

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

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

*Second Sitting*

*Tuesday 21 May 2019*

*(Afternoon)*

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#### CONTENTS

Examination of witnesses.  
Adjourned till Wednesday 22 May at twenty-five minutes past  
Nine o'clock.  
Written evidence reported to the House.

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**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**

Peter Jolly Snr, Peter Jolly's Circus

Carol MacManus, Circus Mondao

Martin Lacey Jr, European Circus Association

Mrs Rona Brown, Government Liaison Officer, Circus Guild of Great Britain

Mr Mike Radford OBE, University of Aberdeen and Chairman of the Circus Working Group

## Public Bill Committee

Tuesday 21 May 2019

(Afternoon)

[SIR DAVID AMESS *in the Chair*]

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

2 pm

*The Committee deliberated in private.*

#### Examination of Witnesses

*Peter Jolly Snr and Carol MacManus gave evidence.*

2.1 pm

**The Chair:** Good afternoon everyone and, in particular, welcome to our two witnesses. I say immediately to our witnesses that parliamentarians are as not as ghastly as they are painted. We are used to being robust with each other but we do understand that, for our witnesses, this is often the first time you have done such a thing, so deep breaths, relax and enjoy it. Although these evidence sessions are relatively new in terms of parliamentary procedure, the idea is, before we scrutinise the Bill, we are trying to get evidence so that we produce the best legislation possible. Can you project your voices, please, and kindly introduce yourselves?

**Peter Jolly:** I am Peter Jolly of Peter Jolly's Circus.

**Carol MacManus:** Carol MacManus of Circus Mondao.

**The Chair:** Colleagues, we have until 2.45 pm for this session.

**Q84 Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): Thank you for joining us today. This morning we heard evidence from animal welfare groups talking about how important it is that wild animals are banned in circuses. As circus operators, can you give us your perspective on the Bill and also on the role of wild animals for entertainment?

**Peter Jolly:** From my perspective, we have been licensed for seven years. We have had more than 40 inspections in those seven years, all of which have been satisfactory, if not more than satisfactory. Like any other inspection, there are tiny little things that have to be rectified and they have been rectified immediately. There is no reason that the animals that are in circus now cannot remain in circus, because the inspectors have inspected them that many times. We work with them all the time. That is our life.

**Carol MacManus:** The Department for Environment, Food and Rural Affairs did a review on the report, and the report, I think, is outstanding: the animal welfare of the circus was of a very high standard over the five to six years that we have done the licensing. We are still licensed at the moment to keep our wild animals in circuses. I do not believe they are wild animals; they are exotic animals. None of the animals we own is wild. They are exotic animals, all born and bred in this country. Reindeer are classified as wild animals only in a circus. They are not wild anywhere else in the UK.

**Q85 Luke Pollard:** From your point of view and the way you run your businesses, can you explain what efforts you make around animal welfare? We heard this morning about issues of cruelty towards animals and the sense that this ban is overwhelmingly supported by the British public, which I imagine includes those people who attend and watch circuses. I will be grateful for your perspectives on that.

**Peter Jolly:** From the animal welfare side of it, our animals do the very minimum performing in a day. For the majority of the day they are outside grazing. Myself and Carol—

**Carol MacManus:** Spoil our animals.

**Peter Jolly:** They are grazing animals—hoofed animals—for the majority of the day, apart from maybe one or two hours, they are outside grazing. Their veterinary care is top, because our licence requires us to keep records on a daily basis. Four times a day, for every single animal, we have to record the weather, the environment, what food they have had and what we have done with them, such as if we walk them from the paddock to the big top. There are no welfare problems at all.

**Carol MacManus:** We did a survey while we were doing the tours of the circus in 2010—I know that is a while back now—that 10,000 people filled in, and 84% was positive. Some of them did not even realise what the survey was and just ticked all the boxes because they weren't really reading it. You say that an overwhelming majority want to ban animals in circuses, but the majority of those people are against us having animals in any form of entertainment. Slowly but surely you will find that they try to ban everything.

**Q86 Simon Hoare** (North Dorset) (Con): What animals do you keep?

**Peter Jolly:** Do you mean animals or what are classified as wild animals?

**Simon Hoare:** The animals that would be covered by the Bill, were it to become an Act.

**Peter Jolly:** Camels, zebra, reindeer, an Indian cow, a fox, two raccoons and a macaw.

**Carol MacManus:** And I have one zebra, two camels and two reindeer that I believe are questionable anyway.

**Q87 Alex Chalk** (Cheltenham) (Con): Because they are not reindeer?

**Carol MacManus:** Because they are not really wild in this country—only if they are owned by a circus.

**Q88 Simon Hoare:** There is always this fine divide, and because one can does not necessarily mean that one should. Do you think, in this day and age, with the popular access to wildlife television programmes and conservation and so on, that animals should be used for entertainment in that way? What good is that doing, apart from entertaining?

**Peter Jolly:** It is not just the entertainment in the ring. We have children coming to the circus who have never seen, smelled or touched a camel. I have a fox that is now 15 years old that I hand-reared from three or four days old. The only foxes that children see are on the side of the road, dead. They do not see these animals. Safari parks and zoos are very good in their own way, but not everybody can afford to go to a zoo or safari park, because they are very expensive.

**Simon Hoare:** Mr Jolly, I quite specifically did not mention zoos or safari parks, because I think you can construct a perfectly—the question I asked was whether, with access to internet and television—

**Peter Jolly:** It is not the same. You cannot smell an animal on the internet or on the television.

**Simon Hoare:** Having smelled camels, I think I would prefer not to have to smell them.

**Carol MacManus:** Are you saying we smell?

**Simon Hoare:** Not you, Ms McManus, but camels are not known for their—you do not find them on the Estée Lauder counter, do you?

**Carol MacManus:** No.

**Q89 Simon Hoare:** So the question is whether you should use them in that way.

**Peter Jolly:** Yes.

**Carol MacManus:** Why not?

**Q90 Simon Hoare:** Could you give me your justification for that?

**Peter Jolly:** My service is a family service. It is family orientated, so we deal with a lot of children. They do not get to see these things. Why should we deprive those children of contact with live animals? They are not wild animals; they are live animals. As Carol said, our animals, in our eyes, are exotic, not wild animals.

**Q91 Sandy Martin (Ipswich) (Lab):** I believe you are basing some of your evidence on the idea that the animals that you have are domesticated; you mention, Ms MacManus, that camels are domesticated in most areas of the world. However, at least one person has written to us saying that elephants have been domesticated for thousands of years. They could be counted as domesticated animals.

**Carol MacManus:** But we do not have any elephants.

**Q92 Sandy Martin:** I am not suggesting that you do; I am asking whether you believe that elephants should be counted as domesticated animals. If so, why should we not allow elephants in a circus? We had a submission from the Fédération Mondiale du Cirque, suggesting that all circuses should have animals, including lions, and a submission from a circus in Germany that also has lions, making the case that having lions in circuses is perfectly acceptable. Were it possible for you to have elephants and lions, would you? Also, do you agree that if we do not ban wild animals in circuses there is every possibility that somebody else will come in with a circus that has elephants or lions, or both?

**Peter Jolly:** My point of view is that I do not have elephants or lions at the moment, and I do not intend to, so that would not apply to me. Obviously, I cannot speak for another circus coming in from abroad. That is up to the Government, in terms of imports and exports, and whether DEFRA would allow them in. I cannot see why, if a circus came over from another country, it should not operate.

**Carol MacManus:** There are not many—no, I should not say that really. The regulations with DEFRA should have carried on. I do not believe that they should have stopped. That would have stopped any issues with anybody who did not keep their animals correctly. What we had to do for the DEFRA regulations was more stringent

than what zoos, safari parks or any other industry has to do. If someone does it correctly, why should there not be other kinds of animals in circuses? However, at the moment we are arguing for our animals. We do not have any elephants or cats.

**Q93 Sir Oliver Heald (North East Hertfordshire) (Con):** On the definition, let us start with birds. We are told that budgerigars and canaries are not wild animals; they are domesticated in Great Britain. However, apparently macaws are considered wild. You have described some other issues. How clear do you think the definition is of what is or is not domesticated?

**Peter Jolly:** There are a few animals. I have a miniature cow that is on the circus licence. It should not be on the circus licence; it is a cow. Hundreds of people keep macaws as pets. Mine has bigger facilities than any pet macaw. He is allowed to free fly, and he has a large enclosure when he is not free flying. I got him from a home that kept him in a 2 foot by 3 foot cage. These animals, in some hands, are allowed and are classified as non-wild, but because the word “circus” is added to the licence they are classified as a wild animal.

**Q94 Sir Oliver Heald:** Carol, you mentioned exotic animals. An exotic pet is a wild animal that is being kept as a pet, is it not? So is an exotic animal not a wild animal?

**Carol MacManus:** No, it is an exotic animal.

**Q95 Sir Oliver Heald:** What is the difference?

**Peter Jolly:** My macaw was born in captivity. It was not wild-caught.

**Q96 Sir Oliver Heald:** May I turn to Carol for a minute? You keep talking about exotic animals.

**Carol MacManus:** They are exotic.

**Q97 Sir Oliver Heald:** An exotic animal is just a wild animal. An exotic pet is a wild animal that is kept as a pet.

**Carol MacManus:** Possibly, but I have a cockerel. He is the only animal on our circus that is likely to attack you. Is he a wild cockerel or a domesticated cockerel? He is aggressive.

**Q98 Sir Oliver Heald:** I am just trying to work out the definition that you are trying to give us. What do you mean by an exotic animal?

**Peter Jolly:** It is usually one that is domesticated in other countries, but may not be domesticated here, such as a camel. We classify that as exotic. My cow is an exotic cow, because it comes from India.

**Q99 Sir Oliver Heald:** We were told earlier that some of the wild animals are disrupted and upset by a lot of travel. They are essentially wild, and although you may persuade them to perform by a form of training, moving them from place to place disrupts and upsets them. It is just wrong, we are told.

