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**Environment, Climate Change and Land Reform
Committee
Comataidh Atharrachadh Clìomaid is Ath-leasachaidh
Fearann**

**Legislative Consent Memorandum -
The Wild Animals in Circuses (No. 2)
Bill**



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For information on the Scottish Parliament contact
Public Information on:
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Environment, Climate Change and Land Reform Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



<http://www.parliament.scot/environment-committee>



Ecclr.committee@parliament.scot



0131 348 5051

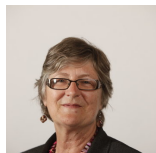
Committee Membership



Convener
Gillian Martin
Scottish National Party



Deputy Convener
John Scott
Scottish Conservative
and Unionist Party



Claudia Beamish
Scottish Labour



Finlay Carson
Scottish Conservative
and Unionist Party



Angus MacDonald
Scottish National Party



Mark Ruskell
Scottish Green Party



Stewart Stevenson
Scottish National Party

Introduction

1. [The Wild Animals in Circuses \(No. 2\) Bill](#) was introduced in the House of Commons on 1 May 2019.
2. The Bill contains provisions which are intended to have effect in Scotland (either in full or in part) which would either alter or affect the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers. As such, it is a “relevant Bill” under Chapter 9B of the Standing Orders and consequently one requiring the consent of the Scottish Parliament.
3. Accordingly the Cabinet Secretary for Environment, Climate Change and Land Reform, under Rule 9B.3.1(a) of the Parliament's Standing Orders, lodged a Legislative Consent Memorandum (LCM) on the Bill on 15 May 2019.

Outline of the UK Bill

4. The Wild Animals in Circuses (No. 2) Bill ('the Bill') puts in place provisions to make it an offence for a circus operator to use a wild animal in a travelling circus in England, to set out relevant definitions, and put in place appropriate inspection and enforcement powers. The effect is similar in nature to that of Scotland's Wild Animals in Travelling Circuses (Scotland) Act 2018 (the 2018 Act).
5. Clause 3 is the only provision of the Wild Animals in Circuses (No. 2) Bill (as introduced) which extends to Scotland. The clause contains a consequential amendment to the Dangerous Wild Animals Act 1976 (the 1976 Act). As such, this provision in the Bill is subject to legislative consent by the Scottish Parliament.
6. In addition, as such animals are no longer permitted to perform in a travelling circus, there may also be no requirement for the circus to register under the Performing Animals (Regulation) Act 1925. Accordingly, while the exemption from the 1976 Act for circuses exists, it remains a theoretical possibility for circuses in England and in Scotland to keep dangerous wild animals not intended for performance with no professional expertise and no official oversight or regulation.

Provisions which relate to Scotland

7. The 1976 Act regulates the keeping of certain kinds of dangerous wild animals. Its main purposes is to protect the safety of the general public in relation to the keeping of such animals by private individuals, although it is also intended to help cater for the welfare of such animals.
8. Clause 3 amends section 5(2) of the 1976 Act so that the keeping of an animal in a circus in England and in Scotland is no longer exempt from need for a licence under that Act. This would mean that, from 20 January 2020, a licence would be required under the 1976 Act to keep any dangerous wild animal in a circus (static or travelling) in England or Scotland.
9. Insofar as Clause 3 of the Bill extends to Scotland, it falls within the legislative competence of the Scottish Parliament and therefore requires its legislative consent.

Consultation

10. Defra has previously consulted widely on banning the use of wild animals in travelling circuses and received significant support from respondents. As those most likely to be affected by Clause 3 of the Bill have already been consulted by Defra as part of its wider consultation, and as no circuses currently use wild animals in Scotland, no additional consultation is proposed or considered necessary for Scotland.
11. As the 1976 Act is Great Britain-wide and as no circuses with wild animals had visited Scotland for several years, the Scottish Government states that it had decided to wait until the change could be made consistently across England, Wales and Scotland. It says, “Consenting to the UK Government making the required amendment on our behalf represents the most time and cost-effective mechanism of making the required technical change.”

Financial implications

12. The Bill is not anticipated to have significant financial or resource implications for Scotland.
13. Clause 3 of the Bill would mean that any person wishing to keep a dangerous wild animal in a circus in Scotland, would have to apply for a licence and pay any associated licence application fee. There could also be a potential cost to local authorities due to the need to undertake additional inspection and licensing activity, although it is expected that any such costs would be recovered in any licence fee. However, in practice, there appear to be no circuses based in Scotland or that have visited Scotland in recent years keep dangerous wild animals. The Scottish Government is not, therefore, expecting any new dangerous wild animals licences to be required. There are no financial implications for the Scottish Government.

Consideration by the Environment, Climate Change and Land Reform Committee

14. The Committee considered the LCM at its meeting on 4 June 2019.

Recommendation

15. The Committee is supportive of the UK Government legislating as set out in the Legislative Consent Memorandum. The Committee therefore recommends that the Scottish Parliament approves the legislative consent motion on the Wild Animals in Circuses (No. 2) Bill, to be lodged by the Scottish Government.

