



Llywodraeth Cymru
Welsh Government

Wild Animals and Circuses (Wales) Bill

Explanatory Memorandum
incorporating the
**Regulatory Impact Assessment and
Explanatory Notes**

July 2019

Wild Animals and Circuses (Wales) Bill

Explanatory Memorandum to the Wild Animals and Circuses (Wales) Bill

This Explanatory Memorandum has been prepared by the department for Economy, Skills and Natural Resources of the Welsh Government and is laid before the National Assembly for Wales.

Member's Declaration

In my view the provisions of the Wild Animals and Circuses (Wales) Bill, introduced by me on the 8 July 2019 would be within the legislative competence of the National Assembly for Wales.

Lesley Griffiths AM

Minister for Environment, Energy and Rural Affairs
Assembly Member in charge of the Bill

8 July 2019

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PART 1 – EXPLANATORY MEMORANDUM

1. Description

- 1.1 The Wild Animals and Circuses (Wales) Bill makes it an offence for a wild animal to be used in a travelling circus. A wild animal is used if the animal performs or is exhibited. The Bill will not affect the use of domesticated animals in circuses, nor will it prevent wild animals being used for entertainment in other settings.

2. Legislative Competence

- 2.1 The National Assembly for Wales ('the Assembly") has the legislative competence to make the provisions in the Wild Animals and Circuses (Wales) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.
- 2.2 With the implementation of the Wales Act 2017, Welsh Ministers have the power to act on ethical grounds and introduce primary legislation to ban the use of wild animals in travelling circuses in Wales.

3. Purpose and intended effect of the legislation

Introduction

- 3.1 The policy objective is to prohibit the use of wild animals in travelling circuses in Wales.

Context

- 3.2 The use of wild animals in travelling circuses generates strongly held opinions and a considerable degree of public and political interest.
- 3.3 The number of travelling circuses using wild animals and the number of wild animals in those travelling circuses has greatly declined in recent years. According to Animal Defenders International, in 1997, there were 124 'exotic' animals touring with UK circuses, including a rhinoceros, 16 elephants, 15 lions and 16 tigers¹ in 20 circuses². According to a Defra Impact Assessment there were 40 wild animals in three travelling circuses in the UK in 2012.³ There are now just two circuses touring with wild animals; Circus Mondao and Peter Jolly's Circus. Both are based in England but regularly visit Wales; they both visited in 2018, and Circus Mondao are touring Wales this year (2019). They are licensed under The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012.⁴
- 3.4 The Regulations require operators of travelling circuses in England, which use wild animals, to satisfy a number of conditions relating to animal welfare standards and record-keeping.
- 3.5 According to a Defra Post-Implementation Review of the Regulations, the two circuses have contained a total of between 16 and 28 wild animals at any one time since the Regulations came into force in 2013.⁵ Species kept include zebra, camel, zebu (a type of cattle), reindeer, raccoon, fox and macaw, in addition to domestic species.
- 3.6 The Regulations in England expire on 19 January 2020. The UK Government does not intend to renew the Regulations but to ensure a

¹ Animal Defenders International (2006). *Animal in Travelling Circuses: The Science on Suffering* <http://www.stopcircussuffering.com/wp-content/uploads/2014/08/UK-Science-on-Suffering-low_020311.pdf>

² Animal Defenders International (2004). *Animal Circuses and the Animal Welfare Bill* <<http://www.stopcircussuffering.com/wp-content/uploads/2014/08/circusesawblowres.pdf>>

³ Defra, Ending the use of wild animals in travelling circuses, Impact Assessment (2012) <http://www.legislation.gov.uk/ukia/2012/41/pdfs/ukia_20120041_en.pdf>

⁴ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 <<https://www.legislation.gov.uk/ukdsi/2012/9780111527832/contents>>

⁵ Defra, The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012: Post Implementation Review 2018, January 2018 <<https://www.gov.uk/government/publications/the-welfare-of-wild-animals-in-travelling-circuses-england-regulations-2012-post-implementation-review>>

legislative ban on the use of wild animals in travelling circuses is in place by the time the Regulations expire.

- 3.7 It is presently possible for circuses from mainland Europe which use wild animals to visit Wales, subject to compliance with movement regulations. In many European countries the tradition of the travelling circus remains strong; both the number and the range of wild animals involved is greater than in the United Kingdom. Some of these circuses still use species traditionally associated with circuses such as elephants, lions and tigers.
- 3.8 According to PETA UK, in July 2017 eight European Union Member States had banned the use of wild animals in circuses.⁶ The Republic of Ireland and Scotland implemented bans in 2018. A number of other countries have banned the use of certain species and there are many where local and regional restrictions apply.
- 3.9 In Wales, some Local Authorities prohibit travelling circuses that use wild animals from performing on Local Authority land.
- 3.10 The majority of travelling circuses do not use wild animals. According to the Association of Circus Proprietors of Great Britain there are more than thirty circuses touring Great Britain every year.⁷

Calls for a ban

- 3.11 The Welsh Government regularly receives calls from the general public and third sector organisations to introduce a ban on the use of wild animals in circuses. Concerns not only focus on the perceived animal welfare issues, but also on whether it is ethically acceptable to make wild animals travel, live in temporary accommodation and perform for our entertainment.
- 3.12 Petitions calling for a ban on the use of wild animals in circuses in Wales have twice been considered by the National Assembly for Wales' Petitions Committee:
- A petition submitted by RSPCA Cymru in October 2015 called for a ban on the use of wild animals in circuses.⁸
 - A petition submitted by Linda Evelyn Joyce Jones calling for a ban on the use of wild animals in circuses in Wales was considered by

⁶ PETA UK <<https://www.peta.org.uk/blog/these-17-countries-banned-wild-animal-circuses/>>

⁷ Association of Circuses Proprietors of Great Britain <<http://www.circusgb.com/index.html>>

⁸ NAW, P-04-653 Ban the Use of Wild Animals in Circuses in Wales
<<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=13740&Opt=0>>

the Petitions Committee in January 2018⁹ and was debated in Plenary on 7 March 2018¹⁰.

3.13 In 2017 the Welsh Government consulted on the introduction of a licensing or registration scheme for Mobile Animal Exhibits (MAEs), including circuses.¹¹ The consultation also asked for views on banning the use of wild animals in travelling circuses. There was overwhelming support from respondents for a ban and the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, committed to exploring opportunities to bring forward legislation to ban the use of wild animals in travelling circuses. The responses to the consultation echoed those submitted to previous consultations by the UK and Scottish Government's on this subject:

- In 2009 Defra consulted on the use of wild animals in travelling circuses. Over 95% of respondents felt that it was not acceptable to use any species of wild animal in travelling circuses.¹²
- The Scottish Government consulted on proposals to ban the use of wild animals in travelling circuses on ethical grounds in 2014. Respondents were overwhelmingly in favour of a ban, with, amongst other findings, almost 96% of the view that there are no benefits to having wild animals in travelling circuses.¹³

The welfare of wild animals in travelling circuses

3.14 There are no specific regulations for the welfare of wild animals in travelling circuses in Wales but their welfare does fall under the scope of the following, wider legislation:

- The **Animal Welfare Act 2006**¹⁴ makes it a criminal offence for any person responsible for an animal, including all wild animals in travelling circuses, to fail to provide for their animal's welfare needs. Under section 9 of the 2006 Act, a person responsible for an animal has a duty to provide for that animal's needs, which include: its need for a suitable environment; its need for a suitable diet; its need to be able to exhibit normal behaviour patterns; its need to be housed with, or apart from, other animals; and its need to be protected from any pain, suffering, injury or disease. The 2006 Act

⁹ NAW, P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales

<<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=20656&Opt=0>>

¹⁰ NAW, Plenary (7 March 2018) <<http://record.assembly.wales/Plenary/4911>>

¹¹ Welsh Government Consultations, Mobile Animal Exhibits <<https://beta.gov.wales/mobile-animal-exhibits>>

¹² The National Archives, Defra, Consultation on the use of Wild Animals in Circuses, March 2010

<<http://webarchive.nationalarchives.gov.uk/20101109175937/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/>>

¹³ Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland?, Consultation Analysis, May 2015

<<https://www.gov.scot/Resource/0048/00480385.pdf>>

¹⁴ Animal Welfare Act 2006 <<https://www.legislation.gov.uk/ukpga/2006/45/contents>>

also makes it a criminal offence to cause an animal any unnecessary pain or suffering.

- The **Welfare of Animals (Transport) (Wales) Order 2007**¹⁵ (made under the Animal Health Act 1981) makes it an offence to transport any animal in a way which causes, or is likely to cause, injury or unnecessary suffering to that animal.
- The **Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012** (made under the Animal Welfare Act 2006) require all operators of travelling circuses in England which use wild animals to be licensed.¹⁶ There are a number of conditions circus operators have to comply with including the submission and maintenance of tour itineraries detailing the locations of the circus and its animals at all times. Licensed circuses receive regular inspections to check compliance with the conditions of the licence. The Regulations expire on 19 January 2020 and the UK Government does not intend to renew them.
- The **Performing Animals (Regulation) Act 1925**¹⁷ requires anyone who trains or exhibits animals to register with a Local Authority, stating details of the animals involved. **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**¹⁸ came into force on 1 October 2018, repealing and replacing the 1925 Act (in England only). Circuses based in England exhibiting domestic animals need to be licensed under 2018 Regulations.

Introducing a ban on welfare grounds

- 3.15 There is substantial public opinion that there is a need to ban the use of wild animals in travelling circuses in order to safeguard their welfare.
- 3.16 The Animal Welfare Act 2006 makes it a criminal offence for any person responsible for an animal to fail to provide for the animal's welfare (section 9). Section 12 of the Act provides powers to make regulations to promote animal welfare. Section 12(1) provides that "*The appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.*"
- 3.17 Welsh Ministers would need to be satisfied there is compelling scientific evidence demonstrating that the welfare of animals kept in

¹⁵ Welfare of Animals (Transport) (Wales) Order 2007
<<http://www.legislation.gov.uk/wsi/2007/1047/contents/made>>

¹⁶ Defra, Travelling circus with wild animals: get a licence
<<https://www.gov.uk/guidance/travelling-circus-with-wild-animals-get-a-licence>>

¹⁷ Performing Animals (Regulation) Act 1925 <<https://www.legislation.gov.uk/ukpga/Geo5/15-16/38>>

¹⁸ The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
<<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>>

travelling circuses is compromised to rely on the delegated powers in section 12 of the 2006 Act to introduce a ban.

- 3.18 During debates on the Animal Welfare Bill in 2006 the then UK Government agreed, subject to there being sufficient scientific evidence, to bring forward a ban using delegated powers provided in the Animal Welfare Bill (now 2006 Act) on the use of certain non-domesticated species in travelling circuses. The Circus Working Group was established and an academic lawyer, Mike Radford, was appointed Chair. The remit of the Working Group was to provide, and consider, evidence relating to the transportation and housing needs of non-domesticated species. These were considered to be the factors that differentiated wild animals in circuses from wild animals kept in other situations e.g. zoos.
- 3.19 The Working Group considered evidence provided by animal welfare organisations and the circus industry. The Chairman's report (the 'Radford report'), published in October 2007, concluded that there was not sufficient scientific evidence to justify a ban on wild animals in travelling circuses.¹⁹ It also concluded that there was little evidence to demonstrate the welfare of animals kept in travelling circuses is any better or worse than that of animals kept in other captive environments.
- 3.20 Issues relating to the training and performance of non-domesticated circus animals were expressly omitted from the Working Group's terms of reference (these matters were being considered by a separate working group concerned with the training and performance of animals generally). In his report, the Chairman recognised any duplication of effort would be undesirable but commented "*One can only speculate whether the substance of this Report would have been materially different if the Working Group had looked at the full picture.*"
- 3.21 Despite his conclusions, the Chairman did state that the status quo is not an option, recognising that expectations have been raised that the Government will do something; the circus industry is exceptional in that the use of animals in most other commercial contexts is generally subject to specific regulation; the present state of uncertainty confronting circuses requires resolution; the present situation is acting against the interests of the animals involved (it has been suggested that circus operators may be reluctant to invest in their facilities unless they have sufficient confidence that the use of wild animals will remain lawful), and; there is support from all sides of the debate for reform.
- 3.22 In response to the 2015 RSPCA Cymru petition submitted to the National Assembly for Wales' Petitions Committee, the then Deputy Minister for Farming and Food, Rebecca Evans AM, announced an

¹⁹ Radford, M. (October 2007). *Wild Animals in Travelling Circuses, The Report of the Chairman of the Circus Working Group*
<<http://webarchive.nationalarchives.gov.uk/20110318164910/http://www.defra.gov.uk/foodfarm/farmanimal/welfare/documents/circus-report.pdf>>

independent review of the evidence on the welfare of animals in travelling and non-travelling circuses. Professor Stephen Harris was commissioned to undertake the review. Unlike the Radford Report, the review by Harris *et al* (the 'Harris Review'), published in April 2016, considered the collective effect of all aspects of management and the environment on the welfare of wild animals in travelling circuses and mobile zoos.²⁰ The rationale for this was that while one aspect of management may be interpreted as promoting good welfare, others may not, so the cumulative effect may be poor welfare overall.

- 3.23 Harris *et al* identified and contacted experts and organisations for their views on the welfare of wild animals in travelling circuses. This was done via a two-stage questionnaire. Experts were classified into five groups based on their personal expertise.
- 3.24 Harris *et al* reported that all five groups of experts *“agreed that complex, stimulating and environmentally enriched environments promote good welfare in captive wild animals, and the interaction between enclosure size and complexity leads to species-specific welfare benefits. Enrichment is the preferred means of tackling the underlying causes of abnormal behaviour patterns since it gives animals choice. However, in travelling circuses and mobile zoos, the provision of environmental enrichment, particularly control-orientated enrichment, is likely to be extremely limited or non-existent due to the need to maintain portability, ease of handling of the animals and compliance during training sessions.”* In considering the collective effect of all aspects of management and the environment of wild animals in travelling circuses, including the positive experiences, Harris *et al* concluded they could not find any evidence to suggest that the cumulative experience of periods of performing, being on display and/or being handled balanced a lifetime of close confinement, regular disturbance and minimal choice and control. They went as far as to conclude life for wild animals in travelling circuses *“does not appear to constitute either a ‘good life’ or a ‘life worth living’.”*
- 3.25 Their overriding conclusion was that the welfare needs of wild animals in travelling environments cannot be satisfied to the same extent as within static environments and *“The available scientific evidence indicates that captive wild animals in circuses and other travelling animal shows do not achieve their optimal welfare requirements, as set out under the Animal Welfare Act 2006, and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds.”*
- 3.26 The conclusions of Radford and Harris *et al* are markedly different. They were of course working to different Terms of Reference and

²⁰ Harris *et al*. (April 2016). *The Welfare of Wild Animals in Travelling Circuses*
<<https://beta.gov.wales/welfare-wild-animals-travelling-circuses>>

Radford recognised his conclusions may have been different had the Working Group been asked to look at the “full picture”.