**Peter Jolly:** It is the opposite.

**Carol MacManus:** I think it will be more distressing and upsetting when there is a ban and I have to either leave or rehome my baby camel and his father. We have already had to leave them behind once before, because we could not take them to a site, and the baby camel spent the whole week crying.

**Q100 Sir Oliver Heald:** Yes, but what about my point that an itinerant lifestyle for wild animals, which are the ones covered by the Bill, is wrong because it upsets them and disrupts them?

**Peter Jolly:** It does not upset them.

**Carol MacManus:** Who says it upsets them?

**Sir Oliver Heald:** It is unnatural to their way of life.

**Carol MacManus:** No, it is not.

**Peter Jolly:** My camels load themselves when it is time to go to the next place. We do not have to lead them like a horse or anything; they get into the trailer themselves.

**Simon Hoare:** So did Pavlov's dog.

**Q101 Sir Oliver Heald:** So what is the difference between your camel and a horse?

**Peter Jolly:** We treat it like one. We lead it the same and treat it the same.

**Carol MacManus:** None of our animals shows any sign of stress at all when they are travelling. In fact, some stress tests have been done on lions, which are wild animals. I am sure that Mr Lacey will tell you about that later, because I do not know the ins and outs of it, but proper stress tests have been performed.

**Q102 Sir Oliver Heald:** Are there any animals that you would say should not perform?

**Carol MacManus:** No.

**Q103 Ellie Reeves (Lewisham West and Penge) (Lab):** Some of the answers to Mr Hoare's questions were about children being able to see the animals because they are in a circus. Is that different from going to see an animal in a safari park, for example, where the animal is in a habitat in which it is not required to perform? In a way, safari parks try to recreate the natural habitats that animals live in, whereas in a circus the animal is expected to perform for a crowd, which is completely at odds with what it would do in the wild. I want to challenge some of the comments that you made. What would you say in response to that?

**Peter Jolly:** I would rather that an animal perform in a circus than that it be in a safari park, where there are hundreds of cars going by with fumes, noise and children banging on the windows. There is no comparison. Our animals are calm and are handled gently; they are not in a safari park situation, where youngsters and the cars driving past are upsetting them. We do not do that.

**Q104 Ellie Reeves:** What about when they are packed up and have to travel from place to place?

**Peter Jolly:** We do not pack them up.

**Q105 Ellie Reeves:** But they move around, do they not?

**Peter Jolly:** Our animals are transported; we do not pack them up. We pack the tent up.

**Carol MacManus:** Zoo animals are moved around, too, but they are generally not used to it. I am not an expert on zoo animals, but I believe that most of them

are usually sedated to be moved around, or at least to be put in the transporters. We do not do any of that. All our animals are quite happy to move along the road. They travel next to the same companion that they have travelled with all the time. They are used to the other animals, used to the environment and used to us. There is nothing strange or stressful.

**Q106 Ellie Reeves:** How often do they have to be transported?

**Carol MacManus:** We move once a week, on a Sunday.

**Peter Jolly:** We move once a week.

**Carol MacManus:** Then they have two days off, because generally we do not work on Monday and Tuesday, and then they work—if you can call it work—from Wednesday to Sunday. They appear for about two minutes in the circus ring. They are not over-stressed.

**Peter Jolly:** Ours are the same.

**Carol MacManus:** In 2013, we had 85,000 attendants at our circus. We know that some people are saying, "Oh, we're not doing very well this year," but with animals we seem to be doing fine. People come to see our animals.

**Q107 Trudy Harrison (Copeland) (Con):** Mr Jolly, you referred to your two racoons and your fox, zebra and camels. If there was a ban, what would happen to those animals?

**Peter Jolly:** Nothing. I would change my business to something else, but the animals would stop with me.

**Q108 Trudy Harrison:** What proportion are they of the entertainment you provide with the circus? What other acts does it include? I have not been to your circus myself.

**Peter Jolly:** Clowns, acrobats, wire walking, juggling, a western act, an eastern act.

**Trudy Harrison:** Surely you would not want to give all that up if wild animals were not permitted in circuses.

**Peter Jolly:** I would. It is my 70th year this year, so I am not going to change from doing the animals now. I have done them all my life, so I am not going to change now.

**Carol MacManus:** I do not really know. I have not really got a plan. I have inquired, and several places would take them. I do not really want to give them away but I cannot see them happy at home—they would not be happy at home on their own. The other animals would carry on travelling with the circus. So, I do not really know. I have not got that far yet.

**Q109 Trudy Harrison:** Did you say that the wild animals would continue to travel with the circus?

**Carol MacManus:** No, I did not say that.

**Trudy Harrison:** I am sorry; I misheard you.

**Carol MacManus:** I said that they would not be happy being left at home.

**Q110 Anna Turley (Redcar) (Lab/Co-op):** Thank you very much for coming to give evidence. Could you talk us through a bit more about how you look after animals, and what their sleeping conditions and training regime are like? Could you talk us through an average day for the animals?

**Peter Jolly:** An average day starts at about 8 o'clock. My grazing animals are outside. They have inside and outside access, so it is up to them whether they go out or come in. They are cleaned, mucked out, fed any concentrated food that is required, and watered. Young animals in training go into the circus tent and are walked through, to start with. With all the animals, we walk them into the tent so that they can see the atmosphere, and we feed them as we are doing it. That might be for 15 minutes, and they then go back out into their paddocks for the rest of the day.

At 4 o'clock, we bring them in to what we call the stable tent, where they are kept before the performance, and they are groomed and checked over. If they wear any sort of headdress or harness, that is where those are fitted. They do their performance, which lasts anything up to three to four minutes. They stay in that tent until the end of the whole performance and then go back out to the grazing. That is a typical day for them.

**Q111 Anna Turley:** That is really helpful, thank you. What sort of performance is it? What do they typically do?

**Peter Jolly:** The camels and the zebras basically walk around the ring. They stand on what we call pedestal stands and the zebra walks in and out of them. I have a donkey and a lamb in the same act, and a miniature cow, and it lasts anything up to three minutes.

**Q112 Anna Turley:** How long would it take to train an animal to do that?

**Peter Jolly:** The training starts when they are young and it is not training them in tricks. The training is in teaching them to lead, and to come to you when you want them. With all our animals, we can go to the edge of our enclosure and call them and they will come up to us, and that is done only by reward and training.

**Carol MacManus:** It is trust.

**Q113 Anna Turley:** That is a question I was going to ask. During those training stages, what happens if an animal does not comply or does not respond?

**Peter Jolly:** You take it out. It is very similar to with children. If children start doing work wrong, the more you push them the worse it gets. So all you do is say, "Right, that's it. Training session over. Start tomorrow again".

**Carol MacManus:** It is all little and often.

**Peter Jolly:** It is all done by reward. Some of it is clicker training, and some of it is by reward.

**Q114 Anna Turley:** You said that you have substantial regulation to monitor all that. Have you had any issues where you have had to bring vets in, or any crises in the last year? What sort of situations have you had?

**Peter Jolly:** No crises. We have had two inspections this year up to now. We have had no health problems. In our regime you have to worm, and the lead vet has to check them four times a year. You have to record any tiny problem like worming and things like that. It all has to be checked. We also take weights four times a year.

**Q115 Anna Turley:** So you have not had to call a vet for any of your wild animals?

**Carol MacManus:** Not since the start of this year, no, if you are counting this year.

**Peter Jolly:** Only the inspection vets.

**The Chair:** We have under 20 minutes left. Four colleagues have indicated that they want to speak before the Minister does. If anyone else wants to say something, could they catch my eye?

**Q116 Sarah Newton (Truro and Falmouth) (Con):** May I just say, Mr Jolly and Ms MacManus, that you are coming across as people who care very much for your animals?

**Carol MacManus:** We do.

**Peter Jolly:** We're a family.

**Sarah Newton:** I can hear that.

**Peter Jolly:** My grandchildren are in the circus now. It is a family business that uses animals. We are similar to farms.

**Carol MacManus:** I do not know how many of you have a pet, but if you had a pet dog and somebody told you, "We're going to ban pet ownership", how would you feel?

**Q117 Sarah Newton:** I can understand that this is very difficult and emotional for you. We can appreciate that. It is a whole way of life for you. What has struck me from what you have said is that in addition to the wild animals—you call them exotic animals—you have other animals. You might be thinking, "If this does come through, we'll look to diversify. We may have other animals," because clearly you love animals and you think children should have these opportunities. Could you talk to us about how you might diversify—maybe you could have some snakes?

**Carol MacManus:** They are wild animals, so we cannot have them either.

**Q118 Sarah Newton:** Are there any other sorts of animals that you—

**Peter Jolly:** It is only ponies—I have ponies—and donkeys, goats, that sort of thing. They are the only things. Llamas are not classified as wild.

**Q119 Sarah Newton:** So you would carry on doing what you were doing but you would have other animals that were not considered to be exotic or wild animals?

**Peter Jolly:** Or we could go off and do country shows and things like that with the animals that we have.

**Q120 Sarah Newton:** Talk me through that. You feel that you would be able to keep the animals you have, which are wild animals—although you call them exotic animals—but do something else with them.

**Peter Jolly:** We could do film work and county shows. We could still have a circus, but outside.

**Q121 Sarah Newton:** Do you feel the definitions in the Bill would enable you to do that?

**Peter Jolly:** I think the word "circus" needs to be clarified. Saying that it has to be in a big top is not correct. A circus can be anywhere.

**Q122 Mrs Pauline Latham** (Mid Derbyshire) (Con): Clearly, you are very fond of your animals and have had them for a very long time. Mr Jolly, you said that you would not continue, but you are Peter Jolly senior, so obviously your children and grandchildren are involved.

**Peter Jolly:** There is a junior.

**Mrs Latham:** Would they continue with the circus or would they close it down?

**Peter Jolly:** They might continue with the domestic animals, but they would not part with the exotics. They would move on to other work with the exotics.

