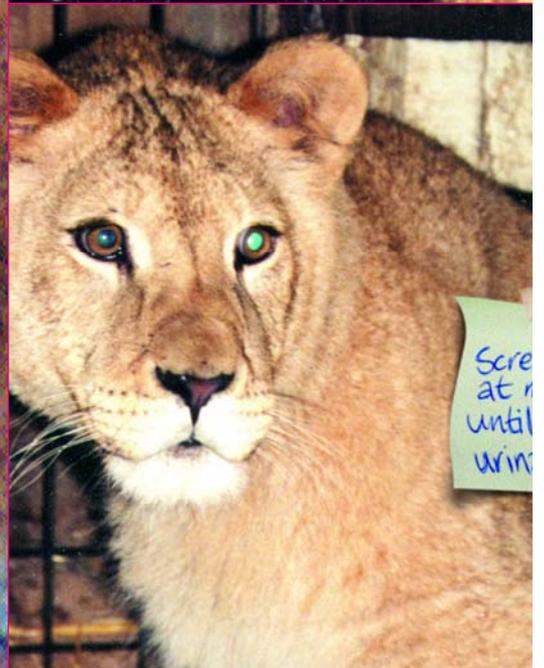
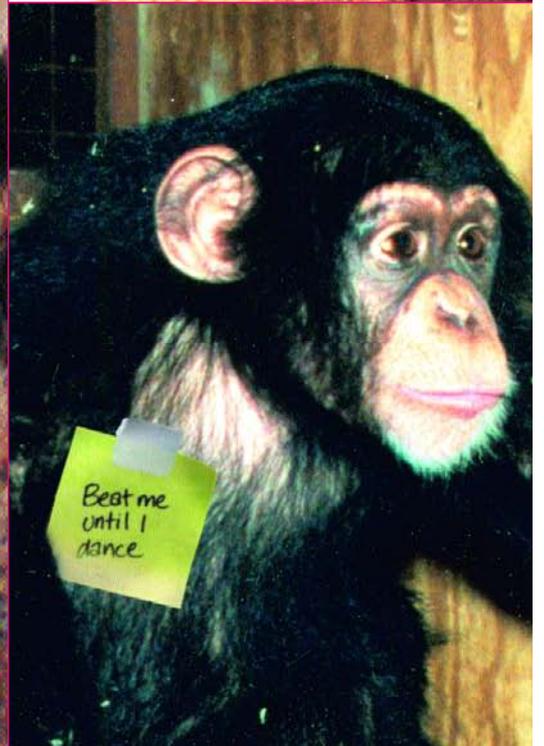




WHIP ME
BEAT ME
KICK ME

Animal Circuses
& the Animal
Welfare Bill



The Government's Draft Animal Welfare Bill, launched in July by the Department of Environment, Food, and Rural Affairs (Defra), consolidates over 20 pieces of animal welfare legislation.

Animal Defenders International (ADI) welcomes the new Bill, which has much to commend it. For example we are pleased to see the concept of a 'duty of care' underpinning the Bill; the 'welfare' section is excellent, in that it introduces provisions to deal with cases of environmental deprivation and psychological suffering. All extremely important measures to improve protection of animals. However, a glaring and inexplicable omission is a ban on the use of animals in travelling circuses.

The new Bill's provisions concerning performing animals, and in particular circus animals, are not only entirely inadequate and at odds with the weight of evidence of suffering in circuses, but also, with public opinion. The Bill not only fails to stop the severe confinement of animals with travelling circuses, but also ignores the use of violence and force to train and control animals in entertainment.

The Government has suggested that the use of animals in circuses should be licensed (Annex A: Proposal to Licence Circuses with Performing Animals and Other Animal Related Entertainment). Yet such a move will legitimise the very worst aspects of animal circuses.

Circus animals spend almost their entire lives living in temporary accommodation on the back of transporters, travelling from one makeshift encampment to another. With the best will in the world, circuses simply cannot provide the facilities necessary to keep their animals happy and healthy.

