Environment, Climate Change and Land Reform Committee

Wild Animals in Travelling Circuses (Scotland) Bill

Written submission from Animal Aid

The ethical basis for the Bill

Extensive research such as Dorning et al. (2016)\(^1\), has shown that the needs of wild animals simply cannot be met in a travelling circus. It is unethical to force animals to suffer for the sake of entertainment, and therefore the ethical reasons for bringing in this Bill are perfectly justified.

When the animals – including camels and tigers – are transported from location to location, they are often kept in small, rudimentary enclosures. These enclosures have been documented as clearly being too small for the animals to exhibit natural behaviour. An example of this would be a black bear. Black bears naturally live in coniferous forests, and have a range of up to 60 square miles\(^2\). It is evident that being kept in captivity, coupled with constant transport, do not cater for their needs or allow them to exhibit natural behaviour.

These enclosures often feature a lack of enrichment and space, meaning that the animals are often confined to areas significantly smaller than that of the wild. Seeing animals in such conditions does little to promote respect for animals and their well-being. Animal Aid believes that keeping animals in conditions so far removed from their natural habitat will only seek to make spectators see them as commodities.

Research collated and analysed in Harris et al. (2006)\(^3\) exemplifies the restriction of captivity – particularly in a travelling circus environment – compared to the natural range certain animals would cover on a daily basis. Striking examples being zebras, camels and elephants. From an ethical stand point, wild animals should be exactly that; wild. And to restrict their natural and normal behaviour to this extent is indefensible.

To the contrary, documented evidence shows that wild animals placed in these enclosures and environments regularly exhibit stereotypical behaviours linked with stress, such as pacing\(^4\) and rocking. In addition to the enclosures causing animals to exhibit such behaviours, these animals are forced to perform tricks and exhibit unnatural behaviours for the sake of human entertainment in front of often excitable crowds. It is Animal Aid’s view that this – as well as being detrimental to the animals’ well-being – will lead spectators to believe that these animals are objects of ridicule rather than the majestic wild creatures that they are. Therefore, the Bill will ensure that the general public, young people in particular, will learn to respect wild animals in a more natural habitat rather than objects performing unnatural tricks.

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\(^1\) https://www.researchgate.net/publication/305406091_The_welfare_of_wild_animals_in_travelling_circuses
\(^2\) http://www.ct.gov/deep/cwp/view.asp?a=2723&q=325968&depNav_GID=1655
\(^3\) http://research-information.bristol.ac.uk/en/publications/a-review-of-the-welfare-of-wild-animals-in-circuses(0ad71da9-af71-4e85-9763-4aa34c2a3048).html
\(^4\) https://www.ncbi.nlm.nih.gov/pubmed/11179560
In addition to the above, the performances feature loud music, and often excitable children and adults in the audience, which are additional stressors. Research shows that the stress from loud noises has catastrophic effects on the health of wild animals held in captivity; for example, tigers exposed to persistent high noise can develop gastroenteritis – as documented in Cociu et al 1974\(^5\), and a Bristol University study published in 2009\(^6\) – concluded, “The majority of evidence available suggests that human audiences have stressful effects on non-domesticated animals.”

It is morally indefensible to force wild animals, such as elephants, tigers and camels, to endure such a life full of stress, unnatural environments and suffering for the sake of mild entertainment. The research and analysis above is conclusive: when wild animals are used in travelling circuses, their quality of life is massively diminished and their exposure to stressful situations has a huge impact on their wellbeing and health.

As the Scottish Government’s consultation showed, the majority of respondents believed that the use of wild animals in circuses has an adverse impact on respectful and responsible attitudes towards animals in children and young people. It is not naïve to say that younger children have little knowledge of the science explained above, and the negative impacts that travelling circus performances have on wild animals. To see majestic animals reduced to mere commodities and exhibits gives the impression that it is acceptable to treat animals as such. There is no educational value in seeing stressed animals performing unnatural behaviour – be it tricks or stereotypical behaviour. Thus, as 94.7% of respondents state, the only way to stop this – to ensure the welfare of the animals and that children grow up to respect wild animals as wild animals – is to completely ban wild animals in circuses.

Therefore, it is completely justified and admirable for the Scottish Government to listen to the views of the majority of the Scottish public\(^7\) and their ethical objections to wild animals in travelling circuses and introduce a ban.

**Effectiveness of the creation of an offence**

The proposed Bill very clearly defines what will constitute an offence under the Act. Therefore, in terms of effectiveness, this will ensure that those responsible will be held accountable.

