



**PUBLIC PETITION NO.**

**PE01400**

### **Name of petitioner**

Libby Anderson on behalf of OneKind

### **Petition title**

Ban on the use of wild animals in circuses

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to introduce a ban on the use of wild animals in circuses immediately.

### **Action taken to resolve issues of concern before submitting the petition**

OneKind has lobbied Scottish Government and Members of the Scottish Parliament on this issue since the passage of the Animal Health and Welfare (Scotland) Act 2006. In our response to the consultation on the Bill in 2004, we sought a ban on all animal circuses, although the current petition concerns wild animals only.

The current petition was launched when evidence emerged of the serious abuse of an elderly, arthritic elephant, Anne, and other animals in a circus which regularly toured central and southern Scotland. This abuse was exposed in an undercover investigation by Animal Defenders International, and the resultant outcry led the circus to re-home the two animals. However, under current legislation the circus could still legally acquire more wild animals, and other circuses continue to tour the UK with wild animals.

OneKind has corresponded with Scottish local authorities about their licensing policies and their land use policies regarding circuses with wild animals. Following a judicial review in 1989 (*Gerry Cottle's Circus v City of Edinburgh District Council* 1990 SLT 235 DC), councils have taken the view that they are not permitted to refuse a licence to a circus simply because it uses wild animals. OneKind believes that councils could in fact refuse licences for any relevant reason that can be justified, so long as it is not a blanket policy-based ban. This position would be strengthened following the passage of the 2006 Act. However, we have not found any council that wished to test these issues.

OneKind has raised legal and animal welfare considerations several times when objecting to licence applications by the Bobby Roberts' Super Circus, which owned the elephant and a camel, and regularly visits Scotland. In all cases the licensing panels granted the applications although some made it a condition that the wild animals should not be used in performance. OneKind monitoring showed this condition being breached on several occasions.

OneKind inquiries also indicated that the circus did not always make accurate declarations on its licence applications regarding the elephant and the camel. This meant that an outside party (OneKind) had to ensure that the information was known to the council, which is clearly unsatisfactory.

Following representations by OneKind, other animal welfare groups and local residents about the use of animals in circuses, some councils now invoke their freedom as landlords to choose who should have the use of their land. Around a dozen have a policy of not letting land to circuses with wild animals, or, in a few cases, any animals. Unfortunately in the experience of OneKind, not all parts of all councils are fully aware of their land use policies, and it can be difficult to persuade officials of the need to enforce these. We therefore believe that a national solution is required.

OneKind has received support on this issue from a number of Members including Elaine Murray MSP who introduced a Member's Debate on the use of wild animals in circuses on 9 June 2011. OneKind, the Born Free Foundation and the Captive Animals' Protection Society circulated a joint briefing to Members for this debate.

The Scottish Government has indicated that it is considering legal advice on the possibility of a ban on the use of wild animals in circuses. Responding to Written Questions in 2008 and 2009, Richard Lochhead MSP, the Cabinet Secretary responsible for animal welfare, said that he could not introduce secondary legislation under the Animal Health and Welfare (Scotland) Act 2006 to outlaw circuses using wild animals as there was no scientific evidence of welfare problems. The Cabinet Secretary was referring to the report of the UK government working party on circuses (the Radford report). However, the Radford report did not in fact examine all of the scientific evidence as the terms of reference set for it by the UK government excluded the fundamental issues of training and performance. OneKind believes therefore that evidence exists which has not been assessed.

The Radford report also discussed (paragraph 8.3.2) the options for primary legislation, saying that Parliament (the UK Parliament) would not then be confined to taking account of the scientific evidence. It could legitimately give consideration to ethical issues and public opinion, and attach greater weight to the interests of the animals involved.

We are concerned that supposed legal constraints might stand in the way of progress on a serious animal welfare and ethical issue and, while we await the Scottish Government's decision, we feel it is essential to demonstrate the strength of public feeling against these outmoded and inhumane entertainments. We therefore request the Public Petitions Committee to bring the matter to the attention of the wider Scottish Parliament for full consideration.

