

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### WILD ANIMALS IN CIRCUSES (NO.2) BILL

*First Sitting*

*Tuesday 21 May 2019*

*(Morning)*

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#### CONTENTS

Programme motion agreed to.  
Written evidence (Reporting to the House) motion agreed to.  
Motion to sit in private agreed to.  
Examination of witnesses.  
Adjourned till this day at Two o'clock.

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**not later than**

**Saturday 25 May 2019**

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**The Committee consisted of the following Members:**

*Chairs:* SIR DAVID AMESS, † MRS MADELEINE MOON

† Carmichael, Mr Alistair ( <i>Orkney and Shetland</i> ) (LD)	† Pollard, Luke ( <i>Plymouth, Sutton and Devonport</i> ) (Lab/Co-op)
† Chalk, Alex ( <i>Cheltenham</i> ) (Con)	† Reeves, Ellie ( <i>Lewisham West and Penge</i> ) (Lab)
† Debbonaire, Thangam ( <i>Bristol West</i> ) (Lab)	† Rutley, David ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> )
† Duffield, Rosie ( <i>Canterbury</i> ) (Lab)	† Seely, Mr Bob ( <i>Isle of Wight</i> ) (Con)
† Harrison, Trudy ( <i>Copeland</i> ) (Con)	† Stewart, Iain ( <i>Milton Keynes South</i> ) (Con)
† Heald, Sir Oliver ( <i>North East Hertfordshire</i> ) (Con)	† Turley, Anna ( <i>Redcar</i> ) (Lab/Co-op)
† Hoare, Simon ( <i>North Dorset</i> ) (Con)	Anwen Rees, Kenneth Fox, <i>Committee Clerks</i>
† Latham, Mrs Pauline ( <i>Mid Derbyshire</i> ) (Con)	† <b>attended the Committee</b>
† McCarthy, Kerry ( <i>Bristol East</i> ) (Lab)	
† Martin, Sandy ( <i>Ipswich</i> ) (Lab)	
† Newton, Sarah ( <i>Truro and Falmouth</i> ) (Con)	

**Witnesses**

Dr Ros Clubb, Senior Scientific Manager, Royal Society for the Prevention of Cruelty to Animals

Daniella Dos Santos, Junior Vice President, British Veterinary Association

Nicola O'Brien, Campaigns Director, Freedom for Animals

Angie Greenaway, Executive Director, Animal Defenders International

Dr Chris Draper, Head of Animal Welfare in Captivity, Born Free Foundation

Jordi Casamitjana, Senior Campaign Manager, People for the Ethical Treatment of Animals UK

## Public Bill Committee

Tuesday 21 May 2019

(Morning)

[MRS MADELEINE MOON *in the Chair*]

### Wild Animals in Circuses (No. 2) Bill

9.25 am

**The Chair:** Before we begin, I have a few preliminary points. Please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the limited time available, I hope we can agree those matters without too much debate. I call the Minister to move the programme motion, which was agreed by the Programming Sub-Committee yesterday.

*Ordered,*

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 21 May) meet—
  - (a) at 2.00 pm on Tuesday 21 May;
  - (b) at 9.25 am and 2.00 pm on Wednesday 22 May;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 21 May	Until no later than 10.30 am	RSPCA; British Veterinary Association; Freedom for Animals
Tuesday 21 May	Until no later than 11.25 am	Born Free; Animal Defenders International; PETA
Tuesday 21 May	Until no later than 2.45 pm	Peter Jolly's Circus; Circus Mondao
Tuesday 21 May	Until no later than 3.30 pm	Circus Guild of Great Britain; European Circus Association
Tuesday 21 May	Until no later than 4.00 pm	Mike Radford OBE, Reader at the University of Aberdeen and Chairman of the Circus Working Group

- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Wednesday 22 May.—(*David Rutley.*)

*Resolved,*

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*David Rutley.*)

*Resolved,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*David Rutley.*)

**The Chair:** Copies of written evidence the Committee receives will be made available in the Committee Room. We may now discuss our lines of questioning. If there are no requests, we will move on to hear oral evidence.

#### Examination of Witnesses

*Dr Ros Clubb, Daniella Dos Santos and Nicola O'Brien gave evidence.*

9.28 am

**The Chair:** Good morning, everyone. We will now hear oral evidence from the Royal Society for the Prevention of Cruelty to Animals, the British Veterinary Association, and Freedom for Animals. I remind all Members that questions should be limited to matters within the scope of the Bill, and that we must stick to the timings in the programme order the Committee has agreed. We have until 10.30 am for this session. Will the witnesses please introduce themselves for the record?

**Nicola O'Brien:** My name is Nicola O'Brien. I am campaigns director at Freedom for Animals.

**Dr Ros Clubb:** I am Ros Clubb. I am senior scientific manager in the wildlife department of the RSPCA.

**Daniella Dos Santos:** I am Daniella Dos Santos. I am the junior vice-president of the British Veterinary Association.

**The Chair:** Thank you. I am happy to take questions.

**Q1 Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): Thank you for coming. There seems to be lots of cross-party agreement on the principle behind the Bill—that wild animals should not be in circuses for our entertainment—but we have some questions about the detail of the Bill, and in particular the definition of a travelling circus. They stem from the desire to make sure the Bill is as comprehensive as possible, to ensure that in the future there will be no wiggle room or loopholes. What is your view of the current definition in the Bill? Is it sufficient, or could it be tightened up?

**Dr Ros Clubb:** From the RSPCA's perspective we are on the same line of thinking. We think it should be comprehensive, to capture the activities that are of concern, and that the public want ended—and that the RSPCA wants ended, as well. We favour a definition of a travelling circus very much in line with what is currently in the circus regulations that currently license wild animals in circuses. We favour a meaning of “travelling circus” as any company, group or institution that travels from place to place for the purpose of giving performances, displays or exhibitions, and as part of which wild animals are kept or introduced, whether for the purpose of performance, display or otherwise. Our main thinking is that we want the less formal display or exhibition of wild animals to be captured, meaning association with the circus and not necessarily just animals performing in the ring.

**Nicola O'Brien:** We feel similar on that. Also, we feel that it has been working, obviously, with those businesses that have registered under the travelling circus regulations.

It has been effective. It has not accidentally caught any other businesses that travel with animals for other purposes. We feel that that is a robust definition.

**Daniella Dos Santos:** From the BVA's perspective, while we are broadly in line, we have a slightly different take. We would support including the definition of a travelling circus in the Bill itself, but we would support a definition in line with that in the Wild Animals in Travelling Circuses (Scotland) Act 2018, so that there would be a cohesive understanding between them, and so that when it comes to implementation and enforcement there is no confusion about cross-border issues. We would favour a definition in line with the Scottish Act. Also, we feel that that would avoid unintended consequences for other types of animal displays that might move to temporary locations—for example, for educational purposes.

**Q2 Trudy Harrison (Copeland) (Con):** The RSPCA referred to the requirement for police constables to carry out checks and enforcement, as well as inspectors. Can you talk us through that?

**Dr Ros Clubb:** Certainly. It is similar to the Scottish Act. The powers to enter premises and gather and seize evidence lie with inspectors as well as constables. We favour that approach. It would be in line with the powers under the Animal Welfare Act 2006. It would give more flexibility. With temporary arrangements in relation to animal use, the police would be allowed to go in and investigate illegal activity and gather evidence. The RSPCA gets complaints about temporary events, and it is important to be able to get in there and gather evidence as they are going on. The police would be given that additional power to do so. If they needed expertise in terms of animal identification or anything along those lines, they could take a suitable expert with them.

**Q3 Trudy Harrison:** What would be the consequences of not having police constables available to do that?

**Dr Ros Clubb:** We feel it would be more restrictive in terms of what could be investigated. Also, if a complaint were made, presumably it would come to the Animal and Plant Health Agency, which would have to task it out to an inspector it had appointed. So while there would be a power to go and inspect, it would be more restrictive in terms of the availability of inspectors and their coverage across the country.

**Q4 Trudy Harrison:** And the very nature of a travelling circus means that it is transient, so we must have people available there and then to inspect.

**Dr Ros Clubb:** Exactly. Any illegal use of animals in that way might not be in the ring, or advertised on websites or in advertising material. It is probably more likely to be less obvious than that, and in association with the circus. It is very important to be able to get in there and gather that evidence while the circus is on site and the animals are there.

**Q5 Rosie Duffield (Canterbury) (Lab):** What is the panel's opinion on the current state of wild animals in circuses? Are the guidelines being enforced strongly enough?

**Dr Ros Clubb:** From the RSPCA's perspective, we did not agree with the introduction of licensing because we do not believe that the needs of animals can be met in a

travelling circus. We were not in favour of that, and we do not think that deals with the situation at hand. The constant travelling, the temporary enclosures and the restrictions they place on the environment and husbandry you can provide for those wild animals are not suitable. When you look at the standards in the circus regulations, you see that they are very different from, for example, those for licensed zoos. An animal in a circus is treated very differently from the same animal in a zoo, and we do not think that is good enough.

**Daniella Dos Santos:** I would second that. I do not think there is any way we can meet the welfare needs of wild animals in a travelling circus situation. They have very particular welfare needs and, by the nature of a circus, where they are constantly moving, the spaces they are provided with have to be smaller and more portable. Therefore, you are not going to meet their needs. Because of the requirements of performing and so on, their day-to-day routines are not going to be adhered to. Therefore, that may impact on their diet and so on. We would say their needs cannot be met under any circumstances.

