Wild Animals in Travelling Circuses (Scotland) Bill

Bill Number: SP Bill 12
Introduced on: 10th May, 2017.
Introduced by: Roseanna Cunningham (Government Bill)
Passed: 20th December 2017.
Royal Assent: 24th January 2018.

2018 asp 3

Passage of the Bill

The Wild Animals in Travelling Circuses (Scotland) Bill was introduced in the Parliament on 10 May 2017 and the Environment, Climate Change and Land Reform (ECCLR) Committee was designated as lead committee. The Committee’s consideration of the general principles of the Bill was carried out between 23 May and 19 September 2017, with its Stage 1 report published on 22 September 2017. Stage 1 proceedings were concluded with a Parliamentary debate on 5 October 2017.

The ECCLR Committee carried out Stage 2 proceedings between 21 October and 31 November 2017. The Stage 3 debate was held on 12 December 2017 and the Bill received Royal Assent on 24 January 2018, becoming the Wild Animals in Travelling Circuses (Scotland) Act 2018.

Purpose and objectives of the Bill

The stated policy objective of the Bill was to prohibit on ethical grounds the use of any wild animal in a travelling circus in Scotland.

Provisions of the Bill

The main provisions of the Bill were to:

1. Make it an offence for a circus operator to cause or permit a wild animal to be used in a travelling circus.

2. Define ‘wild animal’ as a vertebrate, other than man, which is not commonly domesticated in the British Islands.
3. Define the terms ‘circus operator’ and ‘travelling circus’.

4. Make both an organization and any responsible individual whose consent, connivance or neglect results in a wild animal being used in a travelling circus.

**Parliamentary consideration**

**Stage 1** scrutiny was carried out by the ECCLR Committee, during which it concluded that, while the policy intentions behind the Bill were important, the provisions as drafted were at risk of both not fully addressing the issues intended, and of capturing performances it was not intended to capture.

In particular, the Committee considered the following matters to have been problematic:

- The policy decision to introduce the Bill on ethical grounds relating specifically to travelling circuses, which were considered by the Scottish Government to be distinct from welfare grounds. The Committee considered that there was ‘evidence which would support a welfare based approach’\(^1\). The Committee were unconvinced by the Scottish Government’s assertion that its ethical objections – the impact on respect for animals, the impact of travelling environments and the ethical costs and benefits\(^2\) - did not apply to other types of animal performance or display. It recommended that the use of wild animals in static circuses should be included in proposed Scottish Government work on wider measures to modernize legislation on performing animals.

- The proposed definitions of ‘travelling circus’, ‘wild animal’, ‘circus’ and ‘circus operator’. The Committee felt that the ‘recourse to court challenge in order to clarify definitions’ was an inappropriate approach\(^3\).

- The proposed enforcement powers, which the Committee felt ‘could go further’\(^4\).

Although the Committee commended the general principles of the Bill to the Parliament, it stressed that it believed the legislation would only achieve its purpose if the Scottish Government implemented all the recommendations in the Committee’s Stage 1 report.

At **Stage 2** the following matters were considered:

\(^1\) *Stage 1 Report on the Wild Animals in Travelling Circuses (Scotland) Bill*, para. 2.
\(^2\) *Wild Animals in Travelling Circuses (Scotland) Bill – SPICe Briefing*
\(^3\) *Stage 1 Report on the Wild Animals in Travelling Circuses (Scotland) Bill*, para. 11.
\(^4\) *Stage 1 Report on the Wild Animals in Travelling Circuses (Scotland) Bill*, para. 12.
• What constitutes an offence under section 1.

• The meaning of ‘wild animal’ under section 2, and the insertion of a new power for Scottish Ministers to specify whether animals are wild or not.

• The meaning of ‘circus’ and ‘travelling circus’ under section 3, and the insertion of a provision creating a new power for Ministers to describe what is, or is not, a travelling circus.

Section 1 of the Bill was amended to clarify that an offence is committed ‘in relation to a travelling circus only if it is transported’ to a place ‘where it is used in the travelling circus.’

The definition of ‘travelling circus’ was amended to clarify that:

• travel may be regular or irregular;

• it does not include circuses which travel for the purpose of ‘relocation to new fixed base’.

A new section 3A was inserted into the Bill (now Section 4 of the Act), giving Ministers the power to specify which kinds of animals are or are not to be considered ‘wild’ for the purposes of this legislation.

A new section 3B (now Section 5 of the Act) was also inserted, which makes provision, in the same way as new section 3A, for Ministers to ‘describe a particular type of undertaking, act, entertainment or similar thing that’ is or is not to be regarded as a travelling circus.

No amendments were proposed at Stage 3, and the Bill was passed with 112 votes for, none against, and no abstentions.