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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Mobile Animal Exhibits

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

There is concern that the welfare needs of some animals kept by Mobile Animal Exhibits (MAEs), including circuses, cannot be met in a travelling environment. The Welsh Government wishes to consider whether or not a change of policy and/or the law in Wales would better protect the welfare of animals kept in MAEs.

Additionally, the Welsh Government will be seeking evidence of the impact this policy may have on the use of the Welsh Language in Wales, following the implementation of the Welsh Language Act 1993.

How to respond

Please respond using the questionnaire at the back of this document. Responses can be issued electronically or through the post. Alternatively, an online form is available on the Welsh Government website at: <https://consultations.gov.wales/>

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Background

Animal welfare is a priority of the Welsh Government. The Wales Animal Health and Welfare Framework¹ sets out our plan for continuing and lasting improvements in standards of animal health and welfare for kept animals.

There is concern that the welfare needs of some animals kept by Mobile Animal Exhibits (MAEs) and in circuses cannot be met in a travelling environment. Some examples of MAEs include travelling falconry and hawking displays, exotic pets taken to schools for educational purposes and reindeer at Christmas events. We must decide whether or not a change of policy and/or the law is required in Wales to protect the welfare of animals used in MAEs.

In December 2015 we commissioned an independent review into the use of wild animals² in circuses. The review, by Harris *et al*³, considered evidence on the welfare, both physical and mental, of wild and/or non-domesticated animals as well as animal behaviour and environmental enrichment. The review concluded that the welfare needs of wild animals in travelling environments cannot be satisfied to the same extent as within static environments.

On 15 December 2016 the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths, issued a Written Statement announcing her wish for a registration or licensing scheme for all MAEs to be introduced in Wales, and for a joint approach to be adopted with the UK Government. Such a scheme could potentially be introduced to replace the outdated Performing Animals⁴ (Regulation) Act 1925⁵ and allow for checks to be made to ensure good welfare standards are maintained.

A data capture survey was carried out with Local Authorities in Wales at the beginning of 2017 which revealed there to be at least 53 MAEs based in Wales. A cross-section of these MAEs were selected for interview and all expressed a wish for the industry to be regulated in some way. They felt this would ensure the welfare of the animals involved and give their businesses additional credibility.

Current position in Wales

MAEs are diverse and there is no standard licensing regime or requirement for routine inspection. Some MAEs are registered under The Performing Animals (Regulation) Act 1925. This is a lifetime registration with no specific inspection requirements. As such, it is unlikely that the welfare standards of many of Wales' performing animals are regularly assessed.

¹ <http://gov.wales/topics/environmentcountryside/ahw/wales-animal-health-welfare-framework/?lang=en>

² The generally accepted definition of a 'wild animal' is an animal not normally domesticated in Great Britain.

³ <http://gov.wales/docs/drah/publications/160715-performing-animals-en.pdf>

⁴ Performing Animal – An animal that has been trained to behave or act in a certain way specifically to be displayed to the public.

⁵ <http://www.legislation.gov.uk/ukpga/Geo5/15-16/38>

Some exhibits may be licensed under the Dangerous Wild Animals Act 1976 if they own or keep a species⁶ listed under that Act. However, an inspection by enforcers may not necessarily consider the welfare standards of other animals included in an MAE if not covered by the Dangerous Wild Animals Act 1976.

Note:

Licensing - When someone applies for approval and commits to certain conditions and limitations. The licensee may have to pay a fee and prove capability in some way in order to gain the licence.

Registration - A way of informing authorities that you intend to do something. A fee is normally required. Under the Animal Welfare Act 2006, registrations can be issued from one to three years.

Current position elsewhere

The Republic of Ireland, via its 'Irish Standards of Modern Zoo Practice (2016)',⁷ now includes MAEs (defined as 'Hawk Walks, Mobile Zoos and other similar operations') under its definition of a 'zoo' and will inspect them as such from 2017. The aim of this inclusion is to improve welfare and ensure adequate checks are in place.

Following a public consultation, the Scottish Government announced, on 11 May 2017, its intention to introduce a Circus Bill banning the use (performance, exhibition and display) of any wild animal in a travelling circus in Scotland.⁸

In England, The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012⁹ requires the licensing of all circuses with wild animals that perform in England. Currently, only two circuses, with 17 wild animals between them, are licensed. The regulations do not, however, cover circuses with domesticated animals such as horses or dogs, nor does it require inspectors to consider the welfare needs of the domesticated species also used by licensed enterprises. Defra has referred to working closely with devolved Governments in 'Next steps – The review of animal establishments licensing in England'¹⁰ (see page 6), published in February 2017, and officials from the Welsh Government continue to work closely with Defra to consider cross-border issues.

What are the main issues?

