

Scottish Government consultation

Wild animals in travelling circuses

Response by OneKind

April 2014



Consultation Question 1 Do you believe that the exhibitions and performances required of wild animals in travelling circuses compromise respect for the animals concerned? Why?

Yes. Travelling circuses that exhibit performing wild animals are fundamentally out of step with modern views on the proper way to treat animals, and modern understanding of animals' environmental, behavioural and social needs.

We further suggest that using wild animals in circuses does not engender compassion towards, or understanding of, animals, but instead reinforces outmoded attitudes concerning the acceptability of exploiting or dominating other creatures for entertainment. These are an inheritance from past ages that accepted the existence of travelling menageries and showmen with dancing bears, but they should have no place in 21st century Scotland.

Consultation question 2 Do you believe that the exhibitions and performances required of wild animals in travelling circuses have an adverse impact on the development of respectful and responsible attitudes towards animals in children and young people? Why?

Yes. OneKind believes that animals deserve to be respected for their intrinsic value – the extraordinary skills, behaviours and characteristics that they possess as animals – rather than training them to mimic human behaviour or carry out other unnatural tricks. As generations of natural history documentaries have shown, wild animals are at their most fascinating when seen in their natural settings.

Consultation Question 3 Do you consider that concerns relating to respect for animals could be resolved without banning the use of wild animals in travelling circuses. If so, how?

Circus performances are generally intended to excite or amaze the public by making animals do things that are difficult and aversive for them. Very often the focus of the performance is the ability of the human trainer to dominate wild animals, such as elephants or big cats,

rather than the animals' innate ability to perform interesting behaviours. This is fundamentally disrespectful to the animal as well as being based on harsh training methods.

Another indicator of a lack of respect for the animals is that they are regularly bought, sold, swapped and traded between circuses across different countries. Despite being marketed to circus spectators as individual members of iconic species, in this context they are mere commodities. Even when animals have become accustomed to certain environments, handlers, climate and companions, all this can be changed without regard to the effect on the individual.

OneKind believes that a ban is indispensable and unavoidable. We acknowledge that there are now only two licensed travelling circuses with wild animals in England, but these could travel to Scotland and, once such circuses are banned in England they might even attempt to relocate here. European circuses using wild animals have visited here in the past, provoking significant concern about their standards, and in the absence of a ban might wish to do so again.

Consultation Question 4 Do you believe that the ability of none, some, or all wild animals to undertake natural behaviours are compromised within the travelling circus environment? Which species? Which needs? Why?

Circuses almost inevitably fail to provide animals with natural social groupings and thus frustrate natural social behaviour. Animals of social species (such as elephants or zebras) may be kept singly. The elephant Anne at the Bobby Roberts' Super Circus originally had companions but was alone from 2002 to 2011, when she was re-homed following evidence of mistreatment. Animals that have established relationships are often separated by sale or relocation.

Conversely, animals that have evolved to be solitary (such as tigers or pythons) may be housed close to others of the same species; and animals of predator and prey species may be housed within sight of each other¹. All these forced situations are inconsistent with the natural behaviour of the species and are very likely to cause stress or distress.

Frustration of natural behaviour is a recognised cause of stress for all animal species, domesticated or wild. The range of behaviour that is restricted or prevented in the circus environment includes normal grazing or browsing behaviour, normal social behaviour, and normal exercise or ranging.

It is important also to take account of the longevity of some circus animals and the duration of their unnatural lifestyle. For example, in the summer of 1997, an Italian travelling circus arrived in Scotland, bringing with it a rhinoceros, a hippopotamus, a giraffe, three elephants, five camels, two bison and a boa constrictor. Almost ten years later, a Captive Animals' Protection Society (CAPS) survey of wild animal circuses in Ireland found a rhinoceros and hippo bought from an Italian circus – the same animals that we had seen in Scotland almost ten years earlier. As in Scotland, their conditions were poor. The hippo had a small tank of filthy water, laden with faeces, and was unable to submerge fully even in that. The rhino

was held in a small pen, without a scratching post or wallow, things which were vital for its physical and behavioural health.

This is a single illustration of the fact that circus animals can spend years deprived of basic behavioural and physical needs, subjected to constant travelling, close confinement, unnatural stresses and stimuli, and often very poor conditions.

