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Memorandum of Evidence on the Draft Animal Welfare Bill
for the
Draft Animal Welfare Bill Sub-Committee
Environment, Food and Rural Affairs Committee

12 August 2004

1. Animal Defenders International (ADI) and the National Anti-Vivisection Society (NAVS) understand that the Draft Animal Welfare Bill proposes to consolidate and modernise legislation on protection of animals, performing animals, pet animals, abandonment of animals, fighting, animal boarding, riding establishments, and breeding, amongst others.
2. Below, ADI addresses our comments on relevant sections of the Draft Bill. We have summarised each relevant section and placed comments below.

S.1: CRUELTY

3. A person (owner or keeper, or person with care and control over owner under-16 years old) commits an offence if by an act, or failure of an act, causes a protected animal to suffer (if the act is considered unnecessary). **This is an arrestable offence.** Maximum penalty of £20,000 fine **and/or** 51 weeks imprisonment (although this is misleading – see S.15).
4. Mitigating circumstances will be whether the suffering could reasonably have been avoided; whether it is for the animal's own good; whether it is for the purpose of protecting persons, property, other animals; "*whether the suffering was proportional to the purpose of the conduct concerned*".

Good points:

5. The concept that an offence can be committed by act or omission where the individual knew, or could be expected to know, that the animal would suffer, is very good. The concept of a duty of care is very good. Closing the loopholes on those who employ others to care for their animals is also a very good step.

Bad points:

6. The terms "cruelty" and "suffer" have not been defined in detail, as they are in the 1911 Act (e.g. beat, kick, torture, infuriate, terrify, etc.). The drafting appears to only define cruelty as mutilation/poisoning/performing an operation. Is this correct?
Clarification is needed on how this will work in practice, in a court of law.
7. We are very concerned at the points made in Defra's Explanatory Notes, para. 26; and with the reference in Section 3 to "appropriate" and "circumstances" in reference to provisions for

the animals' needs. These are loopholes which could mean that any code of practice on circuses will continue to allow the beating of animals in order to get them to comply with performance requirements.

8. In order to control large animals, owners and keepers hit them and threaten them. In order to make animals perform, they are kept hungry, hit, slapped, or beaten.
9. **1.1(b) “[if] the suffering is unnecessary”. And also references in S.3 to “proportional”; “appropriate”, given the “circumstances”.**
As it stands, this means that as long as circuses are legal, then as much force as is necessary can be used to train and control the animals – elephants and lions can be beaten with metal bars to make them move or teach them new tricks, provided the abuser stops once they comply. This is the same as the current position, with the 1911 Act.
10. ‘Necessary’ was tested at the Mary Chipperfield trial. Whilst training camels to pirouette, Mary Chipperfield and others repeatedly struck the animals, including blows about the face with fibre glass rods. During the trial, the Magistrate noted, *“The camels were being trained in the ring. It’s not for us to judge if that’s right – it is legal.”*
11. Likewise, Roger Cawley and others repeatedly beat a very sick elephant until her back legs buckled, but stopped when she moved. Mary Chipperfield would strike the elephants with anything to hand to make them move, including old metal plumbing. None of these actions were offences because the violence was deemed necessary to reinforce commands. We cannot see how the new Bill prevents this.
12. In animal circuses, the complex, and particularly unnatural and extreme type of tricks, and also the species used, means that a high level of coercion is “necessary” for compliance.

S.2: FIGHTING ETC.

13. A person commits an offence if they arrange an animal fight, or publicise, permits, keeps a place, receives or gives money, bets, or takes part in, etc., an animal fight. **This is an arrestable offence.** Carries the maximum penalty of £20,000 fine **and/or** 51 weeks imprisonment. See concerns on description of penalties (S.15).

Good points:

14. We approve of all of the provisions to prevent human organisation of animal fighting.

S.3. WELFARE

15. A keeper, owner, person responsible for, or person who has actual care and control of person under 16 years who is owner of an animal – commits an offence if they fail to take reasonable steps to ensure the welfare of an animal for which they have care and control. In the case of abandoned animals the person responsible is the person who was in control of the animal immediately prior to abandonment.
16. Welfare has been expanded to mean meeting the animal’s needs in an appropriate manner, with those needs taken to include: the need for a suitable environment; for adequate food and water at appropriate intervals; to be able to exhibit normal behaviour patterns; any need to be housed with, or apart from, others of its own or other species; the need for appropriate protection from, and diagnosis and treatment of, pain, injury and disease. There is an exemption for the killing of an animal in a human and appropriate manner.
17. In this context, “appropriate manner” means appropriate to the animal’s species; its degree of

domestication; its environment and circumstances.