- 3.27 The UK Government (House of Commons Debate, 1 March 2012)²¹ has previously considered that there is insufficient evidence to justify a ban on welfare grounds, and instead proposed to introduce primary legislation to ban the use of wild animals on ethical grounds. The UK Government later set out a more detailed explanation for its view that primary legislation was needed to achieve a lawful ban:

“In October 2007 the report ‘Wild Animals in Travelling Circuses: The Report of the Chairman of the Circus Working Group’ (commonly referred to as the ‘Radford Report’), commissioned by the previous Government, concluded that, in terms of using the delegated powers in the Animal Welfare Act 2006 to introduce a ban, after reviewing the available scientific evidence submitted, ‘there appears to be little evidence to demonstrate that the welfare of animals kept in travelling circuses is any better or worse than that of animals kept in other captive environments’. Therefore, in the absence of any compelling scientific evidence, any attempt to ban the use of an animal using the delegated powers provided by the Animal Welfare Act would fail the test of proportionality, and primary legislation is needed to ‘have any realistic prospect of achieving a lawful ban’.”²²

- 3.28 The UK Government did not introduce primary legislation banning the use of wild animals, instead introducing the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 as an interim measure.

- 3.29 The view that there is insufficient evidence to justify a ban on welfare grounds was echoed by the Scottish Government in its 2014 consultation on proposals to ban the use of wild animals in travelling circuses on ethical grounds in 2014:

“...scientific knowledge by itself does not yet provide relevant, rational and reliable answers to many questions on animal welfare typically raised by the general public. This is compounded when considering the welfare of wild animals in travelling circuses by the fact that there is little directly relevant scientific evidence of any sort.

Within the current scientific and legal context, the welfare status of these animals cannot be conclusively proven to be good or bad in comparison with animals in other situations generally considered to be acceptable. In the absence of sufficient scientific evidence of irredeemable welfare problems within a travelling circus environment, any attempt to ban the use of an animal using the delegated powers

²¹ UK Parliament Website, House of Commons, Oral Answers to Questions (1 March 2012) <<https://publications.parliament.uk/pa/cm201212/cmhansrd/cm120301/debtext/120301-0001.htm>>

²² HM Government, Wild Animals in Circuses (April 2013) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228862/8538.pdf>

provided by the Animal Health and Welfare (Scotland) Act 2006 would fail the test of proportionality.”

- 3.30 Both the UK and Scottish Governments came to their respective positions before publication of the Harris Review. Given the relatively small number of animals involved, it is doubted that the results of any further research would be sufficiently meaningful and robust to better inform the debate.

Ethical grounds for a ban

- 3.31 There was a time when attending a circus would have been the only opportunity most people had to see exotic wild animals. That is no longer the case, and circuses have been superseded by modern, well-managed zoos where maintaining the highest standard of animal welfare is a priority. Zoos licensed under the Zoo Licensing Act 1981²³ are required to undertake conservation measures and to promote public education and awareness in relation to conservation, particularly by providing information about the species exhibited and their natural habitats.²⁴ ²⁵ The same is not required of circuses and it is questionable if such requirements could ever be met in a circus environment. In addition to the opportunities to see wild animals in zoos, world class wildlife documentaries are engendering an increased respect for the intrinsic value of wild animals in their natural environments.
- 3.32 The use of wild animals in travelling circuses raises concerns around animal dignity. It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks.
- 3.33 There is a strong body of opinion that the welfare needs of wild animals in travelling circuses cannot be met. Whilst there may not be conclusive evidence that welfare is compromised to a greater extent in travelling circuses than in any other ‘artificial’ environment, the Welsh public and third sector organisations have overwhelmingly lobbied for this practise to be banned.
- 3.34 Given the small and declining number of animals involved, it is possible that over time travelling circuses will choose to no longer use wild animals. However, this is not guaranteed, and a ban will send a clear message that the people of Wales believe this practice to be outdated and ethically unacceptable.

²³ Zoo Licensing Act 1981

<https://www.legislation.gov.uk/ukpga/1981/37/pdfs/ukpga_19810037_en.pdf>

²⁴ Defra, Secretary of State’s Standards of Modern Zoo Practice

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69596/standards-of-zoo-practice.pdf>

²⁵ Some zoos don’t need a licence because of the small number of animals, or the type of animal, kept in them and are therefore exempt from the requirements of the Zoo Licensing Act 1981.

- 3.35 With the coming into force of the Wales Act 2017, Welsh Ministers have the power to introduce primary legislation to ban the use of wild animals in travelling circuses in Wales on ethical grounds.

The Wild Animals and Circuses (Wales) Bill

- 3.36 The Wild Animals and Circuses (Wales) Bill seeks to make it an offence for a wild animal (as defined in the Bill) to be used in a travelling circus. A wild animal is used if the animal performs or is exhibited. The offence would be committed by the person who is the operator (as defined in the Bill) of the travelling circus if they use, or cause or permit another person to use a wild animal in the travelling circus. A person guilty of such an offence is liable on summary conviction to a fine.
- 3.37 Travelling circuses have toured the United Kingdom for over two hundred years and will continue to be welcome in Wales, provided they do not use wild animals. The Bill will not affect the use of domesticated animals in travelling circuses, nor will it prevent wild animals being used for entertainment in other settings.
- 3.38 There are no travelling circuses with wild animals based in Wales, but they do visit. Circuses licenced under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 are required to submit tour itineraries detailing their locations at all times. According to itineraries provided to the Animal and Plant Health Agency (APHA) since the licensing Regulations came into force, the two travelling circuses that visit Wales normally start touring between February and April, with tours ending in October or November. Circus Mondao has visited Wales every year, from March or April to July. Peter Jolly's visited in 2014 (September to October), 2016 (June to September) and 2018 (May to July). The Bill has an enforcement date of 1 December 2020. By this time, both travelling circuses will be expected to have completed touring and returned to their winter quarters. We believe an earlier enforcement date could put travelling circuses in a difficult and unreasonable position, having to adapt performances, infrastructure and make arrangements for their wild animals to comply with the provisions of the Bill, whilst they are still touring.
- 3.39 The Regulatory Impact Assessment (RIA) (Section 6) includes an assessment of the impacts of introducing this legislation.

Powers to make subordinate legislation

- 3.40 The powers to make subordinate legislation in the Bill are discretionary, and there are no plans to use these powers immediately.
- 3.41 In the Bill, a "wild animal" means an animal of a kind that is not commonly domesticated in the British Islands. It is possible there may

be uncertainty or conflicting views regarding whether a kind of animal is to be considered wild or not. Welsh Ministers may, by regulations, specify a kind of animal (a) that is to be regarded as a wild animal, or (b) that is not to be regarded as a wild animal. However, the power to make regulations is without prejudice to the generality of the definition of wild animal in the Bill. This power does not require Welsh Ministers to list, in legislation, all wild animals.

- 3.42 In the Bill, a “travelling circus” means a circus which travels from one place to another for the purpose of providing entertainment at those places, despite there being periods during which it does not travel from one place to another. It is possible that there may be cases where there may be uncertainty or conflicting views regarding whether a type of undertaking, act or entertainment is or is not regarded as a travelling circus. Welsh Ministers may, by regulations, specify a type of undertaking, act or entertainment (a) that is to be regarded as a travelling circus, or (b) that is not to be regarded as a travelling circus. However, the power to make regulations is without prejudice to the generality of the definition of travelling circus in the Bill. This power does not require Welsh Ministers to list, in legislation, all types of undertakings, acts or entertainment which are to be regarded as a travelling circus.
- 3.43 The Welsh Government consults on the content of subordinate legislation when it considers it appropriate to do so. The precise nature of any consultation in relation to exercising the powers to make subordinate legislation would be decided at the appropriate time.

Enforcement of the Wild Animals and Circuses (Wales) Bill

- 3.44 The Schedule makes provision about the appointment of inspectors and the powers of enforcement, including powers of entry and search. The limits of these powers are detailed in the Schedule and summarised below.
- 3.45 Inspectors are persons appointed by a county council, county borough council or Welsh Ministers. The Bill, should it become law, will be enforced by Local Authorities.
- 3.46 The Bill gives inspectors powers to enter premises, including moveable structures (for example vehicles and mobile homes) commonly associated with travelling circuses. There must be reasonable grounds for suspecting that an offence is being, has been or is about to be committed or that evidence of the commission of such an offence may be found. Inspectors may not enter premises used as a dwelling without a warrant authorising them to do so, issued by a justice of the peace. The Bill has been drafted with due regard to human rights and the Schedule sets out the conditions that must be satisfied before a warrant may be granted and the limitations of a warrant.

- 3.47 Inspectors may use reasonable force where necessary to exercise a power of entry and may take onto premises up to two other persons and anything necessary (including equipment and materials) to assist in their duties. Those assisting could include specialists, for example a zoological specialist to help identify animals or a veterinary surgeon.
- 3.48 A person guilty of failing to comply with a requirement reasonably made by an inspector, or intentionally obstructing an inspector when the inspector is carrying out their duties is liable on summary conviction to a fine.
- 3.49 The impact on Local Authorities of enforcing the Bill is considered in the RIA. Impacts are expected to be minimal, particularly as the UK Government has introduced the Wild Animals in Circuses (No.2) Bill²⁶ with the intention of banning the use of wild animals in travelling circuses in England when The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire in January 2020. Any travelling circuses based in England would be prohibited from using wild animals and would be unable, legally, to use wild animals anywhere in Great Britain.

Amendments relating to the licensing of circuses

- 3.50 Section 1 of the Dangerous Wild Animals Act 1976²⁷ provides that no person shall keep any dangerous wild animal except under the authority of a licence. An exception to this, under section 5(2) of the 1976 Act, is where a dangerous wild animal is kept in a circus. The UK Government introduced the Wild Animals in Circuses (No.2) Bill on 30 April 2019. The Bill contains a provision which removes the exception for circuses at Section 5(2) of the 1976 Act for England and Scotland. The UK Government Bill has a coming into force date of 20 January 2020. The exception would remain for Wales. With the advent of a ban on wild animals in travelling circuses in Wales, this exception can be omitted. Any travelling circus retaining but not using a dangerous wild animal will require a licence under the 1976 Act, as will a non-travelling circus (unless either type of circus are alternatively caught by the provisions of the Zoo Licensing Act 1981).
- 3.51 Section 1 of the Zoo Licensing Act 1981 provides that it is unlawful to operate a zoo except under the authority of a licence issued under the 1981 Act. Section 1(2) provides that a “zoo” is an establishment where wild animals are kept for exhibition for the public otherwise than for purposes of a circus. A circus is defined in section 21 of the 1981 Act as a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres. With the banning of wild animals in travelling circuses in Wales, the exemption in section

²⁶ www.parliament.uk, Wild Animals in Circuses (No.2) Bill
<<https://services.parliament.uk/bills/2017-19/wildanimalsincircusesno2.html>>

²⁷ Dangerous Wild Animals Act 1976 <<https://www.legislation.gov.uk/ukpga/1976/38>>

1(2) will become redundant and can be removed for Wales. The effect of this is that a non-travelling circus in Wales could fall within the provisions of the 1981 Act if it has wild animals. If a circus is caught by the 1981 Act, then under section 5(1) of the Dangerous Wild Animals Act 1976, that circus is exempt from requiring a licence under the 1976 Act. A circus must meet the requirements of section 1 of the 1981 Act in order for it to require a zoo licence.

4. Consultation

- 4.1 An eight week public consultation on the draft Wild Animals in Travelling Circuses (Wales) Bill was published on 1 October 2018.²⁸
- 4.2 Respondents were asked to consider 14 questions relating to the general policy, the impact on children and young people, economic impacts, the provisions of the draft Bill and the impact on the Welsh language.
- 4.3 The consultation did not seek views on whether the use of all animals in circuses should be banned, or whether the use of animals in any other form of entertainment should be banned.
- 4.4 There were 6,546 responses to the consultation. This included 4576 via email, 1,961 via the online response form and nine postal submissions. Four thousand and nineteen of the email responses were identical and only answered the first two questions. They were sent as part of a campaign by the Born Free organisation. All responses were analysed and a summary of the responses was published in January 2019.²⁹
- 4.5 Ninety-seven percent of respondents support our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus.
- 4.6 Ninety-seven percent of respondents agree banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals.
- 4.7 Sixty percent of respondents are of the view that a ban would have an impact on the circus industry; the majority considered this to be a positive impact.
- 4.8 Eighty-eight percent of respondents agree with the proposed offence as set out in the draft Bill and ninety percent agree the offence should apply to the travelling circus operator, even if the operator may not be the person using the wild animal.
- 4.9 Ninety percent of respondents agree with the proposed definition of “operator”. Eighty-three percent agree with the definition of “wild animal”. And, 91% agree with the definition of “travelling circus”.
- 4.10 Fifty-seven percent of respondents agree Welsh Ministers should have powers to make regulations to specify kinds of animal that are, or are not, to be regarded as wild. Seventy-eight percent agree Welsh

²⁸ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

²⁹ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill, Summary of Responses <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

Ministers should have powers to make regulations to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus.

- 4.11 Seventy-eight percent of respondents agree with the enforcement provisions detailed in the Schedule.
- 4.12 Almost all respondents believe banning the use of wild animals in travelling circuses would have neither a positive or negative effect on the Welsh language.
- 4.13 Respondents are concerned about what will happen to the wild animals currently used by travelling circuses should a ban be implemented. Many are of the opinion they should be rehomed/retired to sanctuaries.
- 4.14 These results can only be regarded as being representative of the views of those people and groups who were sufficiently interested in the issue to respond to the consultation and are not necessarily representative of the views of the wider general public. Nevertheless, it can be taken from this consultation and the correspondence received by Welsh Government and Local Authorities that there is public support for a ban on the use of wild animals in travelling circuses.

Table 4.14 sets out the changes made to the Wild Animals in Travelling Circuses (Wales) Bill following consultation, prior to its introduction into the Assembly, and the reasons for those changes. The section numbers below refer to the sections of the Bill as introduced, unless otherwise stated.

