

PE1400/O

Petitioner Email of 28 October 2013

Dear Chris

Many thanks for letting me know about the revised date for the Public Petitions Committee to consider our petition on the use of wild animals in travelling circuses. Since I wrote to the Committee on 2 October, the UK Government has announced that it disagrees with the recommendation in the EFRA Committee report to restrict its proposed ban on wild animals to big cat species and elephants.

The UK Government therefore intends to proceed with a full ban, which we believe could usefully be extended to the devolved administrations.

We look forward to seeing the Scottish Government consultation as soon as possible.

I would be very grateful if you could share this information with the Committee.

Yours sincerely

Libby Anderson
OneKind

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/746/74604.htm>

The principle of a ban

1. We recommend that the Government revise its approach to the Bill so that a Schedule be attached that contains a proscribed list of animals which can no longer be used in travelling circuses. Initially, for example, there would be a ban on all big cat species and elephants but not on, say, snakes, camels, zebras or racoons. The Secretary of State should have the power through secondary legislation to amend the list in future to reflect prevailing social and cultural attitudes. Those animals not on the proscribed list should, nevertheless, still be protected by the new licensing regime introduced in 2012, which should continue. (Paragraph 17)

The Government cannot agree to this recommendation. The option of a species-specific ban, as proposed by the Committee, was considered by Defra during the development of the draft Wild Animals in Circuses Bill. Defra's initial thoughts were set out in the Impact Assessment that accompanied the publication of the draft Bill.

During the Backbench Business debate on 23 June 2011 the House of Commons made it clear to the Government that it wished to see a ban on the 'use of all wild animals in circuses'. From subsequent debates, parliamentary questions and correspondence from Members, we have no reason to believe that Parliament has changed its view on this matter. The arguments that the Government has put forward in support of the proposed ban [3] do not appear to lead to the conclusion that it is still acceptable to still use some species of wild animal but not others. The issue that the Government has been asked to address is not the number of wild animals used in travelling circuses, nor their species, but the fact that they are used at all.

The Committee further proposes that the Bill be redrafted to include a power to make secondary legislation that could be used to add species to the prohibited list. The Government would regard the ability to add new species as a reactive measure, possibly requiring the Government of the day to introduce new regulations every touring season as circuses introduced new wild animals not already covered in the prohibited list. Not only would this be potentially burdensome on Defra, Parliament and ultimately the taxpayer, it would also not provide any long term clarity for circuses, who might go to great expense in training up a new animal only to find that the Government subsequently prohibits that species of animal.

The Committee recommends that any species of wild animal allowed to remain in a travelling circus should still be covered by the new licensing Regulations. However, the Regulations contain their own 'sunset' provisions that mean they will automatically expire in January 2020. The Government has always intended that the Regulations should be a temporary measure.

'Wild animal' is already a term recognised in legislation; allowing laws to differentiate between domesticated animals, such as horses or dogs, and animals that have not undergone the same process of domestication, such as tigers and zebras. Both the Zoo Licensing Act 1981 and the Animal Welfare Act 2006, for example, rely on the principle that there is a distinct difference between domesticated animals and non-domesticated 'wild' animals. The concept of what is, and is not, a wild animal is well established and the Committee does not explain why the scope of the ban should be further sub-divided into smaller sub-categories of 'wild animal'. Neither does the Committee provide any clear guidance as to how those further sub-categories of 'wild animal' should be determined or on what grounds the proposed delegated powers should be used.