18. **This is not an arrestable offence.** Maximum penalty of 51 week imprisonment (misleading) or a fine up to level 5 on the Standard Scale (currently £5,000). The penalties for this offence are less than for S1 Cruelty and S3 Fighting.

Good Points:

19. Expansion of coverage of psychological, behavioural, environmental, companionship needs. All of the above is a very positive step forward.

Bad Points:

20. For circus animals we believe that Annex A, which refers to the code of practice of the Association of Circus Proprietors, completely undermines this clause of the Bill.
21. S.3(4) – we suggest adding that suitable exercise is a requirement.
22. The reference to “appropriate manner” in relation to the animal’s “environment and circumstances” is, we submit, a dangerous phrase to use when writing legislation for vulnerable animals. This could be used to negate all of the key protection that this Bill describes. See earlier comments.
23. **Psychological Suffering:** The downgrading of penalties for causing psychological suffering due to severe confinement, tethering, environmental deprivation, loss of companionship of co-specifics, etc., will be a very bad thing for animals, and there appears to be no logical reason for this; this is after all, an animal welfare bill.
24. It should be taken on board that psychological, environmental, and companionship suffering is just as bad as physical cruelty, and can sometimes be worse for the victim. Animals frequently never recover from psychological damage.
25. Downgrading this offence also defeats the object of the education programme which Defra describes elsewhere, in their document in relation to purchasing of pets; this will give the impression that psychological suffering and welfare issues are taken less seriously, than other forms of cruelty.
26. Making the judgement: ADI accepts, of course, that this type of suffering can be unintended, and caused by ignorance. However, we believe that the necessary judgement can be made by the prosecuting authority or magistrate.

S. 4 SALE TO PERSONS UNDER 16 YEARS, and

S. 5 GIVING AS PRIZES

Good points:

27. On points 4 and 5 Defra has again been clear and decisive, the age of a person buying an animal has been raised to 16 and it will be an offence to give away animals as prizes (for example goldfish at fairs). This is very good indeed.
28. In the Explanatory Notes, Defra states: *“this clause introduces a new prohibition on the giving of animals as prizes. The giving of animals as prizes is not thought to be consistent with a responsible approach to becoming an owner or keeper.”*

Ethics

29. ADI is pleased to note that Defra has proposed an ethical stance about the acceptable use/treatment of animals in Clauses 4 and 5, regarding age limit and pets as prizes.

ADI believes that a similar ethical stance can be taken about the use of animals in travelling circuses or menageries.

Defining a travelling circus or menagerie:

30. Defra groups animal circuses with other animal related entertainment. This complicates the matter and makes decisive action by Defra to halt circus cruelty difficult. See our comments on Annex A, Circuses and Performing Animals.
31. If circuses/travelling menageries are defined in the way that we suggest in our comments on Annex A, the definition will not encompass competitive dressage; dog shows or gymkhanas.

S. 6 REGULATIONS TO PROMOTE WELFARE

Good points:

32. The wide power to create regulations and codes of practice is very good. However, it should be acknowledged that the nature of some industries is such that neither regulations nor codes of practice are a practical means of protecting animals from cruelty and suffering. See our comments on Annex A.

Bad points:

33. **Licensing vs Registration:** We disagree with the assertion of Defra in their Explanatory Notes (para 47) that in some instances a registration scheme could replace licensing as the latter might be unnecessary, or, “burdensome”.
34. ADI recommends that a clean, simple, and comprehensive licensing scheme will be easier for everyone to understand, easier to operate, and raise standards to acceptable levels. Decisions about animal protection, and animal suffering, should not be based upon the size of the business involved in an animal-using sector. Businesses which cannot afford to maintain acceptable standards should not be allowed to keep animals.
35. To reiterate, whilst regulation of some areas of the use of animals in entertainment is appropriate, it is not for travelling animal circuses and menageries.

