged the circus throughout its history.*" (p. 24)<sup>4</sup> The highest ranking Victorian concern about circuses was animal welfare.

Wilson outlines how opposition to animal performances started before World War One, eventually giving rise to a parliamentary bill. Many of the welfare concerns he lists – '*capture, accommodation, transportation, training and performance*' (p. 83)<sup>5</sup> - are still cited today, as exemplified by the responses to the Scottish Government's<sup>6</sup> consultation on the matter.

Wilson observes that "*Those who defended animal performance... objected in principle to the ignorance, prejudice and spirit of interference they saw in their opponents, claiming their work to be legitimate and educational entertainment*" (p.84).<sup>5</sup> These views too, are apparent in the consultation responses.<sup>6</sup>

Wilson concludes that the outcome of the Victorian controversy was "*a weakening of successive bills, leading to the Performing Animals (Regulation) Act of 1925, based on licensing rather than prohibition*" (p. 83)<sup>5</sup>.

The 1925 Act remains in force today across the UK. However, there has, in recent years been discussion of the need for a ban on wild animals in circuses in England and Wales. According to the Scottish Government's Business Regulatory Impact Assessment (BRIA), "*Some local authorities in Scotland prohibit circuses that use wild animals from performing on local authority land.*" (p. 1)<sup>7</sup>

There are currently no travelling circuses that use wild animals based in Scotland.<sup>8</sup>

# The Scottish Government's Consultation

In 2014, the Scottish Government carried out a [public consultation](#). The questions focussed on the following issues:

- respect for wild animals in travelling circuses;
- impact of the travelling environment on wild animals;
- benefits of wild animals in travelling circuses and whether these justified any potential compromise to their wellbeing;
- whether the use of wild animals in travelling circuses should be banned and alternatives to a ban;
- whether any ban should apply to all wild animals or be species specific;
- financial and economic implications of a ban;
- whether stakeholders were aware of the numbers of wild animal circuses visiting Scotland, and whether such circuses would continue to visit Scotland following a ban.

A total of 2,043 responses were received from a range of groups and individuals, including:

- animal welfare and wildlife organizations;
- veterinarians;
- local authorities;
- circus industry and arts and culture organizations;
- audio-visual / entertainment industry;
- general public;
- others - food industry, academics, consultants, healthcare, psychotherapy, legal, finance, education, publishing, IT.

A significant majority responded in favour of banning the performance (98%) and exhibition (96%) of wild animals in travelling circuses<sup>6</sup>. The main reasons cited were that:

- the travelling circus environment and accommodation is detrimental to the health and wellbeing of wild animals;
- wild animals are prevented from engaging in behaviours that they would naturally engage in in the wild;
- the methods used to train animals to perform tricks entail physical and psychological cruelty;
- it is immoral to exploit wild animals in this way simply for profit and entertainment;

- the use of wild animals in circuses promotes *"unethical practices in the capture and trade of wild animals"* (The Scottish Government 2015, para. 3.23) <sup>6</sup> ;
- the practice of wild animal performances is outdated - *"Terms such as 'primitive', 'uncivilised', 'archaic', 'medieval', 'unenlightened' and 'barbaric' were used to illustrate the point that they considered this form of entertainment to be completely out of step with modern values and was at the expense of an animal's life"* (The Scottish Government 2015, para. 3.24) <sup>6</sup> .
- there is little or no educational or conservation benefit from the use of wild animals in circuses, and that conversely it can give out a negative message, especially to children.

This last point is summarized by one consultation response as the message being *"that it was normal and acceptable to abuse such animals for our entertainment"* (The Scottish Government 2015, para. 3.26) <sup>6</sup> .

The concerns listed above were reiterated throughout the consultation. However, some respondents accused the Scottish Government of putting out a biased consultation, and animals welfare activists, constituting a vocal minority, of spreading propaganda and creating societal bias against 'classical circus'. The Classical Circus Association stated that it was *"surprised and disappointed that that this consultation document is really quite biased. It is [as] if you are reading from the text book of all the welfare groups put together. You base your pre-amble on promotional material marketed by the welfare groups who distort the truth"* (para. 3.31) <sup>6</sup> .