Changes made	Reason
<p>The name of the Bill has changed to the “Wild Animals and Circuses (Wales) Bill”; “in Travelling” has been removed.</p>	<p>This change reflects the wider scope of the Bill to include provisions to omit Section 5(2) of the Dangerous Wild Animals Act 1976 and amend Section 1(2) of the Zoo Licensing Act 1981 (see below). The offence, to use a wild animal in a travelling circus, is unchanged.</p>
<p>Section 3 (strikethrough text removed):</p> <p>3 Meaning of “wild animal”</p> <p>(1) In this Act, a “wild animal” means an animal of a kind that is not commonly domesticated in the British Islands.</p> <p>(2) An animal is of a kind that is domesticated if the behaviour, life cycle or physiology of animals of that kind has been altered as a result of the breeding or</p>	<p>Respondents to the consultation did not agree with the part of the definition dealing with domesticated animals and recommended 3(2) be removed.</p> <p>Concerns were, under this definition, breeding that induces any amount of change in an animal’s behaviour, life cycle or physiology could lead to the animal being classed as ‘domesticated’. Furthermore, breeding animals for ‘multiple generations’</p>

<p>living conditions of multiple generations of animals of that kind being under human control.</p> <p>(3) Despite subsection (1), regulations may specify, for the purposes of this Act, a kind of animal—</p> <p>(a) that is to be regarded as a wild animal, or</p> <p>(b) that is not to be regarded as a wild animal.</p> <p>(4) In this Act, “animal” has the meaning given by the Animal Welfare Act 2006 (c. 45) (see section 1).</p>	<p>could be interpreted as simply two or more generations, which is not what is intended. Where animals have been domesticated through selective breeding to adapt to living alongside people, it has been for hundreds and in some cases thousands of years. Claims could be made that a captive-bred tiger, for example, that is the second generation bred in captivity is a domesticated animal. Under such an interpretation it could be argued that zoos are full of domesticated animals. This is not the case; the needs of a captive-born tiger are fundamentally no different to those of its counterparts born in the wild.</p> <p>Respondents suggested a more preferable solution would be to align the definition of ‘wild animal’ with the interpretation of ‘wild animal’ in the Zoo Licensing Act 1981. This has been achieved by keeping paragraph 3(1) and removing paragraph 3(2). This ensures parity with other legislation and avoids a situation where the same species is considered ‘wild’ in a zoo, but ‘domesticated’ when kept in a circus.</p>
<p>Section 4 (strikes through text removed):</p> <p>4 Meaning of “travelling circus”</p> <p>(1) In this Act, a “travelling circus” means a circus which travels from one place to another for the purpose of providing entertainment at those places.</p> <p>(2) A “travelling circus” includes a circus which travels as mentioned in subsection (1) for the purpose mentioned there, despite there being periods during which it does not travel from one place to another.</p> <p>(3) But a “travelling circus” does not include a circus which travels in order to relocate to a new fixed base for use only or mainly as a place to give</p>	<p>Respondents to the consultation believed the inclusion of 4(3) wasn’t necessary and was too ambiguous, recommending it be removed.</p>

<p>performances.</p> <p>(4) Despite subsection (1), regulations may specify for the purposes of this Act a type of undertaking, act, or entertainment which is to be regarded as a travelling circus.</p>	
<p>New Section 7. Proceedings: offences committed by partnerships and unincorporated associations.</p>	<p>This section sets out how proceedings are to be brought against a partnership or an unincorporated association where they are alleged to have committed an offence under Section 1.</p>
<p>New section 8, subsection (1). Inclusion of a provision to omit Section 5(2) of the Dangerous Wild Animals Act 1976 (as amended by the Wild Animals in Circuses Act 2019).</p>	<p>Section 1 of the Dangerous Wild Animals Act 1976 provides that no person shall keep any dangerous wild animal except under the authority of a licence. An exception to this, under section 5(2) of the 1976 Act, is where a dangerous wild animal is kept in a circus.</p> <p>The UK Government introduced the Wild Animals in Circuses (No.2) Bill on 30 April 2019. The Bill contains a provision which removes the exception for circuses at section 5(2) of the 1976 Act for England and Scotland. The UK Government Bill has a coming into force date of 20 January 2020. The exception would remain for Wales. With the advent of a ban on wild animals in travelling circuses in Wales, this exception can be omitted. Any travelling circus retaining but not using a dangerous wild animal will require a licence under the 1976 Act, as will a non-travelling circus (unless either type of circus are alternatively caught by the provisions of the Zoo Licensing Act 1981).</p> <p>This amendment, coupled with the amendment to the Zoo Licensing Act 1981 (see below), has the effect of closing loopholes where a circus in Wales could keep a wild animal and</p>

	be exempt from licence requirements.
New section 8, subsection (2). Inclusion of a provision to amend section 1(2) of the Zoo Licensing Act 1981 for Wales.	<p>Section 1 of the Zoo Licensing Act 1981 provides that it is unlawful to operate a zoo except under the authority of a licence issued under the 1981 Act. Section 1(2) provides that a “zoo” is an establishment where wild animals are kept for exhibition for the public otherwise than for purposes of a circus. A circus is defined in section 21 of the 1981 Act as a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres. With the banning of wild animals in travelling circuses in Wales, the exemption in section 1(2) will become redundant and can be removed in Wales. The effect of this is that a non-travelling circus in Wales could fall within the provisions of the 1981 Act if it has wild animals. If a circus is caught by the 1981 Act, then under section 5(1) of the Dangerous Wild Animals Act 1976, that circus is exempt from requiring a licence under the 1976 Act. A circus must meet the requirements of section 1 of the 1981 Act in order for it to require a zoo licence.</p> <p>This amendment, coupled with the amendment to the Dangerous Wild Animals Act 1976 (see above), has the effect of closing loopholes where a circus in Wales could keep a wild animal and be exempt from licence requirements.</p>
New section 9. Power of High Court to declare unlawful an act or omission of the Crown.	These are similar to provisions of the Wild Animals in Travelling Circuses (Scotland) Act, and in the unlikely event of the Act applying to the Crown, allow action to be taken whilst taking account of the status and nature of that body.
New section 10. Crown land: powers of entry.	
Schedule - Power to stop and search	The Powers of entry are set out in the Schedule and ‘premises’ extends to

<p>vehicles deleted:</p> <p>Power to stop and search vehicles</p> <p>14 (1) A constable in uniform or an inspector if accompanied by a constable in uniform may stop a vehicle for the purpose of entering and searching it in the exercise of a power of entry.</p> <p>(2) A vehicle may be stopped for so long as it is reasonably required for the purpose of exercising the power of entry.</p> <p>(3) The power of entry may be exercised either at the place where the vehicle was stopped or nearby.</p>	<p>vehicles, tents or moveable structures.</p> <p>The enforcement action should be proportional to the crime and it is considered unnecessary to include powers to stop and search travelling circus vehicles for evidence of the use of wild animals. Removing a power to stop and search vehicles does not materially affect the policy outcome.</p>
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5. Power to make subordinate legislation

- 5.1 The Bill contains provisions to make subordinate legislation. Table 5.1 (subordinate legislation) sets out in relation to these:
- (a) the person upon whom, or the body upon which, the power is conferred;
 - (b) the form in which the power is to be exercised;
 - (c) the appropriateness of the delegated power;
 - (d) the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.
- 5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Wild Animal and Circuses (Wales) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
3(2)	Welsh Ministers	Regulations	To allow Welsh Ministers to make regulations to specify kinds of animals that are, or are not, to be regarded as wild.	Affirmative	Making Regulations to specify kinds of animals that are, or are not, to be regarded as wild will have a bearing on the offence.
4(3)	Welsh Ministers	Regulations	To allow Welsh Ministers to make regulations to specify kinds of undertaking, act, entertainment or similar which are, or are not, to be regarded as a travelling circus.	Affirmative	Making Regulations to specify kinds of undertaking, act, entertainment or similar which are, or are not, to be regarded as a travelling circus will have a bearing on the offence.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Regulatory Impact Assessment (RIA) summary

A Regulatory Impact Assessment has been completed for the Bill and it follows below.

There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.

The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

Wild Animals and Circuses (Wales) Bill		
Preferred option: Option 3: Ban the use of wild animals in travelling circuses in Wales.		
Stage: Introduction	Appraisal period: 2020/21 - 2024/25	Price base year: 2019/20
Total Cost Total: £-3,500 Present value: £-2,800	Total Benefits Total: £0 Present value: £0	Net Present value (NPV): £2,800

Administrative cost

Costs: There are no travelling circuses with wild animals based in Wales but they do visit. There will be a small implementation cost to the Welsh Government in developing guidance on the Wild Animals and Circuses (Wales) Bill. The total cost for preparing bilingual guidance, including engagement with stakeholders to ensure it is fit for purpose, would be approximately £5,100. Costs to communicate a ban on the use of wild animals in travelling circuses will also fall to Welsh Government and would be approximately £900. All costs would be incurred in 2020-21.

Transitional: £6,000	Recurrent: £0	Total: £6,000	PV: £5,800
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Cost-savings: There are unlikely to be any cost-savings of significance. Members of the public and third sector organisations have lobbied the Welsh Government for a ban on the use of wild animals in travelling circuses for a number of years. Responding to regular correspondence on this subject costs Welsh Government approximately £1,900 a year. Correspondence on this subject is expected to reduce significantly if the use of wild animals in travelling circuses is banned. Some Local Authorities also reported increases in correspondence from the public when travelling circuses visit but were unable to assign a cost to the time spent responding.

Transitional: £N/A	Recurrent: £9,500	Total: £9,500	PV: £8,600
Net administrative cost-saving: £3,500			

Compliance costs

The direct impact of a ban would be expected to fall on the two England-based travelling circuses which currently use wild animals. However, it has not been possible to monetise the potential compliance cost because the costs are unknown. They may experience a reduction in revenue in the short term, but the degree to which they are affected will depend on a number of factors considered in more detail in paragraphs 8.8 to 8.21. Enforcement of the Bill would not constitute additional costs for Local Authorities as it could be conducted alongside existing enforcement activities carried out with respect to travelling circuses. Breaches are unlikely to arise often, if at all. There is unlikely to be any perceptible additional costs to Police Forces in Wales and minimal or no impact on the justice system. As this stage, our best estimate of the cost to Police Forces in Wales and the justice system is £zero.

Transitional: £0	Recurrent: £0	Total: £0	PV: £0
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Other costs

N/A

Transitional: £0	Recurrent: £0	Total: £0	PV: £0
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Unquantified costs and disbenefits

Spend by travelling circuses in local communities which relates specifically to wild animals would be lost going forward, as would spend by members of the public who attend circuses to specifically see wild animals. Travelling circuses may choose to give up ownership of their wild animals and any reduction in costs incurred by the circus would be broadly matched by an equivalent increase in costs to the new owners. Either way, depending on the species and intended use there may be licensing requirements the owners would need to adhere to. It is possible there would be job losses within the circus industry. These unquantified costs and costs of potential disbenefits are unknown. Paragraphs 8.8 to 8.21 consider the unquantified costs and disbenefits relating to the impact of the Bill on travelling circuses and, should travelling circuses choose to give up ownership of their animals, on the new owners of those animals.

Benefits

The way we treat animals is an important reflection of the values of our society. It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks. The majority of respondents to the consultation agreed wild animals should not be objectified or perceived as commodities for our entertainment. A ban will contribute to encouraging respectful and responsible attitudes, particularly the developing attitudes of children and young people, towards all species. It will also contribute to an improved perception of travelling circuses. Those members of the public opposed to the practice would, with confidence, be able to attend travelling circuses safe in the knowledge that wild animals would not be used in the show.

Total: £0

PV: £0

Key evidence, assumptions and uncertainties

Travelling circuses will continue to be welcome in Wales, provided they do not use wild animals. Following a period of transition, the two circuses affected by the ban should be able to successfully tour without their wild animals. The small and declining number of wild animals kept by travelling circuses suggests their presence is not a major factor in determining the popularity of travelling circuses. There is a high degree of uncertainty concerning the impacts on travelling circuses and related industries. Little additional information was forthcoming during the consultation exercise and it has not been possible to assign costs to these impacts.

7. Options

7.1 The policy objective is to ban the use of wild animals in travelling circuses in Wales, based on ethical grounds. The rationale for this is set out in the Explanatory Memorandum.

7.2 Three options have been considered:

Option 1: Business as usual – allow travelling circuses to continue to use wild animals.

Option 2: Introduce a licensing or registration scheme which would allow travelling circuses to continue to use wild animals, subject to certain conditions.

Option 3: Ban the use of wild animals in travelling circuses.

7.3 Each option is described below along with, where applicable, associated costs and benefits. This RIA does not explore Options 1 and 2 in detail because they do not meet the policy objective.

Option 1: Business as usual – allow travelling circuses to continue to use wild animals.

7.4 There are no circuses with wild animals based in Wales, but they do visit. Two circuses, Circus Mondao and Peter Jolly's Circus, regularly visit Wales; both visited in 2018 and Circus Mondao are touring Wales this year (2019). It is presently possible for circuses from mainland Europe which use wild animals to visit Wales, subject to compliance with movement regulations. If visiting England, travelling circuses must also comply with The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012.³⁰ According to Defra, no circuses from outside the UK which use wild animals have visited since the Regulations came into force.

7.5 It is possible that travelling circuses based in the UK will, in time, stop using wild animals due to the strength of public feeling. However, they may not, and if there were no pressure to adapt, they could continue to use wild animals, as could travelling circuses which may visit Wales from other parts of the world where this type of entertainment remains popular.

7.6 The Scottish Government banned the use of wild animals in travelling circuses in May 2018, with the coming into force of The Wild Animals in Travelling Circuses (Scotland) Act 2018.³¹ The Welfare of Wild Animals

³⁰ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012
<<https://www.legislation.gov.uk/ukdsi/2012/9780111527832/contents>>

³¹ The Wild Animals in Travelling Circuses (Scotland) Act 2018
<<https://www.legislation.gov.uk/asp/2018/3/contents>>

in Travelling Circuses (England) Regulations 2012, which apply in England only, expire on 19 January 2020. The UK Government does not intend to renew the Regulations but to ensure a legislative ban on the use of wild animals in travelling circuses is in place by the time the Regulations expire. The Wild Animals in Circuses (No.2) Bill was introduced on 30 April 2019.³² The Bill has a coming into force date of 20 January 2020. If it passes, and there is no equivalent ban in Wales, circuses using wild animals could continue to visit and may choose to relocate to Wales.

- 7.7 'Business as usual' would not meet the policy objective. Neither would it be acceptable to those members of the Welsh public and third sector organisations which have lobbied for this practise to be banned.