**Q123 Mrs Latham:** You said you would take them to county shows if the ban came into being. What sort of things would you be doing at county shows?

**Peter Jolly:** A circus.

**Q124 Mrs Latham:** So if we decide to go down the route of banning wild animals in circuses, we also need to look at the definition of a circus. You said you have llamas and goats. What other animals do you have? Do you have dogs?

**Peter Jolly:** Yes—dogs, fan-tailed pigeons.

**Q125 Mrs Latham:** Do you have doves?

**Peter Jolly:** People call them doves, but they are actually fan-tailed pigeons. People always call them doves for some unknown reason. We have dogs, goats, llamas, ponies, donkeys.

**Q126 Mrs Latham:** What about you, Ms MacManus?

**Carol MacManus:** We have eight horses, five ponies, a mule, a donkey, five llamas, two camels, one zebra, 38 pigeons, six doves, two reindeer, 10 dogs, six ducks, four chickens, two cats.

**Q127 Mrs Latham:** If the ban came into place and you could not use the wild animals, you would continue with the other animals.

**Carol MacManus:** Yes.

**Q128 Mrs Latham:** You both said that you either would not get rid of them or would not know what to do with them, and that they could not stay at home. If you were doing county shows, though, that would not be every week.

**Peter Jolly:** No.

**Mrs Latham:** It would be occasional use, presumably.

**Carol MacManus:** If we got work every week, would there be a difference? If we were working through winter-time with our reindeer jobs, we could be out every single day.

**Mrs Latham:** Yes, because of Santa Claus.

**Carol MacManus:** And we could be taking them up and down the country, all over the place—much further than we ever travel.

**Q129 Mrs Latham:** I don't know about that, but I have seen reindeer in situations at Christmas. I do not know where they have come from or whether they are resident there, but I think it is the fact that they are moving every single week that is seen as the problem.

**Carol MacManus:** But it is fine for reindeer and racing camels to be going up and down the motorway to different places and strange county shows, with maybe a drag-racing car going off next to you. I have had the circus in a county show area, when we were at Bakewell, and it is not nice.

**Q130 Mrs Latham:** You were talking about being in safari parks, where cars were going past them, but in the confined space of a circus ring there are hundreds of people around them, in very close proximity, tapping, cheering, shouting,

**Carol MacManus:** I think they quite like it, actually. Our zebra doesn't like it if he does not perform; if, for any reason, he does not perform, he gets stressed. He knows when the music is on. He stands waiting at his door for the young lad to take him across to the ring to work with me—there is only one handler who handles him. He likes performing. When I had my old zebras, they used to free-range around the site. They would always be in the big top, where the shade was, or wandering round the site.

**Q131 Simon Hoare:** I think you have given us food for thought. To pick up on what Ms Newton said, it is clear that you care very much about the welfare of your animals, and you are operating under a strong and robust regulatory regime at the moment. I am slightly confused about the point about car noise in a safari park.

**Peter Jolly:** I was talking about fumes.

**Simon Hoare:** You did speak about noise as well. Unless your audience is made up of children who subscribe to the Trappist way of life, they will make some noise. All I have to do is take my jacket off the hook and my dogs know that we are going for a walk—animals will always respond to those sorts of things.

Ms MacManus, your submission to us is dismissive of ethics, if I can put it that way. I can understand why you make that argument, but I want to ask whether you accept two things. First, do you accept that one rotten apple will spoil the barrel? In your sector, poor behaviour has shone a spotlight on the whole issue, which means that the good, the bad and the ugly get hit in exactly the same way.

Secondly, I do not say this to draw a direct comparison, but I am pretty certain that the family who were fourth generation bull or bear-baiters would have said, "But we've always done this; it is our way of life", because that is what they would have known. Things change when perception and attitudes change. This almost goes back to my first question: do you accept that, just because one can, that does not necessarily mean that one should, and that in the general national consciousness the time of having wild/exotic animals in a circus for entertainment or educational purposes has reached its sell-by date, has passed and is a bit old hat, and that people want to move on because our ranking of animals has changed and is evolving?

**Carol MacManus:** No.

**Peter Jolly:** The majority of people still want to see circuses. You are talking about a handful of people who hit the media, Facebook and all that, who are whipping up this hysteria. When we go to a village or a small town,

everybody wants to come and see the circus, which contradicts that. We would be out of business if we didn't have the general public coming to visit us.

**Simon Hoare:** That's a fair market counter-argument that you put.

**Carol MacManus:** And we have moved with the times and we do make improvements—everybody makes improvements all the time.

**Peter Jolly:** Just having the licensing scheme is moving forward. That was a move forward.

**Carol MacManus:** Anybody here should read that before they make their decision, because the review on our reports speaks volumes.

**Q132 Alex Chalk:** Two things. First, your basic argument, as I understand it, is that any wild animal—or exotic animal, as you call it—should be able to perform in these circuses.

**Peter Jolly:** We might not want to use them, but what we are saying is that if they can be kept according to the proper methods and welfare, you should be allowed them. You should not be allowed them if you cannot meet the stringent welfare standards.

**Q133 Alex Chalk:** May I ask you a couple of questions about that, then, and take, for example, a tiger? Tigers are solitary animals. Would you agree with that?

**Peter Jolly:** Yes.

**Q134 Alex Chalk:** They roam across wide areas when they are in the natural world. Do you agree with that?

**Peter Jolly:** Yes.

**Q135 Alex Chalk:** They very often have habitats of 60 sq km. Would you agree with that?

**Peter Jolly:** Yes, in the wild.

**Q136 Alex Chalk:** So would you agree that to put them in a circus would be to put them in a wholly artificial environment?

**Carol MacManus:** I do not think these are questions that you need to be asking us.

**Peter Jolly:** You are asking me, but I have not got tigers, so I cannot answer the question.

**Q137 Alex Chalk:** Okay. The next thing I want to ask is this. You have horses on the one hand and camels on the other—you have camels, correct?

**Peter Jolly:** Yes.

**Q138 Alex Chalk:** Do you detect any difference in the way that those two animals experience being in a circus? Before you answer, the evidence we heard this morning was, "Don't worry, Mr Chalk. Horses are different because they've been domesticated over centuries." My question is whether the experience of a camel is in fact any different from that of a horse.

**Carol MacManus:** I think that the camels are much more laid back and less likely to get spooked. The horses pick up on little things and decide, "Oh, I don't like that today. I don't like that spotlight." The camels

just come in and do their little job. Sometimes the baby will have a little dance. They are definitely much more laid back and calm than the horses.

**Alex Chalk:** That is all I wanted to ask.

**Q139 Mr Bob Seely (Isle of Wight) (Con):** For my own understanding, and hopefully that of the Committee, I will try not to repeat things, but ask about a few things that seem to be at the heart of the argument and of the debate. You are saying that these animals are not, in any meaningful sense, wild, because they have been domesticated all their lives. Have they been tamed to the same extent as domesticated animals would be in this country?

**Peter Jolly:** All our animals are, yes.

**Q140 Mr Seely:** So they are not wild animals according to a definition of the word that you would accept. They are just non-traditional kept animals.

**Peter Jolly:** That is right.

**Q141 Mr Seely:** You are saying that the evidence shows—correct me if I am wrong; if you could point to the evidence, that would be great—that their levels of stress are no different from other animals. One of the central arguments we heard this morning was that being in a circus was not true to their nature.

**Peter Jolly:** The thing is, we cannot explain it without people actually coming to see it. You have to see it for yourself. The animals are not stressed in any way. They are happy in the environment they are in. They are as far away from wild animals as you can get. We class it as handling; taming is not a word we use.

**Q142 Mr Seely:** Because they have not known an alternative existence that, according to people this morning, would have been more true to their nature.

**Peter Jolly:** Camels have always been kept by one nation or another.

**Carol MacManus:** There is evidence on the internet that there are only 100 wild camels left and that there are three different species of camel: the domestic dromedary, the domestic Bactrian and the feral Bactrian. We definitely do not have the feral Bactrian.

**Q143 Mr Seely:** The second central point seems to be the generalised discussion about whether having animals in circuses is an idea whose time has passed. You are obviously disputing that. Will you continue to keep animals in your circus, but just non-wild, legal ones that are more domesticated—horses and dogs?

**Carol MacManus:** Well, we will have to. We will be forced to do that if the ban comes in, won't we? We will still continue with animals in circus, yes.

**Q144 Mr Seely:** So you will continue with animals, but obviously not the "wild" ones, although you are challenging the definition of what is wild?

**Carol MacManus:** Yes.

**Peter Jolly:** Yes.

**Q145 Mr Seely:** Okay. One of the problems, as one of my colleagues mentioned earlier, is that there has been some bad publicity about this, which has obviously

[Mr Seely]

damaged the cause of having “wild” animals in circuses. Do you accept that there is a considerable difference, as Mr Chalk was saying, between having hunters such as lions and tigers in circuses, who do roam wildly and are in pain in an enclosed space, and more passive animals such as camels?

**Peter Jolly:** We can’t really comment on that, because we do not have them. We do not work with them to see that.

**Q146 Mr Seely:** Fair enough, sir, but in your lifetime you will have come across circuses with wild hunters and not just—sorry, I do not know the correct term for something that is not a hunter.

**Peter Jolly:** Predator.

**Q147 Mr Seely:** Yes. Apart from the fox, you do not have predators in your circus nowadays.

**Peter Jolly:** No.

**Q148 Mr Seely:** Do you accept that there would have been a difference—morally or practically—between having predators such as a lion or a tiger and having non-predators in a circus?

**Carol MacManus:** Not if they are kept correctly, no.

**Peter Jolly:** It is all down to them being kept correctly, and to animal welfare standards being high. You have got to provide the facilities.