Wild animals that are potentially dangerous can spend almost the whole day, every day, with their movements severely restricted. Only 1-9% of the day is spent performing or training² and the remaining time in travelling or holding accommodation, typically bare of environmental enrichment.²

Animals such as elephants are increasingly recognised as being unsuitable for keeping in zoo conditions, and fewer are being kept. While OneKind is opposed to the keeping of animals in zoos, as well as circuses, our conclusion has to be that if travelling circuses were judged by the same standards as zoos they would be assessed as entirely unacceptable environments for captive wild animals.

1. Born Free Foundation and RSPCA (2006) *It's time parliament changed its act.*

<http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232714755827&mode=prd>

2. Iossa G, Soulsbury CD and Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare* 18: 129-140.

Consultation Question 5 Do you consider that it is possible to facilitate the natural behaviour of none, some or all wild animals within the travelling circus environment? Which species? How?

A travelling circus is inevitably limited as to the space and complexity of the environment that it can provide for any of the animals that it uses. When on tour, the animals are kept on 'beastwagons' (animal transport lorries), in tents or outside cages or in temporary outside enclosures, all small in size compared to what would be provided even in a zoo. The space for animals outdoors is on average only 26% of the recommended size for zoo outdoor enclosures and the space on beastwagons is on average 27% of the recommended size for zoo indoor enclosures³.

In 2009, a review from Bristol University published in the journal *Animal Welfare* highlighted the fundamental mismatch between what a travelling circus can provide and what wild animals need. This concluded that 'species commonly kept in circuses [such as highly social or wide-ranging species] appear the least suited to circus life' and suggested that the only wild species for which circuses might be suitable environments were those with 'low space requirements, simple social structures, low cognitive function, non-specialist ecological requirements and which are capable of being transported without adverse welfare effects.'⁴ These criteria clearly exclude the big cats, elephants, primates, camels, zebras and other exotic species that have been, or are currently, used in British circuses.

Some typical requirements in modern guidelines for zoos internationally include the following, which are almost inevitably impossible to provide in the conditions of a travelling circus:

- Elephant indoor housing should allow access to outdoor enclosures overnight
- Female elephants should not be kept singly
- Elephants should be provided with access to water, bathing or showering facilities daily
- Elephants should be chained for only 3 hours per day / not for the majority of 24 hours / not overnight
- Bears should be provided with visual barriers or means of escape from view
- Tigers should be provided with pools
- Big cats should be provided with visual barriers
- Big cats should be provided with outdoor enclosure furniture such as platforms, wood for scratching, marking and climbing

In comments on the DEFRA consultation on circuses in England⁵, in 2009/10, RSPCA wildlife experts commented that “circus animals are no different to those of the same species in zoos – they share the same hard-wired welfare needs – and so must be kept to the same standard. But the inherent limitations of travelling circuses mean that this is not possible.”

The RSPCA had reviewed 49 zoo husbandry standards covering 452 species/animal groups, extracting information on various aspects of husbandry to assess whether zoo standards could be met in a circus setting. The results revealed that zoo standards could not be met for the vast majority (403, or 89%) of species/groups; were difficult to meet for a further 18 (4%) and possible for only 19 (4%). There was insufficient information on the further 12 (3%) species/groups to make an assessment. The only species that could theoretically be kept to zoo standards were those that circuses did not and were unlikely to use, such as muskrats and armadillos.

3. Iossa G, Soulsbury CD and Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare* 18: 129-140.

4. *ibid*

5. Clubb, R Response to Consultation on the use of wild animals in travelling circuses, March 2010 <http://www.politicalanimal.org.uk/RSPCA/RSPCA%20Circus%20Consultation%20response.pdf>

Consultation Question 6 Do you consider that the concerns raised surrounding the travelling environment could be resolved without banning the use of wild animals in travelling circuses? How?

No.

We believe that the only way to prevent wild animals suffering in travelling circuses is to prohibit circuses from owning or using wild animals. Options considered in the DEFRA consultation in 2009/2010 included statutory regulation and self-regulation.

We cannot see how statutory regulation (licensing) could remove the fundamental and inherent welfare problems of a travelling circus, including confinement, travel, restriction of behaviour, performance stress, etc. Furthermore, in view of the small numbers of wild animals currently touring in the UK, a complete ban would be more cost-effective from the point of view of public finances than the creation and running of an expert and effective regulatory and inspection system for the long term.

Regulators with specialist knowledge of the species being used would need to monitor conditions of travel, housing, handling, training and performance on a day-to-day basis during the touring season, which is unlikely to be practical. Indeed, most of the detailed information about animal welfare in circuses to date has been uncovered by patient, long-term investigations by animal protection NGOs rather than by regulators, veterinarians or scientists.