The main points made in defence of the use of wild animals in travelling circuses were that:

- the welfare of wild animals is not compromised by the travelling circus environment or accommodation;
- the tricks animals are required to perform are based on innate behaviours;
- training does not violate the animals' dignity and is based on positive reinforcement (rewards); <sup>9</sup>
- endangered species are preserved in circuses;
- there is educational value in exposing people, especially children, to animals they would not ordinarily see, and there are knock-on conservation benefits - trainers often give talks as part of exhibitions;
- wild animal performances and exhibitions are part of the cultural heritage of the classical circus.

# What the Bill proposes

In response to continued public concern, the Scottish Government has introduced the Wild Animals in Travelling Circuses (Scotland) Bill, which proposes to prohibit wild animal performance, display and exhibition in travelling circuses.<sup>8</sup>

Under the Scotland Act 1998, animal welfare is a devolved matter. The regulation of import and export of endangered animals is reserved, as is the regulation of import and export of animals for the protection of animal welfare ([Schedule 5, Part 2, section C5](#)).

The Scottish Government has introduced the Bill on ethical, as opposed to welfare, grounds, following a consultation carried out in 2014. Ethical, defined as *'relating to moral questions'*<sup>2</sup> is distinguished from welfare. A review, commissioned by the Welsh Government and published in 2016, considered scientific conceptions of 'welfare' in academic literature.<sup>1</sup> It found three key elements, which were accorded varying levels of importance by welfare scientists:

- biological functioning in terms of health, growth and reproduction;
- emotional state;
- ability to behave 'naturally'.

The Policy Memorandum accompanying the Bill suggests that this reasoning is based on the findings of the 2007 review of the evidence on the welfare of wild animals in travelling circuses (Radford, 2007). The academic panel involved in the review *"concluded that 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."*<sup>10</sup>

According to the Scottish Government's (2014) [pre-legislative consultation](#), there are currently no circuses based in Scotland that use wild animals<sup>8</sup>.

## Scope

According to the [Policy Memorandum \(PM\)](#)<sup>11</sup>, the *"the ambit of the Bill has been precisely focused with clear reasons in mind"* (p. 4), based on the understanding that the use of wild animals in travelling circuses involves:

- the use of wild animals whose nature is still *"genetically and behaviourally hardwired"*;
- the performance of behaviours (tricks) for entertainment that are not normally exhibited naturally;
- temporary / mobile accommodation that does not allow animals to carry out their natural behaviours or functions;
- significant time spent travelling, which further prevents animals from engaging in natural behaviours;
- little educational or conservation value, other than a cultural tradition considered by many to be outdated and unethical.

The PM lists and explains the Scottish Government's view of the 'ethical challenges' of using wild animals in travelling circuses as:

- impact on respect for animals - performing tricks and acts for public entertainment, keeping them in unsuitable accommodation and displaying them *"could inhibit the development of respectful and responsible attitudes towards animals in the future"* (p. 5);
- impact of travelling environments - keeping animals in unenriched temporary mobile accommodation for long periods and transporting them over long distances prevents them from *"the pursuit of activities natural to them"* which *"compromises the integrity of that animal's nature and therefore its well-being"* (p. 5);
- ethical costs and benefits - compared to other uses of animals for food, conservation or research, *"where society sees significant ethical challenges and little or no benefit"* (p. 5) a complete ban is called for.<sup>11</sup>

Specifically, the Bill applies only to travelling, rather than static, circuses. It does not seek to prohibit circuses from travelling with wild animals altogether, but to create a (criminal) offence of travelling with, or transporting them for the purpose of performance, display or exhibition. This offence is liable on [summary conviction](#) to a fine not exceeding level 5 on the standard scale, which is currently £5,000.

