

A report into the welfare of circus animals in England and Wales



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Introduction

This report is the result of two years of investigation into the welfare of animals in circuses in England and Wales. The research was undertaken by the Circus Working Group on the instruction of the All Party Parliamentary Group for Animal Welfare which felt there was a need to examine current legislation, practice and theory relating to the welfare and management of all circus animals, including domestic animals.

This report is written in three sections:

- ▶ **The role and work of the Circus Working Group (CWG) (pages 5 – 8).**
- ▶ **The findings and observations of the Group (pages 9 – 26).**
- ▶ **The conclusions and recommendations of the Group (pages 27 – 30).**

For ease of reference each section of the report follows the following format:

- ▶ **Factual findings.**
- ▶ **Relevant expressions of opinion (in italics).**
- ▶ **Conclusions.**

The Circus Working Group was set up on November 13th 1996 and is made up of the following

representatives from six different organisations:

Michael Fielding (Chairman),
British Veterinary Association (BVA)

Dr Arthur Lindley,
Royal Society for the Prevention of Cruelty to Animals (RSPCA)

Will Travers and Kim Wood,
Born Free Foundation (BFF)

Lou Leather,
Chartered Institute of Environmental Health (CIEH)

Malcolm Clay and David Hibling,
Association of Circus Proprietors¹ (ACP)

Dr Robert Atkinson and Professor David Macdonald,
Wildlife Conservation Research Unit, Department of Zoology, University of Oxford (WildCRU)
(Administrative secretary: Alison Burholt/
Ann Feloy, RSPCA).

¹ The Association of Circus Proprietors joined the Circus Working Group in February 1998.

The subject of performing animals can be emotive and highly sensitive. **It should be understood that the Circus Working Group's role was to consider animal welfare in circuses rather than any ethical arguments regarding the use of animals in circuses.**

Background – the circus industry today.

In 1997 there were 12 large circuses with animal acts touring the larger cities and towns of Great Britain and a further nine smaller circuses with animals touring smaller sites. There are no records available but the Association of Circus Proprietors, which is the recognized body in Great Britain representing 12 circuses, estimates that over three million visits are made to see performing animals in a circus in any year, although no data is available on this (Association of Circus Proprietors, 1998).

Animals used in the circuses range from domesticated species including horses and dogs to exotic wildlife. Reports on the trade in CITES² species are prepared annually and relevant extracts provided by the Department of the Environment for 1994-1996, which list the number of live animals imported during this period from third countries outside the European Union (EU), show that only one lion and one tiger were imported for circus use (James Clappison MP, 1997).

The requirements for transport accommodation may differ from those of living accommodation.

² Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Section one:

The role and work of the Circus Working Group

The Circus Working Group was established to gather evidence from relevant bodies, organisations and individuals in order to, in the first instance, establish a body of reliable information across a range of circus related activities and disciplines. It met eleven times and five site visits were undertaken by individual members.

In order to carry out its remit the Working Group considered that a definition of a circus had to be agreed and defined. The following pre-existing definitions were considered in formulating a working definition:

Existing definitions:

The Dangerous Wild Animals Act 1976 section 7 (4) defines a circus as **‘including any place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres’**.

This definition of a circus was considered in relation to the Dangerous Wild Animals Act 1976, in the case of *Hemming v Graham-Jones* in 1980, when the judge ruled that the ‘definition section simply and sensibly defines a circus as that word is commonly understood, namely, the aggregation of vans and cages in which wild animals may be kept and a big top into which they may well be introduced for the purpose of performing’.

The Department of the Environment has expressed the view that therefore holding or winter quarters do not come under this definition (Department of the Environment, Global Wildlife Division 11/96).

The Association of Circus Proprietors takes an opposing view that the activities which take place at winter quarters constitute a circus, as defined by the Act, and therefore winter quarters are exempt from licensing. This is a situation which is noted by local authorities and there is no evidence of circus winter quarters having been licenced.

Proposed definition:

After discussion the above definitions were considered inadequate and the following definition was formulated:

‘A circus is an establishment, whether permanent, seasonal or temporary, where wild or domestic animals are kept or introduced that are, or will be wholly or mainly used for the purposes of performing tricks or manoeuvres.’

Animals in other forms of entertainment have not been considered, but their welfare concerns need to be addressed.

Evidence gathered

The Working Group identified a number of issues it wished to address and requested that other organisations making submissions to the group consider each of the identified areas in their evidence. The issues are as follows:

1. Number of animals in circuses.
2. Holding/winter quarters.
3. Travelling conditions.
4. Accommodation.
5. Training.
6. The performance.
7. Origin of circus animals.
8. Physical and psychological effects.
9. Travel to and from the UK.
10. Standards of veterinary care.

These areas have been covered in detail in section two of this report.

It was requested that any evidence be submitted in written, verbal or photographic/video form.