Option 2: Introduce a licensing or registration scheme which would allow travelling circuses to continue to use wild animals, subject to certain conditions.

- 7.8 There are no specific regulations for the welfare of wild animals in travelling circuses in Wales but their welfare does fall under the scope of wider legislation, including the Animal Welfare Act 2006³³, The Welfare of Animals (Transport) (Wales) Order 2007³⁴, The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 and the Performing Animals (Regulation) Act 1925³⁵. Further information on each of these regulations is provided in the Explanatory Memorandum.
- 7.9 In 2017 the Welsh Government consulted on the introduction of a licensing or registration scheme for Mobile Animal Exhibits (MAEs), including circuses.³⁶ MAEs are diverse and there is no standard licensing regime or requirement for routine inspection. Views on banning the use of wild animals in travelling circuses were also sought. There was overwhelming support from respondents to the consultation for a ban on the use of wild animals in circuses.
- 7.10 A licensing scheme for MAEs is now being developed that will provide for checks to be made to ensure good welfare standards are maintained and to ensure animals are exhibited in a way that encourages respectful and responsible attitudes towards all species. Travelling circuses using domesticated animals may be eligible to apply for a license under the new scheme, and therefore visit Wales with their domesticated animals.

³² www.parliament.uk, Wild Animals in Circuses (No.2) Bill

<<https://services.parliament.uk/bills/2017-19/wildanimalsincircusesno2.html>>

³³ Animal Welfare Act 2006 <<https://www.legislation.gov.uk/ukpga/2006/45/contents>>

³⁴ Welfare of Animals (Transport) (Wales) Order 2007

<<http://www.legislation.gov.uk/wsi/2007/1047/contents/made>>

³⁵ Performing Animals (Regulation) Act 1925 <<https://www.legislation.gov.uk/ukpga/Geo5/15-16/38>>

³⁶ Welsh Government Consultations, Mobile Animal Exhibits <<https://beta.gov.wales/mobile-animal-exhibits>>

7.11 The results of the 2017 consultation suggest a licensing scheme for MAEs will be welcomed by many, including MAE proprietors, third sector organisations and a large proportion of the Welsh public. However, a licensing scheme for MAEs does not meet the policy objective which is to ban the use of wild animals in travelling circuses in Wales; the Welsh public and third sector organisations have overwhelmingly lobbied for this practice to be banned.

Option 3: Ban the use of wild animals in travelling circuses.

- 7.12 Two legislative routes have been considered to achieve the policy objective, each presenting risks and opportunities. The rationale for the route chosen is summarised here and set out in more detail in the Explanatory Memorandum.
- 7.13 There is substantial public opinion that there is a need to ban the use of wild animals in travelling circuses in order to safeguard their welfare. In order to introduce a ban using delegated powers in the Animal Welfare Act 2006 Welsh Ministers would need to be satisfied there is compelling scientific evidence demonstrating the welfare of animals kept in travelling circuses is compromised. Based on the scientific evidence currently available, it cannot be conclusively proven the welfare of wild animals in circuses is better or worse than animals in similar situations. That is not to say there are no welfare issues, rather, there is insufficient directly relevant scientific evidence of those issues available.
- 7.14 However, there are wider ethical considerations that go beyond the question of whether the welfare of the animals is compromised. Veterinary bodies, the majority of the Welsh public, third sector organisations and Welsh Ministers consider the use of wild animals in travelling circuses to be ethically unacceptable and an outdated notion.
- 7.15 With the coming into force of the Wales Act 2017, Welsh Ministers have the power to introduce primary legislation to ban the use of wild animals in travelling circuses in Wales on ethical grounds.³⁷ This is the preferred option.
- 7.16 The Wild Animals and Circuses (Wales) Bill seeks to make it an offence for a wild animal to be used in a travelling circus. The Bill will not affect the use of domesticated animals in circuses, nor will it prevent wild animals being used for entertainment in other settings.
- 7.17 Banning the use of wild animals in travelling circuses will send a clear message that such forms of entertainment are considered morally wrong.

³⁷ Wales Act 2017 <<http://www.legislation.gov.uk/ukpga/2017/4/contents/enacted>>

8. Costs and benefits

Option 1: Business as usual – allow travelling circuses to continue to use wild animals.

8.1 This is the baseline option and as such there are no additional costs or benefits associated with this option.

Summary of the current licensing requirements (including fees) and inspection regimes for travelling circuses using wild animals which visit Wales

8.2 The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 require all operators of travelling circuses in England which use wild animals to be licensed.³⁸ License applications are made to the Animal and Plant Health Agency (APHA). On application, there is a fee of £389.36 to cover the administration of the application. There is also an additional inspection fee charged at £72.53 per hour, for the time spent carrying out an inspection, travelling to or from the site of inspection and associated administration.³⁹ After the first inspection, travelling circuses will have at least two further inspections during the 12 months for which a license is issued, charged at the same rate as the first inspection. One of these inspections will be unannounced. A full day inspection (eight hours) would cost £580.24 (in addition to the actual costs of travelling and accommodation, if required). Assuming three eight hour inspections (although not all inspections last a full day) the total cost of inspections, per year, plus the annual application fee is £1813.25 (not including the actual costs of travelling and accommodation, if required).

8.3 The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire on 19 January 2020. The UK Government does not intend to renew the Regulations but to ensure a legislative ban on the use of wild animals in travelling circuses is in place by the time the Regulations expire. The Wild Animals in Circuses (No.2) Bill, which will ban the use of wild animals in travelling circuses in England, was introduced on 30 April 2019. The Bill has a coming into force date of 20 January 2020. This means the licensing and inspection costs described above will no longer be borne by travelling circuses because they will not be permitted to use wild animals in England. Once a ban is introduced in England, if the Welsh Government does not do the same, Wales would be the only country in Great Britain where wild animals could still be used by travelling circuses. Travelling circuses based in

³⁸ Defra, Travelling circus with wild animals: get a licence

<<https://www.gov.uk/guidance/travelling-circus-with-wild-animals-get-a-licence>>

³⁹ Defra, Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012. Application for a licence to operate a travelling circus in England using wild animals, Application Form Guidance, December 2012

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69724/watc-form-guidance-20121206.pdf>

England could keep their wild animals, and whilst they could not use them in England, there is currently no way of preventing their use in Wales.

- 8.4 Since 1 October 2018, travelling circuses in England using domesticated animals must also be licensed under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.⁴⁰ These Regulations replaced and repealed the Performing Animals (Regulation) Act 1925⁴¹ in England. Local Authorities are the licensing authority for the 2018 Regulations and charge a licensing fee. A Defra Impact Assessment in December 2017 estimated the average cost of a licence under the 2018 Regulations would be £138.⁴² The actual cost varies between Local Authorities and the type of activity being licensed.
- 8.5 There is no licensing regime for circuses in Wales but a licensing scheme for MAEs is being developed. If there were any travelling circuses based in Wales they would need to register with their Local Authority in accordance with the requirements of The Performing Animals (Regulation) Act 1925. The majority, but not all Local Authorities, in Wales charge a fee for registration. For those that do charge, fees range from £21.00 to £283.41, with the average being £152.20.⁴³

Option 2: Introduce a licensing or registration scheme which would allow travelling circuses to continue to use wild animals, subject to certain conditions.

- 8.6 A licensing scheme for MAEs is being developed. Whilst the introduction of a licensing scheme for MAEs will ensure good welfare standards are maintained for animals kept by MAEs, including domesticated animals in circuses, it does not meet the policy objective which is to ban the use of wild animals in travelling circuses in Wales. This option is not being considered further.

Option 3: Ban the use of wild animals in travelling circuses.

- 8.7 There are no travelling circuses based in Wales but they do visit. The use of wild animals in circuses is increasingly viewed as an outdated notion and ethically unacceptable. The responses to the consultation on the Wild Animals in Travelling Circuses (Wales) Bill⁴⁴ and those to three previous Government consultations suggest overwhelming

⁴⁰ The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 <<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>>

⁴¹ Performing Animals (Regulation) Act 1925 <<http://www.legislation.gov.uk/ukpga/Geo5/15-16/38>>

⁴² Animal Activities Licensing Schemes, Impact Assessment, Defra 2017 <https://www.legislation.gov.uk/ukia/2018/71/pdfs/ukia_20180071_en.pdf>

⁴³ Figures quoted correct at 1 February 2019

⁴⁴ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill, Summary of Responses <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

support for a ban on the use of wild animals in travelling circuses.^{45 46}
⁴⁷

Impact on Travelling Circuses

8.8 The direct impact of banning the use of wild animals in travelling circuses would be expected to fall on the two England-based travelling circuses which currently use wild animals. It is difficult to isolate the impact on the two businesses of banning the use of wild animals in travelling circuses in Wales and, while we believe the impact will be limited, it has not been possible to monetise the cost. The cost is therefore unknown.

8.9 Circuses licenced under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 are required to submit tour itineraries detailing their locations at all times. According to tour itineraries provided to APHA, Circus Mondao has visited Wales every year since the Regulations came into force in January 2013. From 2013 to 2018 (inclusive), Circus Mondao visited between eight and 14 sites a year in Wales, across 16 unitary authority areas (see table 8.9), usually staying at each site for around a week, occasionally longer.

Table 8.9: Circus Mondao itinerary by unitary authority area from 2013 to 2018 (inclusive).

	Circus Mondao					
	2013	2014	2015	2016	2017	2018
Bridgend	-	X	X	X	X	-
Caerphilly	X	X	X	X	X	-
Carmarthenshire	-	-	-	X	-	X
Ceredigion	X*	X*	X	X*	-	X*
Conwy	-	X	X	X	X	X
Flintshire	X	-	-	-	-	-
Gwynedd	X*	X	X*	X*	X*	X**
Isle of Anglesey	X	X	-	-	-	-
Monmouthshire	X	X	X	-	-	-
Neath Port Talbot	X	X	X	X	-	-
Newport	X	-	-	-	-	-
Pembrokeshire	X*	X*	X*	X*	X	X*

⁴⁵ Welsh Government Consultations, Mobile Animal Exhibits <<https://beta.gov.wales/mobile-animal-exhibits>>

⁴⁶ The National Archives, Defra, Consultation on the use of Wild Animals in Circuses, March 2010 <<http://webarchive.nationalarchives.gov.uk/20101109175937/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/>>

⁴⁷ Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland?, Consultation Analysis, May 2015 <<https://www.gov.scot/Resource/0048/00480385.pdf>>

Powys	X	X	X	-	-	-
Swansea	-	-	-	X	X	-
Vale of Glamorgan	X	X	X	X	X	-
Wrexham	-	-	X	-	-	-
Total number of sites visited	14	13	13	13	8	9

*Two sites visited within the unitary authority area

**Three sites visited within the unitary authority area

8.10 Circus Mondao are touring Wales this year (2019). Visiting the Vale of Glamorgan, Caerphilly, Monmouthshire, Carmarthenshire and Pembrokeshire.

8.11 Peter Jolly's Circus visited in 2014 (three sites), 2016 (ten sites) and 2018 (five sites), across six unitary authority areas (see table 8.11), usually staying at each site between one and two weeks.

Table 8.11: Circus Mondao itinerary by unitary authority area from 2013 to 2018 (inclusive).

	Peter Jolly's Circus					
	2013	2014	2015	2016	2017	2018
Ceredigion	-	-	-	X	-	-
Denbighshire	-	X	-	X	-	X**
Flintshire	-	-	-	-	-	X
Gwynedd	-	-	-	X**	-	-
Powys	-	X	-	X***	-	X
Wrexham	-	X	-	X	-	-
Total number of sites visited		3		10		5

*Two sites visited within the unitary authority area

**Three sites visited within the unitary authority area

***Four sites visited within the unitary authority area

8.12 Both circuses are in Wales for a significant proportion of their touring year; Circus Mondao every year since the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 came into force, and Peter Jolly's Circus every other year. Wales would appear to be an important touring location for Circus Mondao in particular. However, Circus Mondao's tour itineraries do suggest a declining number of visits to Wales between 2013 and 2018. This might be due to the actions of Local Authorities (i.e. prohibiting circuses that use wild animals from performing on their land) or it might reflect changing consumer tastes. Despite a declining number of visits, Circus Mondao is not staying at each site for a longer period than previously, averaging six days in 2018, compared to nine in 2017, eight in 2016, seven in 2015, eight in 2014 and seven in 2013. Peter Jolly's Circus is also spending less time

at each site, staying, on average, five days in 2018, 10 in 2016 and 12 in 2014.

- 8.13 According to a Defra 2012 Impact Assessment, figures provided to Defra in 2007 estimated that approximately 320,000 people attended the four travelling circuses using wild animals in that year.⁴⁸ For 2010, attendances for the three remaining travelling circuses using wild animals were estimated to be 121,000 and for 2011, 153,000. In 2011, ticket prices varied from £7.50 to £20.
- 8.14 In their response to the consultation on the Wild Animals in Travelling Circuses (Wales) Bill, Circus Mondao claimed 16,000 and 20,000 people attended their circus when it visited Wales in 2017 and 2018 respectively. We do not have equivalent figures for Peter Jolly's Circus. In 2018, tickets advertised on the websites and/or social media accounts of the two circuses still using wild animals varied from £5 to £20. This suggests Circus Mondao's ticket revenue from touring in Wales was between £100,000 and £400,000 in 2018. However, it is not possible to determine what proportion of this revenue can be attributed solely to the use of wild animals or by how much, if at all, revenue will be reduced following a ban on the use of wild animals. This cost is therefore unknown.
- 8.15 The majority of travelling circuses do not use wild animals. According to the Association of Circuses Proprietors of Great Britain there are more than thirty circuses touring Great Britain every year.⁴⁹ In 2018, tickets advertised on the websites and/or social media accounts of fifteen of these circuses, some of which use domesticated animals, ranged from £7.15 to £33.20, with the average standard adult ticket price being just over £20. This suggests there is no 'premium' to be had from using wild animals and circuses are able to successfully operate without them. If a ban on the use of wild animals in travelling circuses is implemented, following a period of transition, the two circuses currently using wild animals should be able to continue to successfully tour in Wales but the impact on revenues is not known.
- 8.16 Despite overwhelming support for a ban on the use of wild animals in travelling circuses, it cannot be ignored that some people may attend circuses specifically to see animals, including wild animals, perform. This was the view of some respondents to the consultation. With no performing wild animals or wild animals on display, it is possible that travelling circuses could lose their appeal to some people and fewer people will attend. Conversely, it is possible that the absence of wild animals in travelling circuses will improve the public perception of the industry and contribute to increased popularity, over time. It is also possible that more Local Authorities would allow travelling circuses that do not use wild animals to use Local Authority land. It is not possible to

⁴⁸ Defra, Ending the use of wild animals in travelling circuses, Impact Assessment (2012) <http://www.legislation.gov.uk/ukia/2012/41/pdfs/ukia_20120041_en.pdf>

⁴⁹ Association of Circuses Proprietors of Great Britain <<http://www.circusgb.com/index.html>>

know which scenario will materialize, and there may be no impact whatsoever, but a number of respondents to the consultation suggest the latter, positive outcome for travelling circuses. The cost of any impact is not known.