## Definition of 'travelling circus'

The Bill does not seek to define circuses. 'Circus' is defined by the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981 as *"a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres"* (s. 21)<sup>i</sup>.

The Bill does define 'travelling circus' as one *"which travels from place to place for the purpose of providing entertainment... despite there being periods during which it does not so travel"* (s. 3). Any place where animals associated with a travelling circus are kept is included in the definition.

## Definition of 'wild animal'

The Bill seeks to use the definition of 'animal' as given in the Animal Health and Welfare (Scotland) Act 2006, i.e. *'a vertebrate other than man'*.

The Bill proposes 'wild animal' be defined, in the conventional manner, as one that is not *'commonly domesticated in the British Islands'* (s. 2). It defines 'domesticated' as being where the animal's behaviour, life cycle or physiology has been altered as a result of human-controlled breeding or living conditions for multiple generations.

However, Dorning *et al* (2016) found this definition to be problematic. They point out that *"Reindeer, llamas, alpacas, dromedaries and Bactrian camels have been domesticated for thousands of years and they are genetically different from their wild progenitors. This is reflected in clear differences from their wild ancestors in their behaviour, life cycle and physiology"* (p. 42)<sup>1</sup>.

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<sup>i</sup> Definitions of this kind generally apply only to the Act in which they are set out.



The authors also point out that a Law Commission (England & Wales) review of wildlife law recommended that the conventional definition should be revised in line with a ruling of the European Court of Justice to *"any animal which was not bred in captivity, or an animal that was bred in captivity which has been lawfully released into the wild as part of a re-population or re-introduction programme. Secondly, an animal should not be considered "captive-bred" unless it was bred in captivity using animals which were lawfully in captivity"* (Law Commission 2015, para. 5.19<sup>12</sup>).

Circus associations argue that *"the classical dichotomy between "domesticated animals" and "wild animals" in circuses as [sic] obsolete, because in the circus community all animals are domesticated as they have been living with men for generations"* (The Scottish Government 2015, p.59<sup>6</sup>).

## Liability

Under section 1(1) of the Bill, a circus operator commits an offence in question if they cause or permit a wild animal to be used in a travelling circus.

Under s. 4, where an organization commits the offence with the consent or connivance, or because of the neglect of, a responsible individual, both organization and individual would be considered culpable.

## Enforcement

According to the Scottish Government's BRIA, *"Local authorities... will enforce the Bill as part of other responsibilities relevant to travelling circuses"* (p. 15)<sup>7</sup>

Schedule 1 would confer powers on inspectors appointed by Scottish Ministers or local authorities to enter premises if they have reason to believe that an offence has been committed under section 1, or to ascertain whether such an offence has been committed.

A warrant could be granted by a sheriff or justice of the peace, should admission to such premises be refused or be expected to be refused. A warrant would not be necessary if it is believed that any delay would frustrate the exercise of 'relevant powers'.

The relevant powers are entry into premises, search for and examination of any animal and search for, examination and seizure of equipment, documents or other evidence of an offence under section 1, stopping and detaining vehicles or vessels, testing and taking samples from animals, equipment, etc., and identifying<sup>ii</sup> animals.

In some instances, such as the stopping and detention of vehicles or vessels, the presence of a constable would be required.

Failure to comply with reasonable direction given by an inspector or a constable exercising a relevant power, or to provide information or assistance would be an offence, as would obstruction. These offences are liable to a fine not exceeding level 5 on the standard scale.

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ii This could be done by marking, microchipping or any other method.

Powers of entry are only exercisable in relation to land defined as 'Crown land' with the consent of Crown Estate Commissioners, office-holders of the Scottish Administration, a UK Government Department, a person appointed by the Queen or Scottish Ministers, as appropriate.

## Current legislation

There are a number of other relevant pieces of legislation, the most significant of which are outlined below.

### Performing Animals (Regulation) Act 1925

This UK Act requires any person who exhibits or trains performing animals to be registered with a local authority in Great Britain. The registration must include details of the animals and the nature of performances that they will give or be trained for.