**Q149 Mr Seely:** I am guessing here because I am no expert on this, but it seems to be a more complex argument to make that you can hold a lion or a tiger in a captive environment and give that animal a happy life, in the same way as you can a camel. I can actually readily accept the argument for the camel, given that camels hang out with people and have done for thousands of years.

**Peter Jolly:** My camels are in 10 acres of ground at the moment.

**Carol MacManus:** We are not asking for that. We are asking if there is any possibility, somehow or other, to make a little amendment so that our animals can carry on travelling—

**The Chair:** I will have to interrupt. We only have three minutes left.

**Q150 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley):** I just have a couple of questions. Thanks for coming along today—we appreciate it. In terms of the animals we are talking about now and the ones you have, I understand that you want them to carry on travelling. As you know, the legislation we are considering at the moment does not allow for that, so I just wanted to ask again about retirement plans for the animals. Mr Jolly, you seemed to indicate that this might be enough for you to decide that you do not want to carry on in the circus arena anymore, and you, Ms MacManus, you were not too clear what was going on.

**Carol MacManus:** I don’t think it is fair on the animals.

**David Rutley:** Understood.

**Carol MacManus:** If I leave my camels behind, I would have to leave some llamas and horses behind just to keep them company. They were really stressed when I could not take them to Spalding.

**Q151 David Rutley:** When you talk about leaving them behind, do you have people at your winter base all the time?

**Carol MacManus:** I wouldn’t just turn them all out in the field and hope they were still there when I got back next week or next year.

**Q152 David Rutley:** Forgive me, I do not know how your operating model works. You do have people at your winter quarters throughout the year?

**Carol MacManus:** At the moment, no, but we would have to put that in place, because we would have to look after the animals.

**Q153 David Rutley:** So that would mean that, although you do not have definitive plans, you have options for your two reindeer, your zebra and your two camels.

**Carol MacManus:** If it makes a difference on the Bill, I could say I am just going to have them all put to sleep, but I do not think it would make any difference. So, yes, there are plans in place.

**Q154 David Rutley:** Thank you very much.

I have one other quick question. There is a lot of public interest in this Bill, and some people want to see this happen as soon possible. If the legislation was put in place before 20 January 2020—I think that is the deadline; is that right?—would you be able to cope with that in terms of your plans?

**Carol MacManus:** But I thought we were still licensed and that our licence was valid until January 2020. I am not a lawyer, so I do not know. I would have to get a lawyer on to that case. I thought we were safe until January 2020.

**Q155 David Rutley:** Mr Jolly, any thoughts on that?

**Peter Jolly:** If it goes on till 2020, we are in the winter quarters anyway.

**Carol MacManus:** But say a ban comes in next week.

**Q156 David Rutley:** It will not be next week, but what if it was brought forward earlier?

**Peter Jolly:** We travel until November.

**Carol MacManus:** Won’t that contradict the legislation that is in place?

**The Chair:** Order. I am sorry, but the time has passed so quickly. I want to thank our two witnesses for the time you spent with us. We thank you for your full and frank responses to the questions. You have given very valuable evidence to the Committee. Thank you very much indeed.

**Carol MacManus:** Thank you for having us.

#### Examination of Witnesses

*Martin Lacey Jr and Mrs Rona Brown gave evidence.*

2.45 pm

**The Chair:** We will now hear oral evidence from the European Circus Association and the Circus Guild of Great Britain. I do not think I have to repeat what I said

to the previous witnesses, because you were already sitting in the audience. Would you kindly introduce yourselves and perhaps make a brief opening statement?

**Rona Brown:** My name is Rona Brown, and I am a wild animal trainer. I worked in the film industry with wild animals for 60 years. A lot of the animals I get come from the circus, because they are the ones that are handled, reared, used to travelling and used to being told what to do. They do not mind lights, music and people. They are easy to work, and they love doing the work. That is what I have done all my life. I am also a betweeny person for the circuses and DEFRA.

**Martin Lacey:** Hello, Sir David Amess. Thank you very much for having me. It is very good that you are giving us a bit of time to speak. My name is Martin Lacey. I was born in Sunderland, and I left England when I was 17 years old, so I hope you understand my English—I am always thinking in German. My family comes from a zoo background, not from a circus background. I became an artist at the age of 18 with my lions, and I have been all over Europe working with them. I have won the most prizes that any artist could win; I have won animal welfare prizes for my show. I also work with politicians in Germany, Italy and Spain.

**Q157 Luke Pollard:** You heard the questions we asked the last panel in relation to animal husbandry and the welfare of wild animals in circuses in the UK. Martin, from an international perspective, when bans have been introduced elsewhere—you said that you travel with your animals—can you expand on what difference that has made to the business? How has operating in countries where there are bans affected the business of travelling circuses?

**Martin Lacey:** The problem is that, due to animal rights groups—I have seen this many times when I work with politicians—you are very ill-informed. What bans are there? The bans we are talking about are in eastern Europe, where there should rightly be a ban, because they cannot even look after themselves, let alone animals. You have to understand that places like Germany have a very high standard. In fact, it was great to see DEFRA put these regulations in place. That is what circuses need to go on in the future. Animal welfare is, absolutely, very important.

I have read that animal rights groups say that they have a ban in Italy, which is not true, and that there is a ban in Austria, but there were no circuses in Austria to fight for circuses. Therefore, the wording has changed, which makes you believe that there are bans everywhere. There are problems in Germany—of course we have problems. We have some towns where they say they do not want to have wild animals, and we have been successful every time with legal action.

There are so many studies and facts—this is not what I say; it is actually facts—that show that animals are good in the circus. That can answer many questions that were asked before. It was already proven in the 1980s by the RSPCA and Dr Marthe Kiley-Worthington—I think the last report was in 2010—that it is a fact that animals can be good in a circus. Therefore, although you ask me about the change of bans in Europe—I work in Germany, Spain and Monte Carlo, where they have the biggest circus festival in the world—there are no bans. Yes, other

countries have bans, but I have never worked in those countries. It is not brought out in the right way. I mean, Cyprus—I do not even know the circus that would have been in Cyprus. So there are places with bans, but it is a bit wishy-washy.

**Q158 Luke Pollard:** Thank you for that answer. If I may, Mrs Brown, I found your written evidence very interesting—how you put across your case. Your submission said that the Bill is

“discriminatory; disproportionate; driven by animal welfare groups”.

Do you think that there is an animal welfare problem with wild animals in circuses at the moment? This morning, the animal welfare groups provided examples of animals they regarded as poorly treated and out of their natural environment, causing them a great deal of stress. I am wondering how the evidence that we heard this morning fits with your view that the Bill is unnecessary.

**Rona Brown:** I think it is totally unnecessary, because we have laws that cover and look after animals in circuses. When the circus regulations came in, there was a circus that had lions and tigers, and it worked very well. It depends whose hands the animals are in, and whether they are any good or not, so that the animals are looked after properly. The circus regulations have ensured that animal welfare is good, that the animals are looked after properly, that the people who look after them understand what they are doing, and that there is no unjust behaviour towards the animals.

When I said that the Bill was driven by animal welfare, I meant animal welfare rights—people who think this is wrong, and try to convince everyone else in the world that it is wrong. In every industry, in every sector, there are people who do wrong things. You have to have laws to protect whatever they are dealing with—whether that is children, old-age people, animals or whatever—and that is where the regulations have done really well, because they can ban the bad people, not give them a licence, and make sure that they are doing the right things, and they can also support the ones who do it correctly.

All people who go to see the circus have a choice about whether they want to see circuses, and they have chosen to see one. It is all very well saying that 97% of the British public support a ban, but there were only 12,000 replies. What have we got? Sixty-six million people? So that is miniscule—the people who replied. The people—families and children—who go to see the circus think it is wonderful. They do not like bad circuses, and neither do I—I have seen bad circuses, and I know what I like and do not like. I do not like the bad ones, but I will support good ones, and I support the licensing system we have.

**The Chair:** I should have advised everyone at the start that this session can run until 3.30 pm.

**Q159 Mr Seely:** You said, Martin, that animals can be good in a circus. When you say “good”, do you mean that they can lead happy and fulfilled lives despite the fact that a circus is very alien to the natural environment that, technically, the animals were designed to appreciate?

**Martin Lacey:** I understand all your questions because, like I said before, I have learned from work with politicians that they do not understand so much about the circus. What we have to understand is that the circus is 250 years old. I am an animal trainer; that has evolved in the circus over 250 years. I was at boarding school in Lincoln, and I had these questions from my friends in the RAF, the Army and normal life—not circus life. Stress really interested me: do animals have stress when they travel from town to town?

I was the first person to do stress tests on my lions, when many people said, “Don’t do that, because they might have stress.” No, we love our animals, and we want to see whether it is really bad for them to travel. I was the first person to do checks with my lions—with lions in Africa and with lions in Zürich zoo in Switzerland. It was a private handler and me, looking at whether the animals do not do enough. The studies showed that my animals were more busy; in fact, we had to ensure that they did not do too much. A lion needs 18 to 22 hours’ rest. When you have two shows a day and training, they have a very full day.

As I said, my family comes from zoos. My mother and father said those things in the 1960s, and everybody thought that they were crazy. They were doing shows in the zoo—they owned Sherwood zoo and Sunderland zoo. They then went into working with the animals, because it was proved, again on facts—Marthe Kiley-Worthington—that the animals benefit from training.

**Q160 Mr Seely:** But it has to be animals that are brought up in that environment, not taking a wild animal. It is a bit like when you bring up a kid. You either give it a very stable life, or if you are going to go around the world—

**Martin Lacey:** Absolutely correct. It is exactly what Rona was saying: you have good and bad in every walk of life. We have good politicians and bad politicians; we have good animal trainers and bad animal trainers. I have worked with big cats since I was 17. We are inspected every week by the vets in Germany. The inspections are a little more rigorous than in England, and a prosecution has never been brought against me. In fact, the vets always speak about my work.