S. 7 CODES OF PRACTICE

Good points:

36. It is good to see many animal-using industries brought under proper controls; it will be important that basic welfare standards are the same or similar across the board. For example, standards of environmental enrichment, companionship, etc., should not be reduced for the sake of financial gain.

Bad points:

37. It is clear that businesses must be encouraged to comply with codes of practice and regulations, and fair that they receive consideration for compliance, if challenged in court. However in our experience the protection falls down when codes of practice and regulations are so weak as to become simply a means of negating legal obligations, rather than a means of protecting vulnerable animals in the hands of humans.
38. ADI does have some concerns about the level of research undertaken by Defra, into the various industries listed in this section. Most of the reference points used in the Explanatory Notes refer to farming (and pets). There appears to have been little research conducted into

other areas of animal use, such as performing animals. ADI's evidence does not appear to have been looked at.

39. **ADI strongly recommends** that codes of practice should take on board expertise from key organisations with knowledge of the industry concerned, even if the organisation is involved in campaigns about that industry. That would provide balance.
40. **Code of Practice for the circus industry: Please refer to our remarks at Annex A.**
41. Any new Animal Welfare Act should acknowledge that some activities with animal are simply unacceptable.

S.15 APPLICATION OF SECTIONS 16 TO 19 (ALSO RELATES TO S.42)

42. Prosecutors are: a public authority; a person acting on behalf of a public authority or in their capacity as working for same; a person authorised by the appropriate national authority. Several references are made to the RSPCA as being an approved prosecution authority.

Good points/clarification needed:

43. It is only later in the document that it is made clear that under English law anyone can initiate a prosecution for cruelty, as ADI did with Mary Chipperfield Promotions Limited, the directors (Chipperfield and Cawley) and their elephant keeper.
44. It should be made clear that appropriate organisations such as ADI may also initiate prosecutions, or become approved prosecutors, in relation to their area of expertise.

Bad points:

45. Although the Government and local authorities have traditionally relied upon the private/charitable sector to prosecute animal cruelty cases, and this obviously save a great deal of public money, ADI has some concerns about this policy.
46. Firstly, we believe that in principle, the prosecution of offences throughout the legal system should be the same (or similar). This helps to maintain a sense of justice, maintain standards, and ensures that the public understands that breaking the law is the same, whatever law is broken.
47. Second, the reliance upon animal groups to prosecute offences against the new Act would give the impression that the legal process has been 'privatised', which in our opinion is not a healthy way to administer the law.
48. And finally, if prosecutions under this law are mainly pursued by animal groups, this could give the impression that breaking animal welfare legislation is somehow less serious than other offences.

SECTIONS 11 TO 19 + 54: QUERY

49. **Arrangements in Sections 11 to 19** – see next paragraph.
50. **Section 54** describes access to premises, vehicle, vessel, aircraft, or hovercraft, any tent or movable structure. Although a movable structure would include a caravan, a caravan is also a private dwelling, requiring a warrant from a magistrate. This could be problematic in the case of a travelling circus – or animals in the care of travellers or gypsies.

S. 24 IMPRISONMENT OR FINE

Fines:

51. ADI welcomes the raising of levels of fine. However, we found the description that fines have been increased to a maximum of £20,000 misleading.
52. Clarification is required of the explanatory note: *“The option of a very high fine is to cater for serious cases of cruelty for example those which involve a significant profit for the offender.”*
53. The maximum is only available for S.1 Cruelty and S.2 Fighting.
54. **ADI recommends a sliding scale of fines**, related to ability to pay. For example, Mary Chipperfield received a fine of £7,500. Roger Cawley received a fine of £1,000. However the elephants in the case were sold for £100,000. The members of the family of the chimpanzee featured in the case were sold for an undisclosed sum.