## **Petition background information**

There are no travelling circuses with wild animals based in Scotland, but circuses from England tour Scotland most years, and there are occasional visits from further afield.

A travelling circus combines a number of specific characteristics (including extreme confinement, frequent transport and relocation, and training for performance) which create an environment where the needs of wild animals cannot be met. This combination is not found elsewhere, even in zoos where wild animals are kept captive. It increases the risk of stress and, in some cases, ill-treatment of the animals, and makes effective inspection and regulation very difficult.

On tour, circus animals are usually held in stabling tents, in temporary cages, in "beastwagons" or in temporary paddocks. They perform once or twice each day, after which the public may be allowed to see the animals in their holding accommodation. Animals typically spend only 1-9% of the day performing or training (Lossa, Soulsby and Harris), and the remaining time in travelling or temporary accommodation, often bare of environmental enrichment. Wild animals in particular, which may potentially be dangerous, can spend almost the whole of each day with their movements severely restricted. Circus elephants are chained for between 12 and 23 hours per day, including the periods in outside enclosures. The touring season can last for most of the year and include some weeks around Christmas, after which the circus returns to its off-show, permanent "winter quarters" for 2 or 3 months.

These long periods of confinement, including shackling and tight tethering, are imposed on animals that would naturally range over long distances in the wild. They are kept in unnatural social groups and made to perform tricks that can induce fear and distress. Constant travelling further undermines their ability to lead a natural life or enjoy a positive state of welfare. Disruption of natural social bonds (such as the complex matriarchal structure of the wild elephant herd) and a wide variety of environmental stressors add to the pressures on these animals. It is essential to note that these long-term effects can seldom be observed by non-specialist local authority or other inspectors, who only see the general physical condition of the animals at one particular time. Whilst there are currently no elephants in UK circuses, it would always be possible for more to be introduced unless their use is banned.

While it is extremely difficult to obtain first-hand evidence of conditions within circuses, most experts agree that it is impossible to teach wild animals to perform tricks in the circus ring without using cruel methods, such as whips, hooks and goads. Circus tricks are essentially unnatural, being behaviours that the animal would not engage in without specific training, persuasion or, in some cases, intimidation or force. Elephants do not naturally balance with all four feet on a tub, perform 'headstands' or sit on a stool.

Investigations into UK circuses in recent years have documented shocking examples of severe, habitual abuse of animals. In 1999, individuals from the Chipperfields Circus were found guilty of cruelty to a chimpanzee and an elephant (Watson-Smyth 1999), while in 2009, in the Great British Circus, the beating of elephants prior to performances was filmed (Animal Defenders International 2009).

Earlier this year, a further exposé by Animal Defenders International showed an aged, arthritic elephant named Anne being repeatedly beaten and abused by a member of staff in the Bobby Roberts Super Circus. Video footage also showed a camel being spat at while tethered in its stall (Animal Defenders International 2011). Both of these animals have now been re-homed but prior to this they were regularly brought on tour to Scotland. The elephant was too old to perform traditional tricks but was used for photographs in the circus ring, and the camel was exhibited in the menagerie tent after performances. Around half of Scotland's local authorities have a policy of not letting public land to circuses with wild animals, but the same circus was shown to have used the wild animals in defiance of specific licensing or leasing conditions imposed by some councils (OneKind/Advocates for Animals 2010).

The latest scientific research demonstrates the problems which travelling circuses have in providing adequate welfare standards for animals in general and for wild animals in particular. A review published in 2009 recommended that, to be suitable for circus life, non-domesticated animals should exhibit "low space requirements, simple social structures, low cognitive function, non-specialist ecological requirements and an ability to be transported without adverse welfare effects." (Iossa, Soulsbury and Harris). The authors commented that none of the commonest species exhibited by circuses, such as elephants and big cats, met these criteria. They were, in fact, among "the species of non-domesticated animals commonly kept in circuses [...] the least suited to circus life."