The following organisations were invited to submit evidence in addition to evidence submitted by members of the Working Group:

Animal Aid (AA)

Animal Defenders (AD)

Association of Circus Proprietors (ACP)

Section one: The role and work of the Circus Working Group

Association of County Councils (ACC)
 Association of District Councils (ADC)
 Association of Metropolitan Councils (AMC)
 Captive Animals Protection Society (CAPS)
 Care for the Wild (CW)
 Circus Friends Association (CFA)
 Council of Welsh Districts (CWD)
 Department of the Environment (DOE)
 Earthkind (EK)
 International Zoo Veterinary Group (IZVG)
 Irish Society for the Prevention of Cruelty to
 Animals (ISPCA)
 King Pole Magazine (KP)
 Police
 Royal College of Veterinary Surgeons (RCVS)
 Scottish Society for the Prevention of Cruelty to
 Animals (SSPCA)
 Universities Federation for Animal Welfare (UFAW)
 Ulster Society for the Prevention of Cruelty to
 Animals (USPCA)
 Wildlife Information Network (WIN)
 Zoo Federation (ZF).

Subsequently, written submissions were received from the following organisations and individuals (listed in alphabetical order).

Full details are contained in appendix one.

Animal Aid
 Association of Circus Proprietors of Great Britain
 Dr Robert Atkinson, Wildlife Conservation
 Research Unit, Department of Zoology, University
 of Oxford
 British Actors Equity Association
 British Veterinary Association
 Circus Knie
 Department of the Environment
 Federation of Zoological Gardens of Great Britain
 and Ireland

Andrew Greenwood, International Zoo Veterinary
 Group
 John Gripper, Manor Veterinary Surgeons
 International League for the Protection of Horses
 David Jamieson, Editor, King Pole Magazine
 Dr Marthe Kiley-Worthington, Dept of Psychology,
 University of Exeter and Eco Research Centre
 London Zoo
 Dr Georgia Mason, University of Oxford
 Royal Society for the Prevention of Cruelty to
 Animals
 Scottish Society for the Prevention of Cruelty to
 Animals
 Albert Tyler Moore, Animal Trainer
 Whipsnade Wild Animal Park
 World Society for the Protection of Animals.

Verbal submissions were received from:

Suzanne Boardman, Wildlife Information Network
 Andrew Greenwood, veterinary surgeon
 Mr James Hadley, Corporation of London
 David Jamieson, Editor, King Pole Magazine
 Dr David Davies, Circus Friends Association
 Dr Marthe Kiley-Worthington
 Dr Georgia Mason, Dept of Zoology, University of
 Oxford
 Bobby Roberts of Bobby Roberts Circus
 Inspector Alan Horan, RSPCA Inspector

Video submissions were received from:

Circus Knie

Additional information

At the time of writing this report (August 1998)
 the Group is aware of an Animal Defenders Report
 (The Ugliest Show on Earth) and video on animal
 circuses but at present because of pending
 prosecutions the material has not been presented
 to the Working Group.

Section one:

The role and work of the Circus Working Group

Literature research

A great deal of anecdotal evidence surrounds circuses, on both sides of the argument. The group received a good deal of such evidence and has evaluated this. Little scientifically validated research was submitted to the group, although the Group is aware that a study was undertaken in the late 1980s by Dr Marthe Kiley-Worthington. A report of this study was submitted to the RSPCA in 1989, but not published because of copyright restrictions. The author later published her findings in a book *Chiron's World - Animals in Circuses*, but this report was not formally submitted to the Group. Further work that Dr Kiley-Worthington has carried out is documented in her submission to the Circus Working Group. Because of the lack of scientifically validated work, the Circus Working Group commissioned Ruth Cox, a member of the WildCRU at the University of Oxford, to research available literature on animal welfare in circuses. Four main areas were looked at: accommodation, transport, training, and performance. Legislation was not examined as the Working Group had already gained this information. The aim was to collect scientific data rather than anecdotal evidence. This work cost £2,000 and took four months to complete.

In producing her report - *The Welfare of Animals in Circuses: A Review* - Ruth Cox notes that:

'the welfare of animals in circuses appears to be a subject that has received less research attention than many other animal keeping systems such as zoos or laboratories. The data in these areas is relatively abundant and easily accessible. The research which has been done on circus animals is not so widespread or well known.'

Ruth Cox concludes her report by highlighting a number of target points, but stresses that further research is needed in all areas to provide concrete evidence and to be able to draw conclusions:

'There has been very little scientific research (published or unpublished) about this subject. The information that is available is not always

of high quality and the sources are not always reliable.'

'There is a lot of anecdotal evidence that the welfare of many circus animals is far from desirable, and at its worst, cruel and inhumane. This information was not reviewed here as it is generally not backed up by reliable data.'

'From the information that is available, it is possible to conclude that circus animals do experience compromised welfare. Animals do show psychological, physical and physiological signs of stress.'

'The majority of the scientific data concerns elephants or big cats.'

'Animal accommodation and management do not always meet the needs of the animal.'

'Circuses must be more open about their training routines.'

'The performance is potentially one of the most stressful situations experienced by a circus animal; however, it seems to be the area that has received the least research attention.'

'I found no evidence to back up claims that circuses contribute to education and conservation at the present time.'

'Circuses should be assessed independently, using both wild and captive situations to judge if all of the needs of the animal can be provided.'

Section one: **The role and work of the Circus Working Group**

Site visits

The following circuses were visited by members of the Circus Working Group.