Furthermore, licensing will do nothing to protect animals being trained or performing in circuses from violence, withdrawal of food, or intimidation.

ADI has provided the Government with a wealth of evidence of suffering endured by animals in travelling circuses. Our studies have involved thousands of hours of observation, hundreds of hours of videotaped evidence and in some instances, successful cruelty convictions such as the Mary Chipperfield Cawley case. The major animal welfare groups in the UK which deal with this issue are in agreement that it is not possible to provide circus animals with adequate protection, or suitable facilities, due to the nature of travelling shows.

The public has voted with its feet, and animal circuses are less popular than in the past. It is therefore extremely disappointing, to say the least, to hear the Government suggest that due to the decline in popularity of animal circuses, there is no need to provide legal protection in terms of a ban. ADI believes that that this is exactly the right time to finally consign this archaic abuse of animals to the history books.

Within the current framework of the draft Animal Welfare Bill there is the opportunity to do this.

Popularity of animal circuses

An opinion poll conducted on behalf of ADI by NOP in October 2004 shows virtually no support for animal circuses amongst the general public:

- **80%** of respondents agreed that: "Circus animal trainers should be banned from hitting performing animals," **with 69% agreeing strongly**.
8% of the respondents disagreed slightly, with only 5% strongly opposing the statement.

Yet, as ADI studies have shown, and our case against Mary Chipperfield confirmed in court, violence during control and training animals is accepted and deemed "necessary" by the circus industry.

- **63%** of the public believe that the use of **all performing animals should be banned** (51% strongly). Only 8% disagree strongly and 18% slightly.
- Previously, ADI has found even stronger support for a ban on wild animals (72%, MORI, 1999).

Since the launch of the ADI study 'The Ugliest Show on Earth' in 1998, the public has turned away from animal circuses. There has been a significant shift away from the use of animals; the number of animal-free circuses has more than doubled, from 10 in 1997 to 21 in 2002. By contrast, the number of circuses using animals has almost halved, from 23 in 1997 to 12 in 2002.

1997

Animal-free	10
With domestic animals only	3
With exotic animals	20
Total	33

2002

Animal-free	21
With domestic animals only	8
With exotic animals	4
Total	33

The rise in the number of animal-free circuses demonstrates that the industry can be sustained without the use of animals. Furthermore, highly successful human-only circuses such as Cirque du Soleil have shown that non-animal shows can reach new audiences.

A random survey of audience numbers attending animal circuses in 2002 showed no correlation between animal numbers and audience: Zippos' show, which included horses, attracted the largest audience (around 700 people), with a total of 16 animals. Jay Miller's Circus exhibited just one pony, but drew the second highest audience (around 300 people). The circus with the largest animal menagerie, Jolly's (44 animals) attracted the smallest audience – under 50.

Circuses have continued to tour with animals which are not performing, for example Santus Circus had 2 goats, 5 ponies, a donkey and 4 geese, none performed. Indeed flyers promoting the Santus show continue to state: 'No animals'.

We believe that there is clear public support for an end to the use of animals in circuses, and there is overwhelming evidence of the suffering and deprivation that these animals are forced to endure. Furthermore, it is clear that an industry-wide transition from animal circuses to animal-free is possible.

The Draft Animal Welfare Bill – comment on what is being proposed

Below, we look at some of the provisions of the Draft Animal Welfare Bill. Although we have concentrated principally on the sections of the Bill which relate to animals in travelling circuses where relevant, we have addressed other areas of concern to ADI.

What animals are protected?

