Wild animals in circuses
TOGETHER WE CAN...IMPROVE WILD ANIMAL WELFARE

Key facts...
★ There are a total of 19 wild animals currently being used in two UK circuses.
★ Circus life has a harmful effect on the welfare of many species and scientific research shows that the most commonly used wild animals are the least suited to this existence.
★ Public opinion polls consistently show a majority support for a ban of wild animals in circuses, there is also cross-party support for a ban from MPs.
★ Both the previous Labour and Conservative/Liberal Democrat Governments committed to bringing forward a ban on wild animals in circuses.
★ An increasing number of other countries have now banned the use of wild animals in circuses.
★ The RSPCA believes that a ban on the use of wild animals in circuses is long overdue and the current Regulations are not sufficient.
★ A draft Bill has already received pre-legislative scrutiny (by the EFRA Select Committee), it has been presented as a Private Member’s Bill but been blocked by three backbench MPs on a number of occasions.

Scale of the industry
A total of 19 wild animals including snakes and zebras currently perform in two UK circuses. Circus life has a harmful effect on the welfare of many species and scientific research shows that the most commonly used wild animals are the least suited to this existence.

Support for a ban
Successive polls consistently show the majority of the public support a ban of wild animals in circuses, for example polls from 2011 show 71% and 72% in favour. Furthermore, 94% of respondents to the Labour Government’s consultation in 2009 wanted to see a ban.

European law
Under European law, Member States (MS) have a wide discretion to legislate in areas of public policy such as animal welfare, recognising that each state is entitled to legislate in accordance with its own cultural values and morality. The European Commission has stated on several occasions that the welfare of animals in circuses is a matter for MS, most recently on 2nd and 13th June 2011.

Austria’s ban on the use of wild animals in circuses, enacted in 2005, was considered to be compatible with European law by the Commission following a challenge from the European Circus Association (ECA). The ECA appealed to the European Ombudsman who, in March 2010, “didn’t deem it justified to inquire

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further into the complainant’s claim that the Commission should re-examine the infringement complaint⁶. The Commission subsequently reiterated that the welfare of wild animals in circuses is a matter for MS⁷ and in January 2012 the Austrian Constitutional Court dismissed a further challenge to the Austrian ban filed by Circus Krone (Germany). Following this, in February 2012, the Greek Parliament adopted a new law to ban the use of wild animals in circuses. In 2013 and 2014, Slovenia, Cyprus, Belgium, Malta and the Netherlands followed suit with their own bans.

Case-law in this area clearly confirms the above point. As a result, a number of animal welfare laws have survived challenge, such as the Welsh Government’s Regulations to prohibit, under section 12 of the Animal Welfare Act 2006, the use of electronic shock collars on dogs and cats⁸.

Regulation does not mean an end to the use of wild animals in circuses

The current Regulations⁹ which licence the use of wild animals in circuses are not sufficient and in March 2012 the then UK Government committed to bringing forward a ban on wild animals in circuses. A draft Bill¹⁰ has already received pre-legislative scrutiny (by the EFRA Select Committee) and it was also presented as a Private Member’s Bill but blocked by backbench MPs. The RSPCA believes it is time this issue is addressed once and for all and the new Government brings forward the Bill.

Industry will not be harmed by a ban on the use of wild animals in circuses

The RSPCA does not believe a ban would be damaging to the financial viability of the circus industry – an industry member has stated in a newspaper article that income was unaffected by the absence of animal acts¹¹. Neither does the RSPCA believe that a ban would have a negative impact on the UK audio-visual industry. The RSPCA has developed guidelines for the welfare of performing animals to aid progression in the audio-visual industry, which obtains animal acts from a wide variety of sources and are not reliant on circus animals¹².

The way forward

A number of other countries have banned the use of wild animals in circuses; Austria, Belgium, Bolivia, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, El Salvador, Greece, Israel, Latvia, Malta, Mexico, the Netherlands, Panama, Paraguay, Peru, Singapore and Slovenia. Austria’s ban has been tested against Treaty obligations and found to be in compliance with them (see above).

The RSPCA would support a phased-in ban of wild animals as this would provide a framework for the industry, improve animal welfare and ensure the UK is not left lagging behind other countries with regards to animal welfare standards. We believe it is important for the new UK Government to enact a ban so that it confirms the progressive aims of the Animal Welfare Act 2006 and the nation’s values.

CALL TO ACTION... Please speak with the Minister for animal welfare at Defra and request that the Government brings forward a Bill to ban the use of wild animals in circuses. It is a short Bill and would not take up considerable parliamentary time as there is cross-party support for this issue.

⁷ Letter from Jonathan Scheele, Head of Representation in the United Kingdom, European Commission, 13 June 2011
⁹ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 (accessed 09.04.15)
¹² http://performinganimals.rspca.org.uk/home (accessed 09.04.15)

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