Circus Atlas, Shoreham –
July 17th, 1997 – Arthur Lindley (RSPCA),
Alison Burholt (RSPCA), Will Travers (BFF)

Peter Jay's Circus, Great Yarmouth –
28th August, 1997 – Michael Fielding (BVA),
Arthur Lindley (RSPCA), Will Travers and Kim Wood
(BFF), Robert Atkinson (WildCRU), Lou Leather
(CIEH)

Bobby Roberts Circus, Bedford –
5th June, 1998 – Arthur Lindley (RSPCA),
Will Travers and Kim Wood (BFF), Robert Atkinson
(WildCRU), Malcolm Clay (ACP)

Zippos Circus –
28th July 1998 – Kim Wood (BFF),
Michael Fielding (BVA),
Robert Atkinson (WildCRU), Lou Leather (CIEH),
David Hibling (Zippos Circus)

Jay Miller's Circus –
15th August 1997 – Kim Wood (BFF)

Croft Farm (Roger Cawley) –
5th August 1998 – Kim Wood and Will Travers
(BFF), Michael Fielding (BVA), Robert Atkinson
(WildCRU), Lou Leather (CIEH), Arthur Lindley
(RSPCA), David Hibling (Zippos Circus)

Individual reports submitted by some members of the Working Group are lodged with the administrative secretary, c/o RSPCA.

The Association of Circus Proprietors joined the Circus Working Group in February 1998, but despite its wish for the ACP to arrange visits to winter quarters none was ever made during the winter months. It was hoped to visit winter quarters before the circus touring season began in March but unfortunately this was not possible. However, members of the Group visited Croft Farm, Hants, a training centre also used for winter quarters, in August 1998.

Section two: Findings and observations

1. Current legislation

Circuses can be considered in part under a variety of different pieces of legislation dating back to 1911.

Welfare requirements

The following pieces of legislation specifically relate to animal welfare issues:

Protection of Animals Act 1911
 Performing Animals (Regulation) Act 1925
 Performing Animals Rules 1925 (as amended 1968)
 Abandonment of Animals Act 1960
 Endangered Species (Import and Export) Act 1976
 Dangerous Wild Animals Act 1976
 Animal Health Act 1981
 Animal Health and Welfare Act 1984
 Protection Against Cruel Tethering Act 1988
 Transit of Animals (General) Order 1973
 Welfare of Animals During Transportation 1996 Order, plus EU Directive 95/29.

Other legislation, affecting health and safety, may have implications for animal welfare (see page 10).

The Performing Animals Act 1925 is of particular relevance to circuses in that it requires anyone who trains or exhibits animals to register with their local authority, stating details of their animals. It also gives local authorities, in particular environmental health officers, powers to enter circuses and to inspect both animals and circuses. However, local authorities themselves are critical of this Act since there are no guidelines on standards, particularly in relation to animal welfare. Regulation of the use of animals under this Act is therefore undertaken by a system of registration and not by a system of licensing.

Each registration may include hundreds of animals, so animal totals remain unknown. In addition numbers are largely irrelevant because there is nothing to stop applicants providing a 'wish list' of animals they may hope to hold in subsequent years. There is no requirement for cancellation or update of the original registration, without an offence being committed.

The Association of Circus Proprietors believes the Performing Animals Act 1925 has three major defects: 'The first is that there is no qualification for obtaining a licence and any person, regardless of their knowledge of the training or care of a particular species, may obtain a trainer's licence upon the payment of a very modest fee. The second defect is that although the Act allows for inspection of the trainer's current establishment, it provides no standards of animal welfare or other criteria specifically for performing animals against which an inspection can be made. Further, it provides for inspection to take place 'at reasonable times'. This Association welcomes inspection at any time and does not feel, in the interests of animal welfare, there should be times when inspections are inappropriate. The third defect is that the Act licenses owners/trainers, not the animal' (ACP, 1998).

Other criticisms of the Act received by the Group include:

The 'reasonable times' clause gives advance warning of inspection.

The Act gives no stipulations for size of enclosures/travelling conditions.

There are no stipulations on the maximum permitted time that an animal can work.

Trainers are not required to specify how or with what apparatus their animals are trained.

The Act does not take into account the potential for emotional suffering of animals which is now recognised by animal behaviourists.

The Act is outdated, reflecting the knowledge and views of 1925.

There are limited provisions for the welfare of animals during transportation in The Transit of Animals (General) Order 1973 and the Welfare of Animals During Transport Order 1984, e.g. the length of journeys and feeding and watering intervals. More detailed requirements have been specified for horses.

Section two: Findings and observations

Another law which affects the welfare of circus animals is the Protection of Animals Act 1911. In order to make a conviction under this Act, there is a need to prove substantial unnecessary suffering. In the case of a person being convicted of cruelty under this Act, he or she may have his or her name removed from the register or be disqualified from being registered as a trainer under the Performing Animals (Regulation) Act. However, no details on the number of such removals from the register are available since such information is not held centrally (Parliamentary Questions 21/01/98).

Although there are provisions relating to psychological distress, the RSPCA has found that in practice such provisions are difficult to apply. In the past ten years, the RSPCA has not acquired evidence for any prosecution of a circus for cruelty to animals under this Act (RSPCA, 1998).

