

# BVA Welsh Branch and BVZS response to the Welsh Government consultation on the proposed Wild Animals and Circuses (Wales) Bill

August 2019

## Who we are

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 18,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters and the wellbeing of the profession.
2. BVA Welsh Branch represents members in Wales, bringing together representatives of specialist and territorial divisions, government, academic institutions and research organisations in Wales. The branch advises BVA on the consensus view of members in Wales on Welsh and UK issues.
3. The British Veterinary Zoological Society (BVZS) is the specialist division of the British Veterinary Association (BVA) and has over 400 active members. The membership includes registered veterinary surgeons and veterinary nurses working with exotic species at all levels, from those in general practice providing a service for herpetologists, aviculturists, aquarists and the owners of exotic pets including primates, to those working in animal sanctuaries, wildlife parks, bird gardens, zoos and aquaria, and with free living wild animals.

## General Policy

4. BVA and BVZS support the proposed Bill to ban the use of any wild animal in a travelling circus in Wales. We believe that it is not possible to meet the specific welfare needs of non-domesticated, wild animals within travelling circuses and that the welfare of these animals is emblematic of the way we treat all animals under the care of humans. We believe that in order to ensure meaningful impact the Bill should cover all wild animals without exception and only apply to wild animals used in travelling circuses to avoid unintended consequences for other types of animal displays that may move to temporary locations. Please refer to [our response to the Welsh Government Consultation on the draft bill](#) from 2018 and [our response to the Welsh Government consultation on Mobile Animal Exhibits](#) from 2017 for more information on this.
5. We have consistently supported a ban on wild animals in travelling circuses in the UK and campaigned for a number of years on this issue. Together with the Born Free Foundation, Captive Animals' Protection Society and the RSPCA, BVA has called for a complete ban as quickly as possible, to end the use of wild animals in travelling circuses. We supported the ban in Scotland and the recent ban in England.

## Animal Welfare

6. We believe that the welfare needs of non-domesticated, wild animals cannot be met within a travelling circus. The Animal Welfare Act 2006 sets out that owners and keepers, including circus operators, have a duty of care to take all reasonable steps to meet the following welfare needs of animals in their care:

- The need for suitable environment
  - The need for a suitable diet
  - The need to exhibit normal behaviour
  - The need to be housed with, or apart from, other animals
  - The need to be protected from pain, suffering, injury and disease
7. Captive wild animals have complex welfare needs and instinctive natural behavioural needs that must be met. Travelling circuses, by definition, necessitate the regular transportation of wild animals between sites and locations, as such their facilities must be portable and often size-limited in order to fit to the changeable location and travelling needs of the circus. With this in mind, travelling circuses are not able to meet wild animals' need for a suitable environment, with adequate space, enrichment materials, temperature and noise regulation - obstructing wild animals in the pursuit of activities and behavioural expression that is natural to them.
  8. Likewise, time spent travelling, and performance schedules, may disrupt the normal diet of wild animals, impacting on the storage, preparation and provision of food needed to ensure these animals have a suitable diet.
  9. Further, as space can be limited in travelling circuses, circuses may use group-housing of wild animals. This could result in unsuitable social groupings for individual animals and high social density, which can respectively result in stress, aggression and abnormal behaviour.
  10. Our view is supported by the 'Harris review' commissioned by the Welsh Government<sup>1</sup>, which found a body of scientific evidence that indicated that travelling circuses do not meet the 'optimal welfare requirements' of the captive wild animals in their care and that evidence would support a ban on wild animals in travelling circuses on welfare grounds.