- 8.17 Under the proposals, travelling circuses would not be required to give up ownership of their wild animals but they would not be permitted to use them in Wales. Travelling circuses may elect to retain ownership of their wild animals and house them at a permanent base. Therefore, there will not necessarily be a reduction in the costs incurred by the circuses for caring for the animals, but there may be in terms of regular transportation, training and, if no longer required, associated specialist equipment. Each travelling circus maintains a “stock list” of its wild animals. This is a requirement of The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012. Wild animals included on the stock lists are exempt from the requirements of the Dangerous Wild Animals Act 1976⁵⁰, under which a licence is required to keep certain wild animals. Any travelling circus choosing to retain its wild animals may require a licence under the 1976 Act to do so. Local Authorities are the licensing authority under the 1976 Act and charge a licensing fee (fees vary).
- 8.18 Where a circus did choose to give up ownership, any reduction in the costs incurred by the circus would be expected to be broadly matched by an equivalent increase in costs to the new owners, less the costs associated with regular transportation, training and, if not required, associated specialist equipment. Depending on the species and intended use there may be certain licensing requirements the new owners would be required to adhere to.
- 8.19 Any decision by travelling circuses on the future of their wild animals is likely to be influenced by the UK Government’s delivery of its commitment to ban their use. The two travelling circuses using wild animals may choose to retain their animals if the practice remains lawful in England, however, this is unlikely with the introduction of the Wild Animals in Circuses (No.2) on 30 April 2019.
- 8.20 In 2009 Defra undertook an Impact Assessment on the regulation of wild animal acts in travelling circuses.⁵¹ The Impact Assessment considered in detail the costs of re-homing circus animals, including one-off costs of re-homing and subsequent care of re-homed animals, for the 39 wild animals being used by four circuses in the United Kingdom at the time. Crucially, the Impact Assessment only considered the cost to welfare organisations of rehoming the animals and not the

⁵⁰ Dangerous Wild Animals Act 1976 <<https://www.legislation.gov.uk/ukpga/1976/38>>

⁵¹ The National Archives, Defra, Impact Assessment on the regulation of wild animal acts in travelling circuses, December 2009
<<http://webarchive.nationalarchives.gov.uk/20100713153701/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/impact-assessment.pdf>>

movement or sale of those animals to another business which could go on to profit from owning them e.g. a zoo or a trainer providing animals for the television/film industry, or another type of Mobile Animal Exhibit. It was the view of the welfare organisations consulted at the time that homes could be found for all the animals within the UK, Europe and further afield. According to the 2009 Impact Assessment, the wild animals kept by circuses included big cats (13) elephants (2) and crocodiles (2). These are species with very specific requirements; suitable facilities and a considerable degree of expertise and knowledge is required to care for them. None of these species are currently kept by the two travelling circuses using wild animals (species kept include zebra, camel, zebu - a type of cattle, reindeer, raccoon, fox and macaw, in addition to domesticated species) and it is reasonable to assume that if either decided, as a result of a ban being introduced in Wales, to re-home their animals, they could do so with relative ease.

- 8.21 In the event of re-homing animals, there would be a cost saving for circuses that no longer had the cost of caring for those wild animals. It is however possible there would be job losses within the circus industry. Likewise, circuses may have the cost of removing infrastructure that is no longer necessary. It is not possible to calculate the potential costs to travelling circuses if a ban was to come into force because of a lack of data. No financial information was forthcoming during the consultation. These costs (or cost-savings) are therefore unknown.

Impact on Local Economy

- 8:22 Travelling circuses will spend in local communities. Little is known of the amounts involved, but presumably they will pay ground rental, purchase animal feed or bedding locally (if not brought with them) and any veterinary care required. Other potential spending could include local advertising and the hiring of casual labour. Any local spend by travelling circuses which relates specifically to their wild animals would be lost going forward. Costs are difficult to quantify, with no information forthcoming during the consultation exercise, but any impact on local economies is likely to be diminishing given the travelling circuses which use wild animals are spending less time in Wales.
- 8:23 Types of spending by members of the public attending circuses include spending to attend the event e.g. tickets, parking; spending on merchandise and food/drink whilst at the event; and, spending on other consumables, before and after the event e.g. transport costs and food/drink. However, there is likely to be a high degree of displacement associated with this expenditure. The majority of people attending circuses are likely to be local families who, if not attending the circus, would be expected to engage in an alternative leisure activity in the local area, incurring the costs associated with that activity instead. Therefore, it cannot be said that a reduction in spend on attending

circuses would necessarily represent a loss to the local economy. It is not possible to calculate the potential costs to the local economy, and the costs are therefore unknown.

Film and Television Industry

- 8.24 The Producers Alliance for Cinema and Television (Pact) submitted a response to the consultation on the Wild Animals in Travelling Circuses (Wales) Bill. Pact is the trade association that represents the commercial interests of the independent television, film, digital and children's and animation production sector in the UK. According to their consultation response, Pact has around 500 members across the UK, with around 20 companies based in Wales. Pact members make programmes for a range of broadcasters in the UK and internationally, including for BBC, BBC Cymru Wales, Channel 4 and S4C in both the English and Welsh languages. According to Pact, the UK independent television sector is one of the biggest in the world with revenues growing from £1.3 billion in 2005 to around £2.7 billion in 2017.
- 8:25 Pact recognises the ethical and welfare concerns around the use of wild animals in travelling circuses, and the proposed ethical aims of the Wild Animals in Travelling Circuses (Wales) Bill. However, they are concerned that a ban on the use of wild animals in travelling circuses may have unintended consequences for the television and film industry. Concerns relate to how the Bill may be interpreted to capture the television and film industry and to the sourcing of suitable animals.
- 8.26 With regards to interpretation, Pact raised similar concerns with the Scottish Government about the definitions of "wild animal" and "travelling circus" in the Wild Animals in Travelling Circuses (Scotland) Act. Guidance to that Act, published in May 2018, contains examples of types of undertakings, acts, entertainment or similar things which would generally not be considered to fall within the ordinary meaning of travelling circus: Included are animals used for television, film or advertisements, from pre-production to post-production.⁵² It is not the Welsh Government's intention for the television and film industry to be captured by this legislation and a similar provision can be included in guidance to the Wild Animals and Circuses (Wales) Bill, should it become law.
- 8.27 Pact's second concern relates to the sourcing of suitably trained animals. They suggest if the use of wild animals in travelling circuses is banned some animals may have to be sourced from circuses abroad. Alternatively, post-production visual effects would need to be used or companies may take productions abroad.

⁵² Scottish Government, Guidance on the Wild Animals in Travelling Circuses (Scotland) Act 2018, May 2018 <<https://www.gov.scot/publications/guidance-wild-animals-travelling-circuses-scotland-act-2018/>>

- 8.28 The Welsh Government believes any impact will be minimal given that wild animals are used in a minority of productions and there are just two British-based circuses keeping a limited variety of species. It is probable that suitable animals are already being sourced from elsewhere.
- 8.29 In response to no financial data being provided by respondents to a 2014 consultation on banning the use of wild animals in travelling circuses⁵³, the Scottish Government consulted again with some respondents, specifically asking certain financial questions. The Scottish Government asked if they consider that a ban on wild animals in travelling circuses could have an impact on other industries and, if so, which industries, and what would be the effect and why? The industries considered were film, TV Drama, TV documentaries, Kids TV, TV advertising, other advertising, and other industries. In all cases the majority of respondents thought that there would either be a positive impact or no impact. However, a few respondents felt there would be damage to the UK film and TV industries by the removal of a ready supply of trained wild animals. The Scottish Government considered that the use of wild animals in films is ethically sound enough to be unaffected by repercussions of a ban on wild animals in travelling circuses.⁵⁴ The Welsh Government shares this view. Our best estimate of the impact of the Bill on the Film and Television industry is therefore £zero.

Impact on Local Authorities

- 8.30 Travelling circuses licensed in England under The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 are inspected regularly by APHA. As they are not the licensing authority, Local Authorities in Wales are not required to routinely inspect visiting travelling circuses. Despite this, some do choose to routinely inspect. Local Authorities also have a statutory obligation to investigate any reports of potential animal welfare issues or other concerns.
- 8.31 To understand what impact visiting travelling circuses using wild animals have on Local Authorities, and how that may change if the use of wild animals is banned, Local Authorities were contacted and asked to respond to the consultation. Two Local Authorities responded. Three others which had travelling circuses visit their administrative area in the last two years (2017 and 2018) were contacted directly to discuss impacts.

⁵³ Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland - Consultation Analysis, May 2015
<<https://www2.gov.scot/Resource/0048/00480385.pdf>>

⁵⁴ Scottish Government, Business and Regulatory Impact Assessment - Wild Animals in Travelling Circuses (Scotland) Bill, 2014
<<https://www.gov.scot/publications/business-regulatory-impact-assessment-bria-wild-animals-travelling-circuses-scotland/>>

- 8.32 Some Local Authorities reported increases in correspondence from the public, including requests for information under the Freedom of Information (Fol) legislation, when travelling circuses visit. Responding to correspondence is time consuming and time spent responding would be expected to reduce if the use of wild animals is banned. The Local Authorities which reported an increase in correspondence were unable to assign a cost to the time spent working on responses. This cost-saving is therefore unknown.
- 8.33 A ban on the use of wild animals in travelling circuses will have minimal impact on inspections already carried out by Local Authorities. Those Local Authorities which routinely inspect travelling circuses indicated they would continue to do so as part of other existing circus-related activities, for example the functions of Local Authorities under the Animal Welfare Act 2006, the Performing Animals (Regulations) Act 1925 or their functions relating to public entertainment licencing. Local Authorities also check compliance with the movement rules for some domesticated species⁵⁵ and they may have a role in the licensing scheme being developed for Mobile Animal Exhibits. Two Local Authorities provided costs for staff time undertaking inspections of £45-£53 an hour (not including travel costs). Should a veterinary surgeon be required to attend, the costs varied from £400-£650 per day. However, there are not expected to be any additional inspection costs as a result of the Bill.
- 8.34 Where Local Authorities reported they had undertaken inspections following reports of potential welfare issues, in both wild and domesticated animals, no welfare issues were found.
- 8.35 Any breach of the proposed ban will be relatively easy to detect as part of an inspection. Breaches of the provisions in the Bill, either by contravening the ban or by intentionally obstructing an inspector in exercising their duty, are anticipated to be rare. The best estimate of the cost for investigating breaches is therefore £zero.
- 8.36 Although the purpose of the Bill is to ban the use of wild animals in travelling circuses, circuses may still keep wild animals provided they are not used in performances or exhibited as part of the travelling circus. The Bill makes changes to the licensing regime for circuses by removing the exemptions circuses currently have from the licensing requirements of the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981 (see paragraphs 3.50 and 3.51 of the Explanatory Memorandum). Any circus, be it travelling or static, keeping but not using a dangerous wild animal will require a licence under the 1976 Act, unless it is alternatively caught by provisions of the 1981 Act. Local Authorities are the licensing authorities under both Acts and charge a licensing fee. Fees vary and both Acts provide for Local Authorities to

⁵⁵ Welsh Government, Animal Movements and Registration <<https://beta.gov.wales/animal-movements-registration>>

charge a fee sufficient to cover the amount of expenditure incurred as a result of an application. Neither of the two travelling circuses using wild animals are based in Wales and it is not possible to know if a circus, be it travelling or static, requiring either type of licence will establish in Wales in the future. We have been provided with no information to suggest this is the intention of either of the two travelling circuses. The best estimate of the cost to Local Authorities from the amendments to the legislation relating to the licensing of circuses is therefore £zero.

Impact on Police Forces

- 8.37 Wales' four police forces were asked what impact travelling circuses have had on their resources from 2013-2018 (inclusive) i.e. since The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 came into force in 2013.
- 8.38 Gwent Police are aware of only one incident of protests at a travelling circus. Between 9 and 13 May 2018, Circus Mondao was based at Chepstow Racecourse, Chepstow and between five and fifteen people held daily protests. These were described as generally peaceful in nature with placards being displayed and protestors attempting to engage visitors to the circus on their arrival/departure. Gwent Police reported there was no specific police response other than officers attending whilst patrolling the area (but not dedicated to police the protest) and thus have not provided any costs as that formed part of their general duty.
- 8.39 Dyfed Powys Police were unaware of any protests in the force area. With regards to potential costs, Dyfed Powys Police reported it is difficult to put a cost on any potential protest as the number and activities of attendees would dictate the policing response. Both North Wales Police and South Wales Police reported no costs incurred and no impact on them from the presence of travelling circuses within their force areas.
- 8.40 Banning the use of wild animals in travelling circuses is unlikely to lead to any perceptible additional costs to Police Forces in Wales. The best estimate of the impact on Police Forces in Wales is therefore £zero.

Impact on the Justice System

- 8.41 The Wild Animals and Circuses (Wales) Bill will create a new offence. A person who is a circus operator will commit an offence if they use, or cause or permit another person to use, a wild animal in a travelling circus. A person guilty of an offence is liable on summary conviction to an unlimited fine.
- 8.42 Anticipated impacts on the criminal justice system have been considered by the Ministry of Justice (MoJ). The MoJ envisages there

would be minimal or nil impact on the justice system. The best estimate of the impact on the Justice System is therefore £zero.