When you ask me about animals in the circus, you have to understand many things. Things have changed. I keep hearing about “tricks”. There are no tricks in a modern circus; it is natural movement. We are working with animals. My lions are 22 generations born in the circus. Yes, they would still be classed as wild animals, and they still have their instincts. However, it is just like when a dog walks around before it lies down on the floor. Those are instincts that dogs have from when they were wild dogs, because they were getting rid of the snakes on the floor before they lay down.

The instincts will stay in the animal, but we have done all the scientific reports to see whether the animals have everything that they need. We have checked whether they are stressed, whether they have what they need in nature, whether they have their social group and whether they are busy enough. As animal trainers, we look for all those things. We asked for those studies to be done, and they are controlled studies with vets because we want the best for our animals. Everything has evolved. Zoos used to have animals in small cages, but they evolved into natural gardens. The circus has also evolved.

**Q161 Mr Seely:** Looking from the outside, apart from the social aspect, you have a pride of lions—I do not how many you have, but you have a bunch of lions—and then you have a bunch of lions in the wild. Your lions have social interaction, but how much they roam and what they do with their time is very different. You are arguing with confidence, based on the evidence that you are citing, that they can have as fulfilling and uncruel lives where you are as opposed to in the wild. That is an argument that some people find difficult to accept, and this morning’s witnesses argued very strongly against it. They said that it was inherently cruel.

**Martin Lacey:** First of all, I am talking about facts. This is not just what I say; it is fact, because we have done enough studies, although they have sadly not been listened to by the English Government. The RSPCA has also rubbished the studies that have been done.

We do not have much time, but afterwards I will give you the modern way lions live in a circus. I have a book; it is all in German, of course, but I have translated the foreword so that you can understand what it is about. There are lots of pictures that tell you what we do with the animals—if you are interested, after the meeting I have the books for you. It was very short notice; they told me on Thursday to come, and I flew in this morning from Frankfurt. I have done that for you so that you can understand that things have changed. I understand what you are saying, because for the last 20 years you have not had a circus with wild animals. Is that correct?

**Rona Brown:** We have, because at the beginning of the regulations Peter Jolly’s circus had three lions and two tigers.

**Martin Lacey:** Was it a good example?

**Rona Brown:** It was very well put together, yes. It was Peter’s licence, and Peter monitored it, looked after it and made sure that everything was correct. They left Peter’s circus after the first year, and on their own they have been unable to get a licence since. It shows that wild animals such as lions and tigers can be looked after properly and comply in the circus.

**Q162 Mr Seely:** What is their life expectancy in the wild and in your circus?

**Martin Lacey:** That is a very good question. In the wild, the life expectancy for a lion would be by nine to 11 years old. Because now, as we all know, the wild is getting less and less—there are controlled parks—lions are living to around 12 or 13. It is not like before. Very sadly, we do not know what will happen in the next 20 years, so we should actually support well-run circuses and zoos. For a lion in a circus or a zoo, the age expectancy would be around 15 to 17 years old. In fact, all the lions with me live more than 20 years. I lost a lion just last year that was 28 years old—I think that was probably the oldest lion in the world. We are very proud of that. We have had 22 generations of lions.

What is very important, and what you have to remember, is that animals in circuses are not inbred. From my experience, in a zoo—I am not knocking zoos because my family come from zoos—you are there to look at the animal. We work with the animals. It is very important that we have the Einsteins of the circus world. We are very careful of the bloodline, and because we have been very careful, my family—some of the biggest protectors of lions—can still breed lions for the next 60 years, for

future generations, with different bloodlines. That is very important when you see all the different problems in the wild.

**Q163 The Chair:** Before I call Sandy Martin, did I hear you correctly when you said that you have had those books translated, Mr Lacey?

**Martin Lacey:** Yes. It is in German, but I have added a foreword just so that you get the idea of the book.

**The Chair:** At the end of the sitting our Clerk will collect the book from you, and if colleagues are interested, they can get it copied.

**Martin Lacey:** Thank you.

**Q164 Sandy Martin:** Mr Lacey, are you saying that your lions were bred to perform and are bred in a circus environment?

**Martin Lacey:** My original lions, from my father, are from English zoos, and that goes back 22 generations. The last 12 generations were born in the circus.

**Q165 Sandy Martin:** Do you believe that the life that the lions lead in your circus can be justified by the fact that they are bred for that life?

**Martin Lacey:** I can justify that the animals are very healthy, and because it is a much easier life in the circus than in the wild. We have our own vets and the animals are well taken care of. Life expectancy is of course important, but you also have to remember—this is proven and I sent a link for a stress test in my written evidence—that circus animals not only live to an old age, but are very fit in old age, because they are always moving. It is like a human being: the minute you stop working, it goes downhill, so you always have to keep fit. The animals are kept fit by what they do.

**Q166 Sandy Martin:** Last week we had a debate about trophy hunting, and we heard about lions that are bred to be shot. They are very well cared for, because clearly if somebody is going to shoot a lion and put a trophy on their wall, they want it to look good and not to be bruised or damaged. The lions are very nicely cared for, right up to the moment they are shooed out into the field to be shot by trophy hunters. Do you think that justifies the way they were bred?

**Martin Lacey:** First, I was over in South Africa because I also have the Lacey Fund, which is basically a non-profit organisation that investigates trophy hunting. They are not healthy lions—they are inbred and very poorly. They are completely unhealthy. Can I justify breeding lions to shoot them? No, I cannot justify that at all.

**Rona Brown:** Neither can I.

**Q167 Sandy Martin:** On a slightly different track, you are very firm in your belief that the treatment of animals in circuses is ethical. Surely you accept that circuses used to have human exhibits as well as animal exhibits—people of reduced stature or with abnormalities. Joseph Merrick, for instance, who was also known as “the elephant man,” was exhibited in circuses. Those people were gawped at for entertainment purposes, and I imagine that you probably recognise that that was an unethical use of circuses.

**Martin Lacey:** Yes, but years ago we used to set people on fire and we used to have slavery. That is a different thing altogether—

**Sandy Martin:** But—

**Martin Lacey:** Just one second. First, we are looking at facts. I have noticed that we are now talking about ethics, which is probably a circus’s strongest point. The way that a child’s eyes open when they see those animals—no book or picture could ever do that for children. Given what you see when they come close to the animals, ethics is one of our strongest points in circuses, and not just because the animals are well taken care of.

The picture painted is that man and beast were never together. That is not true. It is only in the last 30 years that a picture has been painted that it is very bad that people and animals are together.

If we are talking about ethics, it is a very fine line. Ethically, we love our animals. Ethics is built on religion, and if you really go back and you believe in religion—Noah’s ark; that was a myth, or not a myth—you are talking about animals and people together, and saving animals. If we are talking about ethics, how can people save animals if you do not want people to be involved with animals?

They paint the picture that it is Disney in the wild. It is not Disney. I do not know if anybody has visited the wild, but there are some beautiful places—Kenya is very beautiful. I was in Botswana 10 years ago and there were rhinos. There are no more rhinos in Botswana. As long as the World Wildlife Fund keeps taking lots and lots of money and every time an animal becomes extinct, people such as myself and my family and well run circuses—you asked whether I believe in circuses; no, I believe in well run circuses, not all circuses—are the ones who will have the future gene pools for these animals.

Ethics is completely on the circus side, if we are talking about the ethics of animal ownership. Let us go to what you were just talking about—when there were shows with small people and bearded ladies. If we are talking about ethics and slavery, does that mean every person who owns a dog or cat does cannot have an animal anymore? It has gone a little bit too far. That is where you have a fine line of animal rights and animal welfare, and people have to find a fine balance. If you do not have your feet on the floor, this thing will go out of the window and we have become a real big show when it comes to ethics and animal rights. The local cat that kills a mouse will be in front of a jury for murdering a mouse. That is how far it goes. That is where ethics is really on the circus side.

**Q168 Simon Hoare:** Mrs Brown, I have read your evidence. Can I take you to something that confuses me, at the top of page 3? “They”—by which you mean circus families—

“pay their taxes and obey every animal welfare law. Their ethics of running a business and keeping families together is very high. This is how they treat their animals too. I would like to suggest that government would not ban them if they were a Muslim family.”

What do you mean by that?

**Rona Brown:** Can you say the last bit again?

**Simon Hoare:** This is in your written evidence:

“I would like to suggest that government would not ban them if they were a Muslim family.”

What do you mean by that?

**Rona Brown:** I need to find it. I have printed mine up in big letters.

**Simon Hoare:** This is at the bottom of the first paragraph on what is our page 3, which begins:

“The two circuses are family circuses”.

I can hand you my copy if that is easier.

**Rona Brown:** That is very kind of you. Is it this one, “Animals have no concept of demeaning”?

**Simon Hoare:** No, no, it is the reference to the Government not doing this “if they were a Muslim family.”

I think I have highlighted the extract. I was not certain of the point you were seeking to make.

**Rona Brown:** I am sorry, I cannot—

**Simon Hoare:** You are on the right page.

**Rona Brown:** Is it this one, which you have highlighted?

**Simon Hoare:** No, no, just above.

**Rona Brown:** I am sorry, I do know it off by heart. Is it this paragraph,

“The two circuses are family circuses, the Jolly’s are a Christian family, they keep their family together and keep within the law”?

**Simon Hoare:** Yes, it is the last sentence of that paragraph—the segue, of course, is the reference to Christian family at the start.

**Rona Brown:** “I would like to suggest that government would not ban them if they were a Muslim family”?

**Simon Hoare:** Yes. I wonder what you meant by that.

**Rona Brown:** Well, I meant by that that it seems to me that you have to be— I am a Christian and I feel that Christians are having a bad time at the moment. All other religions are looked upon as needing to be protected, whereas Christian families are ignored. I feel that this is—

**Q169 Simon Hoare:** Mrs Brown, I happen to be a practising Roman Catholic. Could I put it to you that I am not aware of anywhere in Catholic doctrine that gives me the right to run a circus? However, that might be a different matter.