Both the Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976 are enforced by District Councils. The latter legislation is primarily to ensure that where private individuals keep dangerous wild animals, such as big cats, they do so in circumstances which create no risk to the public and which secondarily safeguard the welfare of the animals. Circuses are exempt from both pieces of legislation. However, if winter quarters were not regarded as a circus, the Dangerous Wild Animals Act 1976 could be enforced at these premises.

Health and safety requirements

Circuses are subject to the provisions of the Health and Safety at Work Act 1974. This Act requires circus operators to safeguard the health and safety of employees/non-employees, including members of the public. It is important to know that animals are under sufficient control to ensure nobody (employee or public) is exposed to danger from them.

The Health and Safety Management Regulations require operators to assess the risk of activities

carried out and to put into place controls which reduce those risks to an acceptable level. Responsibility for enforcement and inspection normally rests with local authorities. Where the position is complicated by 'other activities' at the same location, (e.g a fair ground) the local authority responsible and the Health and Safety Executive will liaise in order to determine the authority for enforcement. In general local authorities are responsible for circus enforcement.

Currently there is no requirement by law for a single nominated licensed person to hold responsibility for a circus unit or act. A mass of British standards apply to circuses, such as BS2032, 6167 (Electrical Fence), 5438, 7157 (Flame Retardant Fabrics), 6661 (Air Supported Structures), 476 (Surface Spread of Flame), and 5266 (Emergency Lighting). Similarly, electrical installations are covered by IEE Regulations; gas by Gas Safety Regulations 1984 and the Guide to Safety at Sports Grounds is useful.

Local Government (Misc. Provisions) Act 1976 (s20) gives power to serve notice and to provide adequate sanitary appliances (s22 deals with fire precautions (marquees and caravans)). The Public Health Act 1961 (s75) has byelaw-making provision for circuses and exhibitions of performing animals. Power of entry (as per PHA 1936 s.287) applies here.

Conclusion:

It is apparent that a wide range of legislation has application in the circus industry. However, the Working Group has found that no current legislation adequately addresses the welfare needs of animals in live entertainment. It is recommended that consideration be given to the introduction of annual pre-season registration, and a 'log-book' to record relevant safety documentation, together with details of inspection findings requiring repair or improvement, be carried with each circus.

Section two: Findings and observations

2. Local authorities

Local authorities do not have statutory powers to ban circuses from operating within their districts but can do so on a landlord and tenant basis at council-owned parks and recreational grounds. A ban on council land taken on 'moral grounds' alone is *ultra vires*. If a local authority wishes to consider banning animal circuses on council-owned land they must consider land use issues such as site access, land management, and possible noise and disturbance to local residents.

In April 1997 the Working Group, with the assistance of the Chartered Institute of Environmental Health, distributed a questionnaire to all local authorities and port authorities in England and Wales (474 in total). From the 265 authorities that responded, the survey revealed that 95 had banned circuses from council-owned land and a further 20 only allowed circuses with domestic animals. It should be noted that these figures are subject to change as local authorities may lift existing bans or impose new bans. Please see appendix two for questionnaire results.

Of the 94 authorities where a circus had visited in 1996, some 61 had carried out an inspection, whereas 33 had not. Inspections of electrical and fire certificates were carried out as well as health and safety policy and risk assessment for routine purposes in over half of the cases. In nine cases out of 61, the inspections were carried out as a result of a representation to authority from an individual or outside body (CIEH local authorities survey). Flyposting and public liability insurance remain problems which require to be addressed.

A number of issues were raised by those local authorities which have winter quarters within their districts when surveyed in early 1998 (Leather, 1998). These included concerns that local authorities have inadequate inspection powers and that only animal trainers are required to register with the local authority, but there are no regulations concerning animal welfare standards, training methods, accommodation, transport etc.

A circus does not need to notify any other authority when it enters its boundaries. Some local authorities operate detailed questionnaires (9/10 pages) regarding legal compliance for circuses planning to use their land. Often the land may not be used when such details are not provided or where the answers are not satisfactory.

Lou Leather (CIEH) believes that while some people consider that the move away from the use of local authority land is regarded as worsening provision of facilities for circus use, and thereby providing deteriorating standards for public, animals and circuses alike, it reflects the enforcement concern that the industry in general is not helping itself by its lack of endeavour to ensure an industry-wide standard for acceptable operations and by not giving notification in advance of arrival to help ensure proper standards are met. These views are compounded by the ineffective legislation available to local authorities to enforce complicated requirements in an extremely limited time period offered during a short stay within their area.

The Association of Circus Proprietors maintains that there is hardly a town, where the authority has banned circuses from using its sites, which does not receive a visit from a circus at least once a year, setting up on privately owned sites.

According to the ACP, local authorities have 'washed their hands of the problem', and private sites may often be inferior to council sites in terms of animal welfare. Often circuses set up on 'football ground car parks, farmers' fields, cleared sites awaiting development, private sports grounds etc.' The Association of Circus Proprietors maintains it is difficult to understand why a local authority will ban a circus, yet allow agricultural shows which include classes for caged animals, such as rabbits, mice, birds etc. It argues it would like to see local authorities encouraged to adopt a positive policy towards circuses by providing sites for circuses and relying on either statutory control, or, as landlord of the site, imposing welfare standards, among other regulations. (ACP, 1998).