Impact on Welsh Government

- 8.43 Sections of the Welsh public and a number of third sector organisations have been lobbying for this practice to be banned and the Welsh Government has, for a number of years, received regular correspondence to that effect. Welsh Government officials responded to 39 letters/emails on this subject in 2016, 22 in 2017 and 13 in 2018. Lesley Griffiths AM, then Cabinet Secretary for Energy, Planning and Rural Affairs, consulted on Mobile Animal Exhibits (MAE) in 2017 and announced her intention to explore opportunities to bring forward legislation to ban the use of wild animals in circuses in Wales in February 2018⁵⁶, going on to consult on the Wild Animals in Travelling Circuses (Wales) Bill later that year. The reduction in correspondence received on this subject, from 2016 to 2018, could be attributed to these factors, with members of the public and third sector organisations choosing to respond to the consultations instead. There were 962 responses to the MAE consultation, 892 of which only answered the question on banning the use of wild animals in circuses and there were 6,546 responses to the consultation on the Wild Animals in Travelling Circuses (Wales) Bill. Responding to correspondence can be time consuming with each response, on average, taking half a day of an Executive Officer (EO) or Higher Executive Officer's (HEO) time, at a daily rate of £135 or £175 respectively. Assuming a 50/50 split between EO and HEO, responding to correspondence on this subject has cost the Welsh Government £1,900 a year for the last three years (2016-2018 inclusive). Correspondence on this subject is expected to reduce significantly if the use of wild animals in travelling circuses is banned. An increase in correspondence from those opposing a ban, or from those calling for a ban to be extended to domesticated species, cannot be ruled out, however this is unlikely to be anywhere near the same scale. The costs associated with this are therefore unknown.
- 8.44 There will be a small implementation cost to the Welsh Government in developing guidance on the Wild Animals and Circuses (Wales) Bill. The development of guidance, based on an estimate of 5,000 words, including engaging stakeholders to ensure it is fit for purpose, is anticipated to take approximately four weeks over a period of three months of a Higher Executive Officer's time, equating to £3,500. The guidance will be available in English and Welsh. Translation and design would take up to two weeks to complete. Translation would take approximately a week of a Higher Executive Officer's time, equating to £900. Design would require approximately a week of an Executive Officer's time, which would equate to £700. Guidance would be published on the Welsh Government website and shared electronically

⁵⁶ Welsh Government, Written Statement - Mobile Animal Exhibits
<<https://beta.gov.wales/written-statement-mobile-animal-exhibits>>

with Local Authorities. There would be no printing and distribution costs. All costs associated with producing guidance would be incurred in 2020-21. The total cost for preparing guidance would be approximately £5,100.

- 8.45 Costs to communicate a ban on the use of wild animals in travelling circuses will also fall to Welsh Government. This will include publicising the change to the businesses affected, for example via direct mail, issuing Press Notices and the use of Welsh Government social media accounts. This is expected to take, at the most, the equivalent of a week of a Higher Executive Officer's time, equating to £900.
- 8.46 The analysis presented in this RIA is based on the current, widely accepted definitions for "wild animals" and "travelling circuses". As explained in the Explanatory Memorandum, the Bill provides Welsh Ministers with powers to amend these definitions through subordinate legislation if future evidence emerges to support/necessitate a change. There are no plans to use these powers immediately. At this stage, the best estimate of the costs associated with the subordinate legislation is therefore zero. Any future subordinate legislation which amends the definition of "wild animals" and/or "travelling circuses" will be accompanied by an RIA.

Benefits

- 8.47 The way we treat animals is an important reflection of the values of our society. There is a strong body of opinion that the welfare needs of wild animals in travelling circuses cannot be met. The review by Professor Stephen Harris *et al* (the 'Harris Review') concluded the welfare needs of wild animals in travelling environments cannot be satisfied to the same extent as within static environments and that a life for wild animals in travelling circuses "*does not appear to constitute either a 'good life' or a 'life worth living'.*"⁵⁷
- 8.48 There is a lack of conclusive evidence that welfare is compromised to a greater extent in travelling circuses than in any other 'artificial' environment and, given the relatively small number of animals involved, it is doubted that the results of any further research would be sufficiently meaningful and robust to better inform the debate. However, there are wider ethical considerations that go beyond the question of whether the welfare of the animals is compromised. Veterinary bodies, certain third sector organisations, Welsh Ministers and an overwhelming majority of the Welsh public who responded to the consultation consider the use of wild animals in travelling circuses to be ethically unacceptable and an outdated notion. Petitions calling for a

⁵⁷ Harris *et al*. (April 2016). *The Welfare of Wild Animals in Travelling Circuses* <<https://beta.gov.wales/welfare-wild-animals-travelling-circuses>>

ban have twice been considered by the National Assembly for Wales' Petitions Committee.^{58 59}

- 8.49 In 2017 the Welsh Government consulted on the introduction of a licensing or registration scheme for Mobile Animal Exhibits. The consultation also asked for views on banning the use of wild animals in travelling circuses. There was overwhelming support from respondents for a ban. The responses to the consultation echoed those submitted to previous consultations on this subject by the UK and Scottish Governments respectively. In 2018 the Welsh Government consulted on the draft Wild Animals in Travelling Circuses (Wales) Bill. Again, there was overwhelming support for a ban: Ninety-seven percent of respondents support the proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus (see section 4 of the Explanatory Memorandum).
- 8.50 It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks. It is clear from the responses to the consultation that most people agree animals should not be objectified or perceived as commodities for our entertainment, but rather as sentient beings with their own unique sets of needs.
- 8.51 The Welsh Government is concerned about the impact seeing wild animals perform in travelling circuses, purely for entertainment, has on the attitudes of people towards animals. Banning the use of wild animals in circuses will contribute to encouraging respectful and responsible attitudes, particularly the developing attitudes of children and young people, towards all species. Ninety-seven percent of respondents to the consultation agree banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals.
- 8.52 With the coming into force of the Wales Act 2017, Welsh Ministers have the power to introduce primary legislation to ban the use of wild animals in travelling circuses on ethical grounds. The Republic of Ireland and Scotland implemented bans in 2018 and the UK Government has introduced legislation with the intention of banning the use of wild animals in travelling circuses in England when The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire in January 2020. If there were no equivalent ban in Wales, Wales would be the only country in Great Britain where wild animals could still be used by travelling circuses; they could continue to visit or even relocate to Wales.
- 8.53 Banning the use of wild animals will contribute to an improved perception of travelling circuses. Those members of the public opposed to the practice would, with confidence, be able to attend travelling

⁵⁸ NAW, P-04-653 Ban the Use of Wild Animals in Circuses in Wales

<<http://www.senedd.assembly.wales/mglssueHistoryHome.aspx?Id=13740&Opt=0>>

⁵⁹ NAW, Plenary (7 March 2018) <<http://record.assembly.wales/Plenary/4911>>

circuses, safe in the knowledge that they will not be using wild animals. Local communities could enjoy visiting travelling circuses without being concerned about issues such as local protests and the potential need for police intervention.

9. Impact Assessments

What action is the Welsh Government considering and why?

- 9.1 The use of wild animals in travelling circuses generates strongly held opinions. There are no circuses using wild animals based in Wales, but they do visit, and each time they do there are renewed calls to ban the practice. Concerns not only focus on the perceived animal welfare issues, but also on whether it is ethically acceptable to make wild animals travel, live in temporary accommodation and perform for our entertainment.
- 9.2 With the coming into force of the Wales Act 2017, Welsh Ministers have the power to introduce primary legislation to ban the use of wild animals in travelling circuses in Wales on ethical grounds. The Wild Animals and Circuses (Wales) Bill makes it an offence for a wild animal to be used in a travelling circus. A wild animal is used if the animal performs or is exhibited. The use of domesticated animals in circuses will not be affected.

How the five ways of working in the Well-being of Future Generations (Wales) Act 2015 are being applied:

Long-term

- 9.3 The number of travelling circuses using wild animals and the number of wild animals in those travelling circuses has greatly declined in recent years. According to Animal Defenders International, in 1997, there were 124 'exotic' animals touring with UK circuses, including a rhinoceros, 16 elephants, 15 lions and 16 tigers⁶⁰ in 20 circuses⁶¹. According to a Defra 2012 Impact Assessment there were 40 wild animals in three travelling circuses in the UK that year.⁶²
- 9.4 There are now just two circuses touring with wild animals. Both are based in England but regularly visit Wales; they both visited in 2018. They are licensed under The Welfare of Wild Animals in Travelling

⁶⁰ Animal Defenders International (2006). *Animal in Travelling Circuses: The Science on Suffering* <http://www.stopcircussuffering.com/wp-content/uploads/2014/08/UK-Science-on-Suffering-low_020311.pdf>

⁶¹ Animal Defenders International (2004). *Animal Circuses and the Animal Welfare Bill* <<http://www.stopcircussuffering.com/wp-content/uploads/2014/08/circusesawblowres.pdf>>

⁶² Defra, Ending the use of wild animals in travelling circuses, Impact Assessment (2012) http://www.legislation.gov.uk/ukia/2012/41/pdfs/ukia_20120041_en.pdf>

Circuses (England) Regulations 2012.⁶³ The Regulations require operators of travelling circuses in England, which use wild animals, to satisfy a number of conditions relating to animal welfare standards and record-keeping. According to a Defra Post-Implementation Review of the Regulations, the two circuses have contained a total of between 16 and 28 wild animals at any one time since the Regulations came into force in 2013.⁶⁴ Species kept include zebra, camel, zebu (a type of cattle), reindeer, raccoon, fox and macaw, in addition to domesticated species.

- 9.5 The majority of travelling circuses do not use wild animals. According to the Association of Circus Proprietors of Great Britain there are more than thirty circuses touring Great Britain every year.⁶⁵ Travelling circuses have toured Great Britain for over two hundred years and will continue to be welcome in Wales, provided they do not use wild animals.

Prevention

- 9.6 Banning the use of wild animals in travelling circuses will send a clear message that the people of Wales consider this form of entertainment to be morally wrong. The way we treat animals is an important reflection of the values of our society. It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks. Animals should not be objectified or perceived as commodities for our entertainment, rather as sentient beings with their own unique sets of needs.
- 9.7 Petitions calling for a ban have twice been considered by the National Assembly for Wales' Petitions Committee with one being debated in Plenary.^{66 67}

Integration

- 9.8 One of the strategic outcomes within the Wales Animal Health and Welfare Framework Implementation Plan is "*animals in Wales have a good quality of life*".⁶⁸ It could be argued wild animals in travelling circuses, given the environment in which they are placed, cannot have

⁶³ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 <<https://www.legislation.gov.uk/ukdsi/2012/9780111527832/contents>>

⁶⁴ Defra, The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012: Post Implementation Review 2018, January 2018 <<https://www.gov.uk/government/publications/the-welfare-of-wild-animals-in-travelling-circuses-england-regulations-2012-post-implementation-review>>

⁶⁵ Association of Circuses Proprietors of Great Britain <<http://www.circusgb.com/index.html>>

⁶⁶ NAW, P-04-653 Ban the Use of Wild Animals in Circuses in Wales <<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=13740&Opt=0>>

⁶⁷ NAW, Plenary (7 March 2018) <<http://record.assembly.wales/Plenary/4911>>

⁶⁸ Welsh Government, Wales Animal Health and Welfare Framework Implementation Plan <<https://beta.gov.wales/sites/default/files/publications/2018-01/animal-health-and-welfare-framework-implementation-plan-2017-to-2018.pdf>>

a good quality of life, or at least not a life that is any way in keeping with that lived by free-living members of their species.

- 9.9 The Welsh Government is concerned about the impact seeing wild animals perform in travelling circuses, purely for entertainment, has on the attitudes of people towards animals. Banning the use of wild animals in circuses will contribute to encouraging respectful and responsible attitudes, particularly the developing attitudes of children and young people, towards all species. This is in keeping with the Welsh Government's commitment to maximising our contribution to the well-being goals, in particular achieving a 'globally responsible', 'healthy' and 'resilient' Wales.
- 9.10 A ban will also contribute to an improved perception of travelling circuses. The public would, with confidence, be able to attend travelling circuses, safe in the knowledge that they will not be using wild animals. Local communities could enjoy visiting travelling circuses without being concerned about issues such as local protests.

Collaboration

- 9.11 There is a considerable degree of public, third sector and political interest in banning the use of wild animals in travelling circuses. According to PETA UK, in July 2017 eight European Union Member States had banned the use of wild animals in circuses.⁶⁹ The Republic of Ireland and Scotland implemented bans in 2018 and the UK Government has introduced legislation with the intention of banning the use of wild animals in travelling circuses in England when The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire in January 2020. A number of other countries have banned the use of certain species and there are many where local and regional restrictions apply. In Wales, some Local Authorities prohibit circuses that use wild animals from performing on Local Authority land.
- 9.12 The Bill, should it become law, will be enforced by Local Authorities and the impact on Local Authorities is considered in the Regulatory Impact Assessment. Impacts are expected to be minimal, particularly as the UK Government intends to ban the use of wild animals in travelling circuses in England in January 2020. Travelling circuses would be unable, legally, to use wild animals anywhere in Great Britain. Breaches of a ban are anticipated to be rare and would be relatively easy to detect.

Involvement

- 9.13 In 2017 the Welsh Government consulted on the introduction of a licensing or registration scheme for Mobile Animal Exhibits, including

⁶⁹ PETA UK <<https://www.peta.org.uk/blog/these-17-countries-banned-wild-animal-circuses/>>

circuses.⁷⁰ The consultation also asked for views on banning the use of wild animals in travelling circuses. There was overwhelming support from respondents for a ban and the Cabinet Secretary for Energy, Planning and Rural Affairs (now Minister for Environment, Energy and Rural Affairs), Lesley Griffiths AM, committed to exploring opportunities to bring forward legislation to ban the use of wild animals in travelling circuses. The responses to the consultation echoed those submitted to previous consultations on this subject by the United Kingdom and Scottish Governments respectively.^{71 72}

- 9.14 An eight week public consultation on the draft Wild Animals in Travelling Circuses (Wales) Bill was published on 1 October 2018.⁷³ Respondents were asked fourteen questions relating to the general policy, the impact on children and young people, economic impacts, the provisions of the draft Bill and impacts on the Welsh language. The consultation did not seek views on whether the use of all animals in circuses should be banned, or whether the use of animals in any other form of entertainment should be banned. There were 6,546 responses to the consultation. Responses were received from the general public, third sector organisations, the British Veterinary Association (including the British Veterinary Zoological Society), the circus industry and enforcement bodies.
- 9.15 Four-thousand five-hundred and seventy-six responses were received via email, 1,961 via the online response form and there were nine postal submissions. Four thousand and nineteen of the email responses were identical and only answered the first two questions. They were sent as part of a campaign by the Born Free organisation. All responses were analysed and a summary of the responses was published in January 2019.⁷⁴
- 9.16 The key findings from the consultation were:
- Ninety-seven percent of respondents support our proposal to introduce legislation that would make it an offence for a wild animal to be used in a travelling circus.