Mr Lacey, could I turn to your evidence? Again, I must confess that I did not find it terribly compelling. If I take you to page 4, it states:

“We protect only what we know. Animals in the circus serve as ambassadors for their wild counterparts more personally and emotionally than any documentary on TV, thus the circus indirectly makes a contribution to conservation by showing how wonderful animals are and why humans should preserve them in the wild.”

I was not certain about the link between seeing animals up close in a circus and preserving them in the wild. You talked about natural behaviour and about how you are not seeking to make animals perform or entertain. If you look at page 11, that might be you in costume, in some purple sequinned garb.

**Martin Lacey:** Can I have a look at that?

**Simon Hoare:** You can, yes, if Sir David allows.

**Martin Lacey:** That is my brother.

**Q170 Simon Hoare:** Your brother? I got the family likeness. Could you tell me where in the natural world, not least because they are in different continents, you might find—

**Martin Lacey:** That just shows to me how much you do not know about animals. Lions and tigers were together 200 years ago; there were Indian lions. There is proof that lions and tigers were together.

**Q171 Simon Hoare:** But could you tell me now, in contemporary society—in real time, as it were—where you might find two tigers standing on the back of a lion?

**Martin Lacey:** First of all, this is based on trust. All that training is not done behind closed doors: if you had a live link right now, you could see my lions. They are all in outside areas. A lion on top of a tiger—if you go in the outside cage and you see them in a big outside area, they play. It is only a matter of you being able to do that with a command. They stretch on the back of a lion, and it shows a trust between the person, the animal, and the tiger. It is actually very beautiful. You have probably never seen that; you have seen the photo, of course, but you cannot see the whole movement. It is actually very beautiful to see this trust between them. In fact, that movement is so beautiful that my lion works also with tigers. They jump in the swimming pool—lions do not really like water, and they have a face like they do not really want to be in there. They actually think they are tigers.

**Q172 Simon Hoare:** Mr Lacey, I think we will have to disagree. You have made the point that beauty is clearly in the eye of the beholder. I see nothing beautiful in that photograph whatsoever. Nor do I see anything particularly beautiful, natural, educational or conservational in the photograph at the bottom of page 14, where a man who does not look like you—he may be a second cousin once removed—is sitting on the back of a lion that seems to be jumping from one rather large hamster wheel on to another.

**Martin Lacey:** You have to understand that we live in a changing world. That is in Russia. Russians have a completely different aspect on ways of training animals, and therefore when you work with people around the world—I was over in Moscow, for example, and I went to talk to them about animal welfare. When I was in Moscow, I saw people sat on the floor in the ice, waiting for bread. I thought to myself, “Why am I going over there talking about these animals when I see the animals are very warm, with nice big coats on them?” I saw their training.

Each country is very different. Because we have become very global, you have a photo like this. For example, my public do not want to see a lion jump through a hoop of fire. The hoop of fire is no problem; every police dog does that, because it is a sign of trust. It is not what I want to see nowadays.

**The Chair:** I must intervene now, because we only have 16 minutes left.

**Simon Hoare:** I have time for a final question.

**The Chair:** I am going to move on. I have at least five Members wanting to ask questions and I want to bring the Minister in.

**Q173 Thangam Debbonaire** (Bristol West) (Lab): I have a follow-up for Mrs Brown. My colleague asked why you thought it was necessary to suggest that the Government would not ban wild animals if the Jollys were a Muslim family. I would like to push you on that, because you said that you felt Christians were being ignored. That may well be so; I have no comment on that. It is not my experience, but you may well have that belief. However, how is that relevant to a ban on wild animals in circuses? Are you actually suggesting that Minister David Rutley sat down and thought, “How can I find a Bill that picks on Christians?”? Is that what you are suggesting?

**Rona Brown:** I am suggesting that it is discrimination against the circuses. This country allows other people to take their camels all around the countryside, and they say it is all right, because they go home at night. No, they do not; they go from show to show, to Scotland and back, here, there and everywhere. It is the same with other show animals—they are all allowed to do it. I am very strong on the religious bit, and I apologise for that—although I should not apologise for being religious. I feel that if the circuses were of a different creed, they might not be attacked so much—I do not think that they would be attacked so much. It seems like everybody hates the C-word, yet most of you—I do not know, because I do not know you personally—have probably got a dog. You look after your dog; you feed it. You do not let it drop things all around the house—

**Q174 Thangam Debbonaire:** I am sorry, Mrs Brown. I asked you about the comment on Muslims and whether you thought Mr Rutley had deliberately picked a piece of legislation—that is what you are alleging—

**Rona Brown:** That is my opinion.

**Mr Seely:** What on earth has this got to do with a Bill about wild animals?

**Thangam Debbonaire:** This is in Mrs Brown’s evidence, and I want to know what she thinks it has to do with the Bill.

**The Chair:** Order. The Clerk and I had a discussion about this. We are talking about something that was submitted as evidence. Perhaps you could make just one more point and then we will move on to the next question.

**Q175 Thangam Debbonaire:** Mr Lacey, you referred to the past abuses of people in circuses as irrelevant. You referred to slavery and said it was also irrelevant because things move on. I think you might have missed the point that my colleague was trying to make. Things do indeed move on, and both Houses now believe that time has moved on sufficiently to ban the use of wild animals in circuses. This is a very specific Bill. You made a comparison to a cat murdering a mouse—the slippery slope argument. This is a very tightly drawn Bill. I wonder if we could focus you on the Bill—not on where it might lead, but on the Bill itself. What exactly do you have against us deciding that we would like to ban the use of wild animals in circuses?

**Martin Lacey:** I can answer that very quickly. On Muslims, I do not know what we are talking about. On circuses, everybody should look at how a circus is run. Black, white or green—it does not matter what colour you are.

**Thangam Debbonaire:** I did not bring up religion.

**Martin Lacey:** For 250 years, circuses have been run together with all religions. It is actually a very good thing, because we all have respect for each other. As far as religion is concerned, circuses are great. I will make just one point on your question about slavery—I did not bring that up; they did. The circus has moved on. I understand your comments because I see the pictures you have in your head, but I do not think you have visited a modern circus. It is very sad that you are making a decision on something about which you have been ill-informed. I am trying to say that your arguments are very far back.

**Q176 Thangam Debbonaire:** The Welsh Government commissioned a report by Bristol University, which found extensive evidence that supports a ban. Are you aware of that report?

**Martin Lacey:** Which report was that?

**Thangam Debbonaire:** It was a report by Bristol University that was commissioned by the Welsh Government.

**Martin Lacey:** The Welsh Government?

**Rona Brown:** To be fair to the Welsh Assembly, they were the only people in positions like yours who came to see the circuses. They wanted to bring in a licence for mobile animal exhibits. They were thinking about doing that, and they came and asked me whether they could visit the circuses to inspect them. I asked the circuses and, quite rightly, they said, “Yes, no problem. Come at any time,” so it was arranged. They came to the circuses to do inspections. They brought vets, local authority people and people like yourselves. They came and inspected the circuses, and wrote the most glowing reports. We were very pleased. I cannot honestly say the same about the Department for Environment, Food and Rural Affairs at this time, because we do not believe that any of you have ever come to see any of the circuses.

**Martin Lacey:** I do not know about the report. Given that I do everything for my animals, we have had many reports and they have always been positive. It has been proven time and again. I do not know about the report.

**The Chair:** We have only 10 minutes left and there are still four or five more Members who want to speak.

**Q177 Sir Oliver Heald:** Mrs Brown, I believe your livelihood is providing animals to the movie industry and television.

**Rona Brown:** The film industry, yes.

**Q178 Sir Oliver Heald:** And you get them mainly from circuses, or are they the ones you prefer?

**Rona Brown:** Yes, most of the wild ones. They are a huge resource to the film industry. I was in charge of the animals in a movie called “Flyboys”, which had a lion in it—this was quite a few years back. I provided the lion.

It came from a British circus. The movie cost £90 million, and £60 million of that was spent in the UK, on UK staff, presenters, actors and everything else—unfortunately not all on the lion. We travelled all around the countryside working with the lion. We travelled here to there to there—location to location, travelling, like they do on the circus—and we worked. Had I not been able to secure that happy, healthy, friendly lion, they would have made the movie abroad and we would have lost that input. I have had zebras off Mr Jolly’s circus in movies.

**Q179 Sir Oliver Heald:** From your point of view, you have a clear financial interest in ensuring that as many wild animals and types of wild animals are in circuses.

**Rona Brown:** I am really sorry, but I cannot hear you.

**Sir Oliver Heald:** You have a financial interest in ensuring that as many different kinds of wild animals are available in circuses for your use.

**Rona Brown:** First of all, I have no financial interest in it, because I am retired. Secondly, there are other places to get wild animals from. A lot of movies now, because of the shortage in the UK, are made abroad. I made a movie in Malaysia with 23 elephants because we had no elephants here. I made a film in Thailand with 14 orangutans. They take their money elsewhere.

**Q180 Sir Oliver Heald:** When I was a child, you could go to a circus and you could see orangutans, gorillas—every conceivable kind of animal. Of course, that has changed over the years because people no longer accept it. Do you not think the old days have gone, Mrs Brown?

**Rona Brown:** Yes, of course they have, and I would not like to see primates back in the circus. I have to declare an interest here—I would not sanction it. I would not like it at all.

**Q181 Sir Oliver Heald:** What about you, Mr Lacey, because you are using primates in the circus, are you not?

**Martin Lacey:** Primates? Not at all.

**Sir Oliver Heald:** Right. You are just big cats.

**Martin Lacey:** Big cats—correct.

**Q182 Sir Oliver Heald:** Is there any particular kind of wild animal that you would say should not be in a circus?

**Martin Lacey:** I think the answer to that was kind of said before. I am not the person who can set laws. There are standards, and I think that animal welfare and what animals need are much more understood. I think therefore that the experts who write the laws and the vets who stow the animals need to find out what the animals need. I do not think it is a question of banning; I think it is a question of having legislation where you say, “That animal needs this, this, this and this. Can the owner provide that?” If they cannot provide that, they should not have the animal. That is the end of the story. I do not think it is a question of banning.