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Lou Leather (CIEH) notes that local authorities consider that it would make sense for standards to be prepared on a national scale with licensing being carried out by a 'home authority' before the season begins.

In this way, both inspector and circus operator are fully aware of their obligations throughout the season. Inspections could then be made which looked at operational detail and management control rather than the application of basic standards which should not be under any doubt at this stage of proceedings (Leather, 1998).

The RSPCA and Born Free Foundation believe that in practice, because of the level of available expertise, and the nature of current legislation, there is no evidence to support the contention that local authorities gain benefits in terms of control where circuses are set up on land in their ownership. They believe that by taking a decision not to permit circuses with animals to use land under their control, a local authority is reflecting the wishes of the population in their area.

Conclusion:

The treatment of circuses by local authorities, in terms of inspections and in terms of the use of local authority-owned land, varies greatly from one authority to another. Opinions differed within the Working Group as to whether or not there were any real opportunities for local authorities under current legislation to influence the welfare of circus animals.

Although local authorities at present have limited powers in relation to the activities of circuses, the Working Group would strongly urge them to use their powers of enforcement where appropriate.

3. Licensing and inspection

Under the Performing Animals Act 1925, animal trainers and exhibitors must register with their local authority. The Act defines local authorities as the City of London (common council); as respects any London Borough, their council; as respects any county or metropolitan district, the council of the county or district. If the applicant has no fixed place of residence in Great Britain he/she should make an application for registration to one of a number of local authorities. These are the City of London, Birmingham, Bristol, Cardiff, Kingston-upon-Hull, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Plymouth and Southampton.

Hansard (17/697) indicates that some 489 certificates of registration have been issued in England and Wales in 21 years under the Performing Animals Act 1925, at an average of 23 per annum.

Around 30 certificates of registration have been issued by the Corporation of London to individual trainers who are within a circus or are linked to a circus. The authority's animal welfare staff of four carry out inspections and undertake their own in-house training.

James Hadley, Senior Animal Health Inspector for more than 30 years with the Corporation of London stated in his verbal submission: 'A circus by its nature, will not be ideal in terms of accommodation, travelling conditions, heating, lighting, ventilation, exercise facilities etc., but I have found that most proprietors do their best. In recent years improvements have taken place, especially with regard to exercise facilities, but for some animals, particularly elephants, a lot remains to be done.'

It is the Corporation's belief that existing legislation is inadequate and that licensing should be by the home authority, which is usually where the winter quarters are situated. Furthermore that licensing could be carried out four yearly with at least annual inspections by the local authorities. Whilst on tour, inspections by local authorities would ensure that the licence conditions were being complied with (Hadley, 12/97).

Section two: Findings and observations

Conclusion:

A lack of knowledge of circus animals by environmental health officers, who have the powers to carry out inspections under other legislation, was raised as an area of concern. This should be taken into consideration in any licensing system. Currently there is no specific training in circus animal welfare during training for environmental health officers whose strength lies in enforcement expertise, awareness of public safety requirements and knowledge of health and safety requirements.

4. Numbers of animals

The Performing Animals (Regulation) Act 1925, provides for the supervision of the exhibition and training of performing animals by means of registration with local authorities as defined in Section 5 of the Act. Zoo authorities are obliged to maintain a register of performing animals which is open to public inspection and to make annual returns to the Home Office.

The number of animals listed in the registration documents held by the Home Office in each of the last ten years, is as follows:

Year	No of Animals
1988	1416
1989	1355
1990	1090
1991	603
1992	2040
1993	2857
1994	143
1995	611
1996	151
1997	545

(Parliamentary Question to George Howarth, Secretary of State for the Home Office, 19/01/98).

Home Office officials rely on local authorities to make their annual returns and are unable to account for the variation from year to year in the number of animals listed in the registration documents. The information is of little value as it stands.

There is currently no reliable source of data on numbers of animals in circuses in this country. In 1989, Dr Marthe Kiley-Worthington found a total of 513 animals in British circuses and it was then found that, with the exception of elephants, almost all circus animals were bred in captivity. Almost all the elephants were either caught in the wild, or are the offspring of at least one wild parent; Indian elephants mostly 20-30 years ago, African elephants more recently (Swingland, 1989).

The Association of Circus Proprietors said that the number of exotic species had declined over the years and this concurs with Home Office returns.

The number of animals and variety of species per circus can vary considerably. Many horse-only circuses may have more animals than mixed circuses, which may have a few lions or elephants.

Lou Leather (CIEH) comments that concerns have been expressed about what happens to animals both during and after their working lives.

The 'home bred' approach may, for some species, produce more animals than circuses use, potentially giving rise to business changes within the industry whereby animals are used for separate public entertainment purposes and for exportation. There are inadequate controls for both processes. The ultimate use of animals following sale requires better regulation.

Conclusion:

The current legislative framework is clearly incapable of generating or maintaining any meaningful data on the numbers of animals used in circuses or any other form of entertainment in the UK.