**Nicola O'Brien:** We would say something very similar. I do not have anything to add on that.

**Q6 Simon Hoare (North Dorset) (Con):** I am a great supporter of this Bill and supported the proposal when it was made in a private Member's Bill promoted by my hon. Friend the Member for Colchester (Will Quince). May I check a couple of things? They may seem a little peripheral. First—this may sound the maddest question of all—are all circuses across Europe travelling by definition, or are there any permanently located circuses?

**Nicola O'Brien:** When we reviewed this a few years ago, there were two establishments in the UK that had been classed as circuses by their local authority. They had a theme park set-up and did not have an attached zoo, but they did have a sea lion show. They were deemed by the local authority to be circuses because they did not meet the Zoo Licensing Act 1981 requirements on numbers of animals and on animals being out on display all the time. I believe one of them has closed down; I am not sure of the current legal situation of the other location, but it has not changed, grown or added to its animal collection, so we believe it would still not meet the requirements of the Zoo Licensing Act. That is, to our knowledge, the only one in England.

**Dr Ros Clubb:** That is also my understanding of the situation.

**Q7 Simon Hoare:** Ms Dos Santos, in answer to an earlier question you referenced educational purposes. Will you clarify where you think pony rides, donkey rides and falconry displays sit? Although those animals are not travelling long distances regularly, they do a huge amount of travelling in the season. Would you like to see those things included in the scope of the Bill, or are we best to leave that for another time?

**Daniella Dos Santos:** My feeling would be that they would not come under this Bill, because ultimately those animals would have a permanent place to call home with appropriate facilities and appropriate housing, and with their environmental needs met. The travelling they do would be to go from the home environment to a display and back again, rather than being constantly on the move.

**Q8 Simon Hoare:** You are satisfied that they are effectively outwith the scope of the Bill.

**Daniella Dos Santos:** I believe so, yes.

**Q9 Simon Hoare:** My final question speaks to Mrs Harrison's question but it relates to inspectors. Inspectors are only as good as their powers. One thinks about the debate about police constables and police community support officers, for example. Do you envisage that there is enough under either the proposals or existing inspectory powers for inspectors to be able to go in and see each and every part of a travelling circus to satisfy themselves, and that they have the weapons and armoury to act in a speedy and expeditious way should they find a breach of what we hope will be the Act?

**Dr Ros Clubb:** From our perspective, we would like to see a couple of additional powers. We have talked about one already in terms of extending powers to constables as well as appointed inspectors.

**Q10 Simon Hoare:** To police constables?

**Dr Ros Clubb:** Yes. We would also like the power to seize an animal—that has been specifically excluded from the powers—so that if there is an issue, there is an opportunity to remove the animal from the situation rather than leave it there while an offence is being committed. We would also like to see more powers for the court to deprive someone of ownership of an animal, if it decides to do so.

**Q11 Simon Hoare:** On the issue of seizing an animal, I can understand how one might be able to seize a racoon, a fox or a squirrel. However, if it was something larger—for example, a camel—or if somebody was seriously in breach of the Act, one then has to think about the resources of high-welfare standards for kennelling purposes, in a general sense. I do not detect that there is a resource out there. People who have to round up dogs have enough difficulty. Were one to move in that direction, how do you meet that challenge?

**Dr Ros Clubb:** We would envisage that to be rarely used, but we think the powers should be there. There are powers under the Dangerous Wild Animals Act 1976 to seize animals that are kept without licence, which would cover the larger, more dangerous creatures. We have worked with organisations to remove animals of a zoo-type nature and board them, obviously looking at the provisions and whether the welfare of the animal will be at a reasonable level if we remove it.

**The Chair:** Can I ask everyone to speak up? This is a dreadful room for acoustics. It would be really helpful. I am certainly struggling at this end of the table. I am sure everyone must be having the same problem.

**Simon Hoare:** Is that an invitation to repeat all my questions?

**The Chair:** I was leaning forward to make sure that I could hear everything. My apologies for the room. The microphones are at their maximum, so there is nothing else I can do except ask people to speak up. A lady at the back has also indicated that she cannot hear, so it is not just me.

If Members have one or two questions that they want to run together, I am more than happy for them to do so. You do not have to limit yourself to one. Equally, if you want to come back later with another question, I am happy with that.

**Q12 Sandy Martin (Ipswich) (Lab):** Some of the people who argue that we should not pass the Bill or that we should water it down say that we need to be much stricter about the definition of wild animals. In particular, they say that if animals are born and bred and live all their lives in a circus environment and know nothing else, it is wrong for us to take them away from that environment. What is your view of the animal welfare of animals that are born and bred in a circus environment and have lived there all their lives?

**Nicola O'Brien:** There are, perhaps, animals that find themselves born and bred into a situation that is not in their best interests. That does not mean that is all they know and therefore a situation that they should remain in. When a wild animal is born in captivity, it is still a wild animal with the same needs as its counterparts living in the wild. What matters is the fact that the environment is limited and does not provide that wild environment, not whether that is all they have ever known. The aim should be to give those animals the best that we can give them. If we deem that a circus environment does not meet those needs, that is what is important, and removing them from that situation into a better situation is the aim of this, ultimately.

**Dr Ros Clubb:** We are in agreement that whether an animal is born in a circus environment or in the wild, it is fundamentally the same animal biologically and has the same needs. We are satisfied with the definition of "wild animal" in the Bill, because it is very close to the definition used in the Zoo Licensing Act, which has been well used and well understood for many years; this definition will provide parity with another piece of legislation. We are satisfied with the definition as long as it is clear that an animal born in captivity is not domesticated; it still falls within the definition of a wild animal.

**Daniella Dos Santos:** We also agree on the definition of "wild animal". Just because a wild animal is born in captivity does not make it domestic. It takes generations for an animal to become a domesticated animal. And a wild animal born in captivity will not necessarily have a life worth living, so we are not meeting their welfare needs. I do not think it is a justification: just because an animal is born in captivity does not mean that that is the best that we as a society can offer them.

**Q13 Sandy Martin:** What would you say to the argument that because animals are used for other purposes in other countries, that means that it is all right to use them to perform tricks in circuses in this country?

**Daniella Dos Santos:** We have a duty to lead. We have a duty to set out good animal welfare legislation and be at the forefront of animal welfare. It reflects directly on how we, as a human society, will respond to other humans and animals in our care. Just because something is occurring in a different country is not a justification for it happening here. I do think we need to put animal welfare above all else.

**Dr Ros Clubb:** In terms of the definition of “wild animal”, if an animal is not commonly domesticated in this country, we agree it should fit within that definition of a wild animal. The animals are not commonly kept as domesticated species, so they should fall within the “wild” category.

**Nicola O’Brien:** We have nothing to add, really.

**Q14 Sarah Newton** (Truro and Falmouth) (Con): Each of you has made the very good point that this is about travelling circuses; we need to have effective legislation, as people move around the country. And you have mentioned the Scottish definition and how you feel that it would be beneficial if this Bill were to include that definition. It is my understanding that the Welsh Assembly has a draft Bill as well, so could you comment on the draft Bill and how compatible you feel that that is with the Scottish legislation and potentially this Bill?

**Dr Ros Clubb:** In terms of a comparison with the Scottish Act, there are a number of differences, one of which is that, on the definition of “travelling”, that Act goes into a bit more detail. There is also a quite detailed guidance document that goes along with the Act. We would like to see a similarly detailed guidance document to go along with England’s Act, to help to provide the background in terms of what is and is not covered. Scotland’s Act includes powers for constables to go into premises and to gather and seize evidence, which we would like to see in England’s Bill. My understanding from the Welsh draft Bill that we have seen is that it is more similar to Scotland’s Act. It would be beneficial if there were parity between the Acts across those three areas, because the circuses are travelling, as you say. Some of that could be done within the Act itself, but there is also that route of providing additional guidance to help to marry up the pieces of legislation.

**Nicola O’Brien:** Again, we do not have much to add to that. Fundamentally, the Acts will have the same impact as to where the circuses can be and what they can do, in terms of using animals or not, so we feel that the pieces of legislation match up quite well, but again, we would include the comments made by the RSPCA.

**Daniella Dos Santos:** My only extra comment would be that the more parity that there is, the less likelihood there is for any confusion when it comes to cross-border implementation and enforcement.

**Q15 Sarah Newton:** What is really reassuring, from what you say, is that this can be dealt with either in the Bill or in guidance, and clarity and consistency can be achieved. You mentioned Scotland, and we have had a discussion about the role of the police in enforcement. It is my understanding that Department for Environment, Food and Rural Affairs inspectors have an important role to play in animal welfare. Would you comment on that and whether you feel that anything more could be considered alongside this Bill, in terms of the powers that the DEFRA animal welfare inspection regime has?

**Dr Ros Clubb:** From our understanding, the intention is for this Bill to appoint inspectors. We envisage something similar to what is happening with licensing; inspectors drawn from the zoo inspectorate have been appointed and have powers, as described in the Bill, to go into premises, inspect them, and seize and gather evidence. I envisage that that is what is planned. We would like

those powers extended to constables as well, so that there is additional flexibility and power to go into temporary venues at short notice, to investigate potentially illegal activity.

**The Chair:** Before we proceed, I remind everyone that it can be tempting to think of this session as a personal conversation between the person asking the question and the person replying. The rest of us would like to be involved. When you ask a question, please make sure that I can hear it—and everyone else at this end of the room—and also when giving the replies. Especially with women, there is tendency to lower the voice; do not do that. Just pretend you are a man and yell.

**Q16 Sarah Newton:** I want to come back to the point about the DEFRA inspections. DEFRA has a huge amount of expertise on animal welfare and has teams looking at the misuse of farm animals, as well as domesticated animals. Why do you feel that additional powers need to be given to the police over and above those that DEFRA animal welfare officers have?