The Bill, if introduced, will ban outright the use of wild animals in travelling circuses. That is very evident. This will therefore prevent travelling circuses with wild animals from entering Scotland, despite none travelling in Scotland for many years. However, similar to the Fur Farming (Prohibition) (Scotland) Act 2002\(^8\), which was passed whilst there were no fur farms in Scotland – the last one having closed in 1993 -, it is symbolic in making a point that industries and practices that cause clear and extensive animal suffering are not welcome in Scotland. This could potentially have a

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\(^6\) [http://www.dzivniekubriviba.lv/sites/default/files/are_wild_animals_suited_to_a_travelling_circus_life.pdf](http://www.dzivniekubriviba.lv/sites/default/files/are_wild_animals_suited_to_a_travelling_circus_life.pdf)

\(^7\) [http://www.gov.scot/Publications/2017/05/2227/1](http://www.gov.scot/Publications/2017/05/2227/1)
knock on effect on other countries and jurisdictions where the ethical arguments still exist, but the governments have failed to act upon them.

**Alternative approaches**

Realistically, and practically, there is no real alternative to a statutory ban on the use of wild animals in circuses in Scotland. Only a statutory and legally-enforceable Act will ensure the abolition of this practice in Scotland. This is echoed by the ethical concerns of the Scottish public⁹.

**Definitions of key phrases**

Some definitions of key terms in the Bill do require some clarification and strengthening:

The term “wild animal”, whilst it is noted that this includes animals who are not normally domesticated in the British Islands further clarification of this terms can be met by producing a list of prohibited animals. Whilst this would be far reaching, and difficult to list every single animal that is not ‘commonly domesticated’ in the British Islands, it would serve to clarify how far the Act goes and to remove any grey areas. Arguably this could lead to loopholes, so perhaps a better way to address this would be to have a list of prohibited animals that states “includes but not limited to […]”

The term “circus operator” is pretty clear, however this should be expanded to include occasions where it is not possible to find out who has “overall responsibility for the operation of the circus”. In these situations, the definition should extend to anybody who is responsible for the “care” of the animals, or even further to include anybody working at the circus.

**Proposed culpability**

The proposed culpability in this Bill – namely that the circus operator, as defined above, or the individual responsible for the organisation (as defined in Section 4 (4) of the Bill) are accountable for any contravention of the law – is very solid and will ensure that those responsible for forcing wild animals to perform in circuses will be held responsible. However, the culpability should be extended to anybody who is responsible for the ‘care’ of the animals, including trainers or handlers. This would be satisfied if the definition of “circus operator” is extended, as above.

As such, those individuals should be held accountable for the contravention of the law, as well as the “circus operator”. This will act as a further deterrent. Additionally, this could be further extended to anybody who knowingly allows wild animals to be transported, or displayed in a circus without alerting the relevant authorities.

It is vitally important to note that even if the definitions and culpability were to be extended, the penalties proposed do not fit the crime. Placing animals in such

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⁸ [http://www.parliament.scot/S1_Bills/Fur%20Farming%20(Prohibition)%20(Scotland)%20Bill/b39s1.pdf](http://www.parliament.scot/S1_Bills/Fur%20Farming%20(Prohibition)%20(Scotland)%20Bill/b39s1.pdf)

⁹ [http://www.gov.scot/Publications/2017/05/2227/1](http://www.gov.scot/Publications/2017/05/2227/1)
stressful, unnatural environments, causing unnecessary suffering, for the sake of entertainment is nothing short of abuse and therefore any contravention of the law should be treated in the same way as a Section 19 Animal Health and Welfare (Scotland) Act 2006\textsuperscript{10} offence (causing unnecessary suffering/prevention of harm) and thus the maximum penalty should be raised to include 12 months imprisonment, as well as a level 5, standard scale fine.

The Act must stipulate that any animals removed from a circus should be ceased and taken into the care of the Court. The animals should then be transferred to a responsible and reputable sanctuary to ensure the well-being of the animals and reduce the potential for the animals to be placed in other abusive environments. The circus operator should also be responsible for any costs involved in transporting the animals, and should be financially responsible for part of the costs involved in the life-long care of the animals.

**Effectiveness of proposed powers of enforcement**

The proposed powers of enforcement are perfectly suited to this offence. The power to enter and search vehicles and premises will ensure that anybody contravening the law will be held accountable, and the animals removed.

**Summary**

Animal Aid opposes the use of all animals in circuses and entertainment. But we wholeheartedly welcome this Bill to ban wild animals in travelling circuses. The proposed legislation is ground-breaking and strong, however a few changes should be made in order to strengthen and clarify certain areas, in particular when it comes to sentencing for offences.

\textsuperscript{10} http://www.legislation.gov.uk/asp/2006/11/section/19