Local authority officers or constables can inspect premises in which animals are being trained, exhibited or kept. Where cruelty has been proven, a court can prohibit the training or exhibition or prescribe other conditions that must be met.

The [UK Government website](#) provides a summary of how to register.

### The Civic Government (Scotland) Act 1982

Under section 41 of this [Act](#), circuses require a public entertainment license from the local authority, for the use of premises as a place of public entertainment. This is defined as "*any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation*".

### The Animal Health and Welfare (Scotland) Act 2006

This [Act](#) includes provisions to prevent the spread of disease and unnecessary suffering, prohibiting mutilation, cruel operations, administration of poison, and keeping or training animals for fights. It also requires any person responsible for an animal to take reasonable steps to ensure the animal's needs are met. They are listed as:

- *its need for a suitable environment,*
- *its need for a suitable diet,*
- *its need to be able to exhibit normal behaviour patterns,*
- *any need it has to be housed with, or apart from, other animals,*
- *its need to be protected from suffering, injury and disease (s. 24).*

These needs are based on the 'five freedoms', set out by the Farm Animal Welfare Council in 1979. <sup>13</sup>

The Act also contains provisions for further regulations and enforcement.

## **European Commission Regulation No 1739/2005 laying down animal health requirements for the movement of circus animals between Member States**

This [Regulation](#) sets out the special health requirements for circus animals moving between EU member states. It is also applicable to travelling exhibitions, fairs and animal acts. For the purpose of the Regulation, a 'circus' is defined as '*a travelling exhibition or fair that includes one or more animals*' (Art. 2).

It requires the circus to be registered in the member state in which it is based before it can travel to another. When the competent authority receives an application for registration, it must carry out certain health checks and provide a unique registration number, a register of animals and animal passports.

Before a circus moves to another member state, it must notify the competent authority in the member state of departure. Using the Trade Control and Expert System ([TRACES](#)), the member state of departure must notify the movement to any member states of transit and destination.

## **The Convention in the International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

The aim of CITES is to ensure that any international trade in wild animals and plants does not threaten their survival. It is a voluntary agreement, and came into force in 1975. It was ratified by the UK in 1976.

CITES lists the species it covers in [three appendices](#), based on the level of protection they require. Appendix I lists species threatened with extinction. International trade in these species is prohibited except in exceptional non-commercial circumstances, such as some scientific research. Appendix II lists those species that are not currently threatened with extinction, but could become so unless trade is tightly controlled. Appendix III lists species at the request of Parties to the Convention who already regulate trade in those species and require international co-operation to prevent illegal exploitation.

Article IV of CITES allows for certain exemptions in the importation or exportation of listed animals, including in circuses and other travelling exhibitions on the condition that:

- they were acquired before they were listed in CITES or certified as having been bred in captivity;
- their full details are registered;
- the competent authority is satisfied that their transport and care minimizes risk of injury, damage to health and cruel treatment.

CITES is implemented in the UK by the [EU Wildlife Trade Regulations](#), and in the UK by the [Control of Trade in Endangered Species \(Enforcement\) Regulations 1997](#).

# Wild animal welfare

The 2007 review of the welfare wild animals in travelling circuses, chaired by [Michael Radford](#) of Aberdeen University, drew on expert opinion and scientific literature. It considered training and performance of animals, but not transportation, accommodation and environment. It found insufficient scientific evidence to support an evidence-based ban. Radford stated that *"we cannot look to scientific evidence for a steer in the development of policy; it is, ultimately, an entirely political decision."*

The more recent Welsh Government review (Dorning *et al* 2016) was based on questionnaire surveys and an extensive literature review. Those who responded to the questionnaires were categorized as:

- animal trainers and circuses (138 respondents);
- lawyers and veterinarians with expertise in wild animal welfare (206 respondents);
- non-governmental organizations' staff (107 respondents);
- scientists (144 respondents);
- zoo and wildlife sanctuary staff (58 respondents);

The literature review considered material published both up to 2006, and from 2007 onwards. It found that *"there has been a substantial increase in the amount of information available since the last review of the welfare of wild animals in travelling circuses"* (p. 3)

The authors concluded that *"The available scientific evidence indicates that captive wild animals do not achieve their optimal welfare requirements as set out under the Animal Welfare Act 2006<sup>iii</sup> and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds"* (p. 4). The findings of the review with regard to specific aspects of wild animal welfare are summarized in the following table.