The Bill describes animals which are covered by the Bill. 'Protected animals' are all non-human vertebrates, which are temporarily or permanently under the control of humans (thus excluding wild or feral animals). There is provision to add invertebrates later, but it is unlikely that parliamentary time will be made available. ADI has made a case for the inclusion of some invertebrates, which we hope to present at the discussion stages of the Bill. For example, the common octopus has now been included in the Animals (Scientific Procedures) Act 1986; to leave a pet octopus outside the scope of this Bill appears to be inconsistent. The Government's contention that the scientific evidence is not there does not sit well with an animal welfare bill – a precautionary approach should be taken. Anyway in a prosecution, the capacity of an invertebrate to suffer would have to be proven. ADI's concern is that if these animals are not included in the Bill in the first place, then regardless of any scientific evidence of capacity to suffer, they will not be protected by the law.

There has been some inaccurate ridicule of the Bill, implying that it would open up prosecutions for cruelty to flies or slugs – but these are wild animals which are not in the control of humans, therefore they are outside the scope of the Bill.

Species of animals in UK circuses

	1997	2002
Ankole	1	-
Bear	2	1
Bison	2	-
Budgerigar	-	8
Cattle	1	1
Camel	22	6
Cats (domestic)	48	-
Chicken	1	-
Dog	26	18
Donkey	8	6
Dove/Pigeon	6	14
Duck	-	6
Elephant	16	1
Geese	12	4
Guanaco	1	-
Giraffe	1	-
Goat	13	4
Hippopotamus	1	-
Horse/Pony	120	98
Leopard	2	-
Lion	15	-
Llama	21	4
Macaw	3	1
Monkey	1	-
Mule	-	-
Pig	-	-
Rhinoceros	1	-
Sea Lion	-	-
Sheep	-	-
Snake	7	1
Tiger	16	8
Zebra	1	4
Zebroid	2	-
Total	305	185

What is covered by the Bill

The draft Bill outlaws cruelty, animal fights, and introduces the concept of a 'duty of care'. The key points of the Protection of Animals Act 1911 remain, but this new Bill expands legal protection to include psychological and environmental suffering. This is a huge step forward.

A concern is that the definition of cruelty is less detailed than in the 1911 Act, which might lead to difficulties with prosecutions.

The 'duty of care' means that an owner or keeper, or person responsible for, or in charge of an animal, or who is in charge of an owner under 16 years, has a duty of care to that animal. Furthermore, a person can be held responsible when they knew, or ought reasonably to have known, that their act, or failure to act, would cause the animal to suffer. Again, all positive moves for animal protection.

In a welcome move, the Bill extends liability to corporations.

It will be illegal to sell animals to persons under 16 years of age, and to give pets as prizes – all very good.

There are proposals for a ban or restriction on dog tail docking, and the breeding out of characteristics in pedigree cats and dogs which make them prone to suffering. As with circuses, these have been postponed to later this decade.

It is disappointing that this Bill comes with the same caveat as the old 1911 Act – 'unnecessary' suffering. This is the legal loophole that causes so much suffering during animal training. It means that as long as circuses are legal, then as much force as is 'necessary' can be used to train and control 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 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. 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."

Welfare

Section 3 'Welfare', is the most significant change. Whilst Section 1 Cruelty and Section 2 Fighting are both tidied up versions of the clauses in the 1911 Act, the new 'Welfare' section breaks new ground. Psychological suffering caused by environmental and/or companionship deprivation is covered in this section (for example keeping herd animals alone). This addresses key criticisms that ADI has made of the 1911 Act. This clause *could* end the greatest amount of animal suffering – provided it is not undermined elsewhere in the Bill.

The duty to meet the animal's needs in an appropriate manner includes: 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. In this context, "appropriate manner" means appropriate to the animal's species; its degree of domestication; its environment and circumstances. However, the Government plans for circus animals to be excluded from this protection – see our comments on the performing/circus animals section, Annex A of the Bill.