Imprisonment:

55. ADI notes that although the period of prison sentence has been raised the actual time spent in prison is the same. The way that it has been expressed is misleading.
56. The Explanatory Notes should make it clear that the reference to “51 weeks imprisonment” means 2-13 weeks imprisonment and the remainder up to a total of 51 weeks on licence/parole. We acknowledge that this is to comply with the Criminal Justice Act 2003.
57. As mentioned in our comments on S.3, ADI entirely disagrees with the downgrading of psychological suffering, deprivation of environment and companionship, to a lesser offence than Section 1, Cruelty, and Section 2, Fighting. **The maximum penalty should be the same, with the prosecuting authority or magistrate determining whether the suffering caused was unintentional or out of ignorance, etc.**

SECTIONS 25, DEPRIVATION, 26, DISQUALIFICATION, 27, DUTY TO EXPLAIN

58. All extremely good steps for animal welfare.

S.43 TIME LIMITS FOR PROSECUTIONS

59. Time limit moved from 6 months from date of offence, to 6 months from date of having evidence to make a case; within 3 years of the offence being committed.
60. ADI welcomes the changes that have been made.

S.44 APPOINTMENT OF INSPECTORS BY LOCAL AUTHORITIES

61. The SoS may draw up a list of persons whom they consider suitable for appointment by a local authority to be an inspector for the purposes of this Act.

Good points:

62. This should be seen as an opportunity for wider consultation on suitable persons, drawing recommendations from both campaign groups and industry.

Bad points:

63. ADI approves of lists of suitable persons for appointment as local authority inspectors, but

has serious concerns about the quality of the research and background checks that go into them.

64. Thorough background researches should be undertaken, rather than appointing people just on the basis of who they know.
65. Furthermore, the background checks should be regularly updated in order to keep track of the activities of the people on the list. ADI would be happy to provide information for this, as would many other groups.
66. For example Roger Cawley, director of Mary Chipperfield Promotions and The Chipperfield Organisation, past director of Woburn and Longleat Safari Parks, was an approved Government Zoo Inspector at the time of our investigation, until the trial.
67. Much suffering could be avoided if better research were undertaken, and the public and animal NGOs would have more confidence in a list where wider consultation had taken place.

S.49 OFFENCES BY BODIES CORPORATE

68. ADI welcomes the firming up of this area of the law.

S.50 SCIENTIFIC RESEARCH

69. Exemptions for use of animals under Animals (Scientific Procedures) Act 1986 (ASPA).

Bad points:

70. In the Explanatory Notes, paras 192/193, Defra discusses that Section 3, Welfare, of the Animal Welfare Bill does not apply to animals used in laboratories. Laboratory animal codes of practice (COP) under the ASPA are cited..
71. ADI/NAVS must emphasise that the laboratory COP is not enforced, even where specific recommendations have been made. The COP is also poor, contains little detail relating to the needs of a number of species, and does not include the extent of welfare provisions that one would expect to see in other industries.
72. The NAVS has recorded clear breaches of the COP with regard to primate housing in two UK laboratories, and that the animals were suffering as a result. It is not possible to bring an action under the ASPA for breach of welfare codes; the mechanism simply is not there.
73. This clause is also at odds with the stated intention in the Explanatory Notes, that there should be clear and consistent codes of practice for animal welfare across a range of industries. Laboratory animals will have less legal protection, for no good reason.
74. Explanatory Notes, para 194, speculates as to whether other (non-research) animals in scientific research establishments are covered by the Act. This should be clarified.

S.53 "ANIMAL"

75. 'Protected animals' are all vertebrates other than humans, which are either permanently or temporarily in the care and control of humans. Thus excluding wild animals; we acknowledge that relevant wild animal legislation is in place. However, we are unclear as to the position of feral animals (e.g. dogs, cats). Could this be clarified, please.

Good points:

76. ADI approves of the provision for future extension of definitions under this clause. However,

we believe that this definition should be amended in the light of current knowledge about some invertebrate species.

Bad points:

77. The precautionary principle should be applied here. The animals should be given the benefit of the doubt.
78. It should be noted that the common octopus has subsequently been included under the Animals (Scientific Procedures) Act 1986. So to leave, for example, a pet octopus completely outside the scope of the Bill seems inconsistent. Especially given that this Bill aims to consolidate and create consistency between UK legislation.
79. Including invertebrates would not open the Bill up to the inaccurate ridicule in the media that people would be prosecuted for the treatment of slugs or flies. First, these animals are not under the care and control of people, and so are outside the scope of the Bill. Second, a case would still have to be made for any invertebrate, for example cephalopod (octopii), and arthropod (spiders, crustacean).
80. Animals generally try to escape when trapped, and retreat from threats to avoid injury; it is short-sighted to pretend that invertebrates can never suffer, no matter what is inflicted on them. At some level, there may be a capacity to suffer and this Bill should provide for that. It is preferable to take the precautionary approach, with a few selected species.
81. ADI believes that the background research which informed this decision should be reviewed, and this recommendation re-visited. There is a case for inclusion of some invertebrates.