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<sup>iii</sup> This is presumed to refer to the [UK Act](#).

## Welfare findings - Dorning et al 2016, p. 43 - 46

Welfare aspect	Findings for travelling circuses and mobile zoos	Alternative opinion
Physical environment	<p>Large, complex and enriched<sup>iv</sup> environments are not generally available in travelling animals entertainments. This can lead to abnormal behaviours, including stereotypies (see below).</p> <p>Limited space can cause injury in some species, for example where parrots have to stand on inappropriate perches for long periods.</p> <p>Climatic conditions, including lighting and heating are important for some species, such as reptiles. Inappropriate conditions can lead to various health problems.</p>	<p>Animal trainers and zoos considered heating, lighting and humidity less important than other environmental conditions.</p>
Noise	<p><i>"Gates, vehicles, machinery, crowds and caretaking activities all increase sounds pressure levels in captive environments beyond that normally experienced by wild animals and captive animals are frequently exposed to sounds pressures that exceed the recommended limit for human well-being."</i> Some species may be especially sensitive to vibrations and infrasound.</p> <p>Circus animals acclimatize to music and applause, but sudden noise and chronic exposure to noise can be detrimental.</p>	
Social environment	<p>Individuals from social species often kept isolated.</p> <p>Solitary species grouped together.</p> <p>Some species kept near others with which they are incompatible. Predator and prey species may be kept within auditory, olfactory and visual range of each other</p> <p>Impacts include <i>"stress, aggression, abnormal behaviour, reproductive failure, early mortality."</i></p>	<p>All experts agreed that a species-appropriate social environment is important.</p> <p>Lawyers, vets and NGOs agreed that predators and prey should not be housed near one another, but other opinion was mixed.</p>
Visitors	<p>Stress relating to visitors was found in almost 2/3 of studies reviewed.</p> <p>Handling by visitors can cause significant welfare problems, including physical damage and stress.</p>	
Training	<p>Potentially dangerous animals are not easy to train without the use of negative reinforcement (removal of aversive stimuli), and the use of force or aggression.</p> <p><i>"Participation cannot be voluntary in circuses and mobile zoos because animals have to perform on cue."</i></p> <p>Positive reinforcement could be considered enriching to a limited extent.</p> <p>Changing trainers or protocols can be confusing or frustrating. This can be a concern, especially if animals are presented by someone other than their trainer. Inexperienced trainers can also cause stress.</p>	<p>Animal trainers and circuses believed that regular training is physically and psychologically beneficial.</p> <p>This group believed that anticipatory behaviour indicates that animals enjoy performing. The other expert disagreed.</p> <p>Animal trainers and circuses, zoo staff believed that a strong bond between an animal and its trainer is beneficial to welfare.</p>
Transport	<p>Welfare is likely to be compromised by frequent transport, especially where insufficient time is allowed for recovery between journeys.</p> <p>Maintaining balance during travel can be disruptive to eating, drinking, rest, sleep and circadian rhythm. This can be worsened by unpredictable schedules.</p> <p>No evidence of full adaptation to frequent transport. The time allowed between location changes may not be sufficient to allow animals to acclimatize to each new environment.</p> <p>Circus animals may not be afforded same level of legal protection as other animals.<sup>v</sup></p>	<p>Animal trainers and circuses stated that animal welfare is not compromised by frequent travel, and that it is in fact mentally stimulating.</p>