OneKind has direct experience of monitoring of the use of wild animals by the Bobby Roberts Super Circus on its tour of Scotland in 2009. The aged elephant, Anne, was used for exhibition during the performance interval for members of the audience to photograph, at a charge of £5, and performed a trick of eating candyfloss. The circus appeared to interpret this use of Anne as 'non-performing', whereas on any reasonable interpretation she was being used as part of the circus act and was in close contact with the paying public. Several of the local authorities prohibited the use of wild animals on their land, but were not made aware of the fact that the elephant was being used. The regulations were circumvented and due to the peripatetic nature of the circus, enforcement actions were not undertaken.

Nor do we consider self-regulation to be a viable option. We have seen examples of false claims and misrepresentations of animal welfare standards in individual circuses and we believe that the industry as a whole is undermined by these.

It has also been suggested that limiting or preventing travel would solve the problem. While the constant travelling is a significant concern, we doubt that a journey limit would make a major improvement in the animals' lives. Investigations have shown that animals may be confined on beastwagons all day even if the circus is travelling for only a few hours. Nor would it solve the other problems of confinement, boredom and stress, and the documented examples of outright cruelty.

Consultation Question 7 Do you consider that there are any benefits to be gained from having wild animals in travelling circuses? What are they?

No, there are no benefits. In fact the converse is true, in that seeing animals performing meaningless unnatural tricks in an unsuitable environment could mislead the public, and children especially, into a misunderstanding of the true nature of animals, their needs and complex behaviours.

Consultation Question 8 Do you believe that there are sufficient benefits to justify the potential compromise to the wider well-being of wild animals kept in a travelling circus? Why?

As above, we see no benefits to be gained from allowing the continued use of wild animals in travelling circuses.

Consultation Question 9 Do you consider that the potential conflict between compromising the well-being of wild animals and obtaining any benefit could be resolved without banning the use of wild animals in travelling circuses. If so, how?

As above, we see no benefits to be gained from allowing the continued use of wild animals in travelling circuses.

Consultation Question 10 As far as you are aware, how often have travelling circuses that use wild animals in performances or for exhibition visited Scotland in the last 5 years and in the last 12 months?

In our recent experience, the only travelling circus using wild animals that has visited Scotland was the Bobby Roberts Super Circus, which came in 2009 and 2010. In 2011 and 2012 the circus visited Scotland without wild animals but we believe it has now ceased operation.

Consultation question 11 What effect do you think a ban on the use and exhibition of wild animals would have on the revenue of such circuses? Why?

Absolutely minimal. As stated in the consultation, the number of animals being used in the UK is now so low as to be almost insignificant. The aim of legislation would be partly to end the exploitation of these remaining individuals but primarily to prevent the recurrence of visits to Scotland by English and European circuses using wild animals.

Our own experience of speaking to audience members at a circus in Edinburgh revealed that some were unaware that animals would even be used in the show. It would appear therefore that some people, at least, do not even expect to see animals doing tricks.

Consultation Question 12 If a ban on the use and exhibition of wild animals was imposed, do you think that such circuses would still visit Scotland without the wild animals? Why?

Yes. Zippo's Circus visits Scotland annually with horses, dogs and budgies. Human-only circuses are also increasingly popular and probably outnumber animal circus performances in Scotland. Popular visitors to Scotland recent years have included the Moscow State Circus, Chinese State Circus and Cirque du Soleil.

Consultation Question 13 What effect do you think a ban on the use and exhibition of wild animals in travelling circuses would have on the revenue of other types of circus (e.g. static or those travelling without wild animals)? Why?

There are no static circuses in Scotland using wild animals to perform tricks at present, as far as we know.

We assume that the revenue of circuses using domesticated animals would remain the same.

In the wider context, the number of animals in travelling circuses in the UK has diminished over the years with no statutory restriction. Circuses from other EU states have come to Scotland in the past and at present there would be nothing to prevent such wholly undesirable incursions.

Indeed, given that polls have consistently shown that the majority of people believe the use of wild animals in circuses is unacceptable⁶, such circuses might benefit financially through not using wild animals by appealing to a wider audience. Circus costs would be likely to reduce in the event of a ban and animal-keeping staff could be moved to attend to domestic species.

For the avoidance of doubt, OneKind does not support any use of animals in circuses.

6. eg TNS System Three for Advocates for Animals (now OneKind), January 2008; and 94.5% of responses to the DEFRA consultation regarding circuses in England supported a ban on wild animals.

