

PE1400/G

Chris Hynd
Committee Assistant
Public Petitions Committee
Scottish Parliament
Edinburgh, EH99 1SP

19 April 2012

Dear Chris

PE 1400

Thank you for notifying OneKind that the Public Petitions Committee will consider petition PE1400 on the use of wild animals in circuses at its meeting on Tuesday 1 May.

At the previous meeting in November the view was to keep the Petition open until the Scottish Government was in a position to state how it intends to proceed on this issue. Unfortunately, as I understand it, the Scottish Government has not yet received the advice that it considers necessary before making a decision.

I thought therefore that it might be helpful to offer a brief update to the Committee on relevant developments since the last meeting.

Firstly, on 21 December 2011, the Austrian Constitutional Court published its opinion¹ on a challenge by Germany's Circus Krone to Austria's decision to ban the use of wild animals in circuses, under its animal protection legislation. The Austrian Court found that, while a ban on using wild animals in circuses could interfere with the right to practise "every kind of gainful activity", such interference was based on public interest (the protection of animals) and was both necessary and appropriate for the legislator to achieve this goal. Given that the Austrian case was cited as the basis for concern about the legality of any English or Scottish ban on wild animal circuses, either under the European Convention on Human Rights or the EC Services Directive, this decision must remove much of that concern.

On 1 March 2012, the UK Government announced that it intended at some point to pursue a ban on the use of wild animals in travelling circuses in England, on ethical grounds. However, it has delayed introduction of this ban indefinitely because it

¹http://www.vfgh.gv.at/cms/vfghsite/attachments/0/5/5/CH0003/CMS1324453358376/wildtierverbot_im_zirkus_g74-11.pdf

wishes to think through the precise detail of a ban to ensure that it has the intended effect. In the meantime, it is consulting on a proposed licensing regime intended to include strict welfare standards and that could be introduced within months. The consultation (which closes on 25 April) states that: "Knowledge gained from operating the proposed licensing scheme may be used to supplement the evidence base on the welfare standards of travelling circuses in England for any future policy considerations."

OneKind and other animal welfare groups disagree with this approach as unnecessarily complex and likely to cause undesirable delay to the proposed ban in England.

Finally, the following Motion S4M-02233 was lodged in the Scottish Parliament on 6 March 2012 by Christine Grahame MSP:

No Place for Wild Animals in Circuses

That the Parliament believes that there is no place in a modern Scotland for circuses that feature captive wild animals whose lives involve performing unnatural tricks for public entertainment and who undergo constant travel, confinement and a lack of companionship with their own species; considers that this represents a long-outdated understanding of animals and their needs; notes that, although the timescale for introducing such a ban is unclear, the UK Government has made a commitment to ban the use of wild animals in travelling circuses in England; is concerned that developments in England could encourage travelling circuses with wild animals to relocate to Scotland, and urges the Scottish Government to, as soon as possible, make a clear, timetabled commitment to ban from Scotland travelling circuses with wild animals.

The Motion reflects the concern that the three circuses still using wild animals in England might focus more on visiting Scotland in future, and calls for a clear commitment from the Scottish Government to ensure that this does not happen. It has so far been supported by 24 Members from most political parties.

We hope that the Committee will keep the Petition open and that it will be instrumental in achieving clarity regarding the Scottish Government's intentions, as soon as possible.

Yours sincerely

Libby Anderson
Policy Director