Welfare aspect	Findings for travelling circuses and mobile zoos	Alternative opinion
Disease	<p>Proximity of species to each other can facilitate the spread of disease.</p> <p>Grazing on common or farm land can expose wild animals to diseases and parasites from domesticated species.</p> <p><i>"Inappropriate substances facilitate the spread of diseases and can cause serious food pathologies and degenerative joint diseases in elephants."</i></p>	
Reproductive behaviour	<p>Breeding rates are low in circuses. Failure to breed can lead to welfare problems.</p> <p>Early weaning for training can cause maternal deprivation and abnormal behaviour in offspring.</p>	Expert opinion was <i>"highly variable."</i> Animal trainers and circuses agreed that normal reproductive behaviour is important.
Stereotypies <sup>vi</sup>	Higher rates of stereotypy, with limited space being the most significant cause in wide-ranging carnivores.	
Diet	<p>More difficult to provide species-appropriate food in travelling circuses. This can cause a range of health issues.</p> <p>Concentrated food (combined with lack of space), feeding by visitors and changes in location can also cause problems.</p>	
Choice and control	<p>Difficult to assess whether animals perform voluntarily.</p> <p>Choices available in captivity are <i>"trivial"</i>.</p> <p><i>"in the prolonged absence of controllability, animals may enter a state of learned helplessness of seek to gain control through maladaptive behaviours such as stereotypies."</i> This could be the greatest stressor.</p>	Animal trainers and circuses had mixed views, and agreed less strongly than other experts that animals should be allowed to participate voluntarily in performances.
Retirement	Retired animals may exhibit more stereotypies.	

iv Newberry (1995) defines 'environmental enrichment' as *"an improvement in the biological functioning of captive animals resulting from modifications to their environment."*<sup>14</sup>

v [European Council Regulation \(EC\) 1/2005](#) sets out minimum requirements for the welfare of animals during transport. However, a 2010 evaluation of EU animal welfare policy notes that *"There is a lack of clarity about whether and how the Transport Regulation applies to circus animals. Some Member States require circuses to comply with the Regulation as it refers to animals involved in "economic activity". However other Member States do not"* (p. 33).<sup>15</sup>

vi Mason & Latham (2004) define 'stereotypies' as *"repetitive, unvarying and apparently functionless behaviour patterns commonly suggested to indicate welfare problems."*<sup>16</sup>



# 'Natural' behaviour

In response to the Scottish Government consultation,<sup>8</sup> circus associations stressed that tricks performed by circus animals are natural to the animals. For example, Club Amici del Circo stated that *"The modern training is based exactly on natural instinctive behaviours of animals, trying to show up their natural attitudes and beauties"* (p. 67), and that in natural conditions can involve contradiction and fighting, and thus cause stress. The European Circus Association stated that animals don't miss some natural behaviours, such as hunting.

Dorning *et al*<sup>1</sup> based their review of natural behaviour on this being defined as *"behaviour animals have a tendency to perform under natural conditions because these behaviours are pleasurable and because they promote biological functioning."* They found that one indicator of the welfare of captive animals is the amount of time spent by them doing particular activities as compared to their wild counterparts.

However, The authors point out that *"naturalistic time budgets are highly species specific"* (p. 75). That is to say, that not only is the performance of behaviours normally performed in the wild an indicator of wellbeing, but also the amounts of time spent engaging in those behaviours. The authors provide some examples. Coyotes spend similar amounts time engaging in the same behaviours in the wild and in captivity, but captive coyotes also exhibit stereotypic behaviour. Similarly, while captive chimpanzees do exhibit the same behaviours as wild chimpanzees, they also commonly exhibit abnormal behaviour in captivity.

