

# Animal Welfare Bill:

## Government resistance on animal circuses baffling...

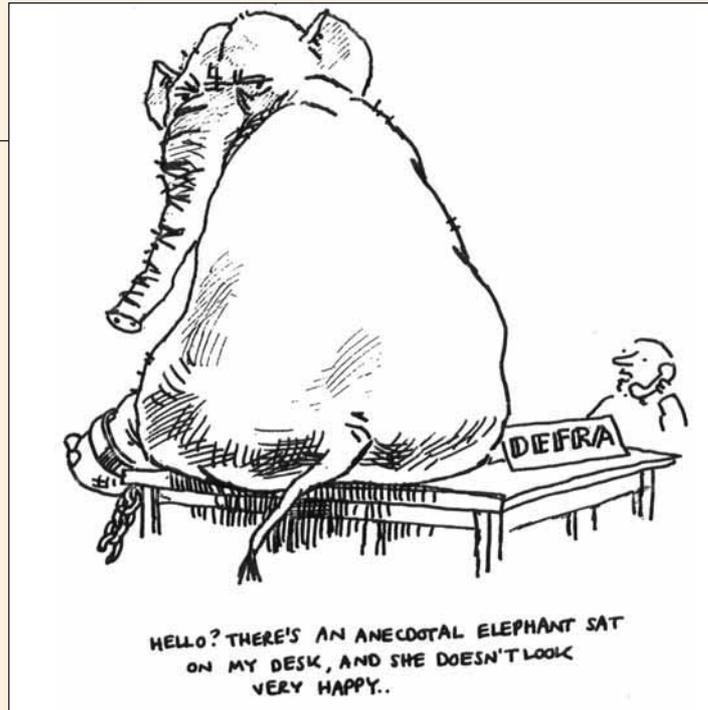
In October, the Government's Animal Welfare Bill (AWB), which consolidates over 20 pieces of animal welfare legislation, received its first reading in the House of Commons. The Bill has much to commend it, indeed it may prove to be one of this Government's most significant contributions to animal protection. Yet it could be completely undermined by a failure to effectively address the use of animals in circuses.

The Performing Animals (Regulation) Act 1925 is the only piece of legislation currently regulating the performing animal industry and contains no animal welfare provisions! The new Bill aims to update many similar regulations in the next few years, therefore there is an opportunity to end the archaic use of travelling circuses in the UK, and stop the violence employed in training animals in the entertainment industry. Bear in mind that many involved in supplying animals for advertising, films, even wildlife documentaries, are former circus presenters/trainers.

The Environment, Food and Rural Affairs Committee (EFRA) in the House of Commons is examining the Bill, and has called for any evidence on changes the Government has made since the Draft Bill.

### Changes since the Draft

Changes the Government has made have cut the heart out of the Bill. Here we restrict our comments to the issue of performing animals, except to note that



cephalopods (eg octopuses) are still excluded, making this legislation inconsistent with the Animals (Scientific Procedures) Act 1986. If not protected from the start, we doubt there will be political will to find time to include these animals later.

The most damaging changes have been made to *Clause 4: Unnecessary suffering*. Although it may appear to represent a tidying up, we are disturbed at the insertion of a new paragraph 4(3)(d); an industry-protection measure, stating that judgement of suffering be "proportionate to the purpose of the conduct".

For performing animals, this will negate the protection of the Act and continue the situation as it stands now. It is currently legal to beat an animal in a circus (or to perform for film or TV) until it complies with what the trainer wants; it only becomes illegal if the trainer/handler continues to beat the animal after it has complied. ADI has tested this in court.

An animal welfare act should not allow that any level of beating as an industry norm (when no life is in danger) is "proportionate". Particularly so when it is for the purpose of entertainment. Effectively, provision for suffering and violence in the commercial use of animals for entertainment has been legitimised in this Bill.

The section on the *Duty of person responsible for animal welfare* has been significantly weakened since the Draft Bill. Specific and clear sections have disappeared, or been merged and weakened.

The section dealing with *Regulations to promote animal welfare*, previously included an outline of the basic needs in the construction of accommodation. There is now a broader 'catchall' which is a significantly weaker proposal as a whole. Key subsections have been removed completely, including:

- consideration of the welfare of animals in light of a type of commercial use;
- prohibition on the keeping of animals of a specified kind in specified circumstances;
- provision for prohibiting the use of animals of a specified kind for a specified purpose.

The removal of these provisions in the new Clause 10 means there is no provision to act globally to protect them.

Consequently, any future regulations will be unable to achieve any significant effect on the way animals are treated in commercial situations. This appears to be at odds with the views of the public, Members of Parliament, and even suggestions by EFRA itself, following its review of the Draft Bill.

# Stop Circus Suffering

In the case of travelling circuses, clear and incontrovertible evidence has been produced over many years (dating back two decades) that, given the circumstances, it is simply not possible for travelling circuses to provide their animals with the space, environmental enrichment, companionship, and diet that would provide good welfare and maintain them in a healthy and happy condition.

For example, animals must be loaded onto transporters when the circus breaks up to move on. Although the journey may only last for a few hours, the animals must stay in their transporters until the workers have set up the big top and stable tents, usually the next day. This has resulted in animals remaining in their transporters for periods of up to 30 hours. The very nature of the travelling circus industry drives the abuse.

In the *Regulatory Impact Assessment, Annex A*, Defra reiterates its bizarre claim that evidence of cruelty in circuses is “anecdotal” which flies in the face of both case law, and thousands of hours of video evidence. Just one study involved over 7,000 hours of observations, backed up by nearly 800 hours of videotape of 13 UK circuses and training establishments. This resulted in the

convictions for cruelty of animal trainer Mary Chipperfield Cawley, her husband Roger Cawley, and their elephant keeper (the latter was jailed). Since then further evidence of circuses in the UK and many other countries has been added to the body of evidence. Findings on the demonstration of abnormal behaviours and inadequacy of facilities have been consistent across various studies since the Kiley Worthington report in 1989.

At an APGAW (Associate Parliamentary Group for Animal Welfare) meeting, Minister Ben Bradshaw cited gymkhanas and dressage as making it difficult, or impossible, to ban the use of horses in circuses. Whilst we acknowledge that it may be simpler to ban wild animal acts, this point has nonetheless been addressed more than once in material sent to Defra. There is a world of difference between the lifestyle of gymkhana ponies and showjumpers, etc., and equines travelling with circuses. Only circus animals spend almost the entire year living in temporary accommodation.

With the number of animal circuses falling, it would be a simple step for the Government to follow other countries, with a clear prohibition, bringing to an end this unnecessary suffering.

In 1998, over 200 MPs (including Ben Bradshaw MP) signed EDM 787 which called “for a ban on the use of animals in travelling circuses.” It’s time for the minister to make good that commitment.

Tiger touring the UK, summer 2005, with the Great British Circus, with a wider view of the not-so-spacious mobile home for tigers (below).