**Dr Ros Clubb:** Really, to our mind it is about having flexibility and swiftness to go and investigate reports of illegal activity and breaches of this legislation, so that the police would have the powers to go in and investigate as well. We agree that there is a lot of expertise there, but we think it could be extended. Hopefully, there will not be frequent reported breaches of the legislation, but where there are we would like them investigated swiftly and thoroughly, with the powers that are in that area, as well as the appointed inspectors under the Bill.

**Q17 Kerry McCarthy** (Bristol East) (Lab): One of the things we were constantly told as we discussed this issue in Parliament over the last eight years, was that we could not introduce a ban because the EU would not let us. Now, 16 EU countries have—I hope—successfully introduced a ban. Can you tell us how it has worked in those countries? Has there been any need for enforcement or has the law been complied with? Are there any lessons we can learn from how those EU countries have done it?

**Nicola O’Brien:** If I am honest, I do not know much about that. We have been focused on the UK. Perhaps other panel members here or in the next session, such as Animal Defenders International, would have data about that.

**Q18 Kerry McCarthy:** Presumably, if it had been problematic it would have been more likely to have reached your attention than if it had worked well.

**Nicola O’Brien:** Yes, of course. In terms of us viewing the situation, it seems that circuses no longer have wild animals in those countries where bans have been implemented.

**Dr Ros Clubb:** That is our understanding as well. Up to 19 other countries in Europe have now introduced bans and there are 30 around the world. The situation varies hugely across the different countries, with many having many more circuses with wild animals than we do, but we are not aware of any enforcement issues in those countries.

**The Chair:** Before I proceed, gentlemen, if any of you are finding it close in here, please feel free to take your jackets off.

**Q19 Mr Bob Seely (Isle of Wight) (Con):** Tell me how I can ask this question, because it slightly relates to my own patch but I suspect it might relate to other places as well. I represent an island and we have lots of lovely falconers on the island. They do great shows in the summer but they sometimes also travel with their birds to the mainland. I do not know if I am asking you or whether I am just highlighting a point for the civil service team. I have assumed the definition of a travelling circus and it includes irregular or regular travelling. If it is irregular travelling, at what point do falconers, be they in Scotland or from the Isle of Wight, risk becoming a travelling circus? I would not want this law to be used against those people, first, because they are my constituents and secondly, because that is not the purpose of this law. Are we assuming that the definition of travelling circus is tight enough not to be used against people such as falconers, who might go and spend a night or two away from home with their birds?

**The Chair:** The questions are specifically for the witnesses and not for the civil servants.

**Q20 Mr Seely:** I am sure the civil servants have heard. Would the witnesses like to comment?

**The Chair:** Our attention should be on the witnesses.

**Q21 Mr Seely:** Thank you so much for your guidance, as ever.

**Dr Ros Clubb:** One of the reasons we would like a bit more guidance on the definition is to be clear about what is and is not out of scope. Scotland's Act has guidance that has a list of activities that are specifically excluded. We would envisage falconry displays as you described them being captured within this legislation. As you say, it is not the intent of this Bill and we think that should be covered elsewhere. It is not that we are not concerned about falcons and other raptors being used in that way, but we do not think it is within the scope of this Bill.

**Q22 Mr Seely:** So you want greater clarity. You are saying that the list—I have not seen the list—means that falconry is specifically excluded in the Scottish Act. You would like to see that same list applied to this Bill as well.

**Dr Ros Clubb:** In order to alleviate any concerns about activities being covered that are not intended to be, it would be useful to have some guidance around the scope and that would belong in guidance.

**Q23 Mr Seely:** What is your opinion on falconry? Do you think it is cruel the way people train hawks and other hunting bird species for these shows?

**Dr Ros Clubb:** It very much depends how it is done in our experience. We approach it as we would any other animal welfare issue, looking at how it is done, how the animals are kept, whether they are flown sufficiently. There are some concerning aspects of the practice in terms of restriction of normal behaviour, but we understand

that it varies very much with who is doing that practice. Within the legislation we are discussing, we do not see that being covered.

**Q24 Mr Seely:** Can you see the RSPCA calling for the ban of falconry at some point in the next decade or so, or is that not on your horizon at all?

**Dr Ros Clubb:** It is not on the horizon as far as I am aware.

**Q25 Mr Seely:** Having read your evidence, clearly we are all mindful of the point about circuses preventing wild animals from roaming, especially larger ones and so on. Is there the same strong case for small animals? There are very few numbers of travelling circus animals in this country. There are 19, I think, of which two are raccoons. Raccoons are not the same as zebra and much larger animals. They still need space but, if they are semi-tame, do they occupy the same moral ground as larger animals, in your opinion?

**Daniella Dos Santos:** They are still wild animals. Size should not come into the discussion of whether we are meeting their welfare needs. We are still not going to meet their behavioural or their enrichment needs in a travelling circus situation. Granted, the portable exhibits may be more suited to an animal of that size, but ultimately, we are still not meeting their welfare needs.

**Nicola O'Brien:** A large part of why we are here discussing this and considering a ban is that people are not comfortable with seeing wild animals being used in circuses. It does not matter what species they are; it is more about the fact that, although there are arguments about their welfare needs not being met in the environment, a large part of this is that people do not think we should use animals like that anymore.

**Q26 Mr Seely:** You are assuming 100% that that is likely. You say "people" think that—I would agree that a lot of people do, but I am not sure everybody does. You are slightly assuming that it is everybody.

**Nicola O'Brien:** Fair enough—not everybody, but going on the consultations carried out by the Government, and in Scotland and Wales, there is wide-ranging support for the Bill. That has already been discussed by Members. We have worked on this issue for 60 years—not me personally but the organisation has. The interactions we are having with people about this issue show strongly held beliefs that animals should not be used in this way, for welfare reasons but also relating to the use of wild animals in these environments.

**Q27 Mr Seely:** We have a fantastic zoo on the Island, which has some tigers that came from fairly horrible travelling circuses. I understand that the conditions they have now are much better than the conditions they had then. We know that there is a strong case for not having wild animals in circuses; are you saying there is enough of a gap between how well circuses treated animals and how well zoos treat animals, so we do not have the same problems letting animals be themselves in zoos? Does that question make sense? Do you see what I am trying to get at? Do zoos meet the required standard for caring and looking after animals compassionately, especially regarding the space arguments?

**Dr Ros Clubb:** I think they have the facilities to do so far more than a circus does, because of the fact that they are permanent. I do not think that applies in zoos

in their entirety—they very much vary across facilities—but they certainly have the ability to meet the animals' needs much more than a travelling circus.

**Daniella Dos Santos:** An environment that is more permanent can be better adapted to meet an animal's welfare needs than an environment that is constantly on the move. To pick up on the earlier point about the challenge that not everyone agrees, following a public consultation after Scotland introduced its Act, 98% of respondents backed the ban in Scotland, which is quite a large percentage of the public.

**Q28 Luke Pollard:** After the Second Reading debate when we talked about the 19 wild animals, I had a message from someone that asked, "Are they going to be destroyed or rehomed? What about the fox—how do you rehome a fox?" That was an interesting question because it showed that as a nation of animal lovers, we are concerned about what will happen to those 19 animals. Currently there is no provision in the Bill that prevents animals from being destroyed if taken off their owners. Is that something that you think is necessary, or are you sure that there are enough good homes out there for the zebus, zebras and raccoons, so they can be rehomed in a safe and decent way?

**Dr Ros Clubb:** The RSPCA has offered many times to help to rehome the wild animals that are currently used. We reiterate that offer. We do not believe that there would be a need to put any animals to sleep. Obviously, we are as concerned as members of the public about the fate of those animals. We feel they should be rehomed, and our concern is that they will continue to travel with the circus but not made to perform. From a welfare perspective, we have real concerns about their being put through regular transport, being kept in temporary accommodation and all the other issues we have with that.

**Q29 Luke Pollard:** Can I ask about the seizure of animals? In your written evidence you talked about the ability to deprive those convicted of the offences of the animals. It is implicit in the Bill that wild animals should not be kept after the Bill becomes law, but there is no provision in there to authorise the taking of those animals from their current owners. Do you think that requirement should be in the Bill, to make that crystal clear so that there is no doubt that current owners of wild animals should not have them after the Bill comes into force?

**Dr Ros Clubb:** We would like it written into the Bill that animals could not continue to tour. We understand that that will lead to the deprivation of ownership of animals, and legally that might be tricky, but we are concerned that allowing traveling circuses to continue to keep and travel around with those wild animals does not deal with the welfare issues for those particular animals—although it would potentially stop more animals coming into that situation—or the risk of illegal use along the way. The definition we suggested would prevent those, but we understand that it might be tricky to get that written into the legislation.

**Q30 Luke Pollard:** This was picked up in the answer that Nicola gave a moment ago about public views towards this. My sense from the research and the consultation that the last Labour Government did on this, albeit a decade ago, is that there is massive overwhelming

public support for this actually being put into law. From your point of view, and from the experience of Scotland and other countries that have done this, is there a reaction afterwards? Are the general public coming back and saying, "Where are the zebras in the circus display?"? They are actually supportive of this?

**Nicola O'Brien:** We have not had anything like that, and I do not think there has been any large public uproar or any need for a review. This is something that people have wanted. In fact, we find that most people think it is already banned. They are really surprised when we talk about this Bill being another great opportunity to come and discuss this industry and to perhaps ban it. They think, "Wasn't this banned a long time ago?" That is probably because there has been political activity over the years and we have seen such a decline in the number of wild animals being used in circuses and the number of circuses offering those animals. So yes, we think it is going smoothly and is what people want.

**Q31 Luke Pollard:** Have you seen a movement of animals from countries that have implemented bans, such as Scotland, into countries that have not? Would this effectively encourage a trade in circus animals, such as raccoons being shipped from England to a country that would continue to allow them to be exhibited in circuses?