Section two: Findings and observations

5. Winter quarters

Animals in travelling circuses normally spend a period of two to three months stationary in winter quarters. However the time spent in winter quarters can vary considerably between each circus and each year depending on the touring schedules.

Winter quarters vary in standard, size and construction type and there are no set guidelines to adhere to in construction. Furthermore, there is no central register of winter quarters, nor any central register of the animals kept there, either by species or numbers.

What limited information is available, mainly through local authorities, may well be out of date and inapplicable.

Currently, local authorities use the Health and Safety at Work Act 1974 or the Dangerous Wild Animals Act 1976 to monitor circus winter quarters but it is thought that only around seven authorities have winter quarters in their districts. These are as follows:

Ashford Borough Council
East Lindsey District Council
East Northamptonshire Council
South Kesteven District Council
South Shropshire Council
West Lindsey District Council
West Oxfordshire District Council.

According to The Scottish Society for the Prevention of Cruelty to Animals, there are no circus animals wintered in Scotland.

A survey of these local authorities revealed that environmental health officers believed there were many concerns about winter quarters. These included a lack of clarity regarding access and inspection powers; no licensing provision; inadequate exercise facilities and temperature controls and concerns that animals spend much of their time in static cages (Local Authorities Survey, March 1998). Please see appendix two.

In 1989, Dr Marthe Kiley-Worthington reported that 70 per cent of animals in winter quarters were found to be 'not in peak condition', 'housing was

often inadequate' and animals were 'often confined in buildings for the entire time'.

Despite contacting all of the local authorities listed above, all felt unable or were unwilling to arrange a site visit because of perceived difficulties in the exercise of limited local authority powers of access.

Conclusion:

Having been unable to visit any winter quarters during the winter holding period, the Group recommends that further investigation be undertaken in this area. However, in the meantime the Group encourages local authorities to use their existing powers to carry out inspections and write reports of winter quarters. It is recommended that in the future such reports should be submitted to a central nominated body.

6. Travelling conditions

The British circus touring season runs from approximately late February through to the end of October. There may be a short Christmas season of two or three weeks. During a touring season a circus will typically move once a week. In some instances it may stay two weeks in a city and occasionally will move twice in a week.

The ACP reported that circus tours are planned in a sequence which minimises the length of journeys. The journeys between the industrial towns will invariably be quite short, e.g. twenty miles, but may be a little longer when visiting country areas (Association of Circus Proprietors).

The requirements for transport accommodation may differ from those for living accommodation. The Circus Working Group found virtually no written evidence on the welfare status of animals during transportation. Some Group members did observe animals being loaded and subsequently

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unloaded on a specific visit to a circus, and some members have extensive past experience through work in circus. It should be noted that it is very difficult to observe animals in transit due to transport regulations, health and safety etc.

Dr Kiley-Worthington observed that animals showed little reluctance to enter into their travelling quarters (Kiley-Worthington, 1989).

The Animal Air Transportation Association (AATA), was launched in 1976, and represents individuals, businesses, organisations and groups involved in any phase of animal transportation. The association aims to find solutions to a variety of problems related to the transport of animals and has a continuing policy of encouraging research, education, improved service and increased international co-ordination. It maintains that it knows of only a handful of members throughout Europe who deal with mainly the transport of zoo or circus species.

The AATA has published a *Manual for the Transportation of Animals by Road*, which lists requirements for livestock species and includes a section on zoo animals, with general references and guidelines. The AATA manual could certainly be considered as a useful reference and guide in formulating any policy on circus animals in transit. The AATA is also developing training programmes for those who deal with animals in transit.

With regard to the transportation of horses in circuses, Kim Wood (BFF) comments, *'that it is not desirable to hurry horses out of their horsebox at the end of a journey into inferior site stabling such as stalls if by leaving the horses in their horsebox for a little longer, allowed for superior accommodation in the form of loose boxes to be erected. The longer-term benefit to the animals far outweighs the 'cost' of standing in the horsebox for an extra hour.'*

Conclusion:

The Working Group found virtually no evidence on this subject. Existing legislation under the

Transport Directive, and industry guidelines, should provide an adequate framework for development of policy in this area.

7. Standards of care and husbandry

Members of the Circus Working Group visited a number of circuses and the following concerns/ observations were noted by some members:

At one visit one issue that was raised by most individuals in the group was that whilst the animals appeared to be in good health, it was considered that both wild and domestic animals appeared to be quite overweight. (Michael Fielding (BVA), Kim Wood (BFF), Arthur Lindley (RSPCA), Rob Atkinson (WildCRU)).

At another circus visit, Kim Wood (BFF) considered that some of the horses were very thin in that the horses ribs were visible – some to an alarming degree. She also noted that none of the horses were 'muscled up' at all.

Michael Fielding (BVA) notes that it would appear that there is variation in the approach and knowledge of proprietors with regard to good nutritional balance and feeding practices. The issue of nutritional requirements should be included in any training or teaching processes and in assessments for licensing of individuals who care for wild animals.

With regard to standards of care and husbandry, the British Veterinary Association in its written submission supports the use of the Five Freedoms as defined by the Farm Animal Welfare Council, as a reasonable basis for monitoring standards of care within circuses. These Freedoms are:

- Freedom from thirst, hunger and malnutrition
- Freedom from thermal and physical discomfort
- Freedom from fear
- Freedom from injury and disease
- Freedom to display normal behaviour.