S.54 GENERAL INTERPRETATION

82. Our query about caravans, private dwellings, etc. (S.11-19).

ANNEX A: CIRCUSES AND PERFORMING ANIMALS

Introduction

83. ADI conducted an 18 month study on the use of animals in circuses, which was published in our report 'The Ugliest Show on Earth' in 1998 (copy attached).
Research and observations took place from 1996 to 1998, including paper research back to 1995. Observations and recordings were made in 13 UK travelling circuses and winter quarters, and 5 foreign circuses displaying UK animals. This amounted to over 7,000 hours of observations, and over 800 hours of videotape. The study looked at daily routines; husbandry; animal health; accommodation; exercise; training; psychological and physical effects; abuse; animal supply and international regulations.
84. In 1999, some of this evidence was used to obtain cruelty convictions against Mary Chipperfield, her husband Roger Cawley, and their elephant keeper, under the 1911 Act.
85. We found circus animals to be confined in very small spaces, chained, tethered, and restricted in every aspect of their lives. Because they are unable to express their normal behaviour patterns, they become disturbed, and start to exhibit abnormal behaviours. These include repetitive swaying, bobbing, and pointless movements. Over the years this behaviour becomes increasingly ingrained until the animal is literally out of its mind. It becomes relatively unaware of surrounding events.
86. Severe confinement is not limited to any particular species, it was across the board: horses

and ponies spent up to 96% (23 hours) of their day, tightly tethered, limiting movement; the large cats spent between 75%-99% of their time in small cages, on the backs of lorries; elephants spent between 70-98% of their time chained to the ground.

87. Frequently, animals spend unbearably long hours spent shut inside transporters, for example a pony spent 23 hours in a transporter, and a bear 39 hours, for a journey of just 5 hours.
88. We have since provided Defra with two additional reports: 'Animal Circuses–Time for a Ban (2001/2), and 'Animals in UK Circuses' (2003). The latter included a census of animals within the UK circus industry, and accommodation and husbandry.

Annex A of the Draft Bill outlines eight key points on the recommendations for not banning the use of animals in travelling circuses.

We have listed these 8 points below, followed by our comments:-

Point 1: Refers to the Association of Circus Proprietors (ACP) voluntary Code of Practice (COP):

89. The ACP code has been studied and rejected by ADI, the RSPCA, and Captive Animals' Protection Society. All three groups met with Minister Elliot Morley and Defra officials over two years ago, and advised the Government that, given the circumstances, it is not possible for travelling circuses to provide the facilities to adequately care for their animals, and keep them healthy and happy.
90. The ACP's code was originally drafted in order for Defra to circulate it to local authorities in England and Wales. ADI objected and requested that if Defra circulated the Association's COP, then ADI should also be given the opportunity to include information. This request was ignored and the ACP's COP was subsequently circulated to local authorities, many of whom now believe that it is a Government document. Distribution of this COP by the Government has caused the confusion that we predicted.
91. ADI's examination of the code indicated that it achieves nothing for animal welfare and is in fact, misleading. In our report, 'Animals in UK Circuses' (2003), we noted:
92. *"The ACP code was prepared on behalf of the Association of Circus Proprietors (ACP) by David Hibling of Zippos Circus. Hibling appeared as a defence witness for the notorious Mary Chipperfield Cawley. The country was appalled by the scenes of Mary Cawley thrashing and kicking a baby chimpanzee, Trudy. Hibling was shown three videos of assaults on the chimp and asked, "See anything which would constitute cruelty?" Hibling replied unequivocally "No". Asked "Would you do what Mary Cawley did?" Hibling replied "Yes". Mary Cawley was convicted on twelve counts of cruelty. Hibling was also shown video of Roger Cawley whipping a sick elephant, Flora, making her run faster around the ring; again, Hibling saw nothing cruel. Cawley was convicted of cruelty to Flora. Hibling's responses indicate the gulf between circus and public thinking on the treatment of animals."*
93. We made the following points about the ACP code:
 - (a) it is extremely weak and loosely worded; open to interpretation and therefore difficult to enforce.
 - (b) it is mainly an impractical and rather fanciful 'wish list', in the light of the practical and financial realities of the circus industry. More of a public relations exercise than a serious attempt to protect animals.
 - (c) there are no mechanisms to set and enforce standards. The ACP is a voluntary organisation and only a small number of the circuses touring the UK are members.