**Nicola O'Brien:** I do not believe any circuses using wild animals were based in Scotland—very occasionally one would travel up—so I do not think it is possible to see that effect. I guess in Ireland, where there is a ban, some of those circuses have moved on, so yes, I guess that is a potential outcome.

**Q32 Mr Alistair Carmichael (Orkney and Shetland) (LD):** To look at some of the practical applications of this, in relation to your answer to the hon. Member for Plymouth, Sutton and Devonport, in Scotland—my knowledge relates to the operation of this in a Scottish context—there would be a general power of forfeiture at the end of a prosecution, made on the motion of the prosecutor. Would you not have the same power in England?

**Dr Ros Clubb:** My understanding is that, as the legislation is currently written, we would not. For example, I think there are powers of forfeiture in the Fur Farming (Prohibition) Act 2000, so we would be looking for a similar kind of deprivation.

**Q33 Mr Carmichael:** So an express power of forfeiture would be necessary in the Bill?

**Dr Ros Clubb:** Yes.

**Q34 Mr Carmichael:** Thank you, that is helpful. To pick up the point that the hon. Member for Truro and Falmouth made about the interaction between DEFRA inspectors and police constables, is it your understanding that in practical terms operating DEFRA inspectors will get new powers under this Bill?

**Dr Ros Clubb:** That is my understanding.

**Q35 Mr Carmichael:** In practical terms, is it not the case that their inspections will for the most part be focused on animal welfare considerations, rather than on prosecution?

**Dr Ros Clubb:** If the same inspectors who are operating under the circus licensing regulations are involved, they very much go and inspect to check that the standards are being met as outlined in those regulations. The question is whether that would proceed to a prosecution. That is a question we have: if there were signs of illegal use and evidence of use, who would make that call?

**Q36 Mr Carmichael:** The point I am driving at is that there is a difference between someone focusing on acquiring evidence, if that is the main purpose of their job—as it would be for a police constable—and the approach that might be taken by somebody whose primary concern and function relates to the maintenance of animal welfare standards. I do not want to put words in your mouth but, for the benefit of the written record, you need to give me some.

**Dr Ros Clubb:** I see your point. Yes.

**Q37 Mr Carmichael:** Also, in practical terms, is it not the case that a lot of the time we will at least need to take a multi-agency approach? If you are a DEFRA inspector going into a situation, you may want police constables in attendance with you. Is that also fair comment?

**Dr Ros Clubb:** Yes, that is fair.

**Q38 Mr Carmichael:** If you have people there exercising functions under the Act, does it not make good sense for everybody to have powers to gather evidence in the normal way?

**Dr Ros Clubb:** Yes.

**Q39 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley):** Thank you very much for your contributions, which are much appreciated. When DEFRA carried out its public consultation, 95% of the public supported a ban. I am interested in your views, either anecdotally or through any other survey data that you have seen, on whether the public's view has changed significantly since that time, which was 10 years ago.

**Daniella Dos Santos:** I would say that most people think there already is a ban; their belief is that this not happening any more. I would suggest there has been no significant change in public support.

**Dr Ros Clubb:** From the public opinion polls that we have seen over the years, support has remained at a similar level. The majority, when questioned, believe that there should be a ban. Anecdotally and from talking to people, including our supporters, many people believe that a ban has already been passed and are not even aware that this practice is still allowed to continue.

**Nicola O'Brien:** As I said before, people are surprised that we are still talking about this and that all animals are not banned in circuses. People are really surprised that there has not been legislation in England on this yet. We have seen an increase in frustration that there is not a ban in place yet. We think public opinion is still as strong. Again, the consultations carried out in Wales and Scotland more recently show wide public support for a ban.

**Q40 David Rutley:** Questions have been raised around seizures and disqualification. Under the Animal Welfare Act 2006, there are powers for seizure. This Bill would be based on a rationale of ethics, as we discussed on

Second Reading. If there are any animal welfare issues, the enforcement powers would be available to seize the animal under the Animal Welfare Act 2006. The courts are also empowered to disqualify those who have held those animals. Notwithstanding your concerns, those are strong powers. Do you accept that they will have some real weight in this area?

**Dr Ros Clubb:** We accept that those powers exist and, where there is evidence of animal welfare issues in contravention of the Animal Welfare Act, those powers could come into play. We absolutely accept that. Similarly, there are powers of seizure for species that fall under the Dangerous Wild Animals Act 1976. Our concern is if neither of those apply, something might fall between the cracks. Our angle is to be consistent and ensure that any illegal use can be addressed with those powers.

**Q41 David Rutley:** There has been a lot of discussion around travelling circuses in Scotland and Wales. The Governments there—in their various stages of taking this legislation through—have not felt the need to define what a circus is, and neither did the Environment, Food and Rural Affairs Committee when it was dealing with its evidence. Should we have a different approach here?

**Daniella Dos Santos:** From the BVA's perspective, our issue is that the meaning of "travelling circus" is not defined in the Bill. We would support the inclusion in the Bill of a definition in line with the one used in the Scottish Bill.

**Dr Ros Clubb:** From our perspective, our main concern is to ensure that the activities meant to be captured by this are captured. Part of that could be covered in statutory guidance, if it was associated with the Bill, to ensure that the less formal use of animals associated with circuses is captured and that there is more guidance around what is meant by "travelling circus".

**Nicola O'Brien:** I have nothing further to add.

**Q42 Sir Oliver Heald (North East Hertfordshire) (Con):** Birds are covered by the Bill because the Animal Welfare Act 2006 defines an animal as being a vertebrate. Is that correct?

**Dr Ros Clubb:** Yes that is correct.

**Q43 Sir Oliver Heald:** Are there any birds that would still be able to perform in a travelling circus if this Bill was passed?

**Dr Ros Clubb:** Using the definition of "wild animal", some species that fell outwith the definition could potentially be used in travelling circuses if they wished to use them. The guidance under the Zoo Licensing Act 1981 gives examples of species that are and are not covered within the definition of wild animal. Presumably that would be used in a similar way to define the species that could be used in a travelling circus.

**Q44 Sir Oliver Heald:** Would that be birds that are commonly kept as pets, such as budgerigars and parrots?

**Dr Ros Clubb:** They are considered to be domesticated.

**Q45 Sir Oliver Heald:** What about birds used in magic shows such as doves? Would they be covered?

**Dr Ros Clubb:** I would not envisage magic shows as falling within the definition of travelling circuses. Those animals could potentially be covered by licensing of exhibited animals in England, were there to be a business being made out of that, if they met those criteria.

**Q46 Sir Oliver Heald:** So they could be covered by the Bill?

**Dr Ros Clubb:** I would not envisage that they would be covered by the Bill.

**Q47 Sir Oliver Heald:** Falconry displays go back to the middle ages and are long-established events. Is falconry and keeping a falcon equivalent to domesticating a falcon or not?

**Dr Ros Clubb:** In terms of the domestication process, it is the selective breeding of animals for a particular purpose and fundamentally changing the physiology and behaviour of that species. We would not envisage that animals used in falconry would fit that definition.

**Q48 Sir Oliver Heald:** They would remain wild. In your evidence from the RSPCA, you suggest that you wanted a wider definition of “travelling circus” to include any company or group that travels from place to place to give performances, displays or exhibitions involving wild animals either being kept or introduced for display. If that definition was adopted, why would that not include the sort of activity referred to by my hon. Friend the Member for Isle of Wight: falconers from the Isle of Wight doing shows on the mainland?

**Dr Ros Clubb:** From our perspective, the key difference between those activities is that animals are generally returning to a permanent home base between shows or displays. From an animal welfare perspective, one of the issues is animals being used in travelling circuses, because it is much easier to provide for those animals’ needs in a permanent facility.

**Q49 Sir Oliver Heald:** If a travelling circus did a deal with one of the falconers in the constituency of my hon. Friend the Member for Isle of Wight to do some shows, introducing the falconry exhibition as part of the show, would that be covered by this Bill?

**Dr Ros Clubb:** I would think so, because it would be part of the circus.

**Q50 Sir Oliver Heald:** If one of those falconers decided, rather than travelling back to the Isle of Wight every night, to make arrangements with farmers to put birds in a particular aviary overnight and do a tour, would they be covered by the Bill?

**Dr Ros Clubb:** That is where the guidance would need to come in. If the desire was to exclude those activities, they would have to be listed as out of scope. Animals are used in many different ways in exhibition and performance, so what is within scope needs to be as clear as possible.

**Q51 Sir Oliver Heald:** Is it not true that if your definition of a travelling circus was included, it would make it more likely that falconers would be covered?

**Dr Ros Clubb:** If they are not coming back to a home base but travelling from one place to another, then yes.

**Q52 Sir Oliver Heald:** But you are still arguing that the wider definition that you give in paragraph 3.2 of your evidence—a definition that is not in the Bill—is needed. You want that.

**Dr Ros Clubb:** Yes, we would like that. If that is not feasible—we do not want to hold up the passage of this Bill, which is very much needed and is something that

the RSPCA has campaigned on for decades—there could be scope to provide additional guidance and statutory guidance associated with the Bill to further outline what activities are in scope.

**Sir Oliver Heald:** I am a strong supporter of this Bill, but I just wanted to find out where we are with birds.

**Q53 Anna Turley (Redcar) (Lab/Co-op):** Thank you very much for your evidence this morning. It is clear that there is support for the Bill not only in Parliament but in the wider public, as we have heard. Given that you here to give evidence and given your level of expertise, can you remind us of the reason and purpose of this Bill? Please set out as specifically as you can the impact that being in circuses has on the welfare and mental and physical health of wild animals. Why are we here? Why is the Bill behind public opinion? Can you reiterate from an evidence-based, veterinary perspective why it is wrong to have wild animals in circuses?