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The Association of Circus Proprietors 'readily accepts that there is inadequate legislation covering the keeping of circus animals'. It maintains that progress over the past 40 years in welfare has been immense and that members of the ACP participate in the Association's compulsory veterinary scheme, set up in 1989, which is administered by veterinary surgeons David Taylor and Andrew Greenwood of the International Zoo Veterinary Group. The ACP asserts that standards found in British circuses are amongst the highest in Europe (ACP, 1998).

The Scottish Society for the Prevention of Cruelty to Animals states: 'Our inspectors have found no instances of outright cruelty and from their observations the circus animal keepers care for their animals as well as can be expected in the circumstances' (SSPCA, 1997).

However, the ACP scheme has been criticised, in that not all circuses are members of the Association, and the guidelines are a voluntary self-regulatory code of conduct which cannot be strictly enforced (Gripper, 18/12/96).

The ACP maintains that there are many skilled people in the circus world who work with and look after the animals involved, and who genuinely care for the animals. In many cases, those that work with animals are part of one family and have grown up with the animals since childhood.

Conclusion:

The Group believes that the Five Freedoms developed by the Farm Animal Welfare Council provide a basis for specification of minimum requirements. Standards of experience and expertise amongst animal care staff in circuses may vary. The development of appropriate training programmes and qualifications should be considered.

8. Accommodation

The Circus Working Group's visit to a static circus revealed poor night accommodation for lions, although it was noted that the lions' exercise enclosure was furnished with logs and that the animals were able to move from the holding pens to the performance area via tunnels.

Rob Atkinson (WildCRU) considered that in each accommodation unit, the lions had rather less space than in most zoos, but rather more variety in that they were able to move between three parts of the building.

At the same visit Michael Fielding (BVA) made the following observations: 'The animals are housed for sleeping purposes in a series of interconnected steel framed dens, each measuring approximately 8ft x 10ft (2.4 metres x 3 metres). The floors were of concrete with an adequate fall to drains and at the time of inspection appeared clean (apart from fresh faeces), although well worn and poorly placed, in that they were close to much circus equipment, the use and maintenance of which might cause some disturbance to the animals, although I suspect that this would be minimal since they are obviously accustomed to circus practice.' He concludes 'my only real concern with the situation is the standard of the sleeping dens which are obviously used for long periods of the day for accommodation. These are adequate but minimal and ageing and if they were used in the future I would wish to see improvements made.'

'There are undoubtedly potential problems, which arise as the result of the use of travelling quarters for on-site accommodation or in some cases permanent accommodation, which is the norm. Travelling quarters alone are inadequate for permanent/ winter accommodation. Where travelling quarters are used for on-site accommodation they must be adequately extended or improved to meet the needs of animals in respect of light, ventilation, shelter, exercise area, and environmental stimulation.'

At another circus visit, Will Travers (BFF) made the following comments regarding accommodation for elephants: 'Outside, the welfare of these animals

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was obviously taken seriously. The exercise site was a large flat area of field approximately 30 metres by 20 metres, bounded by a single strand electric fence. The animals made no attempt to cross the barrier while our visit was in progress. The night quarters consisted of a tented canopy with opening sides, and a wooden platform with steel fixing points and tethering chains with padding to protect the elephants' legs from abrasion. While this owner is on site his visits to the elephants most probably moderate the impact of boredom. However without this and similar stimuli the potential for behaviours associated with boredom and frustration become significant.

'In my view, while the care of a dedicated individual of the calibre of this owner may moderate the negative impacts of circus life, elephants are not a suitable animal for the circus and a humane solution for phasing out the keeping of this species in circuses should be developed and implemented as a matter of urgency.'

During a visit to a circus in 1998, Kim Wood (BFF) raised concerns regarding the accommodation for the horses. She noted when lifting the head collar of a pony that the animal had head collar sores. In her opinion with efficient stable management, sores and bald patches can easily be avoided. However she notes that loose boxes are the only answer if the horses are to be free of constant tethering during the March - November season. The proprietor agreed to look into the possibility of loose boxes for his horses.

A major concern about circuses is that animals may be kept in their transport accommodation or beast wagons, so that these form permanent housing. *In 1989, Dr Kiley-Worthington found that big cats and bears were kept in their travelling wagons for much of the time, where she estimated that they had less than 0.5 cubic metres [sic] of space per animal. Elephants were seen to spend the majority of time chained by one front and one hind leg to boards in tents.*

Elephants are traditionally kept shackled by a front

and hind leg by covered chains for periods of the day and throughout the night. This restricts their ability to move. However, some circuses have introduced 'electric paddocks where elephants can stay for several hours. The Swiss National Circus Brothers Knie now keeps its elephants without chains outside and in the stable tent' (Kurt, 1995).

In November 1987 the Association of Circus Proprietors introduced provisions in their member circuses for animals to have some access to exercise areas. However, the Kiley-Worthington study found that in 1989 these animals were still largely confined, with big cats spending over 90 per cent of their time in the wagons (Swingland, 1989).