Dorning *et al*<sup>1</sup> also reviewed literature on behavioural needs such as sleep, nesting and foraging. The literature indicated that *"behaviour that occurs in contexts that are inappropriate or unrelated to environmental stimuli often indicate frustration of a behavioural need"* (p.75). A further finding was that while some behaviours are not necessary in captivity, such as nest building, animals still seek to meet innate behavioural needs, such as collecting nest materials. Where this is not possible, animals may suffer from boredom or physical or psychological suffering, or exhibit abnormal behaviour. For example, caging birds that spend a lot of time airborne in the wild can have negative welfare impacts

## Education and Conservation

Dorning *et al*<sup>1</sup> found that *"the education and conservation role of travelling circuses and mobile zoos is likely to be marginal, and any potential educational and conservation benefits are likely to be outweighed by the negative impression generated by using wild animals for entertainment"* (p. 2).

The consultation responses from the circus industry state that the use of wild animals benefits education and conservation, for example through the talks provided by trainers. The Federation Mondiale du Cirque stated that wild animal circuses can help children be more responsible towards their own animals. The Classical Circus Association felt that circuses provide conservation benefits through the breeding and supply of animals.

# Endangered species

Circus industry responses (The Scottish Government 2015) to the Scottish Government consultation (2014) state that the animals they use are captive bred for several generations. However, some sources, such as [Areas of Concern: analysis of animal welfare issues in the European Union](#) (2010)<sup>17</sup>, a report by Eurogroup for Animals, suggest that this may not be the case. The report states that "*The limited but steady circus trade in wild-caught primates, bears, elephants and other species is considered a conservation issue, but one which often escapes the attention of wildlife trade enforcement authorities*" (p. 114).

The Eurogroup report<sup>17</sup> points out that there is a regular demand for young animals, but as found by Dorning *et al*,<sup>1</sup> breeding rates in circuses are low.

The first column of the table below shows the animals licensed in the two remaining wild animal circuses based in England in 2015 as listed by Dorning *et al* 2016<sup>1</sup>, who listed them under their common names. To provide an indication of possible CITES-listed animals in circuses, the table shows which scientific term was searched for by SPICe in the [CITES Checklist](#).

## Circus animals licensed in England - indication of possibility of endangerment

Licensed in English circuses 2015	Term searched	Appendix 1	Appendix 2	Appendix 3
Ankole (cattle)	<i>Bos taurus</i>	0	0	0
Camel	Genus <i>Camelus</i>	0	0	0
Fox	Genus <i>Vulpes</i> (true fox) only	2	1	3
Raccoon	<i>Procyon lotor</i>	0	0	0
Reindeer	<i>Rangifer tarandus</i>	0	0	0
Boa	Family <i>Boidae</i>	7	15	0
Burmese python	<i>Python bivittatus</i>	0	1	0
Zebra	<i>Equus grevyi</i> , <i>E. zebra hartmannae</i> , <i>E. zebra zebra</i>	1	2	0
Tiger	<i>Panthera tigris</i>	1	0	0
Lion	<i>Panthera leo</i>	1	0	0

A 2006 survey, cited in Dorning *et al* 2016, but not referenced, found several other species in European circuses. The list below shows them, with their CITES listing, although in some cases only a generic name was provided:

- Listed under CITES Appendix 1 and lower - African elephant, Asian elephant, some antelopes, some baboons, some bison, some black bears, chimpanzee, Eurasian brown bear, fox, jaguar, leopard, some puma, Rhesus monkey, some rhinoceros, snow leopard, some tapir, tiger, wolf, some zebra, some ostrich populations, some parakeets, parrots and macaws, some penguins, some reptiles.
- Listed under CITES Appendix 2 and lower - guanaco (camelid), hippopotamus, pygmy hippopotamus.
- Listed under CITES Appendix 3 - some hyaena, water buffalo,

- Not listed in CITES - Bactrian camel, eland, giraffe, kangaroo, liger, reindeer, sealion, emu.

## Mobile Zoos

On the 11th of May, The Scottish Government [announced that it will modernize legislation on performing animals](#) other than in circuses. This could include mobile zoos, which appear to be businesses that transport animals for display and handling, and sometimes, performance. 'Wild animal parties' are also offered, where the animals are brought to a party venue for private view, handling and/or performance. Dorning *et al* (2016) found the animal welfare problems in mobile zoos to be very similar to those in travelling circuses.

