ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

20th Meeting, 2017 (Session 5)

Tuesday 27 June 2017

The Committee will meet at 9.45 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.

2. **Wild Animals in Travelling Circuses (Scotland) Bill:** The Committee will take evidence from—

   Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, Grant Campbell, Bill Officer, Angela Lawson, Solicitor, Andrew Voas, Veterinary Adviser, and Beverey Williams, Animal Welfare Team Leader, Scottish Government.

3. **Environment, Climate Change and Land Reform General Update:** The Committee will take evidence from—

   Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, Keith Connal, Deputy Director, Natural Resources, and Chris Stark, Director of Energy and Climate Change, Scottish Government;

   Mike Palmer, Deputy Director, Marine Scotland.

4. **Work programme:** The Committee will review its work programme.

5. **Wild Animals in Travelling Circuses (Scotland) Bill (in private):** The Committee will consider evidence heard earlier in the meeting.
The papers for this meeting are as follows—

**Agenda item 2**

Wild Animals in Travelling Circuses (Scotland) Bill Cover Note
PRIVATE PAPER

**Agenda item 3**

Environment, Climate Change and Land Reform Cover Note
PRIVATE PAPER

**Agenda item 5**

PRIVATE PAPER
PRIVATE PAPER
Wild Animals in Travelling Circuses (Scotland) Bill cover note

Introduction

1. The Wild Animals in Travelling Circuses (Scotland) Bill was introduced in the Scottish Parliament on 10 May 2017. The Scottish Government has published the following documents in relation to the Bill:

   - Wild Animals in Travelling Circuses (Scotland) Bill As Introduced
   - Policy Memorandum
   - Explanatory Notes
   - Financial Memorandum
   - Statement on Legislative Competence
   - Delegated Powers Memorandum

2. The Scottish Parliament’s Information Centre (SPICe) has also published a briefing on the Bill.

3. Under rule 9.6 of the Standing Orders, the Parliamentary Bureau referred the Bill to the Environment, Climate Change and Land Reform (ECCLR) Committee to consider and report on the general principles.

4. No secondary Committee was appointed to scrutinise the Bill. However, the Finance and Constitution (FC) Committee issued a call for evidence inviting written submissions on the estimated financial implications of the Bill as set out in its accompanying Financial Memorandum. Following consideration of the evidence received, the FC Committee decided to take no further action.

5. Provisions in section 7(2) of the Bill also meant that it would be considered by the Delegated Powers and Law Reform (DPLR) Committee at Stage 1. The DPLR Committee considered the Bill on 23 May 2017 and in its subsequent report said that it was satisfied with the commencement powers in section 7.

6. This paper sets out the background to the Bill and the ECCLR Committee’s approach to consideration of the Bill at Stage 1.

Background to the Bill

7. The Scottish Government received a number of representations highlighting “significant concerns” on wild animals in travelling circuses during the Scottish

8. Subsequently, a public consultation on whether the use of wild animals in travelling circuses should be banned in Scotland ran between January and April 2014. The consultation posed questions based on the following themes:

- Respect for the animals
- Travelling environment
- Ethical costs and benefits
- Financial impacts of a ban
- Should Scotland ban the use of wild animals in travelling circuses

9. A total of 2043 responses were received and the analysis document, published in May 2015, highlights the preference for a ban among respondents. As the Scottish Government’s website notes, “95.8% respondents [were] of the view that there are no benefits to having wild animals in travelling circuses” and “95.7% of respondents also took the view that the concerns surrounding the travelling circus environment could only be resolved by banning wild animals in travelling circuses.”

10. The consultation document posed questions restricted to the issue of use of wild animals in travelling circuses, and the Bill is similarly aimed at the specific combination of both wild animals and travelling for the purpose of display or performance. The responses highlighted a number of additional animal welfare and ethical concerns beyond the issue of wild animals in travelling circuses.

**Wild Animals in Travelling Circuses (Scotland) Bill – Contents of the Bill**

11. The Bill “proposes to make it an offence to use any wild animal in a travelling circus in Scotland”. The justification for the creation of the offence is on ethical grounds, rather than specific welfare issues. The Bill does not cover other circumstances relating to either the transportation of animals or the display or performance of animals in isolation. The Bill also does not cover any other aspects of animal welfare.

12. Although aimed at a very specific set of circumstances, these have not arisen in Scotland for many years. According to the Financial Memorandum, only two travelling circuses have “visited Scotland in the last five years and none in the past 12 months”.

13. The Bill contains 8 sections and 2 schedules:

- **Section 1** establishes the offence
- **Section 2** defines “Wild Animal”

---

1 Details of the passage of the Animal Health and Welfare (Scotland) Bill can be found here.
• **Section 3** defines other key terms in the Bill, such as travelling circus and circus operator?

• **Section 4** specifies individual culpability where an organisation has committed an offence

• **Section 5** outlines the powers of enforcement

• **Section 6** defines Crown application

• **Section 7** covers commencement

• **Section 8** provides the short title.

• **Schedule 1** outlines the enforcement measures associated with the Bill, including the power to enter premises and vehicles in order to search for and examine animals.

• **Schedule 2** specifies how the powers of enforcement contained in Schedule 1 apply to Crown land.

**Environment, Climate Change and Land Reform Committee Scrutiny**

14. The Committee agreed to conclude its evidence taking at Stage 1 of the Bill prior to the summer recess. The Committee’s timetable for consideration of the Bill at Stage 1 is therefore:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 May 2017</td>
<td>Launch of Call for Evidence</td>
</tr>
<tr>
<td>23 May 2017</td>
<td>Bill team evidence session <em>(Official Report available here)</em></td>
</tr>
<tr>
<td>6 June 2017</td>
<td>Evidence session with stakeholders 1</td>
</tr>
<tr>
<td>9 June 2017</td>
<td>Close of Call for Evidence</td>
</tr>
<tr>
<td>13 June 2017</td>
<td>Evidence session with stakeholders 2</td>
</tr>
<tr>
<td>27 June 2017</td>
<td>Cabinet Secretary evidence session</td>
</tr>
</tbody>
</table>

15. The Committee plans to consider its draft Stage 1 report following the summer recess and report to Parliament in September 2017.

16. Written evidence on the Bill is available here.

17. At its meeting on 23 May, the Committee took evidence from the Scottish Government Bill team. The Official Report of this meeting is available here.

18. The Committee took evidence on 6 June from stakeholders, including representatives of local authorities and the circus industry. The Official Report of this meeting is available here.

19. At its meeting on 13 June, the Committee took evidence from representatives of animals welfare and animals rights organisations. The Official Report is available here.
Background

1. The purpose of the evidence session is to hear from Roseanna Cunningham, Cabinet Secretary for the Environment, Climate Change and Land Reform, on the Scottish Government’s priorities within the ECCLR portfolio for the coming year as well as an update on current work.

2. The Committee will also discuss its ongoing work and seek updates on these from the Cabinet Secretary.

3. The responsibilities of the Cabinet Secretary include climate change, flood prevention, water quality, land reform, physical and marine environment, sustainable development, biodiversity, natural heritage, environmental protection, environmental and climate justice, national parks, Scottish Water and the Crown Estate.

4. The Committee hosted a similar session last year on 28 June 2016 and the official report of this meeting can be accessed here.