Environment, Climate Change and Land Reform Committee

Wild Animals in Travelling Circuses (Scotland) Bill

Written submission from the Circus Guild of Great Britain

Both PAWSI and the CGGB are pleased to be given the opportunity to give our views on the contents of the Bill as drafted. We would like to state from the start that we are speaking for our PAWSI and CGGB members and not for the whole of the world wide circus industry. However we also stand by other Circus Associations who have similar aims of animal care and wellbeing as ourselves. We also stand together with UK and worldwide Governments in their bid to promote and maintain the highest standards of welfare, wellbeing and ethical working practices in all animal sectors.

The Ethical Basis for the Bill.

Like countless other businesses across the UK circuses and animal trainers do not pretend to be experts in the ethics world. None of us are philosophers or ethicists. However the majority of most businesses, circus proprietors, circus working families and animal trainers in every genre know the difference between the accepted problems of the ethics dilemma and understand the idea of right and wrong which is the basis of all ethical issues. We have therefore researched papers on ethics and whilst our views may well be simplistic they are no less relevant than Scotland’s ethical reasons for a ban. We also acknowledge that the issue of ethics is subjective and not clear cut. Therefore making decisions based on ethical reasons alone is a very tricky path and needs huge clarification and explanations. The circuses do their best to comply with the Six Pillars of Character.

The Six Pillars of Character.


Similar to the 7 Nolan Principles for Public Life.

UK Circuses pay their taxes, household bills, they follow and obey every animal related law and also other laws about transport, their children attend school when on tour with a roving tutor and the attend their local school during the winter months, they look after family members both young and old throughout their lives. They take the Six Pillars of Character very seriously.

We understand that Scotland have concerns regarding some animal sector practices, not just circuses and this is picked up by the animal rights as if it applies to all animal sectors. However it does not apply to all animal sectors, most are reasonable, law abiding, animal caring businesses and do not deserve to have their livelihood destroyed by morally corrupt groups.
Your main reason for bringing in a law to ban wild animals is “The ethical basis for the Bill”

As I remarked in the beginning I am not an ethicist so I will quote from a paper by Manuel Velasquez, Claire Andre, Thomas Shanks, S.J and Michael J. Meyer 2010 from the Makkala Center for Applied Ethics

“Some years ago, sociologist Raymond Baumhart asked business people, ”What does ethics mean to you?” Among their replies was the following: “Ethics consists of the standards of behavior our society accepts.”

This reply would seem to be the same as Scotland’s main reason for a ban in that society/Scottish people/animal rights says it is not ethical, however, and again Valasquez quotes Baumhart: “The meaning of "ethics" is hard to pin down, and the views many people have about ethics are shaky.” Baumhart goes on to say:

“Finally, being ethical is not the same as doing "whatever society accepts." In any society, most people accept standards that are, in fact, ethical. But standards of behavior in society can deviate from what is ethical. An entire society can become ethically corrupt. Nazi Germany is a good example of a morally corrupt society.” Baumhart continues:

“Moreover, if being ethical were doing "whatever society accepts," then to find out what is ethical, one would have to find out what society accepts. To decide what I should think about abortion, for example, I would have to take a survey of American society and then confirm my beliefs to whatever society accepts. But no one ever tries to decide an ethical issue by doing a survey. Further, the lack of social consensus on many issues makes it impossible to equate ethics with whatever society accepts. Some people accept abortion but many others do not. If being ethical were doing whatever society accepts, one would have to find an agreement on issues which does not, in fact, exist. This article appeared originally in Issues in Ethics IIE V1 N1 (Fall 1987). Revised in 2012

This would seem to question your claim that the majority of Scottish people say it is unethical to work with wild animals in circuses. Scotland did a survey and the majority said they supported a ban but many others who were not part of the survey do not, as Scotland’s survey was a snapshot and only brought in responses from 2043 out of a Scottish population of 5 million or so and it appears that 1000 of the replies were from England and many of the replies were printed on a general form from Animal Welfare groups, we believe it cannot be quoted as, All of Scotland want a ban, as this would be untruthful.