Consultation Question 14 What effect do you think a ban on the use and exhibition of wild animals in travelling circuses would have on the revenue of circus venues? Why?

We do not think that circus venues would suffer loss of revenue as a result of a ban on the use of wild animals.

In a paper concerning the East Ayrshire Council Review of Council policy on letting of Council owned sites to circuses etc⁷, in February 2012, the Executive Director of Finance and Corporate Support gave figures for letting the Scott Ellis Playing field in Kilmarnock to circuses, cattle shows and dog shows. The rent from the circus ranged from £1,800 for a week (in 2008) and £1,957 (in 2011). The rent from a cattle show, presumably of shorter duration, was £500. At the beginning of this period the Bobby Roberts Super Circus was visiting East Ayrshire with an elephant and camel, but by 2011 it had stopped using them, There was however no change in the amount of revenue to the Council. We think that the experience will be the same in other venues.

7. <http://docs.east-ayrshire.gov.uk/CRPADMMIN/2007%20AGENDAS/COUNCIL/FEBRUARY%202012/Review%2>

Consultation Question 15 Do you consider that a ban on wild animals in travelling circuses could have an impact on other industries? If so, which industries, what would be the effect and why?

We do not believe that there would be any impact. Currently no travelling circuses with wild animals visit Scotland while other circuses using only domestic animals would be able to do so, as at present.

Consultation Question 16 Do you agree that the use of wild animals for performance in travelling circuses should be banned in Scotland? Why?

Yes.

Training methods are seldom seen but evidence has emerged on many occasions showing that it can be very harsh in nature. It cannot even be said that the training and performance help to mitigate the boredom of being kept in a restricted environment and even shackled or chained, given the very small proportion of the animals' time taken up in performance and training⁸.

In addition, public exhibition and performance involve crowds, loud noise and bright lights and are known to cause stress to circus animals. Crowds of people cause obvious signs of nervousness and desire to hide or escape in primates, bears and wild ungulates. Circus tigers and elephants pace more when faced with crowds or before performances, possibly due to anxiety, and in 2009, Bristol University scientists concluded that "The majority of evidence available suggests that human audiences have stressful effects on non-domesticated animals."⁹

8. Iossa G, Soulsbury CD and Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare* 18: 129-140.

9. *ibid*

Consultation Question 17 Do you agree that the use of wild animals for exhibition in travelling circuses should be banned in Scotland? Why?

Yes.

As discussed in the answer to Question 5, it is not possible to meet animals' psychological and behavioural needs when they are transported constantly in barren, confined surroundings. The exhibition of animals by travelling circuses is even less acceptable than it is in zoos where there is greater potential for providing a natural environment and certain standards are set.

In this context the issue of transport of probably even more significant and we note that DEFRA has taken the view that the transport of circus animals is not within the scope of Council Regulation (EC) No 1/2005 when the animals can be described as travelling in their permanent housing¹⁰. If this is correct then animals used solely for exhibition would be at even greater risk of long journey times and little or no change of environment.

10. DEFRA consultation *Ending the use of wild animals in travelling circuses* (impact assessment) IA No: Defra 1488

Consultation Question 18 Do you consider that any ban should be a blanket ban on all wild animals in travelling circuses? Why?

Yes, it should be a blanket ban. Species-specific or breed-specific legislation has been shown to be ineffective in a number of areas, such as dangerous dogs. People who are determined to circumvent the rules will simply adopt another species and use that instead.

Again, a species-specific ban would not address the problem of travelling, which is not a rare or exceptional event, but an intrinsic part of the animals' way of life during the touring season. European circuses spend on average 8.5 days in one location and 100 miles between performance destinations¹¹, although we acknowledge that we have seen shorter journeys between venues in Scotland. Constant travel contributes to the difficulty in providing a larger and more enriched environment and is in itself a known stressor for most animals, either domesticated or non-domesticated¹².

Non-domesticated animals show behavioural and physiological signs of stress when transported. Zoo tigers have altered levels of stress hormones for up to 6 days even if they have travelled on previous occasions and for up to 12 days on the first occasion they are transported¹³. In 2004 the Scientific Panel of the European Food Safety Authority (EFSA) reported on the welfare of both domestic and non-domestic animals in transport¹⁴ and concluded that 'many aspects of welfare assessment have not been included' in the existing scientific research on the transport of circus animals and that the statement that circus animals become habituated to transport (and therefore suffer no ill effects) 'has not been scientifically documented'. In general, the panel concluded that transport can 'substantially affect' the welfare and health of animals and recommended that, 'Transport should therefore be avoided wherever possible and journeys should be as short as possible'.

