Consultation Response
FROM THE RSPCA IN WALES

Welsh Government Consultation: Mobile Animal Exhibits
October 2017

GENERAL

1. WE HAVE PROPOSED THE FOLLOWING DEFINITION OF A MAES: 'INDIVIDUALS, GROUPS OR COMMERCIAL ENTERPRISES THAT TRAVEL TO EXHIBIT DOMESTIC AND/OR WILD ANIMALS, FOR ENTERTAINMENT, THERAPY, EDUCATIONAL AND/OR OTHER PURPOSES'. DO YOU AGREE WITH THIS DEFINITION? IF NO, PLEASE EXPLAIN WHY.

The RSPCA largely agrees with this definition, except for the inclusion of 'travel'. The RSPCA would like to see better regulation of all exhibited animals (including film, TV, theatre etc) and we urge the Welsh Government to replace the outdated and ineffective Performing Animals (Regulation) Act 1925 with a licensing system that adequately protects all animals used in this industry. Removing 'travel' from the definition would capture the activities that concern the RSPCA, and also dispense with the need to define how often or far animals/the collection have to be transported before being classed as an MAE.

2. DO YOU CONSIDER THAT THE DISPLAY OF ANIMALS IN MAES HAS A POSITIVE OR NEGATIVE IMPACT ON THE DEVELOPMENT OF RESPECTFUL AND RESPONSIBLE ATTITUDES TOWARDS ANIMALS IN CHILDREN AND YOUNG PEOPLE?

The recognition and appreciation of animals as sentient beings is essential in the promotion and development of empathy towards them in young people. On balance, the RSPCA believes that MAEs are more likely to have a negative impact on the development of respectful and responsible attitudes towards animals in children and young people unless a five welfare needs assessment is undertaken in a comprehensive manner that ensures positive care messages are communicated to the audience, these messages are explicit in the exhibition (display) or demonstration of the MAE, and they are clearly demonstrated in practice.

The use of animals in MAEs carries significant risk of impacting negatively on children's and young people's attitudes. Animals are often displayed in unsuitable temporary environments that do not reflect the animals' needs. Of particular concern is the use of non-domesticated species in MAEs which make unsuitable household pets (e.g. raccoon dogs, raccoons, meerkats). Whilst providers may have messaging in their shows discouraging ownership of such species, the fact that people handle these animals, and see them in artificial, temporary setups (e.g. on harnesses, kept in small bare enclosures, solitary housed social species) that do not reflect their wild nature or needs, is in direct contradiction to verbal or written messaging. MAEs may also inadvertently lead to irresponsible pet ownership, in the sense of people purchasing a pet without due consideration to the implications and encouraging the keeping of species unsuited to being kept as a pet.
MAEs have the potential to be detrimental to the welfare of the animals involved. It is essential that adequate steps are taken, and evidenced, to ensure the needs of all animals are met, including the following provisions:

- a suitable environment that satisfies the physical, social and behavioural needs of all animals;
- a species-appropriate health and welfare plan for all animals that is fully implemented and revised as necessary;
- appropriate shelter, knowledgeable husbandry and veterinary care at all times by people competent in the species in question, including weekends and holidays;
- appropriate supervision and control, by a competent person, of all contact between people and animals;
- adequate ‘rest’ periods for all animals and a handling rota that is clearly enforced so that animals are not constantly forced to interact with people and have sufficient ‘down time’;
- removal of animals that show signs of stress/distress and/or inability to cope with the situation;
- compatibility between the species’ natural behaviour and the exhibition;
- consideration given to separation and reintroduction of paired and group animals, eg for veterinary treatment or interactions;
- prevention of indiscriminate breeding;
- retrospective assessment of the animals' actual experience of the activity and necessary revision of practices made to improve their future welfare;
- reflection on whether the use of animals is justified in future activities.

3. **IT IS A MANDATORY REQUIREMENT OF LICENSED ZOOS TO UNDERTAKE CONSERVATION MEASURES, INCLUDING PROMOTING PUBLIC EDUCATION AND AWARENESS IN RELATION TO CONSERVATION. SHOULD MAEs BE REQUIRED TO UNDERTAKE SIMILAR ACTIVITIES?**

The RSPCA supports a requirement for MAEs to undertake additional measures, so that animals are not solely used for entertainment or financial gain. Fulfilling a conservation requirement for domestic species may prove difficult and, as seen in licensed zoos, the threshold for meeting such a requirement can be low, with no requirement to demonstrate any meaningful impact. Promoting animal welfare messaging should be included as a requirement, covering the Animal Welfare Act's Duty of Care, the welfare needs of the animals involved (which should be clearly demonstrated in practice) and promotion of responsible pet ownership. Any mandatory requirement to undertake additional measures should include a requirement to demonstrate measurable impact.