**Daniella Dos Santos:** There are a couple of points. Wild animals have complex instinctive natural behaviour patterns. The nature of the travelling circus—when they are being moved from one place to another, without a fixed, permanent habitat—means that they cannot exhibit their natural behaviours. As I mentioned, the enclosures that they are provided with are often far too small for them to exhibit natural behaviours.

Also, performing for human gratification is not a natural behaviour. From a psychological perspective, that is a serious issue for these animals. They will be working to timetables and shows. Some of these animals may be nocturnal or need to eat at certain times of day, or even all day. Their eating and dietary patterns will be altered. They will also have social grouping or isolation requirements, depending on the species. As a consequence of circuses moving these animals from place to place, often either they are not housed appropriately, in a socially complex structure—zebras should have a socially complex structure—or they are housed in inappropriate groups, because it is easier to house them closer together and so on. Prey and predator species might be living in close proximity, which puts them under an undue amount of stress as well.

**Dr Ros Clubb:** I agree with that point. We would argue that there is quite a lot of evidence about what wild animals need and what is bad for their welfare in general terms. There is extensive research showing that regular transport and barren temporary enclosures are bad for welfare. The most recent study, commissioned by the Welsh Government from the University of Bristol researchers, cites extensive evidence that life in a travelling circus will not provide a good life for those animals and that their welfare needs cannot be met. The evidence has always been there but has very much come to the fore. The public wants to see animals treated well. Times have changed; we can see from opinion polls that people do not want to see wild animals in circuses any more.

**The Chair:** We have five minutes left for this panel. I currently have five Members who wish to ask a question, and I intend to take those who have not yet done so. May I please ask everyone to be succinct?

**Q54 Alex Chalk (Cheltenham) (Con):** On the points you made about human gratification and being moved from place to place, how far does that go? Although

[Alex Chalk]

horses, for example, are not wild animals, they are ridden, used for human gratification and moved around to races for three-day events. Is that inherently cruel?

**Daniella Dos Santos:** The scope of the Bill is specifically about wild animals. The use of domesticated animals is a completely different discussion to be had. Here, the point to focus on is that these are wild animals, not domesticated ones.

**Q55 Alex Chalk:** Just on that point, is there a distinction, in that wild animals would feel more traumatised than domesticated animals?

**Daniella Dos Santos:** Domesticated animals have come to be under the care of humans for generations, have been bred to exhibit traits that we find useful and find life under the influence of humans less stressful than a wild animal would.

**Q56 Ellie Reeves (Lewisham West and Penge) (Lab):** You talk very compellingly about wild animals in circuses and their welfare. There is nothing in the Bill about domesticated animals in circuses. Do you have any views about whether that should be in scope, or whether there are welfare needs of domesticated animals that are not currently addressed?

**Nicola O'Brien:** Our organisation feels that those should also be banned from circuses. We feel that there are welfare needs of domestic animals that, again, are difficult to meet in a circus environment. The transportation—the loading and off-loading, and being transported—has its impact. A large part of the Bill is about ethics, and we feel that people are uncomfortable with animals being used in circuses, full stop, not necessarily with whether they are wild or domesticated. There is probably a difference: they are probably more concerned about wild animals because of their wild nature and freedom. There is definitely the argument that domestic animals are more suited to being around humans in the kind of environments that we house them in. However, we also recognise that the Bill is about wild animals. That was the question put to the public in the consultation—that is the focus for today—but this is something that we would also like to see prohibited in future.

**Dr Ros Clubb:** From the RSPCA's perspective, we also have a position against the use of any animal in circuses. We have concerns because of issues such as the travelling, temporary enclosure and so on, of domestic animals. As Nicola said, in some cases the concern is probably less, because they are more adapted to a captive environment; nevertheless, concerns remain. We are very much minded that this legislation is focused on wild animals. That is where the opportunity lies to make change.

**Q57 Sandy Martin:** I want to ask quickly about the problem that might arise if there is nothing in the Bill about the seizure of the animals and care for them afterwards. There was an allegation in the evidence we have been sent that, after the ban was introduced in Mexico, a large number of animals were destroyed. Do you think that powers to seize animals and ensure that they are properly cared for afterwards would be important parts of any Bill that was going to protect the animals?

**The Chair:** Single-word answers and quickly, please.

**Daniella Dos Santos:** Yes, we would welcome guidance.

**Dr Ros Clubb:** Yes, we would also welcome that.

**Nicola O'Brien:** Yes.

**Sandy Martin:** Thank you.

**The Chair:** That brings us to the end of the time allotted for the Committee to ask questions—we really do count it down in seconds in this place. I thank the witnesses on behalf of the Committee for their evidence and Committee members for being so tolerant and withdrawing questions at the end.

### Examination of Witnesses

*Angie Greenaway, Dr Chris Draper and Jordi Casamitjana gave evidence.*

10.31 am

**The Chair:** We will now hear oral evidence from Animal Defenders International, the Born Free Foundation, and PETA. We have until 11.25 am for this session. Will the witnesses please introduce themselves?

**Angie Greenaway:** I am Angie Greenaway, executive director of Animal Defenders International.

**Dr Chris Draper:** I am Dr Chris Draper, head of animal welfare in captivity at the Born Free Foundation.

**Jordi Casamitjana:** I am Jordi Casamitjana, senior campaigns manager for PETA—People for the Ethical Treatment of Animals UK.

**Q58 Luke Pollard:** I would like to ask about the definition of a travelling circus, especially from an international perspective, given that a number of countries have similar bans. Do you think the definition needs more clarity in the Bill, and if so, are there good examples that we could learn from in those countries that have banned wild animals in circuses?

**Angie Greenaway:** We would like the definition of a travelling circus to be similar to that in the regulations, as the RSPCA said. The regulations specify that the definition applies to wild animals, but a travelling circus could have wild and/or domestic animals. We would like that to be clarified, possibly for other purposes, and to make it clear that the definition does not concern only wild animals.

**Dr Chris Draper:** There is definitely a need for clarity around the definition—that view seems to be shared by a number of people. My feeling is that that could be in the Bill or in statutory guidance—either would be appropriate. Perhaps the simplest mechanism would be guidance, as that would allow for specific exclusions of practices such as falconry that were mentioned in the previous session, and that do not need to be captured within the Bill.

**Jordi Casamitjana:** I agree with Chris. This could be done through the Bill or through guidance, but guidance is probably the best option. That will allow us more flexibility for future activities that we might not foresee at the moment but that could fall under the definition. The term “travelling circus” is already very straightforward—“travelling” means moving from place to place, and “circus” can be interpreted as involving some sort of performance, so that clearly states what we

are talking about: it is a group of people who move from place to place to perform with wild animals. In that regard the term is already well defined, but there might be grey areas where guidance could help.

**Q59 Luke Pollard:** This question is similar to the one that my hon. Friend the Member for Bristol East asked the previous panel about the international experience of this ban. Do these bans work internationally? Where are they working best, and are there lessons to be learned not only from the laws that ban wild animals in circuses, but how those laws are implemented and enforced?

**Angie Greenaway:** Forty-five countries around the world have some form of ban, either on wild animals, all animals or certain species. Those bans have been introduced on different grounds. Some have been on ethical grounds, welfare grounds and even public safety grounds. The legislation is worded quite differently between countries. We have a lot of experience in South America, where we have conducted investigations that have then led to a public outcry and legislation being brought in. In those countries, we have helped to enforce legislation: in Bolivia, Peru and currently in Guatemala, where we are taking the animals from the circuses and relocating them to sanctuaries and even, in a few cases, releasing them back into the wild where it is possible to have a rehabilitation programme. They are having a much better life away from the conditions that are very similar to how animals are kept in this country as well.

**Dr Chris Draper:** The only point I add to that is that the various bans that have been brought in internationally have tackled countries with very different scales of industry, from some even smaller than that in England up to some of our close neighbours in Europe that still have very large circus industries that are under scrutiny for a ban. Some have also included mandatory confiscation as part of the process of bringing in the ban rather than as an enforcement action after a ban has been brought in.

**Jordi Casamitjana:** I think bans like this work because they are easy to enforce. There is not a regulation element in these laws that requires a criteria that might vary from country to country, from inspector to inspector. This is very straightforward. Either you have wild animals or you do not. So it is easy to find out whether you have them or not. There is a transition process when you start a ban like that, when you have to tackle the cases of animals present in circuses. From an enforcement point of view, it is a very straightforward ban. That is why they work everywhere.

**Q60 Luke Pollard:** There is a sense sometimes that Britain is leading the way in animal welfare. In some areas we are, but in this area we seem to be very slow and a proposal that was initially put forward by the last Labour Government—that was when I had brown rather than grey hair, it was that long ago—has taken a very long time to get here. Are there any lessons that can be learned about how these types of issues can be hurried through? Are there things that have changed in the period when this was first proposed that you think are missing from the Bill as it currently stands?

**Angie Greenaway:** It is really unfortunate that it has taken us so long for us to get to this point. Half of the bans in place around the world have passed while we

have been talking about the issue and drafting legislation and thinking about it. We have found ourselves woefully behind countries such as Iran and Bolivia. All over the world, these countries have acted—and quite quickly as well. The period from public opinion being against it to legislating has been quite short—usually no more than just a few years—whereas for us it has taken so much longer, which is unfortunate.

I wanted to touch on your last question re the bans. A number of countries do not have travelling circuses based in their own country, like in Wales: they do not have any wild animal circuses based there but they visit from England. That is the case in quite a few of the countries that brought in bans. They did not have any circuses in place but they were visiting from other countries. That has been the case with some of the bans that have come in.