The ACP does not have the infrastructure, financial, or other resources necessary to make this code a working document. There is no system of inspection to enforce the code, nor to ensure that members comply with it.

- (d) This is not the first code produced by the ACP, and there is no reason to expect that it will have any more effect than the previous code.
- (e) When ADI investigated the circus industry, we looked at the best establishments that the industry had to offer, as well as the worst. The company consistently reputed to be the best in the industry, was Mary Chipperfield Promotions, suppliers to circuses, the film industry (including Disney), advertising, and public events, e.g. camel racing. At the time of the ADI study, the directors of Mary Chipperfield Promotions Ltd were members of the Association of Circus Proprietors. Yet in terms of animal abuse, this was the worst establishment that we studied.

Point 2. ..“licensing may lead to the closure of some of the smaller and less well run animal shows.”

- 94. ADI would like to see the evidence that informed this statement. The evidence that we produced in our study does not support this. The circus operations where the worst abuse was found during our study were the larger, wealthier organisations (notably, Mary Chipperfield Promotions in Hampshire, Chipperfield Enterprises in Oxford, Circus Harlequin (now the Great British Circus)).
- 95. Our studies reported in *The Ugliest Show on Earth* (1998) and *Animals in UK Circuses* (2003) have clearly shown that confinement and deprivation are commonplace regardless of the size of the circus.
- 96. In fact, it may well be that the larger circuses are unable to manage and control their workers, and observe what is happening to their animals.
- 97. It is worth noting that Circus Jolly is probably the smallest UK circus operation (in terms of audience attendance/turnover) yet has a menagerie of 44 animals (audiences can be outnumbered by animals).
- 98. Our *Animals in UK Circuses* report also revealed that “exercise enclosures” were being put up as a public relations exercise rather than to actually benefit the animals:
- 99. *Spirit of the Horse* (25 horses and ponies) and *Zippos Circus* (8 horses and ponies) both erected exercise enclosures that were not used for entire days, and furthermore, there were insufficient numbers of enclosures to rotate the number of animals so that all the animals had a turn in the enclosures. This is a common occurrence – too many animals for too few exercise enclosures. Frequently, it is the difficult animals which lose out. In terms of audience share and turnover these would be regarded as the larger circuses. We believe that, as with Mary Chipperfield Promotions Ltd, this indicates that these ‘larger’ establishments may be better versed in public relations, but not necessarily in animal welfare.

Point 3: Registration under the current Performing Animals (Regulation) Act 1925.

- 100. Please refer to the section in our *Ugliest Show on Earth* report, page 120, which discusses the operation of the PARA. This Act is a simple matter of registration and has no animal welfare provisions. However, it does entitle local authority officials to inspect the registered premises, although our survey of PAR registrations in the UK found that this was rarely undertaken. ADI is in agreement that the PARA needs to be scrapped, and better controls put in place.

Point 4: Intention not to introduce a ban, “due to decline in the use and numbers of performing animals in circuses..”

101. We find this reasoning odd. The decline in the numbers of animals in travelling circuses is a result of the exposure of cruelty to animals in circuses, and the general public education campaign. This does not mean that legislative action should not be taken to stop the use of animals in circuses.
102. It is mainly UK circuses that are under discussion here, and we need to ensure that foreign circuses do not tour the UK with performing animals in future.
103. In 1997 there were 16 elephants touring the UK, today there is just one. However, there is nothing in place to stop this situation arising again, especially from EU circuses.
104. In 1997 there were 33 circuses touring the UK (10 animal free, 3 with domestic animals only, and 20 with exotic animals).
105. In 2002 there were still 33 circuses touring the UK however the number of animal free circuses had doubled (21 animal free, 8 with domestic animals only, and 4 with exotics).
106. This shows that the impact of a ban on jobs, will be minimal. With animal circuses at an all-time low, this is the perfect time to deal with this issue and the opportunity should not be squandered.