We note that there is no animal welfare basis for the proposed Bill. If such a basis existed then the perceived harm could be cured by regulations made under the Animal Welfare Act 2006. Indeed regulations have been in place since 2012 and the circuses licensed under these regulations are now in their 5 year of licensing.

Rather than welfare issues it appears that the Bill is driven by ethical considerations based on personal preference which seems to us to be a poor basis for primary legislation as the animals cannot speak our language so there is no real evidence as to what they prefer to support your claim. In addition we believe that the Bill as
enacted may well be in breach of European Community Law: in particular the Services Directive, and also the Human Rights Act 1998,

We also believe the Bill is an unnecessary move to ban the practices of travelling circuses in Scotland and a total ban on the use of wild animals in travelling circuses if it were implemented would constitute a disproportionate action under the European Union Services Directive\(^1\), and potentially under Article 49 of the Treaty (Right of Establishment)\(^2\)

The Bill also voices concerns that wild or exotic animals used in circuses should have their nature and natural instinctive behaviours recognised and respected and that keeping them in circuses would infringe their wildness. However you do not think this is an infringement in other settings such as Zoos?

We are dedicated to ensuring the welfare of animals and the continuation of the industry and art of classical circus, and we seek to promote and advocate the concept and practice of the art form of Classical Circus with Animals. The European Parliament has by way of passing a Motion for a Resolution\(^3\) asked the European Commission to; (1) introduce specific measures to ensure that the circus is recognised as part of European culture and (2) urge member states who have not already done so to recognise the circus as part of European culture. There is therefore recognition of the circus arts as part of European culture, including the use of animals. Member states such as Italy, France and Portugal have already recognised the circus as a cultural activity, while other member states such as Germany, Austria and Denmark view the circus as a significant business activity. The CGGB submits that a ban on wild or exotic animals performing in circus would materially affect the art form of Classical Circus with Animals, and would be contradicting the European Parliament’s intention to preserve this part of European culture. We also refer to the explanatory statement of the European Parliament Resolution\(^4\) referred to above which seeks to preserve the ‘art and culture’ of the circus which must be treated with the same importance as the above benefits to society, the further refers to the recognition of the “classical circus tradition” as a “business activity” by some member states; clearly an economic benefit to society. The explanatory statement states:

“In order to be able to preserve and effectively support the classical circus tradition including animal acts, it would be desirable for the whole of Europe to recognise the circus as forming part of European culture, as in the case of opera and dance”\(^5\). Members of the European circus community are guaranteed the freedom to provide their services across the EU under the European Union Services Directive\(^6\) and have the right to present animals as part of their artistic and cultural traditions. It is submitted that a licensing system, if permanently adopted in Scotland (as opposed to an outright ban on wild or exotic animals) would allow the travelling circus community to exercise their rights under their freedom to provide their services under the

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\(^1\) European Union Services Directive - DIRECTIVE 2006/123/EC  
\(^2\) Treaty on the functioning of the European Union  
\(^3\) European Parliament Resolution on new challenges for the circus as part of European culture (2004/2266 (INI))  
\(^4\) European Parliament Resolution on new challenges for the circus as part of European culture (2004/2266 (INI))  
\(^5\) Explanatory Statement of European Parliament Resolution on new challenges for the circus as part of European culture (2004/2266 (INI)) Page 7  
\(^6\) European Union Services Directive - DIRECTIVE 2006/123/EC
Directive whilst also maintaining the necessary animal welfare standards, whereas a ban would infringe this right.

We believe this Bill as it stands to be totally out of order and lacking in moral fibre with insufficient evidence to support it, not on any ethical grounds, nor on welfare issues. The honourable and ethical way forward by the Scottish Government would be to rearrange the wording on the bill to allow travelling circuses with wild animals to work in Scotland as long as they comply with the conditions Scotland set out in their Bill. As it stands at the moment any half baked student lawyer would blow many holes in this Bill if it appeared in a court of law.

The Circus Guild of Great Britain are happy to work with Scotland on this important issue and look forward to your thoughts and deliberations.