**Dr Chris Draper:** From my perspective, I first became involved in looking at this issue in about 2004, 2005, when it was the Animal Welfare Bill. In the subsequent delays to tackling this issue, it is worth noting the introduction of new species to circuses travelling around Great Britain. We have the particular example of elephants, where they were on their way out of the industry and one of the circuses that existed a few years ago decided to bring in a new elephant act. That is quite a strong lesson that we need to act now and not just look at the fact that there might be only 19 animals. It is the fact that the number could increase. Admittedly, that is unlikely in its current format but there is still that possibility for new animals and new acts to be brought in.

**Jordi Casamitjana:** When I talk to many people in other countries, they are always quite surprised to realise that we have not banned wild animals in circuses yet, when it happens so often. Nothing has changed since Bolivia banned all animals in circuses some time ago that justifies the delay. Only the fear that there might be a problem that is not there, because when it is banned anywhere else, there is no problem. The public understand it. Society has moved along. This is an issue that is totally understood and the practicalities are easily solvable, so it is surprising we have not done it yet.

**Q61 Sarah Newton:** I would like to come back to some of the questions I was asking before, given the breadth of your experience. This is about enforcement. In our country we have got the Department for Environment, Food and Rural Affairs, and quite well defined animal welfare standards. DEFRA inspectors have a lot of power to make sure animals are properly cared for and, if they find that they are not, to confiscate and prosecute. I represent a large rural constituency. Most of my farmers, of course, are fantastic farmers, but, sadly, we do have some quite notorious prosecutions for very poor animal welfare, and the powers have worked really well.

Some of the witnesses have suggested to us that in addition to the existing DEFRA regulatory framework, our police force should be involved. What value, if any, do you think that that would bring? Can you draw on your international experience? Who is best placed to do the enforcement?

**Dr Chris Draper:** From my perspective, in the current situation with DEFRA inspectors inspecting circuses, they would be doing it within a licensing regime. Those

are circuses that have been in effect pre-approved on the basis of an application, and DEFRA inspectors are going to ensure that they are complying with the current standards. That is a very different kettle of fish from the involvement of, for example, the police, whose experience is more in examining criminality, and chain of evidence-type procedures. I think there is a role for both bodies in the investigation of the potential use of animals in a circus after a ban.

**Jordi Casamitjana:** I agree. I think it should be both, because we are talking about different things, here. One would be finding out whether the circus had a wild animal, contrary to the Act. The other would be checking the conditions of the animals that were there. There might be situations where the law was breached and there was a wild animal, but there was a need to check whether animal welfare legislation applied, so as to confiscate the animal if it was being kept in bad conditions. The latter would be a job for a DEFRA inspector—finding out about the conditions—but the police could easily deal with enforcement on the question whether there was a wild animal or not. I think there is room for both.

**Q62 Sir Oliver Heald:** Some of the rarest birds are new world parrots—macaws. They are threatened with extinction. Some of them are hybridised for the pet market, so there are parrots—macaws—that could be classified as pets and as commonly domesticated. We have heard from the RSPCA that certain birds—budgerigars and parrots—are probably not covered by the Bill. Do you think we need a bit of clarity about this? If animals that are close to extinction are not covered, that would clearly be wrong. One of the animals listed among the 19 currently in travelling circuses, is, of course, a blue and gold macaw. I wondered what your thoughts were.

**Dr Chris Draper:** There is obviously a lot of confusion about the term “domestication” and it crops up within the definition of a wild animal. I suspect some of that could be tackled quite simply. Domestication is a long-term biological process that involves selection by humans for particular desired traits within animals, over multiple generations. The timescale we are talking about is hundreds, if not thousands or tens of thousands of years. That is not the same as hybridisation or having animals in captivity for a couple of generations; those are not a domestication process and have no resemblance to one.

**Q63 Sir Oliver Heald:** If I could just interrupt you, we have heard from the RSPCA that there are birds that would be considered domesticated.

**Dr Chris Draper:** That is correct.

**Q64 Sir Oliver Heald:** I mentioned parrots and budgerigars.

**Dr Chris Draper:** I do not believe most parrot species would be considered domesticated; but budgerigars would be.

**Q65 Sir Oliver Heald:** I would be worried if parrots that are close to extinction were not covered by the Bill.

**Dr Chris Draper:** In my understanding I think it would be a very sensible application of the guidance relating to the definition of wild animals in the Zoo Licensing Act 1981, which, I think we heard previously,

has been tried and tested and is useful guidance. That does specify that budgerigars and canaries could be considered domesticated in this sense, because they have been kept and selectively bred in this country for, I would say, well over 100, 200 years in some cases. To my understanding, that has never been stretched to include any other parrot species. I might be forgetting one or two, but generally speaking parrots would be considered wild animals under the Zoo Licensing Act, and I see no reason for them not to be considered so in this Bill.

**Sir Oliver Heald:** So you do not think it needs clarifying at all.

**Jordi Casamitjana:** I can help on this, because I have the guidance. It is correct: budgerigars would be included and parrots would not. Parrots are considered wild and would be protected, even if they are hybridised. The Zoo Licensing Act discussed that—it was an issue—because some types of licence would apply differently whether an animal in a collection is wild or not. That discussion has taken place for a long time, and that is why the Secretary of State developed very specific guidance. There are several columns that indicate clearly what is a wild animal and provide definitions for what might be borderline. It is all very well defined. All parrots will be protected.

**Q66 Sir Oliver Heald:** You are happy that it is pretty clear which birds are or are not protected, and there is no need for me to worry.

**Jordi Casamitjana:** It is very clear, because it is based on the Zoo Licensing Act.

**Angie Greenaway:** At the moment there is a circus with domestic animals—it has a budgerigar act, and that classes as domestic. Another circus has a macaw, which is classed as a wild animal. So, as you say, those distinctions have been made on species, and it is already happening.

**Sir Oliver Heald:** And you are happy with how it will work in future if the Bill is passed.

**Angie Greenaway:** Yes.

**Q67 Sir Oliver Heald:** Circuses can have magic acts, which often use doves. Is that a problem? Would they be domesticated or not?

**Jordi Casamitjana:** According to the definition, doves are domesticated. Therefore, they would not be included.

**Q68 Sir Oliver Heald:** So dove acts would be acceptable. Finally, some falconry acts fly with a lure, and there are other birds such as owls in the display. If one of those acts was contracted by a travelling circus, would that be covered or not?

**Jordi Casamitjana:** It would be covered by the Act. That would be a wild animal—all falconry birds are wild animals, so that would not be allowed.

**Q69 Sir Oliver Heald:** The RSPCA has defined a travelling circus as

“any company/group...which...travels from place to place...giving performances, displays or exhibitions”

with wild animals, and so on. If we were to accept that definition, would that cover the falconry activity that

Bob Seely was talking about earlier, where an act would go out from the Isle of Wight to the mainland and do a tour, in effect?

**Dr Chris Draper:** From my perspective, the difference that needs to be explored in the definition is whether a circus is itinerant and on the road from place to place, versus other types of animal exhibitions, which return to a home base either that same day or after a set amount of days. I would say the public are more concerned about the itinerant aspect of things as well because of the perceived and actual impact on animals' welfare. I am not saying that there is an absolutely crystal clear division between the two, but it could be caught quite nicely within statutory guidance, with specific exemptions for falconry activities and that kind of thing.

**Q70 Rosie Duffield:** As I understand it, an important part of the work your organisations do is to trace where these animals may have come from, and the 19 listed are not native to the UK. Will the Bill help you in that work, particularly in working with DEFRA and perhaps the police? Would it strengthen your powers to trace those origins and perhaps return those animals to their original home?

**Dr Chris Draper:** That is a very interesting question. For the most part, unless I am completely forgetting one or two, these animals will have come from a variety of sources within the captive industry, so they will almost certainly have been captive bred. They may or may not have been linked to private ownership, existing circuses or the zoo industry. There is a close connection between those three things that continues to exist to this day. How that applies to these particular individual 19 or so animals has not been easy to establish, in my opinion.

**Jordi Casamitjana:** I would say, although it might or might not help people in individual cases, the purpose of the Act is not to address these 19 individuals, it is to address all the other possible animals that could come from now on. This is what the Act is all about. The fact there are 19 makes it easier to enforce and manage and find a place. It still will give it some strength, morally speaking, and the public will still be behind it if the 19 were 190—it would be the same situation. It would be a logistical problem, but from the point of view of ideology, why one animal should be banned would not change. In this case, the law has to be seen as a law to prevent a problem from arising in the future, rather than to solve a problem that already exists.

**Q71 Trudy Harrison:** This bans the use of wild animals. I had an initial thought: "Why would any travelling circus take a redundant wild animal along with it, because it would cost money to feed it?" However, recognising that circus organisers and animal trainers will love their animals and will have developed a bond over many years, there is the risk of animals travelling with the circus but not being used. Could their welfare be even more at risk because they may not get the attention and exercise that would have come from performing? Do you also agree that that is a risk to those existing animals and potentially to animals that are bred from them in the future?

**Angie Greenaway:** I think it is less of an issue in the future. I know there was a worry that when the draft legislation was first published in 2013 it did not directly

address that. There is a risk that could happen. We hope it is unlikely, as you say, because of the cost and the effort to travel around with these animals and the fact that their welfare will be compromised. The public do not want to see these animals and that is why they want the ban. We hope they will do the right thing and give up their animals to be relocated at appropriate facilities. I know in their retirement plans it says that they would have a permanent base at their winter quarters. That is what we hope will happen. We accept there is a risk that could happen.