**Q183 Sir Oliver Heald:** “Any wild animal should be able to be in a circus.” Is that your view?

**Martin Lacey:** If you can give them what they need. I am not an expert in primates—I do not know what they need. If you can give them what they need—for example, a zoo understands what a primate needs—I have no problem at all.

**Q184 Sir Oliver Heald:** Is it not time to put the old days behind us?

**Martin Lacey:** When was the last time you visited a circus?

**Sir Oliver Heald:** A long time ago.

**Martin Lacey:** I would invite you to us. I am sure you would love to see me work with my animals and show the beauty of my animals. I sent a link—you have to check the links. I think it is very sad that England does not have the shows that we see in Monte Carlo. Every British person who comes to visit us loves it.

**Rona Brown:** And the old times are behind us. We used to put little boys up chimneys to sweep them. We do not do that any more. They do not do this in circuses any more, and they have not done for the last 20 years.

**Sir Oliver Heald:** That is because we changed the law.

**Q185 Rosie Duffield (Canterbury) (Lab):** We have heard today from the RSPCA, the British Veterinary Association, Freedom for Animals, Animal Defenders International, Born Free and PETA. Why do you think that they are all so supportive of this Bill if, like you say, you are so concerned about animal welfare? You obviously do a lot and invest a lot of money. Why are they so supportive of the ban on wild animals?

**Martin Lacey:** I definitely think there were problems in circuses before. It has been going on for 40 years. Forty years ago, in England, there was definitely a situation where you had good and bad circuses. That is where it started. The truth is, you only have to go on PETA’s website—I do not have to give it publicity. Its ideology is to have no animals anyway. That is its future, and how it wants to do things. Everybody sitting here should know that. There is a lot of money made out of emotional pictures of animals not being taken care of. The problem is that it just comes down to laws, and that is why we need your help. Basically, as long as the regulations are at a high standard, those black sheep cannot go on with what they are doing. That is what I do in Germany now. We push, push, push for the laws to make it very difficult. The German shows bring a lot of eastern shows over without the standards for the animals, and that ruins our future.

That is the secret to everything. I do not think the answer is just to ban something. The answer is to find out what those animals need for welfare and listen to the experts, then go on and find out what is best for the animals. After the RSPCA did its study and rubbished Dr Marthe Kiley-Worthington, I do not take that seriously anymore. I certainly do not take PETA seriously. A lot of groups would make a lot of money out of these social media and media campaigns.

**The Chair:** If there are no further questions from colleagues, I call the Minister.

**Q186 David Rutley:** Thank you very much. I have one question, but first I just want to reassure the circus families who are still in the room that there is no discrimination involved in the basis for this legislation; there is certainly nothing to do with religious discrimination. I think all the Members around this table can agree on that. I hope that those families get that clear sentiment here today, notwithstanding the fact that I understand it is a difficult time for them.

I want to ask this of the two witnesses in front of us. Do you recognise that the public perception of using wild animals in circuses is fundamentally changing? If not, what do you consider to be the reason that most travelling circuses in the UK have stopped using wild animals?

**Martin Lacey:** It is definitely now much harder to run. There are a lot of costs in taking care of animals. Just for my lions, we have our own lion clinic just outside Munich, and it costs €20,000 a month just to feed the lions. Obviously, the expense is very high.

We have 1.1 million visitors in the summer season. There are 450,000 people in Munich who visit us in our own circus building. There is obviously a lot of interest there, but I would agree there is a lot of scepticism about circuses. Our way is just to be open. We are very open; we show everything. Everybody who knows us knows that we love and care for our animals.

Personally, I do a lot of scientific work. I know that I am good with animals, but to prove it to politicians I need to work with scientists, and we try to find out. We are doing another test now on stress. We did one with travelling and now we are doing another one to back that up. I think that is the future.

I have a son who is 11 years old. He flew over with me and he is interested in this. He loves his animals as well. For my future, that of my children and his children, we are showing and being open. It is possible to have animals in human care and to have a high standard.

**Q187 David Rutley:** Do you have any comments on the question, Mrs Brown?

**Rona Brown:** No, I think Martin said everything and I agree totally with him.

**David Rutley:** Thank you.

**The Chair:** Thank you both very much for the time you have spent with us. This has been a very robust session, but we have greatly appreciated the time that you have spent with us, the evidence you have given and the responses to our questions. Our Clerk will accept the books from you. If colleagues would like them translated into English, they are most welcome.

**Rona Brown:** May I just say something, Mr Chairman?

**The Chair:** Yes.

**Rona Brown:** I would like to apologise for upsetting you by using the “Muslim” word. It was not meant in any shameful way; it was just part and parcel of how the world seems to be treating different religions. I do apologise if I put the wrong word in.

**The Chair:** I am sure that the Committee will accept your apology in the spirit in which it was meant. Thank you both very much for your time here.

**Rona Brown:** You are welcome.

#### Examination of Witnesses

*Mr Mike Radford OBE gave evidence.*

3.30 pm

**Q188 The Chair:** Welcome, Mr Radford. You have been listening patiently to our proceedings. We have until 4 o'clock, which gives us just half an hour. Will you kindly introduce yourself and make a statement?

**Mike Radford:** Thank you very much, Sir David. I am Mike Radford. I am an academic lawyer from Aberdeen. My areas of expertise are animal welfare law and constitutional law. I also chaired the Circus Working Group in 2006-07 and issued a report at that time.

I hope that my written submission is of some help to the Committee. With your consent, Sir David, I think it would be useful to talk about some of the technical legal issues that surround the question. On the surface it looks straightforward, but the time that it has taken to reach this point indicates that it is significantly more complicated than on first thought. It has a welfare strand—the care and treatment of the animals—but at bottom it is an ethical issue. That is a question of judgment for Parliament to make.

The problem—I will be as quick as I can, but I think this is relevant—is that when the Animal Welfare Bill passed through Parliament in 2005-06, amendments were tabled in both Houses to ban the use of wild animals in circuses. The Government at the time did not want anything banned outright under the Act, so an agreement was made that the amendment would be withdrawn and that Ministers would ban particular types of animals by way of regulations under the authority of the Act. Ministers made the point that any ban would be based on scientific evidence. The Circus Working Group, which I chaired, was established as a result.

The Circus Working Group's first problem was that it had very narrow terms of reference. Performance and training were specifically excluded, largely because the Government at the time intended to deal with legislation dating from 1925. There was also an interdepartmental issue, because the Department for Culture, Media and Sport was involved with performance animals in television and film. The terms of reference were essentially narrowed to transport and housing. There was no money for research; it was essentially a literature review.

Both sides of the debate that you have been presented with today were invited to submit evidence, but it was not their evidence; it was published work that they wished the Circus Working Group to consider. That evidence was then passed to a sub-group, of which I was not a member—a scientific sub-group of international experts, whom I have named in my submission. They came to the conclusion that there was simply no knockout evidence that there was an overwhelming welfare issue. That is not to say that there was not a welfare issue; it is to say that there was no evidence.

That presented a problem for the Government, because the enabling power in the Animal Welfare Act 2006 provides for Ministers to introduce regulations to address welfare issues. The problem was that if there was no identifiable knockout welfare issue, an outright ban by way of regulation could have been challenged on the grounds that it was disproportionate.

**The Chair:** I just have to interrupt, because this is a half-hour session, not an hour session. Obviously, colleagues want to ask you questions.

**Mike Radford:** Yes, but this is really important.

**The Chair:** I am sure that it is important.

**Mike Radford:** Do you want to go to questions?

**The Chair:** Yes, that is what we are going to do now.

**Q189 Luke Pollard:** Thank you for your very helpful written evidence. One of my concerns about the Bill relates to the definitions of a travelling circus. I notice that in your written evidence, in section 5, you talk about your surprise that there is no definition of a travelling circus in the Bill, even though it defines other aspects of this. From the possibilities that you put down about a travelling circus, could you say why you think greater clarity on a definition is required in the Bill, and what the effect would be if there is not greater clarity and this becomes law?

**Mike Radford:** I can give a short answer: legal certainty. Everybody needs to know where they stand. One of the issues that came up this morning was about falconry and such things. What was not mentioned this morning was that last year Parliament introduced the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which have been in effect since 1 October. They cover not performance, but animals that are being kept or trained for exhibition. Those have to be kept in mind, because it means that, regardless of whether the animals are wild or in circuses, there is some regulation. The other issue is that it is local authorities that license. Local authorities are going to need to know whether in any given situation an animal falls within those regulations, or whether it is subject to this ban.

**Luke Pollard:** So greater clarity would be helpful.

**Mike Radford:** It is essential, I think.

**Q190 Luke Pollard:** I agree entirely. In your submission you refer not only to travelling circuses, but to the definition of “wild animal.” We heard from the RSPCA this morning that it is broadly comfortable with the definition of wild animal in the Bill. Can you expand on your thoughts about clarity around the term “wild animal”, especially in respect of domestication? We have heard evidence today about when an animal is a wild animal and not a domesticated animal.

**Mike Radford:** I think that we have to distinguish between a wild animal, a domesticated animal, a trained animal and a tame animal, which can all be different. We used to keep highland sheep, which are undoubtedly domesticated, but I would not say that they were tame in any way whatsoever. A cat is a domesticated animal, but many of you who have cats will know that it is difficult to describe them as “trained.” These terms are used interchangeably, but they are in fact different.

Domestication is a scientific concept. It is a scientific test and it goes into the genetics, the psychology and physiology of these animals. Domestication seems to take place over many generations. The Animal Welfare Act uses the term “not commonly domesticated in the British Islands”. That is also what appears in the Bill. It is one of those terms where we all think we know what it means, but when we look at the detail and at particular cases, we see that domestication turns not on geography, but on the state of an individual animal. An animal that is domesticated in scientific terms will be domesticated wherever it is.