⁷⁰ Welsh Government Consultations, Mobile Animal Exhibits <<https://beta.gov.wales/mobile-animal-exhibits>>

⁷¹ The National Archives, Defra, Consultation on the use of Wild Animals in Circuses, March 2010 <<http://webarchive.nationalarchives.gov.uk/20101109175937/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/>>

⁷² Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland?, Consultation Analysis, May 2015 <<https://www.gov.scot/Resource/0048/00480385.pdf>>

⁷³ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

⁷⁴ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill, Summary of Responses <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

- Ninety-seven percent of respondents agree banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals.
- Sixty percent of respondents are of the view that a ban would have an impact on the circus industry; the majority considered this to be a positive impact.
- Eighty-eight percent of respondents agree with the proposed offence as set out in the draft Bill and ninety percent agree the offence should apply to the travelling circus operator, even if the operator may not be the person using the wild animal.
- Ninety percent of respondents agree with the proposed definition of “operator”. Eighty-three percent agree with the definition of “wild animal”. And, 91% agree with the definition of “travelling circus”.
- Fifty-seven percent of respondents agree Welsh Ministers should have powers to make regulations to specify kinds of animal that are, or are not, to be regarded as wild. Seventy-eight percent agree Welsh Ministers should have powers to make regulations to specify types of undertaking, act, entertainment or similar which is to be regarded as a travelling circus.
- Seventy-eight percent of respondents agree with the enforcement provisions detailed in the Schedule.
- Almost all respondents believe banning the use of wild animals in travelling circuses would have neither a positive or negative effect on the Welsh language.
- Respondents are concerned about what will happen to the wild animals currently used by travelling circuses should a ban be implemented. Many are of the opinion they should be rehomed/retired to sanctuaries.

Children’s Rights Impact Assessment

- 9.17 A Children’s Rights Impact Assessment has been completed. The Welsh Government formally adopted the United Nations Convention on the Rights of the Child (UNCRC) in 2004 and our work is based on delivering the core aims of the UNCRC.⁷⁵
- 9.18 Ninety-seven percent of respondents to the public consultation agree that banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. In addition to the public consultation, Children in Wales, the national umbrella body for organisations and individuals who work with children, young people and their families in Wales, ran a supplementary survey on its website. The overwhelming majority of people who completed the survey think that banning circuses from

⁷⁵ Welsh Government, Children and young people <<https://gov.wales/topics/people-and-communities/people/children-and-young-people/?lang=en>>

using wild animals will have a good impact on the attitudes of young people towards animals.

Equality Impact Assessment

- 9.19 An Equality Impact Assessment has been completed. Banning the use of wild animals in travelling circuses would be expected to impact equally on all affected people. The Welsh Government considers any impact on the wider community will be positive, and that impact will not be specific to any one protected characteristic or protected group, but to broader society.

Welsh Language Impact Assessment

- 9.20 A Welsh Language Impact Assessment has been completed. The public consultation we have undertaken suggests there would be little impact, positively or negatively, on the Welsh language if the use of wild animals in travelling circuses is banned.

Justice System Impact Identification

- 9.21 Impacts on the Justice System have been considered. The Wild Animals and Circuses (Wales) Bill will create a new offence. A person who is a circus operator will commit an offence if they use, or cause or permit another person to use, a wild animal in a travelling circus. A person guilty of an offence is liable on summary conviction to an unlimited fine. Anticipated impacts on the criminal justice system have been considered by the Ministry of Justice (MoJ). The MoJ envisages there would be minimal or nil impact on the justice system.

Biodiversity Impact Assessment

- 9.22 A Biodiversity Impact Assessment has been completed. Some of the species kept by travelling circuses are classified by the International Union for Conservation of Nature (IUCN) Red List of Threatened Species as being vulnerable, near threatened or endangered.⁷⁶ It is likely that all the wild animals kept by travelling circuses in the United Kingdom were born in captivity. A ban on the use of wild animals in travelling circuses in Wales is unlikely to have any direct impact on the trade in these species or in the survival of these species in their natural environment.
- 9.23 The Welsh Government is concerned about the impact seeing wild animals perform in travelling circuses, purely for entertainment, has on the attitudes of people towards animals. By banning the use of wild animals in circuses the Welsh Government hopes to contribute to encouraging respectful and responsible attitudes, particularly the

⁷⁶ The International Union for Conservation of Nature's Red List of Threatened Species <<https://www.iucnredlist.org/>>

developing attitudes of children and young people, towards all species. This in turn may lead to an improved understanding of the importance of biodiversity.

Competition Assessment

9.24 A Competition Assessment has been undertaken to assess the potential impact of banning the use of wild animals in travelling circuses on competition in Wales. This policy is not expected to have a significant detrimental effect on competition within the travelling circus industry. The policy does not discriminate between travelling circuses, applying equally to all. The results of a filter test (consisting of nine yes/no questions) which support this conclusion are below, followed by evidence to support the answers.

Table 9.24: Filter test for banning the use of wild animals in travelling circuses on competition in Wales.

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	Yes
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	Yes
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	Yes
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

9.25 Banning the use of wild animals in travelling circuses would increase the number of travelling circuses not using wild animals. Whilst this ought to increase competition between travelling circuses, the reality may be different. Travelling circuses tend to act like monopolies in that there is normally only one available to consumers in any given area at any one time. According to their touring itineraries, the two travelling

circuses which visit Wales are to some degree loyal to the same locations, either annually (Circus Mondao) or biennially (Peter Jolly's Circus), although there is some variation from year to year. Whilst it would appear that they avoid visiting the same areas, attending one travelling circus does not preclude the public from attending others. All circuses are different and each will have their own unique selling points.

- 9.26 Following a period of transition, both travelling circuses should be able to continue to successfully tour in Wales without their wild animals. The small and declining number, and diversity, of wild animals kept by travelling circuses suggests their presence is not a major factor in determining the popularity of a travelling circus.
- 9.27 The costs of adhering to the ban will affect the two travelling circuses which currently use wild animals, but not those which do not, or new entrants. There may be an increase in costs to circuses that use wild animals, in the short term at least, but the degree to which they will be affected will depend on a number of factors and there may be cost savings (see paragraphs 8.8 to 8.21).
- 9.28 The incentives of complying with the ban will outweigh the incentives for non-compliance. An offence would be committed by the person who is the operator of the travelling circus if they use, or cause or permit another person to use a wild animal in the travelling circus. A person guilty of such an offence is liable on summary conviction to a fine.
- 9.29 It is clear from their responses to the consultation that those involved in the industry are concerned about the impact a ban will have. It would change one element of a way of life that has existed for over 200 hundred years and there is no question it will influence the characteristics of some travelling circuses. However, this is justified to meet the policy objective and there was overwhelming support from respondents to the consultation for a ban. Consumers would, with confidence, be able to attend travelling circuses safe in the knowledge that they will not be using wild animals.

Conclusion

How have people most likely to be affected by the proposal been involved in developing it?

- 9.30 An eight week public consultation on the draft Wild Animals in Travelling Circuses (Wales) Bill was published on 1 October 2018. Respondents were asked fourteen questions relating to the general policy, the impact on children and young people, economic impacts, the provisions of the draft Bill and impacts on the Welsh language. The consultation did not seek views on whether the use of all animals in circuses should be banned, or whether the use of animals in any other form of entertainment should be banned. There were 6,546 responses

to the consultation. Responses were received from the general public, third sector organisations, the British Veterinary Association (including the British Veterinary Zoological Society), the circus industry and enforcement bodies.

- 9.31 All comments on, and responses to, the consultation have been analysed. A summary of the responses was published in January 2019.

What are the most significant impacts, positive and negative?

- 9.32 The Welsh Government is concerned about the impact seeing wild animals perform in travelling circuses, purely for entertainment, has on the attitudes of people towards animals. Banning the use of wild animals in travelling circuses will contribute to encouraging respectful and responsible attitudes, particularly the developing attitudes of children and young people, towards all species. This is a key priority for the Welsh Government and is a key feature of the Wales Animal Health and Welfare Framework Implementation Plan.
- 9.33 It is increasingly difficult to justify keeping wild animals in travelling circuses and requiring them to perform tricks. It is clear from the responses to the consultation that people agree animals should not be objectified or perceived as commodities for our entertainment, but rather as sentient beings with their own unique sets of needs.
- 9.34 With the coming into force of the Wales Act 2017, Welsh Ministers have the power to introduce primary legislation to ban the use of wild animals in travelling circuses on ethical grounds. The Republic of Ireland and Scotland implemented bans in 2018 and the UK Government has introduced legislation with the intention of banning the use of wild animals in travelling circuses in England when The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 expire in January 2020. If there were no equivalent ban in Wales, Wales would be the only country in Great Britain where wild animals could still be used by travelling circuses.
- 9.35 The direct impact of banning the use of wild animals in travelling circuses would be expected to fall on the two England-based travelling circuses which currently use wild animals. They may experience a reduction in revenue in the short term, but the degree to which they are affected will depend on a number of factors considered in more detail in the RIA.
- 9.36 Banning the use of wild animals will contribute to an improved perception of travelling circuses. The public would, with confidence, be able to attend travelling circuses, safe in the knowledge that they will not be using wild animals. Local communities could enjoy visiting travelling circuses without being concerned about issues such as local protests and the potential need for police intervention.

In light of the impacts identified, how will the proposal:

- ***maximise contribution to our well-being objectives and the seven well-being goals; and/or,***
- ***avoid, reduce or mitigate any negative impacts?***

9.37 Banning the use of wild animals in travelling circuses is in keeping with the Welsh Government's commitment to maximising our contribution to the well-being goals, in particular achieving a 'globally responsible', 'healthy' and 'resilient' Wales.

9.38 The Wild Animals and Circuses (Wales) Bill makes it an offence for a wild animal to be used in a travelling circus. A "wild animal" is defined in the Bill as being an animal of a kind that is not commonly domesticated in the British Islands. The Bill will not affect the use of domesticated animals in circuses, nor will it prevent wild animals being used for entertainment in other settings. Travelling circuses have toured the United Kingdom for over two hundred years and will continue to be welcome in Wales, provided they do not use wild animals. Following a period of transition, the two circuses affected should be able to successfully tour without their wild animals. The small and declining number of wild animals kept by travelling circuses suggests their presence is not a major factor in determining the popularity of travelling circuses.

9.39 The overwhelming majority of respondents to the consultation on the Wild Animals in Travelling Circuses (Wales) Bill support the introduction of legislation that would make it an offence for a wild animal to be used in a travelling circus. A ban will send a clear message that the people of Wales believe this practice to be an outdated notion and ethically unacceptable.

10. Post implementation review

- 10.1 The policy objective is to introduce primary legislation to ban the use of wild animals in travelling circuses in Wales, based on ethical grounds. Travelling circuses are expected to comply with a ban, particularly as the UK Government has introduced the Wild Animals in Circuses (No.2) Bill with the intention of banning the use of wild animals in travelling circuses in England from 20 January 2020.
- 10.2 If approved, the legislation will be subject to a review no later than five years after it has come into force. Its impact will not be considered in isolation, but in the context of a ban in England and the introduction of a licensing scheme for Mobile Animals Exhibits in Wales. Feedback will be sought from enforcement authorities and other stakeholders.

Annex 1

Explanatory Notes

Wild Animals and Circuses (Wales) Bill

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Wild Animals and Circuses (Wales) Bill which was introduced to the National Assembly for Wales on 8 July 2019. They have been prepared by the Department for Economy, Skills and Natural Resources of the Welsh Government to assist the reader of the Bill. The Explanatory Notes should be read in conjunction with the Bill but are not part of it.

COMMENTARY ON SECTIONS

Section 1 – Offence to use wild animals in travelling circuses

2. Section 1 makes it an offence for an operator of a travelling circus to use, or cause or permit another person to use, a wild animal in a travelling circus. The offence is a summary offence and so is triable in the Magistrates' Court. If an operator is found guilty of an offence, the Court may impose an unlimited fine.
3. A wild animal is "used" if the animal performs or is exhibited.
4. A wild animal "performs" if, for example, it does tricks or manoeuvres for an audience.
5. A wild animal is "exhibited" if it is on display to the public, even if it is on display outside the main circus arena. For example, deliberately positioning the wild animal so that it can be viewed by the public in fields next to the circus would be "exhibiting" the animal, as would displaying the animal next to a circus poster or in any other way intended to promote the travelling circus. Operators of travelling circuses will not, however, commit an offence if anybody inadvertently viewed a wild animal which is in an outdoor enclosure, provided the wild animal was not deliberately placed there to be viewed or to promote the travelling circus.
6. An offence is committed whether or not payment is required to view the performance or exhibition.

7. A wild animal does not need to have been transported with the travelling circus nor be owned by the travelling circus for an offence to be committed.
8. Travelling circuses may, however, continue to keep (but not use) wild animals. See section 8 of these Explanatory Notes for changes to the Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981 relating to licenses circuses may require to keep wild animals.
9. The Bill does not affect the use of domesticated animals in travelling circuses, nor does it prevent wild animals being used for entertainment in other settings.

Section 2 - Meaning of “operator”

10. Only the operator of a travelling circus can commit the offence in section 1. The operator is the owner of the travelling circus or another person who does not own the travelling circus but has overall responsibility for its operation or, if neither is present in the United Kingdom, the person in the United Kingdom responsible for the operation of the travelling circus. See also section 6 which makes provision about individuals who may be liable where the offence is committed by a company etc.

Section 3 - Meaning of “wild animal”

11. A “wild animal” is an animal of a kind which is not commonly domesticated in the British Islands. Animals considered commonly domesticated in their country of origin but not of a kind commonly domesticated in the British Islands would be “wild animals” under the Bill.
12. It is possible there may be uncertainty or conflicting views regarding whether a kind of animal is to be considered wild or not. Section 3(2) allows Welsh Ministers to make regulations to specify kinds of animals that are, or are not, to be regarded as wild for the purposes of the Bill. This power does not require Welsh Ministers to list, in legislation, all wild animals.
13. “Animal” has the meaning given by the Animal Welfare Act 2006, and applies to vertebrate animals only. Section 1(3) of the 2006 Act makes provision for the Welsh Ministers to extend the 2006 Act to cover invertebrates if they are satisfied on the basis of scientific evidence that these too are capable of experiencing pain or suffering.

Section 4 - Meaning of “travelling circus”

14. A “travelling circus” means a circus which travels from one place to another for the purpose of providing entertainment. The definition recognises a circus is a “travelling circus” despite there being periods when it does not travel (e.g. during a break from touring or the closed season).
15. A “travelling circus” does not, however, include a normally static circus which travels in order to relocate to a new fixed base.