4. **THE HEALTH AND SAFETY OF THE PEOPLE WHO INTERACT WITH MAEs, AND THE ANIMALS INVOLVED, IS OF CONCERN TO US. IF YOU OWN OR WORK FOR AN MAE, WHAT MEASURES DO YOU TAKE TO MINIMISE THE RISK OF INJURY OR DISEASE, BOTH TO HUMANS AND THE ANIMALS?**

The RSPCA has concerns about the risk of injury and disease in MAEs. Particularly when direct handling takes place, species listed on the Schedule to the Dangerous Wild Animals Act 1976 (DWA) are involved and where there is a lack of staff competency in the animals being used (including spotting subtle signs of stress and anxiety) or insufficient numbers of competent staff. Species listed on the DWA Schedule should not be taken out of their secure home or handled by anyone but the licence holder, with a possible exception where a supplementary licence is granted for each specific event and the activity is fully risk-assessed, for both human and animal health and safety.
LICENSING/REGISTRATION:

5. DO YOU CONSIDER THAT ANY MAES, CIRCUSES WITH ANIMALS, OR BOTH, WHICH ARE BASED IN OR EXHIBIT THEIR ANIMALS IN WALES, SHOULD BE LICENSED OR REGISTERED?
LICENSED? YES/NO
REGISTERED? YES/NO

The RSPCA believes that circuses should not be permitted to use animals. As outlined in the recent review by Dorning et al. (2016), wild animals in travelling circuses experience small, impoverished environments and inappropriate social conditions; their natural behaviour is frequently disturbed or thwarted; and the caging/tethering they experience coupled with unnatural acts contribute to deformities, injuries, lameness and psychological distress. Their welfare is sub-optimal and the Society strongly agrees with the researchers’ conclusion that the extensive evidence reviewed supports a ban on the use of wild animals in travelling circuses on animal welfare grounds.

MAEs that use animals should be licensed, subject to strict licensing conditions, and unannounced inspections, at the home site and at events. Standards required for wild animals used in MAEs should be the same as that required for wild animals kept in licensed zoos, under the Zoo Licensing Act 1981. Of vital importance, are safeguards to ensure animals are exposed to minimal transport and given proper rest periods between use. Licensing officers need to be sufficiently trained, and penalties for unlicensed activities and breaches of conditions set at a level that will encourage compliance.

Registration is not helpful and will not fulfil the aim of better protecting the welfare of animals used in MAEs. The registration scheme under the Performing Animals (Regulation) Act 1925 is widely recognised, including by those in the industry, as being wholly inadequate.

6. IF YOU CONSIDER THAT MAES AND/OR CIRCUSES SHOULD BE LICENCED OR REGISTERED, DO YOU THINK THAT THEY SHOULD PAY A FEE FOR THE LICENCE OR REGISTRATION? IF YES, PLEASE EXPLAIN WHY.

Fees should be paid on a cost-recovery basis, covering all reasonable costs associated with administration, inspections and anticipated costs of enforcement. For example, the one-off exhibition of a single animal would likely carry lower fees than long-term, frequent exhibition of a large number of animals, as it would likely be cheaper to administer due to, for example, less frequent and shorter inspections.

7. THE PROPOSED DEFINITION OF AN MAE IS VERY BROAD. DO YOU CONSIDER THAT THERE SHOULD BE ANY EXEMPTIONS INCLUDED IN ANY LICENSING OR REGISTRATION SCHEME?

Anything lawfully done under the Animal (Scientific Procedures) Act 1986 could be considered for exemption.

Zoos licensed under the Zoo Licensing Act 1981 should not be exempt. This is similar to the current situation where all trainers and persons responsible for public educational demonstrations are required to register under the Performing Animals (Regulation) Act 1925. Permanent housing of animals in licensed zoos are part of requisite zoo inspections, but the exhibition is generally not, particularly for those that occur outside the zoo premises.

---

2 Point 7.7, page 42, in the Secretary of State’s Standards for Modern Zoo Practice.
8. AT PRESENT THERE ARE NO CIRCUSES BASED IN WALES BUT THEY DO VISIT. THE CABINET SECRETARY FOR ENVIRONMENT AND RURAL AFFAIRS HAS NOT DISMISSED THE POSSIBILITY OF WALES BANNING THE USE OF WILD ANIMALS IN CIRCUSES. DO YOU CONSIDER THAT SUCH A BAN SHOULD BE CONSIDERED? YES/NO PLEASE GIVE YOUR REASONS FOR THIS.

Yes and please see the answer given under Question 5.

The RSPCA fully supports a ban on the use of wild animals in circuses because there is sufficient evidence that the needs of wild animals cannot be met in a circus environment and the public is in support of a ban.

The RSPCA urges Wales to join the 23 other countries, including 12 in Europe, that have already recognised that circus life is not compatible with good animal welfare and banned the use of all wild animals in circuses.

In 2015 an RSPCA Cymru petition, subsequently submitted to the Petitions Committee of the National Assembly for Wales, gathered in excess of 7,500 signatures from within Wales in the space of just five months. This strength of feeling is also evident in surveys, with 74 percent of the public supporting a ban on wild animals performing in circuses in Wales after hearing that other European countries have banned animal performances in circuses.

---

3 Countries that have banned the use of all wild animals in circuses: Austria, Belgium, Bolivia, Bosnia & Herzegovina, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, El Salvador, Estonia, Greece, Israel, Malta, Mexico, the Netherlands, Panama, Paraguay, Peru, Romania, Serbia, Singapore, Slovenia.

4 All figures are from YouGov Plc. Total sample size was 1036 adults. Fieldwork was undertaken between 19th - 22nd August 2015. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).