**Q191 Luke Pollard:** Can I ask one final, quick question, since we have your expertise in front of us? You said that the Bill says “not commonly domesticated”. One of the areas we looked is whether the word should be “commonly” or “normally”. Is there a legal difference between those two aspects, given that you are looking for legal certainty?

**Mike Radford:** They are not terms of legal art; it would be for a court to decide. On certainty, Ms McManus talked about the racing camels. We go to our local agricultural show every year, 20 miles north of Inverness. Two or three years ago there were racing camels there. I assume that they were on a tour. They would not normally have been regarded as a circus performance, or circus undertaking; it was a troupe of camels. Again, Parliament needs to decide whether there is an ethical argument for the ban, and that is a matter of judgment. If there is, it then needs to make very clear definitions in the legislation of the animals and the context. Otherwise, it is going to be a mess.

**Q192 Mr Seely:** I shall try to ask three brief questions, because I know that other colleagues want to come in and we have less than 20 minutes. To put it crudely, what is wrong with keeping a camel, a zebra or a raccoon if in the same circus there are horses, and also if we as a society raise chickens and pigs, frankly in what are sometimes quite cruel circumstances, and then just eat them at the end of it?

**Mike Radford:** I am here as a lawyer, not as an ethicist or scientist, but it is clearly open to society to make a judgment and decide that all those are unacceptable, some are unacceptable or none is unacceptable. So far as wild or non-domesticated animals in circuses are concerned, my understanding is that there is a view, which seems to be shared in Parliament and among certain elements of the public, that it is no longer acceptable, time has moved on and non-domesticated animals should not be used for performance and entertainment in this way.

**Q193 Mr Seely:** We have had lots of conversations about polling. What do you think the polling actually suggests about the public mood—the true public mood, over a period of years—and what can you say about the public perception versus the human rights of circus owners? Clearly, we are shifting the balance against circus owners in relation to 19 animals in this country, including a couple of racoons, a zebra and the odd camel or two.

**Mike Radford:** I would answer that by giving examples of where attitudes have changed. Fur farming is a very good example: it was considered to be a perfectly acceptable agricultural undertaking. Parliament decided that it should be banned earlier this century, in 2000. The situation with hunting with hounds is that it has not been outlawed altogether, but it was put on a different basis, because public opinion and public perception moved on. I am not in a position to give you different percentages, but clearly it is up to Parliament—you as our representatives—to make that judgment.

**Q194 Mr Seely:** Do you have an opinion on that now, here?

**Mike Radford:** Sorry, on what?

**Mr Seely:** We are shifting the balance, so there is a public perception. Do you know what the polling is over approval ratings or disapproval ratings about “wild” animals in circuses, and how do you think that fits in with the human rights agenda, considering that in this society we use animals for food, entertainment and other things anyway? Where is that balance?

**Mike Radford:** My personal opinion is that the first thing that is important is trying to provide an animal with a decent standard of life. Whether that can be done in a circus or not is not for me to decide; it is for Parliament to decide.

**Mr Seely:** Okay, so you do not have an opinion on it.

**Mike Radford:** I do have an opinion, but I am here as a lawyer.

**Q195 Mr Seely:** Fair enough. I do not know whether you can answer this, but let me try you with one other question. Non-governmental organisations say that keeping wild, but trained, animals in circuses is cruel—we heard that very clearly this morning. The circus folk we heard this afternoon say that it is not. Do the NGOs make a good point, or do you think this is part of a journey whereby animals are effectively anthropomorphised—we project free choice and other human characteristics on to them—as part of an agenda that may or may not lead to the outlawing of falconry or bird shooting for sport in the years to come?

**Mike Radford:** Circuses have been subject to an offence of cruelty for a good number of years, going back to 1835. Standards, however, have changed during that time. Circuses have been subject to the Animal Welfare Act provisions since 2006. Let me give you an example of how attitudes change. This is not to do with circuses, but I think it illustrates the point. When I was young, if there was an unwanted litter of puppies or kittens on a farm in Cambridgeshire, where we lived, it was standard that they would have been drowned in the water butt. What else would you do? That is now an offence of causing unnecessary suffering, not because the law has changed—the term “unnecessary suffering” is exactly the same—but because public perceptions and attitudes have changed. It is about judgment and attitudes.

**Q196 Sandy Martin:** Mr Radford, in your first answer you were getting to the stage where you were telling us about the need for primary legislation to make this ban work. In the first sessions of evidence that we took today, we were discussing—several people mentioned it—the need for some provision for removing animals from circuses in extremis if there were no other way of dealing with the case and to make sure those animals are cared for. In your view, will it be more effective if those provisions were actually in the Bill, rather than simply being guidance?

**Mike Radford:** I think that as much should go in the Bill as possible. Guidance can be helpful, but it is not the same as legislative provisions, as you well understand. The question of how quickly a ban could be introduced was raised earlier. My view is that those who have a licence to use wild animals are entitled to have a legitimate expectation that their licence will remain in place until it expires, and they could have a claim for compensation if it was stopped earlier, but there is no expectation beyond the lifetime of the present licences.

**Sandy Martin:** Thank you very much.

**Q197 Sir Oliver Heald:** Do you think the definition of “wild animal” in the Bill is sufficiently clear? I will just make a couple of points. On birds, for example, we have heard that canaries and budgies are considered to be domesticated in Great Britain, but parrots are not—that is one example. Then we heard from the witness Carol MacManus this afternoon that most pack animals—things like llamas, donkeys and ponies—are considered domesticated, but camels are not. What is your take on that? Is it adequately clear if we specify an animal of a kind that is not commonly domesticated in Great Britain, when some of them may be domesticated but just not seen in Britain much?

**Mike Radford:** There is a difference between domesticated and tamed. There is a difference between domesticated and trained. The term “wild” is not important in this, because it is further defined by the test of domestication. It is domestication and what that means that is important. In my submission, I gave the example of Scotland, where in both the legislation and the guidance they have tried to further define what domestication means. Then there is a reserve enabling power, which enables a Minister by way of regulations to specify whether a particular type of animal is or is not.

**Q198 Sir Oliver Heald:** Just to help you with what I am concerned about, in the example you gave in paragraph 6.2 of your evidence, an expert Dorothy McKeegan talks about the training of cubs—I imagine you mean lion cubs. Nobody would disagree that they are still wild animals, even if they are trained. That is what she says—they

“still have very strong inherent and instinctive behavioural, physiological...needs”

that are

“slightly altered...by hand rearing”,

but they remain a wild animal in law. That is a clear example, but what about a camel?

**Mike Radford:** We are not talking about specific animals here. Remember that the test in the Bill is of a kind; one is looking at the type of animal in generality. The courts have already decided—way back in the 1930s, actually—that a camel is not a domesticated animal in Britain. It was a negligence case, not an animal welfare one, but the courts said that a camel could not be regarded as domesticated.

**Q199 Sir Oliver Heald:** So you do not think that there is any danger that we will get cases about camels and parakeets?

**Mike Radford:** Oh yes I do, absolutely, if the concept of domestication is not clearly defined. As you have seen today—even without a lot of scientific evidence—there is not a consensus. It is one of those words: we all think we know the meaning, but once we start to drill down, it can mean very different things to different people.

**Q200 Sir Oliver Heald:** It is pretty easy with a lion and, probably, a zebra, but once we get on to some of these other animals, it can be a bit more difficult, obviously.

**Mike Radford:** Yes, I agree.

**Q201 David Rutley:** Thanks again for the contributions today. As you probably heard in the earlier sessions, there has been a debate about police powers and whether constables should be able to inspect properties. Can you confirm your understanding that under the Animal Welfare Act 2006 the police have powers to intervene in welfare situations, and that the courts may seize and disqualify?

**Mike Radford:** Yes, but they may only do that under the offences defined in the Animal Welfare Act. If the issue is unnecessary suffering or failure to meet the animal's needs, in accordance with the welfare provisions the animal may be seized. If there were no welfare or suffering issues and the potential offence was simply that the animal was within the circus and that went against the ban, I doubt that the courts would allow seizure, because under the Animal Welfare Act seizure is allowed on the basis of an offence under the welfare Act being alleged to have been committed. The offence here would be under this legislation, not under the welfare Act.

**The Chair:** Mr Radford, I thank you for the time that you have spent in Committee this afternoon and for the expert evidence that you have given us. Thank you very much indeed.

**Mike Radford:** Thank you. I hope it is of some assistance.

**The Chair:** It certainly is. Colleagues, I remind you that the Committee starts tomorrow at 9.25 am; it will run until 11.25 am, in Committee Room 12. The afternoon sitting starts at 2 o'clock.

*Ordered,* That further consideration be now adjourned.  
—(Iain Stewart.)

3.54 pm

*Adjourned till Wednesday 11 May at twenty-five minutes past Nine o'clock.*

**Written evidence to be reported to the  
House**

WAC 01 Mrs Julie Williams

WAC 02 RSPCA

WAC 03 Mr D A Snee

WAC 04 David Moore

WAC 05 Reg Challinor

WAC 06 Esme Willis

WAC 07 Raymond Dolling

WAC 08 Chris Barltrop

WAC 09 Zoe Nelson

WAC 10 Animal Defenders International

WAC 11 Carol MacManus

WAC 12 Martin Lacey Jr

WAC 13 Born Free Foundation

WAC 14 Mike Radford OBE, Reader in Animal Welfare  
Law and Public Law, University of AberdeenWAC 15 Rona Brown for the Circus Guild of Great  
Britain and as CEO of PAWSI (Performing Animals  
Welfare Standards International)

WAC 16 World Circus Federation

WAC 17 The Lacey Fund

WAC 18 David Kidd

WAC 19 European Circus Association

WAC 20 Freedom for Animals

WAC 21 John Dineley

WAC 22 Thomas Chipperfield