Public opinion also opposes the use of animals in this way. An opinion poll carried out for OneKind in 2008 indicated that 83% of the Scottish public supported a ban on the use of some or all animals in circuses (TNS System Three). The petitioners believe that the Scottish Parliament should reflect the views of people in Scotland by legislating to ban the use of wild animals in travelling circuses in Scotland. This would lead the UK towards consigning these outmoded, exploitative shows to history.

In England, the results of a public consultation last year on the use of wild animals in travelling circuses showed that more than 94% of those who responded backed a complete ban on their use (DEFRA, 2010). Consideration of a ban in England raised the possibility that some circuses might re-locate to Scotland if the laws were different on different sides of the border and indeed some stated their intention of doing so. It is now known that the UK government does not intend to ban the use of wild animals in circuses in England, but instead plans a strict licensing regime.

The petitioners believe that this approach would be difficult to implement and enforce, without solving the inherent animal welfare problems of circuses. We hope that

Scotland will not adopt this approach. OneKind monitoring of Bobby Roberts' Super Circus tour of southern and central Scotland in summer 2009 indicated that it was possible for a circus to ignore local authority leasing and licensing requirements without any particular sanction (OneKind/Advocates for Animals (2010)). Local authorities are ill-placed to ensure compliance with licensing conditions when circuses are only in town for short periods, and it takes a few days for complaints to be received and investigated.

At present a circus may also breach council land-leasing policies by bringing wild animals to public land where they are not permitted. This happened in Perth and Kinross in 2009 and in South Ayrshire in 2010. OneKind reports of the breaches were followed up by officials, but there was little enforcement action as the animals were soon to be transported out of the area. These difficulties could be resolved by a ban on the use of wild animals in travelling circuses, across Scotland.

The UK government has stated that there are legal obstacles to a ban on wild animal circuses in England, and – while the Scottish Government obviously receives independent advice – it would be a severe setback for animal welfare if this view was to prevail in Scotland.

The petitioners believe that a government's duty to protect animal welfare must include moral and ethical issues as well as scientific evidence. As the Report of the Chairman of the Circus Working Group (DEFRA, 2007) stated, this would be a legitimate use of primary legislation. A precedent for this can be found in the Fur Farming (Prohibition) (Scotland) Act 2002 which was grounded on "a moral objection to the keeping of animals to exploit them solely or primarily for the value of their fur or for breeding progeny for such slaughter." (Scottish Executive, 2001)

Under the circumstances, the petitioners believe that a prohibition on the use of all wild animals in circuses is achievable and proportionate under Scottish primary legislation, and that the moral imperative for such a measure is undeniable.

#### References

Animal Defenders International (2009) Secret video exposes UK circus elephant suffering

[http://www.ad-international.org/media\\_centre/go.php?id=1623&si=12](http://www.ad-international.org/media_centre/go.php?id=1623&si=12)

Animal Defenders International (2011) Shocking new ADI cruelty exposé shames UK circus industry

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<http://www.defra.gov.uk/corporate/consult/circus-wild-animals/index.htm>

OneKind/Advocates for Animals (2010) Report on the tour of the Bobby Roberts circus in Scotland, June-July 2009

OneKind /Advocates for Animals, 2010a Response to the DEFRA consultation on wild animals in travelling circuses, March 2010, at [http://www.onekind.org/resources/consultations\\_test/](http://www.onekind.org/resources/consultations_test/)

Scottish Executive Policy Memorandum for the Fur Farming (Prohibition) Scotland Bill October 2001

TNS System Three for Advocates for Animals (now OneKind), January 2008

Watson-Smyth K (1999) Mary Chipperfield beat young chimpanzee until it screamed *The Independent* 20 January

<http://www.independent.co.uk/news/mary-chipperfield-beat-young-chimpanzee-until-it-screamed-1075005.html> ;

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**Unique web address**

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01400>

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