Penalties

Penalties for those convicted of cruelty have been increased to a maximum of 51 weeks imprisonment and/or maximum fine of £20,000. However, the description of 51 weeks imprisonment is misleading and should be more clearly explained; the actual penalty is 2-13 weeks in prison, followed by licence (parole) for up to a maximum of 51 weeks (to comply with the Criminal Justice Act 2003). Unfortunately, a breach of the Welfare clause is not an arrestable offence and the level of fine is reduced, to a maximum of £5,000. Downgrading this offence defeats the object of the public education programme which the Government describes elsewhere in the Draft Bill. ADI believes that it sends the wrong message about the needs of other species.

Codes of practice

It is proposed that animal businesses will be given regulations and codes of practice, which are to be approved by Parliament, by the end of the decade. Compliance with codes of practice will reduce a company's liability under the new law, which ADI believes is a reasonable approach. Those affected by this include: circuses and other performing animals; pet fairs; livery yards; dog racing; rearing of game birds for shooting. There will also be regulations for animal sanctuaries.

Laboratory animals

Animals used under the Animals (Scientific Procedures) Act 1986 are exempt from this Bill. There are already Codes of Practice for laboratory animals, but ADI has shown these to be weak and routinely ignored.

This exemption is at odds with the stated intention that there should be clear and consistent codes of practice for animal welfare across a range of industries. There is no logical argument to exclude laboratory animals from the provisions of Section 3 of the Animal Welfare Bill – other than to, once again, give animal researchers protection over and above the rest of society.

Annex A: Proposal to License Circuses with Performing Animals and Other Animal Related Entertainment

What good that might have gone before in the draft Bill is completely undermined by this ill-informed Annex. Here we dissect some of the points made by the Department of the Environment, Food, and Rural Affairs (Defra) in their presentation of the proposals:

Defra recommends that no action needs to be taken on circus animals since introduction of the Association of Circus Proprietors' voluntary Code of Practice, and the fact that the numbers of circus animals have fallen:

This code was rejected by all the animal groups, over two years ago. ADI has made the following points:

The ACP's code is loosely worded and open to interpretation. It is more of a public relations exercise than a serious attempt to protect animals. There is no mechanism in place to 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 resources necessary to make this code work; there is no system of inspection. 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. ADI has investigated both the best and the worst in the industry. The company consistently reputed to be the best was Mary Chipperfield Promotions, suppliers to circuses, the film industry, 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 ACP; yet the worst abuse occurred at this farm.

Finally, the code was drafted by David Hibling of Zippos Circus. Hibling appeared as a defence witness for Mary Chipperfield Cawley, and her husband Roger Cawley. The court saw Chipperfield thrashing and kicking a baby chimpanzee. Hibling was asked, "See anything which would constitute cruelty?" Hibling replied unequivocally "No". Asked "Would you do what Mary Cawley did?" Hibling replied "Yes". Mary Chipperfield and Roger Cawley were both convicted.

Defra: "licensing may lead to the closure of some of the smaller and less well run animal shows." [inference is that this can be justified]

ADI would like to see the evidence that informed this statement. The circus operations where the worst abuse was found during our study were the larger, wealthier organisations – Mary Chipperfield Promotions, Chipperfield Enterprises, Circus Harlequin (now the Great British Circus). Confinement and deprivation are commonplace regardless of the size of the circus. It is worth noting that Circus Jolly (probably the smallest UK circus operation, in terms of audience attendance/turnover), has a menagerie of 44 animals. In 2003 we reported that Spirit of the Horse (25 horses and ponies) and Zippos Circus (8 horses and ponies) both erected exercise enclosures that were not used for days at a time, and furthermore, there were insufficient numbers of enclosures to ensure all the animals had some exercise. This is a common occurrence – too many animals, too little space. In terms of audience share and turnover these would be regarded as the larger circuses.

Defra's intention not to introduce a ban, "due to decline in the use and numbers of performing animals in circuses.."

We find this reasoning decidedly odd. The decline in the numbers of animals in travelling circuses is a result of the exposure of cruelty, and the public education campaign. This does not mean that legislative action should not be taken to stop the use of animals in circuses – indeed there is effectively a public mandate. We need to ensure that foreign circuses do not tour the UK with performing animals in future. 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.