Point 5: “The preferred option would be to extend the regulation to require that all performing animal acts should be licensed and subject to regular inspection by a local authority.”

107. ADI strongly disapproves of Defra’s proposal that travelling circuses should not be banned, and that they should be licensed. Defra could not have received a clearer signal from ADI and the other groups involved in this issue, as well as the weight of public opinion, that the use of animals in travelling circuses **should be banned**.

The Case Against Travelling Animal Circuses:

108. ADI and all other groups with expertise in this field agree that animals cannot be properly cared for in travelling circuses, due to the the circumstances of travelling from town to town, and restrictions on space and facilities that travelling entails.
109. As mentioned earlier, ADI’s study found that severe confinement is not limited to any particular species, it was across the board: horses and ponies spent up to 96% of their day tethered; the large cats spent between 75%-99% of their time in small cages; elephants spent between 70-98% of their time chained to the ground.
110. The mobile/changing layout of circuses and different inspectors for different locations, make these inspections unreliable in terms of uncovering animal welfare problems. It is easy to hide animals from inspections. ADI has presented video evidence to Defra of a seriously injured lioness being concealed from an RSPCA inspector.

Permanent Training Quarters (winter quarters):

111. Please see the discussion of permanent quarters in our report (page 43). ADI recommends that these facilities be required to provide the same standards of accommodation and environmental provision as zoos.
112. ADI has recommended that travelling circuses and permanent training (winter) quarters be treated separately because they are quite separate business operations. Many so-called winter quarters operate all year around. Some animals in these facilities do not travel with circuses,

but are taken on other work. The permanent quarters frequently supply animals for film and television, advertising, or personal appearances. For example the Great British Circus supplies large cats for advertising. Circus businesses simply cannot afford to have their animals unemployed for several months of the year.

113. ADI has recommended that permanent quarters be treated as zoos. The only real difference between the two operations, from the point of view of the welfare of animals, is that one (the zoo) is open to the public at least four days a year, and the other is not.
114. We would be happy to discuss with the Committee, a briefing we have completed on the Zoo Licensing Act and circus training quarters.
115. Please also see our comments on the Zoo Licensing Act in the Ugliest Show on Earth report, page 127.

Other Performing Animal Suppliers:

116. These suppliers should not be grouped with travelling circuses. Firstly, the lives of the animals are different from those with other performing animal suppliers.
117. The unique problem with travelling circuses is that the animals live the **whole** of their lives on the back of a lorry. The majority of the animals continue to live in the cages that they travel in; the big cats stay in their cages; performing dogs remain in a cage for the winter; ponies continue to be stabled, but if they are lucky, they might go out into a field. In addition, the extreme and unnatural tricks (elephants on their hind and front legs, lions hind leg walking, camels pirouetting) means that a high level of coercion is involved.
118. Travelling animal circus acts teach nothing about the animals they display. They are not educational, and do not contribute to conservation in any way. (Circus animals are from mixed genetic backgrounds and are therefore of no value to serious conservation programmes).
119. Circus animal performances are low-quality entertainment which gives a confused and often inappropriate message to young spectators on the other species which share this planet.
120. Animal circuses/travelling menageries can therefore be categorised separately from other uses of performing animals.
121. Life for animals kept with other performing animal suppliers is very different. They live in permanent accommodation and are taken out to bookings.
122. **ADI recommends that travelling circuses and menageries be categorised separately** from other performing animal businesses.

Domestic Species: Horses, ponies, dogs, cats, etc:

123. Our studies have shown that life for domestic species within a travelling circus is very different from racehorses, gymkhana ponies, or pet and showdogs. The latter spend the majority of their lives in permanent accommodation, only travelling with owners and keepers for events. The life of a pony in a circus, boxed and travelling almost all of its time, cannot be compared with the life of a pet pony, travelling with a doting owner to horse shows each week. The animal's lifestyle is quite different.
124. **ADI recommendation:** *travelling* circus shows be treated separately from other performing animals businesses, as well as racehorses, show dogs, and others.