## Respect for wild animals

11. We see no benefit for humans or wild animals from the use of wild animals in travelling circuses. BVA believes that any perceived benefit of using wild animals in circuses will not outweigh the negative impact on welfare.
12. We consider that the welfare of these animals is emblematic of the way we treat all animals under the care of humans and can negatively impact on the development of responsible and respectful attitudes towards animals. We are concerned that the continued use of wild animals in circuses has the potential to undermine the public's understanding of animals as sentient beings with complex welfare needs, instead framing animals as commodities that can be used to perform unnatural behaviours for human entertainment and promoting sub-optimal welfare practices that may be extrapolated and influence the way humans treat all animals.
13. From an ethical perspective, we consider that a modern Welsh society should not accept the welfare of wild animals being compromised in the environment of a travelling circus. By the extremely restricted nature of facilities for wild animals to exhibit their natural behaviours, circuses serve no educational value either in terms of normal behaviour for the species concerned, or in providing context for their place in the natural environment. There is a wealth of widely available photographic and video material available which is able to show normal behaviour in the true context of the animals' natural environment.

## Meaning of "operator"

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<sup>1</sup> Dorning et al, 2016 'The welfare of wild animals in travelling circuses' Available at: [http://www.ispca.ie/uploads/The\\_welfare\\_of\\_wild\\_animals\\_in\\_travelling\\_circuses.pdf](http://www.ispca.ie/uploads/The_welfare_of_wild_animals_in_travelling_circuses.pdf)

14. We are supportive of the Bill's definition of 'operator'

### Meaning of "wild animal"

15. We support the Bill's proposed definition of 'wild animal' to mean 'an animal of a kind that is not commonly domesticated in the British Islands'.
16. We believe that this ban should cover all wild animal species without exception. This is because the complex welfare needs of non-domesticated, wild animals cannot be met within a travelling circus; especially in terms of housing and being able to express normal behaviour.
17. No exceptions or welfare compromises should be made for particular species of wild animal. Any ban should be consistent and not allow for any loopholes or grey areas.
18. Some kinds of circus animals may be considered domesticated in their country of origin but are not currently commonly domesticated in the British Islands, perhaps only being kept in Wales in zoos or wildlife parks. For example, in their countries of origin, camels have been used for many thousands of years by man and have been adapted for such use through breeding to encourage certain traits. Although this kind of animal is kept in the UK, the majority are kept in a manner that does not involve on-going domestication. Zoos and wildlife parks generally aim to maintain genetically diverse collections – they do not normally continue genetic selection for the purpose for which an animal may have been domesticated in their country of origin. At the time of writing, camels, for example, are therefore considered to be wild for the purposes of the Act as they are not commonly domesticated in the British Isles.
19. This contrasts with the position of llamas. Llamas are considered to have long been domesticated in South America; they have been widely used as a meat and pack animal by Andean cultures since the Pre-Columbian era. This kind of animal is now widely found in the British Islands in a farming environment where there is on-going genetic selection to suit agricultural needs. Hence this kind of animal is commonly domesticated in the British Islands.
20. The inclusion of section 3(2) will enable the Welsh Government to provide this clarity.

### Meaning of "travelling circus"

21. We are supportive of the Bill's definition of 'travelling circus'. We also welcome the reassurance that the Bill will only apply to wild animals used in travelling circuses, avoiding any unintended consequences for other types of animals displays that may move to temporary locations, such as for educational purposes.

### Further comments

22. It would be beneficial if a ban on the use of wild animals in circuses in Wales reflected the equivalent legislation in England, to avoid any confusion in terms of cross-border implementation and enforcement.
23. An outright ban could have negative impacts on animal welfare if existing animals in travelling circuses are suddenly retired, having no residual economic value to the owner. It will be important to ensure that there is a robust transition process in place that ensures the welfare of existing animals. We are concerned that the current wording of the bill could result in unintended consequences for the welfare of wild animals kept by travelling circuses through a potential loop hole with regards to the successful enforcement of the Bill. We have concerns that permitting travelling circuses to keep wild animals as 'pets' and allowing their transport with travelling circuses may continue to compromise the welfare of these animals. Animals need to be retired to suitable permanent enclosures that ensure their long-term welfare needs and that are consistent with accepted best practice for similar species kept in zoos and fully consistent with the requirements of the Dangerous Wild Animals Act 1976 (as amended 2010).