According to the [Captive Animals Protection Society](#) (CAPS), this is a growing industry, with 187 such businesses identified in 2016.<sup>18</sup> CAPS identified 180 species in mobile zoos, including exotic mammals, wild birds, amphibians, reptiles and invertebrates, as well as a large number of domesticated animals. CAPS found 10% of the animals to be endangered.

The CAPS review also found that many mobile zoos were not registered under the Performing Animals (Regulation) Act 1925, and even those that were, were not often inspected. In general, enforcement under this and the Dangerous Wild Animals Act 1976 was found to be poor. CAPS highlights the welfare concerns that are the same as found in travelling circuses,<sup>1</sup>.

There were two additional issues. Firstly, one mobile zoo was found to be advertising 'de-scented' skunks, which had had their scent glands removed. It is unclear whether there is a wider problem with animals being operated on to make them more handleable by the public or easier to display.

The review commissioned by the Welsh Government included mobile zoos, and it found animal welfare concerns about transport and the animals' environments in mobile zoos to be at least as severe as in travelling circuses. The authors state that *"all five of the freedoms are compromised in travelling circuses and mobile zoos."*<sup>1</sup>

# Legislation in the UK and around the world

## UK

**England:** The [Welfare of Wild Animals in Travelling Circuses \(England\) Regulations 2012](#) were produced under the [Animal Welfare Act 2006](#). The Regulations require persons responsible for the operation of travelling circuses which have wild animals to apply for a license.

The applicant must have appointed a lead vet, and the circus must undergo at least one inspection. The conditions of the license include:

- notification prior to the acquisition of a wild animal;
- notification of tour itinerary;
- keeping of records for each animal, including medical records;
- care plans for each animal and each social group of animals, as agreed by the lead vet;
- restriction of access to wild animals to suitably qualified and experienced people, and the circus must maintain a list of such people;
- appointment of a lead veterinary surgeon;
- ensuring that reasonable steps are taken to promote welfare, based on the five freedoms;
- specific welfare requirements for training, display and performance, for the animal's environment and transportation.

According to the House of Commons Library,<sup>19</sup> *"The current government has confirmed its intention to introduce legislation to ban the use of wild animals in circuses when parliamentary time allows."*

A private member's bill - [The Wild Animals in Circuses \(Prohibition\) Bill 2016-2017](#) - was introduced in February 2017. However, due to the announcement of a general election leading to the dissolution of Parliament on the 3rd of May, the Bill fell.

**Wales:** According to a February 2017 [RSPCA briefing](#), the Welsh Government has announced a consultation on its proposals for 2017, *"with the suggestion a ban on wild animals in circuses may not be included"*. A [Ministerial statement by the Cabinet Secretary for Environment and Rural Affairs](#) outlines *"a new scheme such as licensing or registration, for 'Mobile Animal Exhibits' including circuses, which display domestic and exotic animals"*.

**Northern Ireland:** According to Ares & Cromarty<sup>19</sup>, the Northern Ireland Executive is exploring the possibility of an all-island code of practice.

## Bans on wild animals in circuses around the world

Dorning et al (2016) have collated a list of bans, their scope and rationale.

**EU:** Eighteen EU countries have complete or partial bans on the use of wild animals in circuses. The scope of the bans differs, including in various cases:

- wild-caught animals;
- specific species, including CITES listed species;
- most wild animals, with specific exceptions;
- all wild animals;
- all animals.

**Eastern Europe:** Bosnia & Herzegovina has implemented a ban on all animals in circuses, and Serbia on all wild animals.

**Asia and Middle East:** India, Israel, Singapore and Taiwan have implemented bans on some wild animals, all wild animals training to perform unnatural acts, all wild animals and the import/export of protected wildlife respectively.

**South and Central America:** Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Panama, Paraguay and Peru have implemented bans. Variations include all animals, all native wild animals and all wild animals.

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