Point 6: *“Consideration is being given to an 18 month licence (rather than the traditional 12 month licence) to reduce the costs for both businesses and local authorities as well as*

enabling inspections to take place at different times of the year.”

125. **Licensing:** This 18 month licence has been recommended for: circuses and other performing animal businesses; pet fairs; pet trading/breeding establishments; livery yards; animal sanctuaries.

126. ADI completely disagrees with Defra’s reasoning for an 18-month licence. Setting aside animal welfare for the sake of reducing costs goes against the fundamental aims of the Bill.

Adding a further 6 months to a licence increases the risk of suffering.

Inspections can be undertaken at different times of the year, within a 12 month period.

127. Certainly in regard to the use of animals in travelling circuses, the problem has not been registration or licensing, but the fact that, given the circumstances of constantly moving from town to town, local authority Environment Health Officers, or Trading Standards Officers, have not been able to conduct an inspection before a circus leaves their area. And when they have inspected, the circus can leave their jurisdiction before action can be taken.

128. **Licensing vs Registration:** We disagree with the assertion of Defra that in some instances a registration scheme could replace licensing as the latter might be unnecessary, or, “burdensome”.

ADI recommends that a clean, comprehensive licensing scheme will be easier for everyone to understand, easier to operate, and raise standards to acceptable levels. The fact that licensing might be a burden on smaller enterprises should not be a factor – the bill is to protect animals from suffering and the size of the operation concerned is not relevant.

129. *“The cost of licensing a circus is likely to be around £230 a year (based on two-thirds of a typical zoo licence).” :*

The figure of £230 suggested for licensing is far too low, at just £50 more than a colour television licence for the same period. ADI believes that this gives entirely the wrong message and recommends that a licence for keeping animals in a profit-making concern should be raised.

130. A scale of fees would seem appropriate. A person with a small group of dogs being utilised for TV commercials cannot realistically be compared to the animal-factory type operation of Clubb-Chipperfield’s Amazing Animals in Oxfordshire, with their stock of lions, tigers, and hippos, through to monkeys, frogs and snakes (see our Ugliest Show on Earth report, page 57).

Point 7: “...raising animal welfare standards to meet minimum licensing requirements...”

131. ADI believes that, setting aside some failings in the current code for welfare of animals in zoos, if this guidance is taken as the starting point for animal facilities in a range of other industries, then animals should not be travelled around the country with circuses and menageries.

132. The Secretary of State’s Standards for Modern Zoo Practice are, we submit, a good yardstick for permanent performing animal training quarters (also called winter quarters), for other performing animal training quarters, for pet animal dealers and breeders, for sanctuaries, and small animal parks.

133. A variation for permanent performing animal training quarters would only need the addition of provisions for domesticated species.

Point 8: Right of entry for local authority inspectors

134. The mere fact of inspections does not in itself prevent animal abuse.

For example, there is already a right of entry for local authority inspectors under the DWAA. (see Ugliest Show on Earth report, page, 132, on the Dangerous Wild Animals Act 1976).

135. Local authority inspectors (vets) do inspect circus permanent quarters (winter quarters) from time to time, under the terms of licences held under the DWAA. One such inspection took place during our investigation of Mary Chipperfield Promotions, on which occasion the inspector did not see all of the animals on the farm.

136. ADI fully supports the proposals for a right of entry for local authority inspectors, but recommends that a proper schedule of points to cover on each visit is a requirement placed upon each inspector. This schedule should be standard and cover all of the information that the inspector should obtain. ADI is happy to provide information on what needs to be looked for.

Please see the enclosures with this document:-

- report, Ugliest Show on Earth (1998)
- video, Ugliest Show on Earth (1998), approx. 30 minutes.
- report, Animal Circuses—Time for a Ban (2001)
- report, Animals in UK Circuses (2003)

If the Select Committee does not have enough time to review all of our evidence, we strongly urge that time is taken to view the video, which covers the main points of our findings.

We would be pleased to provide any further information that the Select Committee requires.

Jan Creamer
Chief Executive
on behalf of
Animal Defenders International