Concern has been voiced that the Performing Animals (Regulations) Act 1925 is out of date, too restrictive and is not appropriate for modern MAEs. Defra has indicated in its review that it intends to repeal the requirement for

⁶ <http://www.legislation.gov.uk/ukpga/1976/38/schedule>

⁷ <https://www.npws.ie/sites/default/files/publications/pdf/ISMZP%202016.pdf>

⁸ <http://www.parliament.scot/parliamentarybusiness/latest-publications.aspx>

⁹ <http://www.legislation.gov.uk/ukdsi/2012/9780111527832/contents>

¹⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588817/animal-licensing-review-next-steps.pdf

registering and replace it with a scheme under the Animal Welfare Act 2006 for animals that are exhibited.

In Wales we are still exploring the options available to us and will use this first public consultation to help plan a way forward. We are therefore asking you for your opinion and also to provide us with any evidence you may have which may help. Some of the main issues we would like you to consider are:

- **Definition:** We have proposed that MAEs should be defined as: *'Individuals, groups or commercial enterprises that travel to exhibit domestic and/or wild animals, for entertainment, therapy, educational and/or other purposes'*. We would like you to consider if this is a strong enough definition. Should there be any exemptions or additional requirements, taking into account the species kept, the size of the collection, nature of the activity undertaken etc.?
- **Conservation and Education:** A range of animals are used in MAEs, including many exotic species. MAEs may attend school/educational establishments, care facilities, parties, corporate bookings, fêtes and other external events. We would like to explore the evidence that MAEs contribute to conservation and would welcome your thoughts on whether you would consider this be an essential requirement of any licensing or registration scheme. Zoos already have a conservation and education commitment/obligation under the Zoo Licensing system.
- **Disease Control:** Some MAEs use animals that are capable of causing harm to humans or other animals. This may not only be through physical harm but some animals may carry bacteria or other pathogens¹¹ that can be passed to humans or other animals. We would welcome your thoughts on how a licensing or registration scheme could ensure that risks are kept to a minimum.

Wild animals in circuses

The Welsh Government has received calls from the general public and third sector (such as voluntary or community organisations etc.), including petitions and campaigns, to introduce a ban on the use of wild animals in circuses. There are no circuses based in Wales, although they do visit. These circuses have mainly grazing species such as llama, alpaca, reindeer, cattle, zebra etc. They also have other domesticated animals such as horses and dogs.

One MAE with big cats, currently unlicensed under England's Regulations, last toured Wales in 2015. They do not class themselves as a circus but as an 'educational facility'. This organisation has applied for a licence under the Defra Regulations for 2017-18.

The UK Government has for many years considered banning the use of wild animals in circuses on ethical grounds, but has not yet brought forward legislation. In her Written Statement of 15 December 2016 the Cabinet

¹¹ Anything that can produce disease.

Secretary for Environment and Rural Affairs did not dismiss the possibility of Wales considering the banning of wild animals in circuses and/or working with the UK Government on legislation.

The Welsh Government is also interested in your views on this issue and this is why, in addition to the questions on MAEs, we are asking you to provide us with any additional information, comments or evidence you may consider helpful.

You are also being given the opportunity to provide additional views and supporting evidence at the end of the questionnaire if you feel they have not been covered during the main consultation questions.

Consultation Response Form

Your name:

Organisation (if applicable):

Email / telephone number:

Your address:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Consultation Questions

General:

1. We have proposed the following definition of a MAEs: '*Individuals, groups or commercial enterprises that travel to exhibit domestic and/or wild animals, for entertainment, therapy, educational and/or other purposes*'. Do you agree with this definition? If no, please explain why.
2. Do you consider that the display of animals in MAEs has a positive or negative impact on the development of respectful and responsible attitudes towards animals in children and young people?
3. It is a mandatory requirement of licensed zoos to undertake conservation measures, including promoting public education and awareness in relation to conservation. Should MAEs be required to undertake similar activities?
4. The health and safety of the people who interact with MAEs, and the animals involved, is of concern to us. If you own or work for an MAE, what measures do you take to minimise the risk of injury or disease, both to humans and the animals?

Licensing/Registration:

5. Do you consider that any MAEs, circuses with animals, or both, which are based in or exhibit their animals in Wales, should be licensed or registered? (*See note on page 5 for definitions*)

Licensed? Yes/No

Registered? Yes/No

6. If you consider that MAEs and/or circuses should be licenced or registered, do you think that they should pay a fee for the licence or registration? If yes, please explain why.
7. The proposed definition of an MAE is very broad. Do you consider that there should be any exemptions included in any licensing or registration scheme?

Wild animals in circuses:

8. At present there are no circuses based in Wales but they do visit. The Cabinet Secretary for Environment and Rural Affairs has not dismissed the possibility of Wales banning the use of wild animals in circuses. Do you consider that such a ban should be considered?
Yes/No

Please give your reasons for this.

Welsh Language:

9. We would like to know your views on the effects that licensing or registering MAEs would have on the Welsh language, specifically on:
 - a. opportunities for people to use Welsh; and
 - b. on treating the Welsh language no less favourably than English.
10. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
11. Please also explain how you believe the proposed policy could be formulated or changed so as to have:
 - a. positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
 - b. no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

General:

12. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.