16. It is possible there may be uncertainty or conflicting views regarding whether a type of undertaking, act or entertainment is or is not a travelling circus. Section 4(3) allows Welsh Ministers to make regulations to specify a type of undertaking, act, entertainment or similar that is, and is not, to be regarded as a travelling circus for the purposes of the Bill. This power does not require Welsh Ministers to list, in legislation, all types of undertakings, acts or entertainment which are to be regarded as a travelling circus.

Section 5 – Powers of enforcement

17. The section introduces the Schedule, which makes provision about powers of enforcement (see below).

Section 6 – Offences by bodies corporate etc.

18. This applies to the main offence in section 1. It makes provision for certain persons associated with different types of organisations to be held criminally liable for committing the offence as well as the organisation that committed the offence.
19. This means, for example, that a director of a company could be criminally liable for an offence committed by the company.

Section 7 – Proceedings: offences committed by partnerships and unincorporated associations

20. This section sets out how proceedings are to be brought against a partnership or an unincorporated association where they are alleged to have committed an offence under section 1.

Section 8 – Amendments relating to licensing of circuses

21. Although the use of wild animals in travelling circuses is prohibited by this Bill, circuses may still keep wild animals. In order to keep wild animals, the amendments made by this section mean that the circuses may be required to have a zoo licence or a dangerous wild animal licence.
22. Under the Dangerous Wild Animals Act 1976 (“the 1976 Act”), a licence is required to keep a “dangerous wild animal” (as defined in section 7 of that Act), subject to some exemptions (as set out in section 5 of that Act). The Wild Animals in Circuses Act 2019 amends section 5 of the 1976 Act so that circuses in England and Scotland are no longer exempt from this requirement. Section 8(1) further amends section 5 of the 1976 Act so that circuses in Wales are also no longer exempt from this requirement. This means that any circus (travelling or static) in Wales which keeps a dangerous wild animal will require a licence under the 1976 Act, unless the circus is caught by the provisions of the Zoo Licensing Act 1981 (see section 8(2)).
23. Under the Zoo Licensing Act 1981 (“the 1981 Act”), a licence is required to operate a “zoo”. Section 8(2) amends section 1(2) of the 1981 Act so that circuses in Wales fall within the definition of “zoo”. This means that a circus in Wales could be required to obtain a zoo licence if it meets the requirements of the 1981 Act. If a circus does not fall within the definition of “zoo”, then the

1976 Act may apply and so the circus may need to have a dangerous wild animal licence (see section 8(1)).

Section 9 – Powers of High Court to declare unlawful an act or omission of the Crown

24. The Bill binds the Crown. The Bill applies to persons in service of the Crown as it applies to other persons, but it does not make the Crown itself criminally liable. Section 9, however, provides that the High Court may declare unlawful an act or omission of the Crown. See generally section 26 of the Legislation (Wales) Act 2019 about how Assembly Acts apply to the Crown.

Section 10 – Crown land: powers of entry

25. The power of entry is exercisable in relation to Crown land only with the consent of an “appropriate authority”. “Crown land” is defined in section 10(1)(a). Who constitutes the “appropriate authority”, and from whom consent is required, depends on the ownership or management of the Crown land, and is set out in section 10(2)(b). Where there is any uncertainty as to which authority should be giving consent, the Treasury decides.

Section 11 – Regulations

26. The powers to make subordinate legislation are to be exercised by statutory instrument and may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales (i.e. the affirmative procedure).

Section 12 – Coming into force

27. The Act will come into force on 1 December 2020.

Section 13 – Short title

28. The short title of this Act is the Wild Animals and Circuses (Wales) Act 2020.

Schedule – Powers of Enforcement

29. The Schedule confers powers on inspectors to enforce the offence in section 1. The Schedule sets out the extent of those powers and creates offences where any person hampers the exercise of those powers.

30. Paragraph 1 provides definitions of “inspector”, “power of entry” and “premises”. An inspector means a person appointed as an inspector for the purposes of the Bill by a county council or a county borough council in Wales, or the Welsh Ministers. “Premises” includes land and any place, including a vehicle, a tent or a moveable structure (and so includes, for example caravans and mobile homes which are commonly associated with travelling circuses).

31. Paragraph 2 gives inspectors a power to enter premises which are not used wholly or mainly as dwellings and sets out the circumstances under which the power is exercisable.

32. Paragraph 3 gives inspectors a power to enter dwellings in certain circumstances. The inspector must obtain a warrant from a Magistrate before

exercising this power. This paragraph sets out the matters that must be satisfied before a warrant may be granted. Paragraph 4 provides that such a warrant authorises entry on one occasion only and must be used within 28 days beginning with the date it was issued.

33. Paragraph 5 requires an inspector, if asked by any person on the premises, to show evidence of their identity before exercising a power of entry and to state why the power is being exercised. If entering a dwelling under a warrant, the inspector must, if asked, show a copy of the warrant to any person on the premises, and provide a copy to the occupier or to a person who appears to be in charge of the premises. If neither is present, the inspector must leave a copy of the warrant in a prominent place. The inspector must leave the premises as effectively secured against unauthorised entry as they were on their arrival.
34. Paragraph 6 requires an inspector to exercise a power of entry at a reasonable time unless the inspector believes that, by waiting for that reasonable time, the purpose for requiring entry and inspection may be frustrated.
35. Paragraph 7 allows an inspector to use reasonable force where necessary to exercise a power of entry.
36. Paragraph 8 allows an inspector to take on to the premises other persons and anything necessary (including equipment and materials) to assist in their duties. The assistants could include specialists, for example a zoological specialist to help identify animals, or a police constable.
37. Paragraph 9 sets out the powers of inspection, search and seizure available to an inspector when exercising a power of entry. An inspector cannot seize a wild animal, but may, for example, examine it or take samples. Paragraph 9(d) requires any person on the premises to assist the inspector. An inspector could, for example, require a person to give the inspector access to an animal enclosure, help the inspector handle an animal (to be able to take samples) or move a vehicle.
38. Paragraph 10 provides that any person brought onto the premises by the inspector is able to exercise the inspector's powers under paragraph 9, provided that they are under the inspector's supervision. For example, a veterinary surgeon accompanying an inspector could, under supervision, take samples from an animal for identification purposes.
39. Paragraph 11 makes additional provision about the power of seizure. Any item seized under paragraph 9(k) can be retained as long as is necessary. Paragraph 11(2) requires the inspector or an assistant of the inspector to keep a record of the item seized and, on request, to provide a record of the item seized to the person who occupied the premises at the time it was seized, or the person who had possession or control of the item immediately before it was seized. Paragraph 11(3) does not allow the seizure of items which could

These notes refer to the Wild Animals and Circuses (Wales) Bill which was introduced to the National Assembly for Wales on 8 July 2019

be subject to legal professional privilege, for example, documents containing advice from legal professionals.

40. A person commits an offence if they fail to comply with a request for assistance reasonably made by an inspector or intentionally obstruct an inspector when the inspector is carrying out their duties (paragraph 12). An offence under this paragraph is triable in the Magistrates' Court and the Court may impose an unlimited fine if a person is found guilty.
41. Paragraph 13 protects inspectors and any person taken onto premises by an inspector from liability in any civil and criminal proceedings for anything done or not done as a result of carrying out their duties. This exemption from liability does not apply where an inspector or the person under the supervision of the inspector acts in bad faith or if there were no reasonable grounds to act in such manner.

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES

42. The following table sets out the dates for each stage of the Bill's passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Bill will be available on the National Assembly for Wales' website at: <http://www.assembly.wales/en/bus-home/bus-legislation/bus-legislation-progress-bills/Pages/bus-legislation-progress-bills.aspx>

Stage	Date
Introduced	8 July 2019
Stage 1 - Debate	
Stage 2 Scrutiny Committee - consideration of amendments	
Stage 3 Plenary - consideration of amendments	
Stage 4 Approved by the Assembly	
Royal Assent	

Annex 2

Index of Standing Order requirements

Standing order	Section	Pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Assembly	Member's declaration Page 1
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation Pages 5-16 Paras 3.1-3.51
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Part 2 – Regulatory Impact Assessment Page 28-30 Paras 7.1-7.17
26.6(iv)	Set out the consultation, if any, which was undertaken on: (a) the policy objectives of the Bill and the ways of meeting them; (b) the detail of the Bill, and (c) a draft Bill, either in full or in part (and if in part, which parts)	Chapter 4 – Consultation Pages 17-18 Paras 4.1-4.14
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation Pages 17-18 Paras 4.1-4.14
26.6(vi)	If the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	The requirement of Standing Order 26.6(vi) does not apply to this Bill as a consultation was undertaken on a N/A

Please note: This document has been prepared solely to assist people in understanding the Wild Animals and Circuses (Wales) Bill. It should not be relied on for any other purpose.

Standing order	Section	Pages/ paragraphs
	draft Bill	
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes Annex 1
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise; (b) the administrative savings arising from the Bill; (c) net administrative costs of the Bill’s provisions; (d) the timescales over which such costs and savings would be expected to arise; and (e) on whom the costs would fall 	Part 2 – Regulatory Impact Assessment Pages 25-26
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially	Part 2 – Regulatory Impact Assessment Pages 26-27 Pages 42- 44 (Paras 8.46 - 8.52)
26.6(x)	Where the Bill contains any provision conferring power to make subordinate legislation, set out, in	Chapter 5 - Power to make subordinate legislation Page 24 (Table 5.1)

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Standing order	Section	Pages/ paragraphs
	<p>relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	The requirement of Standing Order 26.6(xi) does not apply to this Bill
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Page 26 Page 41 (Paras 8.40 – 8.41) Page 49 (Para 9.21)

Please note: This document has been prepared solely to assist people in understanding the Wild Animals and Circuses (Wales) Bill. It should not be relied on for any other purpose.

Standing order	Section	Pages/ paragraphs
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Bill as the Bill is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	The requirement in Standing Order 26.6C for a Schedule of Amendments is not applicable to this Bill as the Bill does not propose to significantly amend existing primary legislation.

Annex 3

Schedule of Amendments

Dangerous Wild Animals Act 1976

AMENDMENTS TO BE MADE BY THE WILD ANIMALS AND CIRCUSES (WALES) BILL

The Wild Animals and Circuses (Wales) Bill has been drafted to amend section 5(2) of the Dangerous Wild Animals Act 1976 as it will be amended if, as anticipated, the current draft wording of the Wild Animals in Circuses (No. 2) Bill is unaltered as it progresses through Parliament. The Wild Animals in Circuses (No. 2) Bill was introduced to Parliament on 30 April 2019.⁷⁷ If it is successful in receiving Royal Assent it has a coming into force date of 20 January 2020. At introduction on 8 July 2019, the Wild Animals and Circuses (Wales) Bill will have a coming into force date of 1 December 2020. The Wild Animals in Circuses (No. 2) Bill amends the Dangerous Wild Animals Act 1976 to remove the exemption at section 5(2) for England and Scotland, but not for Wales. This means that on the assumption the Wild Animals in Circuses (No. 2) Bill is passed by Parliament so as to become the Wild Animals in Circuses Act 2019, the exemption in section 5(2) of the Dangerous Wild Animals Act 1976 would only apply in Wales. The Wild Animals and Circuses (Wales) Bill removes that exemption entirely so that it will also not apply in Wales, i.e. circuses will not be automatically exempt from the licensing requirements under the 1976 Act.

However, this document is intended to show how the provisions of the Dangerous Wild Animals Act 1976, as they applied in relation to Wales on 25 June 2019, would look as amended by the Wild Animals and Circuses (Wales) Bill if enacted as introduced on 8 July 2019. The text below reflects the wording of section 5(2) of the Dangerous Wild Animals Act 1976 as at 8 July 2019, not the proposed amendments to section 5(2) by the Wild Animals in Circuses (No. 2) Bill.

Material to be deleted by the Wild Animals and Circuses (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Wild Animals and Circuses (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

⁷⁷ www.parliament.co.uk, Wild Animals in Circuses (No.2) Bill 2017-19
<<https://services.parliament.uk/Bills/2017-19/wildanimalsincircusesno2.html>>

Please note: This document has been prepared solely to assist people in understanding the Wild Animals and Circuses (Wales) Bill. It should not be relied on for any other purpose.

Warning

This text has been prepared by officials of the Department for Economy, Skills and Natural Resources of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Wild Animals and Circuses (Wales) Bill. It is not intended for use in any other context.

Dangerous Wild Animals Act 1976

*Amending
section of
the Wild
Animals
and
Circuses
(Wales) Bill*

5 Exemptions

The provisions of this Act shall not apply to any dangerous wild animal kept in:-

- (1) a zoo within the meaning of the Zoo Licensing Act 1981 for which a licence is in force (or is not for the time being required) under that Act;
- ~~(2) a circus;~~
- (2A) premises in England on which the activity described in paragraph 2 of Schedule 1 to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (read with paragraph 3 of that Schedule: selling animals as pets etc) is carried on under a licence under those Regulations;
- (3) premises in Wales licensed as a pet shop under the Pet Animals Act 1951;
- (4) a place which is the place specified in a section 2C licence within the meaning of the Animals (Scientific Procedures) Act 1986.

8(1)

Please note: This document has been prepared solely to assist people in understanding the Wild Animals and Circuses (Wales) Bill. It should not be relied on for any other purpose.

Zoo Licensing Act 1981

AMENDMENTS TO BE MADE BY THE WILD ANIMALS AND CIRCUSES (WALES) BILL

This document is intended to show how the provisions of the Zoo Licensing Act 1981 as they applied in relation to Wales on 25 June 2019 would look as amended by the Wild Animals and Circuses (Wales) Bill if enacted as introduced on 8 July 2019.

Material to be deleted by the Wild Animals and Circuses (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Wild Animals and Circuses (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

Warning

This text has been prepared by officials of the Department for Economy, Skills and Natural Resources of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Wild Animals and Circuses (Wales) Bill. It is not intended for use in any other context.

Please note: This document has been prepared solely to assist people in understanding the Wild Animals and Circuses (Wales) Bill. It should not be relied on for any other purpose.

Zoo Licensing Act 1981

*Amending
section of
the Wild
Animals
and
Circuses
(Wales) Bill*

Licenses

- 1 Licensing of zoos by local authorities.
 - (1) Subject to this section it is unlawful to operate a zoo to which this Act applies except under the authority of a licence issued under this Act by the local authority for the area within which the whole or the major part of the zoo is situated.
 - (2) In this Act “zoo” means an establishment where wild animals (as defined by section 21) are kept for exhibition to the public otherwise than for purposes of a circus (as so defined) in England and otherwise than in a pet shop (as so defined). 8(2)