**Dr Chris Draper:** We would like the definition of "use" to include being kept within a travelling circus environment. We are fairly convinced that is the only way to ensure the welfare of these animals is met. A large problem comes from the itinerant nature of things. I share your concern that these animals may not be visible enough to have a welfare problem identified by a member of the public, for example.

Conversely, there may be the opposite, where animals are officially not classed as being used, but are still used as a draw to the circus, if, say, they are pitched in an enclosure next to the circus camp. That is still a draw to the public and the animals are there, albeit tangentially, to attract people to the circus. That needs careful scrutiny.

**Jordi Casamitjana:** I agree with Chris. Keeping the animals might be an issue. It might be something that needs to be looked at. Hence the role of the inspectors. The inspectors are the ones who, possibly, once they have gone to check a particular circus might see an animal that is wild but has not been used in the performance. They might start to ask questions: "Why is that animal here if it is not used in the performance? Should we apply the Animal Welfare Act? Should we ask questions about why it is moving from place to place if it is a wild animal that requires a different type of lifestyle and husbandry?" Then, perhaps, animal welfare will be advised. That is why it is important never to forget the inspectors, especially in the transition process when moving from having animals to not having them at all. If there are no animals in the future, the inspectors will not be needed, but they are needed now. I agree, a potential risk needs to be addressed and the inspectors can help that.

**Q72 Trudy Harrison:** In the interest of animal welfare, is it more important that we ban the wild animals from accompanying the circus, or that we have a transition plan in place for each and every one of the 19 wild animals?

**Jordi Casamitjana:** I think the important thing is to create a ban that prevents more animals being added to the equation and then deal with the 19. I think the ban is the first step, because that prevents any future problems from arising, and then you can deal with the 19 animals.

**Dr Chris Draper indicated assent.**

**Q73 Sandy Martin:** I would like to return to protection of animals that are currently in circuses and, indeed, protection of any animals that might be introduced into circuses in the future. First, have you had any experience in other countries of animals being put down as a result of bans? Do you know of that happening? Secondly, do you agree that we need to have in the Bill powers of seizure, and powers to ensure safe and sensible rehoming or rehabilitation of animals that are seized to protect their welfare?

**Angie Greenaway:** We have not come across any specific cases of euthanasia; I know you mentioned Mexico earlier. We have pulled together some information that we can provide to the Committee, but a lot of fake reports were put out. There were photos of animals, which were not the animals that were in the circus, showing them killed, but it was not the case—it was fake news. Obviously, circuses are not happy if you are legislating, because you are stopping part of their livelihood, so there will be a lot of stories and rumours. You have to look to see the truth behind that.

Whether this is dealt with in the guidance or something else, we and the public would really like to see these animals have a better life at the end of this. Even in winter quarters, as our investigations have shown, there are issues. There are animals that are abused and how they are kept might not be appropriate—there might not be the space to keep them. It would be better, and I am sure it is what the public want, if the legislation ensured that those animals have a better life afterwards.

**Dr Chris Draper:** I concur. Born Free has said repeatedly, alongside the RSPCA, that we would happily work with Government, the circuses and any other stakeholders to ensure a good retirement for any animals currently in use. I think it is worth reiterating that the proposed ban is on the use and therefore the activity. It is on the use of wild animals in circuses; it is not a ban on circus proprietors owning animals. There is a distinction to be made there.

That said, I think it is very much in the public interest that a plan is put in place, either within the guidance or through some other mechanism, to reassure people that the animals' needs are not going to be compromised and that they will live out their life in the best possible situation.

**Jordi Casamitjana:** I would welcome a power of seizure—having something in the Bill that gives that power. It would not be used all the time, but would be an extra tool to be sure that problems do not occur. In cases where there is a conflict in terms of the owner not wanting to relinquish the animals or not wanting to take the animals to the RSPCA, Born Free sanctuaries or places where they could be rehabilitated, having that power would, I think, be a positive thing.

**Q74 Sandy Martin:** Also, you mentioned one circus trying to reintroduce elephants in this country. Three of the respondents to this Bill have suggested that elephants and lions could and possibly would be reintroduced to circuses in this country, even under the current licensing regime. Therefore, do you believe that, if possible, we should introduce this ban sooner than 20 January 2020?

**Dr Chris Draper:** In an ideal situation, absolutely. I think the risk of new—well, they are not new. The risk of species that are not currently in use being introduced is very real. There was, as I understand it, an application by a big cat exhibitor for a licence under the current system. In my understanding, the current licensing system was put in place as a temporary stopgap, but the unfortunate consequence of it is that it legitimises the use of animals in circuses. I think we need to do an about-turn from that fairly quickly, and if that can be done before January next year, so much the better.

**Jordi Casamitjana:** I agree: the sooner, the better.

**Angie Greenaway:** I agree. Our organisation conducted the investigation of those elephants when they came to a circus in this country. There is actually an act that toured multiple countries across Europe. Our investigation found evidence of chaining for 11 hours of the day and abuse from both the person caring for the elephant and the presenter. That is a real worry. A lot of these elephants have been captured from the wild and still perform in circuses. Anne the elephant was permanently chained in her winter quarters and violently beaten. The thought that that could happen fills us with dread.

It has been a few years since big cats have been in this country, but our investigations have shown that they are kept caged most of the day and exhibit stereotypical pacing behaviour to show that they cannot cope with the environment they are in. All wild animals suffer in circuses, but elephants and big cats suffer especially.

**Q75 Mr Seely:** Are you and other welfare groups happy that there are sufficient powers in the Animal Welfare Act 2006 for the police to intervene and take action against circuses and owners who abuse animals in the traveling circus format that we are talking about?

**Dr Chris Draper:** The point we discussed a little earlier about giving powers to the police for site visits and inspections and seizures would be an improvement on the current draft of the Bill. I defer to the RSPCA's experience on the existing powers, given that it works so closely on those issues.

**Jordi Casamitjana:** In terms of animal welfare, the Animal Welfare Act comprehensively covers that. The bit it does not cover is in identifying whether there is a wild animal in the circus. You need powers in the Bill specifically for that purpose. It does not need to be a DEFRA inspector to cover that—it could be the police as well—but you need that extra power to be able to enter a location and find out which animals are kept there, whether they perform and whether they are wild. That is kind of beyond the Animal Welfare Act.

**Angie Greenaway:** I agree and defer to the RSPCA. Our issue is that we have exposed suffering and violence where inspections have not. It is about being aware. While these animals are allowed to be used, it is quite difficult to obtain evidence of their suffering. It takes long-term observation, and inspectors who just come for a couple of hours might miss things that are happening behind the scenes.

**Q76 Mr Seely:** I am very grateful to Oliver Heald for doing such a good job defending the rights of Island falconers. However, on a serious point, this is not only about people in remote places who cannot necessarily go back to the animal's home overnight. I know that the previous three individuals answered this question, and I would like you to do so as well. I want to make sure that, in your opinion, there will not be wiggle room in the Act for falconers—whether they are in Scotland or the Shetland islands or Cumbria or Cornwall or the Isle of Wight, where you have to travel, where they could be away—to be challenged by animal welfare campaigning groups such as yourselves over the way they treat those animals if some of their work away where the animals are held captive and live is seen to be irregular. What is your opinion on that?

**Dr Chris Draper:** Taking what you said as examples, it sounds as like there is a justifiable challenge for the animals' welfare based on the traveling you describe,

but I do not think this is the legislative instrument to do that under; I think it would be better served looking at it differently, under the Animal Welfare Act, for example. I think it is important to keep the focus of the Bill as narrow as possible, to traveling circuses, as has been defined in common usage and as has been attempted to be defined in other constituencies—in Scotland and around Europe—in order to achieve what the public want and to protect the animals in use. I would not want the Bill to be derailed by greying the area into things like falconry when that could be specifically excluded, but that does not negate my concerns about the welfare of birds in falconry.

**Q77 Mr Seely:** I think the answer to that is that I cannot imagine a circumstance where it becomes so irregular and so often that it would potentially qualify. The problem is, as we know from the Government over the years, unintended consequences are often the consequences of things that were not intended in the first place, so the less wiggle room there is, the better the clarity of the law and the better people know the guidelines within which they can operate. Would you agree?

**Jordi Casamitjana:** We are against the use of any animal for entertainment purposes, but that does not mean that we are going to use the law to address the use of all animals for entertainment purposes. Obviously, the law deals only with wild animals. We are also against the use of any animal in circuses, domestic included, but the law does not cover that. If the law is specific enough, it will cover only the bits that the law defines—and I think it is specific enough. That does not mean that we are going to stop campaigning against the use of any type of animal, because there are other laws that might deal with that.

**Q78 Mr Seely:** Out of interest, do you think that show jumping or falconry are inherently cruel? You could say that they are not what wild animals are there for. Therefore, there are animal rights campaigners who would say that we should outlaw racing—so goodbye, Cheltenham—falconry and show jumping, and that we should get rid of a lot of those things because we are forcing animals to do something that is unnatural for them, even if they have done it for generations. What is your opinion on that?

**Jordi Casamitjana:** Certainly, we are those animal rights people who say that. We believe that animals have an intrinsic value and they have the right to choose what they want to do. If you force them to do activities that they are uncomfortable about, and they are stressed by the way they are being trained, that should stop, because there is no need for it—there is no need for those things. That is our general attitude to using animals for entertainment in a blanket entertainment context and for all the animals involved.

Having said that, there are different ways to deal with it. One is to stop people doing them. You do not have to use bans all the time to stop activities; you can persuade people to stop doing those activities. The level of cruelty in each case varies to the point where you might have laws such as this one, which address those entertainment activities where animals are used that most people already recognise as cruel—most people, even if not all. That is what will happen.