In 1997 there were 33 circuses touring the UK (10 animal free, 3 with domestic animals only, and 20 with exotic animals). In 2002 there were still 33 circuses touring the UK; the number of animal free circuses had doubled (21 animal free, 8 with domestic animals only, and 4 with exotics). 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.

Defra: "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."

ADI strongly disagrees with the proposal that travelling circuses should not be banned, but rather licensed.

Animal circuses should not be grouped with other suppliers of animals for entertainment. Firstly, the lives of the animals are different from those with other performing animal suppliers. The unique problem with travelling circuses is that the animals live the whole of their lives on the back of a transporter. 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) mean that a high level of coercion is involved. Travelling animal circus acts teach nothing about the animals they display. They are not educational, and do not contribute to conservation in any way.

There is a clear distinction between animals in circuses and animals used in dressage, gymkhana, even animals used in film and advertising.

Life for animals kept with other performing animal suppliers is very different. Whilst we have many criticisms of these establishments, the animals live in permanent accommodation.

ADI recommends that travelling circuses and menageries be categorised separately from other performing animal businesses.

The Case Against Travelling Animal Circuses:

ADI and all other groups with expertise in this field agree that animals cannot be properly cared for in travelling circuses due to the circumstances of travelling from town to town, and restrictions on space and facilities. ADI has found that severe confinement is not limited to any particular species, it is across the board: during our study 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.

The mobile/changing layout of circuses and different inspectors for different locations, make inspections unreliable and ineffective. It is easy to hide animals from inspections.

Domestic Species – horses, ponies, dogs, cats:

Our studies have shown that life for domestic species within a travelling circus is very different from the lives of racehorses, gymkhana ponies, or pet and show dogs. The latter spend the majority of their lives in permanent accommodation, only travelling with owners and keepers for events.

Permanent Training Quarters (winter quarters):

ADI recommends that these facilities be required to provide the same standards of accommodation and environmental provision as zoos – this would include all animal training centres. Although we acknowledge the failings of the standards for zoos, it would be a good place to start for performing animals in static quarters. The permanent quarters frequently supply animals for film and television, advertising, or personal appearances.

The only real difference between the zoo and performing animal permanent quarters, from an animal welfare point of view, is that a zoo is open to the public and a training centre is not.

Defra: "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."

ADI disagrees with the proposal 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.

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.

Defra: "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 is far too low (a colour TV licence is £121 for 12 months). This does not properly reflect the responsibilities involved. ADI recommends that a licence for keeping animals in a profit-making concern should be increased.

A scale of fees would seem appropriate. With regard to suppliers of animals for films and advertising (where licensing is likely, as opposed to circuses where a ban is more practicable), this is lucrative industry. However, a person with a small group of dogs being used for TV commercials cannot realistically be compared to the animal-factory type operation of Clubb-Chipperfield's Amazing Animals with their stock of lions, tigers, and hippos, through to monkeys, frogs and snakes.

Defra: "...raising animal welfare standards to meet minimum licensing requirements..."

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 travelling around the country with circuses. A variation of the standards for zoos for permanent performing animal training quarters would only need the addition of provisions for domesticated species.

Defra: Right of entry for local authority inspectors

The mere fact of inspections does not in itself prevent animal abuse. For example under the Dangerous Wild Animals Act 1976, inspectors already visit training quarters. 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. ADI supports the right of entry for local authority inspectors, but inspections need to be effective. 'Inspections' can also be used to mislead the public. Circus Harlequin (now Great British Circus) regularly displays a sign outside their circus claiming to be 'RSPCA inspected'. Yet they were filmed by ADI, concealing a seriously injured lioness from an animal welfare inspector. ADI believes that the practicality and effectiveness of inspections needs much more thought.

Animal Defenders International has submitted detailed comments and evidence for consideration with this Bill, and is happy to provide further information for Members of Parliament.

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Enough is Enough



It's time to
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