Factors that contribute to stress are forced movement for loading and unloading, handling, noise, confinement, the motion of the cage and the vehicle, and unfamiliar external surroundings. Prodding, hitting and shouting may be used to get the animals to move in or out of cages and in some circuses internationally there is video evidence of routine violence being used to get animals to move. On the day of travel, the animals will often spend the whole day on the vehicle in their small cages. Elephants are chained during transport.

Circus animals are often dangerous animals and are being transported and exhibited in close proximity to the general public, using temporary facilities. This means that they have to be

more severely restricted in their movement than would be the case even in a zoo, as well as being more frequently moved and handled.

11. Iossa G, Soulsbury CD and Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare* 18: 129-140.

12. Scientific Panel on Animal Health and Welfare (2004) Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to the welfare of animals during transport *The EFSA Journal* 44, 1-36

13. Iossa G, Soulsbury CD and Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare* 18: 129-140.

14. Scientific Panel on Animal Health and Welfare (2004) Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to the welfare of animals during transport *The EFSA Journal* 44, 1-36

Consultation Question 19 Do you consider that any specific species of animal not commonly domesticated in the British Islands should be permitted to be used in travelling circuses in Scotland? If so, which species and why?

OneKind does not consider that any animal should be used in travelling circuses. The confined, constantly travelling lifestyle is unsuitable for a sentient animal and unlike human performers the animals do not have any choice as to whether they participate in it. There is no pressing necessity for humans to watch animals performing tricks in the circus ring; therefore there can be no justification on grounds of need.

Consultation Question 20 Do you consider that there are key species that should be covered by a ban in the event that a blanket ban could not be achieved? If so, which species and why?

We do not believe that there is any justification to allow the continued use of certain wild animals whilst prohibiting the use of others. The ethical arguments in opposition to the use of wild animals in circuses apply regardless of the species under consideration.

We are aware that, in July 2013 the Westminster EFRA Committee considering the English Bill recommended that any prohibition on animal use in circuses should be limited to big cats and elephants, while continuing to allow species such as zebras and snakes to be used.

OneKind and other animal welfare organisations felt that this approach was misguided and it met with an overwhelmingly negative public reaction. In its response to the report in October 2013, the Government rejected the suggestion to limit the scope of the ban and confirmed that the ban on the use of all wild animals in circuses in England would go ahead by the end of 2015.

Consultation Question 21 Do you have any other comments on whether/how the use of wild animals in travelling circuses should be banned in Scotland?

It has been suggested that the Scottish Government could accept the offer made by the UK government to include Scotland in the scope of any Bill to ban the use of wild animal in travelling circuses in England. OneKind would support a joined-up and consistent approach across England, Scotland, Wales and, ideally, Northern Ireland

This would both ensure that legislation was consistent and contemporaneous across Scotland and England (and possibly the other devolved administrations) and reduce the amount of Scottish Government and Scottish Parliament time that needs to be spent on this issue.

While OneKind supports, promotes and campaigns for a full ban on the use of wild animals in travelling circuses in Scotland, we acknowledge that there are currently no such circuses in Scotland and, as interest in circuses appears to be dwindling on mainland UK, we believe that there is little risk of an upsurge. We are clear that circuses must be banned but we would not wish to see a disproportionate amount of time spent on this issue when there are other pressing animal welfare issues that require attention

The Scottish Government would of course have to be satisfied that the Westminster legislation was comprehensive and covered all wild animals, with a satisfactory definition of wild animals, i.e. all non-domesticated animals. Please see our response to Question 20, above.

A further concern, already highlighted by organisations south of the border, is that the definition of the term “use” of wild animals at section 1, subsection (2) of the English Bill could allow for animals to continue to travel with the circus as long as they are not used for performance or exhibition. To allow this would be to ignore all the evidence that the constant transportation, the cramped, temporary and unnatural nature of the living environments and the unnatural social groupings which are necessitated by the keeping of wild animals in circuses are of equal concern to those surrounding training, performance and exhibition. We hope the Bill will be amended in this regard.

If involved with the Westminster legislation, we would ask the Scottish Government to be vigilant in ensuring that it safeguards the interests of all wild animals potentially used in travelling circuses, in all the relevant administrations.

Consultation Question 22. Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?

Yes. The issues were explained extremely well.

Consultation Question 23. Do you consider that you had sufficient time to respond to the consultation?

Yes

Consultation Question 24. Do you have any other comments on the way this consultation has been conducted?

No

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