The progress of animal protection over the years has always been pushing the envelope to the next phase, and people are starting to recognise animal suffering which they did not recognise before. They are sentient beings. That will obviously have an effect over the years. The obvious first step, however, is to deal with the cases that are the worst of all. Of all captive animals kept, and all animals used in entertainment, the circus, in my opinion, is the worst.

**Q79 Mr Seely:** You used the words “free to choose”. Animals respond to their behaviour types; they do not have freedom of choice in the same way that humans do. When you talk about being free to choose, you are getting into a grey area, are you not? A lot of people would dispute the idea that animals are free. Okay, going to a circus is not natural behaviour for an animal—I get that—but what about galloping with a human on?

**Jordi Casamitjana:** I agree that there is a grey area and different interpretations. I am an animal welfare expert—that is my background. The fact that the behaviour is used in a domestic environment does not mean that that behaviour is the behaviour that the animal would use if it was alive and doing it their way.

For instance, an animal running from a predator is natural behaviour, but running too much is no longer natural behaviour, nor is running for another purpose, because it has been hit or for other reasons. There might be behaviours that have their origins in natural behaviour that have been forced and modified to the extent that they become an animal welfare concern. From that point of view, you can say that even humans have some behaviours that are instinctive and some that are learned. That is no different from any animal. We have feelings; they have feelings. We have intentions; they have intentions.

**Angie Greenaway:** Regarding the legislation, we know there is long-standing public and political support and commitment to legislate on the issue, as opposed to some of the other issues. People probably accept that there are welfare issues involved with those and things that we might speak out against, but there are inherent welfare issues with the travelling nature of the circus.

We also accept that there are issues with domesticated animals in travelling circuses. Actually, most opinion polls show that there is majority support for a ban on those species as well, although it is not quite as high as wild animals and it has obviously not been consulted on and debated. We would like that to be addressed in the future. There have been so many arguments about the science, the consultation process and all the markers along the way over the past 10-plus years. That is why it is really important to get this legislation through. I am sure people will address some of these other issues in due course.

**Q80 David Rutley:** Thank you for your contributions. Do you as groups agree that societal attitudes towards wild animals in circuses have changed over time? Why do you think that might be? What are the drivers of that? I am interested in your thoughts about public perception.

**Angie Greenaway:** That is something we have seen over the past 20 or even 30 years. Public opinion polls have shown that there has been consistent support—70% or 80%—for a ban. The Government consultations in England, Wales and Scotland show that 94.5% to 98% are in favour of a ban. I think some of that is because people generally are more aware of the needs and the

lives of animals through documentary programmes, scientific research that comes out and investigations by groups such as ours, which expose living conditions and the training and handling techniques used in circuses. When people are aware of that inherent suffering, attitudes change, and over time that is happening not just in this country but all over the world.

**Dr Chris Draper:** All I would add is that I think public attitudes have reached a crescendo. They perhaps reached a crescendo quite a few years ago and we have been kept waiting. This dates back to discussions in Parliament in the 1920s, in the run-up to the Performing Animals (Regulation) Act 1925. Concerns have been raised about how animals fare when they are used for entertainment and exhibition in circuses. Those concerns never went away, but awareness increased of what was going on behind the scenes. This is not just about people's ethical and moral consideration of animals, as it was in those days. It is an emerging picture, but the picture is consistent: the public are now united against the use of animals in this way.

**Jordi Casamitjana:** I would go even further than that. Some 300 or 400 metres from here, years ago, there was badger baiting, bear baiting and bull baiting going on. In 1835 we banned those activities. There was already a concern then that having wild animals in a circus-like spectacle, where they fought with each other for entertainment purposes, was wrong. The enlightenment—this political, social and philosophical movement—started there, and it has not finished. Time is constantly moving. Our views about how we treat animals are opening up. We see animals as sentient more than we used to. We realise they are suffering. We realise their needs better than before. This drive towards a belief that we do not have the right to impose suffering on animals just for entertainment purposes has continued. It is not surprising that it has taken some time, but it has never stopped—and it will never stop, because that is what social progress does.

**Q81 David Rutley:** On the discussion about defining travelling circuses in the Bill, there are concerns, which we have discussed at length, that defining them too narrowly may mean that certain activities, such as falconry, cannot happen. It sounds as if you would be quite understanding of an approach that involved using guidance to define things more clearly. I think one of you actually said that might be a more flexible approach that could adapt to changing circumstances in the years ahead. Obviously, primary and secondary legislation can take time. It would be interesting to hear your more definitive views on that. If we were to move forward with guidance, would your organisations be willing to get involved in that process and help review it?

**Angie Greenaway:** Yes, we would be very happy to contribute to that and to comment on the Scottish legislation as well. Guidance is needed for clarification. As Committee members have mentioned, there are circumstances in which people are not sure whether the legislation would cover something. Guidance would help provide clarity.

**Dr Chris Draper:** Statutory guidance is necessary in this case; leaving things with an industry-led guidelines approach would not be wise. In terms of the statutory guidelines type of approach, I would be more than happy for Born Free to be part of that process.

**Jordi Casamitjana:** I would also be happy to be involved. Guidelines give special flexibility, so you can perceive problems and make modifications in the future, when there is suddenly an unforeseen type of activity. We have the reality right now; there is a variety of activities, and therefore it is already newed right now.

**Q82 Luke Pollard:** I wanted to go back to Angie's written submission, which talks about the circus animals suffering. There is a general understanding that banning wild animals from circuses is a good thing, and we want to do that, but I have not yet heard—apart from in small bits—about the levels of suffering that we have in circuses at the moment. There is a sense that that has already been banned, so any animals that are already there must be well treated; otherwise, how would people pay money to go to a circus if they felt animals were not well treated? Can you give us a sense of your assessment of the welfare of the animals we have in circuses in the UK currently? What is the best way to assess the wellbeing of an animal in any type of captive environment, especially one where they are subject to so much touring and travelling?

**Angie Greenaway:** I think the British Veterinary Association covered it well when they talked about the inherent welfare issues of travelling and the fact that the accommodation needs to be small and collapsible and to be put on the back of the trucks. Big cats, even though they are not currently touring, will be in a series of small cages on the back of a lorry; that is their permanent accommodation. Sometimes they might have access to an exercise enclosure, but it will only be for x hours during the day. Elephants will be kept chained all night, at least, and possibly all day.

Other circus animals, such as camels and zebras, might be tethered and on their own. Obviously, they are herd species, so those are unnatural social groupings, which was touched upon earlier. The provision of the accommodation is not suitable, nor is the constant travel. The report by Professor Harris, commissioned by the Welsh Government, said that there is no evidence to show that these animals get used to the travel. Some people think it does not matter and say, "Oh, they've been touring for years." That is still going to be a stressful experience that will compromise their welfare.

There are issues across the board, but also those that are species-specific, depending on how the animals are socially grouped, managed and trained. The welfare of the animals is compromised, and that has been accepted by veterinary bodies. The scientific evidence is overwhelming about the issues involved.

**Q83 Luke Pollard:** Are there any concerns at the moment that the keepers and those who are employed to look after wild animals in circuses are, in themselves, doing things that are deliberately cruel? Or is it the fact that keeping wild animals in circuses is, as a practice, cruel? Do you have any examples of mistreatment of animals currently?

**Angie Greenaway:** In itself, the very practice will compromise the welfare of animals, but there are examples. When we did an investigation of Peter Jolly's Circus, the camel was being tormented; it was spat at. There are different things, but it is hard to get at those—that involves investigations. The longer the term that you

can observe them, the more you will see more, as we have found ourselves. It will be a picture that builds, but it is difficult to see if you are just visiting a circus. You might see it from stereotypical behaviour that animals will do to show that they are not coping with their environment—a behaviour that is not seen in the wild. With the big cats, it could be pacing back and forth. It could be head bobbing or weaving, which has been documented by DEFRA about one of the circus camels. There are tell-tale signs, but some of it is about the nature of species. If you are a prey species, you will not show how you are feeling. Some of these things are not apparent, so we will not be able to see just by looking at these animals how much they are suffering.

**Jordi Casamitjana:** I could add something more specific. The training is often ignored. The problem, when you inspect a performance, is that you do not see the training—you just see the performance. My inspectors inspect a circus and see how the animals are kept and how they perform, but they do not see how they are trained. The methods used train animals to behave in an unnatural way. That is the only thing the circus makes the animals do—unnatural behaviours. That is why they are entertaining—because they are unusual. That forces the animals out of their instincts and their comfort zone and to change their behaviour. Often, that creates fear and distress.

There are positive reinforcement methods, but positive does not mean benign. It means adding a stimulus, as opposed to negative enforcement, which removes a

stimulus. Positive reinforcement means, when you see a behaviour, you use a stimulus to make it happen again—to reinforce it. That might be running; if an animal is running in circles, that animal might be running initially from fear, and that is reinforced by the sound of the whip. The whip is the stimulus that produces constant fear. You can condition the animals to react to something, in training, that causes pain, but that, in performance, is just a noise. In the performance, you just hear the noise, but you do not see the pain associated with the training, which the animal remembers, and that is why he is forced to act. All this suffering, which is often not seen, is inherent in the whole performance element.

There is testimony from Sam Haddock, who was a trainer of elephants in Ringling Bros. PETA got his testimony out to the public in 2009. Everything was recorded. He was training small elephants, and it was very cruel. He admitted, “Look, this is the only way I can do it. Being cruel is part of the way I can train these animals. There is no other way they can learn.”

**The Chair:** If there are no further questions from Members, I thank the witnesses for their evidence.

*Ordered,* That the debate be now adjourned.—(*Iain Stewart.*)

11.22 am

*Adjourned till this day at Two o'clock.*