While some members of the Circus Working Group felt that some accommodation was restrictive in space and complexity, circuses argue that such restriction is balanced by the stimulus of training and performance.

The RSPCA's view is that circuses, by their very nature, cannot provide what the animal needs in terms of space and complexity and that training techniques can not overcome a lack of environmental enrichment. The Born Free Foundation shares the same view.

The Chartered Institute of Environmental Health's view is that as circuses are presently operated, they would concur with the RSPCA's view.

The Australian Circus Owners' Federation has looked into accommodation for circus animals in relation to animal welfare and has produced its own recommendations (ACOF, 1995).

Conclusion:

Standards of accommodation vary: the Group found a number of instances of inadequate provision. Generally the accommodation or housing provided for circus animals, both static and touring, is often perceived to be inadequate. The travelling nature of circuses poses particular

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problems in relation to ensuring adequate accommodation, because of the need for portability.

At present, circuses in general do not appear to give much thought to the provision of complex, enriched environments for their animals, and the question must be asked as to whether, given increased understanding of the behavioural and psychological needs of certain species, such environments are feasible.

9. Training

Circus performances with animals rely on training, but welfare aspects of training are difficult to evaluate, due to lack of clear evidence. A number of submissions received by the Group included expressions of opinion on the subject.

During her study in 1989, Dr Kiley-Worthington reported she had not seen evidence of any cruelty, and no indications of behavioural stress during training sessions. However, trainers were demonstrating reinforcement training, rather than teaching new tricks to the animals, and Dr Kiley-Worthington noted that it was possible that their procedures would be modified in her presence. The report further states that almost half the big cats showed reluctance to enter the ring.

The Association of Circus Proprietors acknowledges that there is no accepted protocol for animal training in circuses and many circuses employ inexperienced staff on a temporary basis to manage and care for their animals, particularly in the touring season. Often training is passed down through generations of circus families, from 'father to son'.

However, it has been suggested that it may be possible for methods of acceptable training to be formulated. Based on positive reinforcement, there could be set in process some sort of formal training qualification, such as a modern apprenticeship or NVQ, for animal trainers, as well as animal keepers. The present system is too variable and allows the possibility of unsuitable

methods and unsuitable individuals to be involved in training (Dr Kiley-Worthington, 1998).

Andrew Greenwood of the International Zoo Veterinary Group is also of the opinion that some form of NVQ in the training of circus animals would be beneficial.

Zippos Academy for Circus Arts, the training school operated by Zippos Circus would be prepared to implement training for such a qualification if funding were available (Hibling, 1998).

Other organisations, such as the Switzerland-based Circus Knie, claim that training can be achieved mainly through positive reinforcement and 'by no means are methods of 'punishment' tolerated or applied that do not in form or intensity correspond to such events in nature' (Ref. Althaus, Circus Knie).

In 1989 London Zoo introduced presentations featuring animal performances. The main reasons why the zoo trains animals are a) to assist their captive management, b) to improve their welfare and c) to carry out a role or produce a performance (Tomlinson, 9/97).

Whipsnade Zoo claims to engage in demonstrations of animals with an 'educational emphasis'. It does not have a formal written protocol on the training of animals. However, any training of the animals is based on exhibiting natural behaviours on command associated with a commentary that explains behaviour and why particular animals require that behaviour (Lindsay, 27/2/97).

The Australian Circus Owners Federation has produced a Code of Practice for training.

There is much debate about environmental enrichment as to whether or not training of circus animals is adequate compensation for loss of complexity. It is the RSPCA's view that training can and often does, contribute to the complexity of an animal's life. However, it can not be viewed as a substitute for other forms of behavioural need, particularly when most of the 'training' is actually routine repetition of old performance.

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Robert Atkinson (WildCRU), in his report of Training Methods in Non-Circus Animals concluded that there is a need for circus animal trainers to publicize their methods so that comparisons with established, successful and ethically sound techniques, such as those used by trainers of guide dogs, can be made. He argues that training service animals can well be taken as a model for training circus animals, since the results are comparable in the degrees to which unnatural performances are the goal. However, the major potential flaw in this model is that it may only apply to dogs as there is a paucity of accessible material on training methods for other animals, such as elephants. However, the principles upon which the model is based were by no means derived solely from studies of dogs.

Lou Leather (CIEH), believes that: 'As long as openness on training is avoided, there will remain suspicion that there is something to hide. This does not seem an area where 'trade secrets' are justifiable.'

The Born Free Foundation questions the validity of generalised claims that performances feature natural behaviour, since such behaviour must not only be judged on a physical basis, but within its overall context.

Conclusion:

It is apparent that training can certainly be achieved by positive reinforcement but there is no evidence that this is always the case in the circus industry. Some suggest that negative reinforcement may be used more widely than trainers are prepared to admit.

The absence of any recognised structure for the training of animal trainers, or of any qualifications in relevant skills, may contribute to current variation in methods used and levels of skill.

Time is another important factor: suffering and stress may arise out of situations where too little time has been allowed for proper training to be carried out.

10. Performance

The Circus Working Group visited four different circuses and some members observed what they believed to be indications of reluctance/fear in both lions and horses during performance. Largely, there was a variety of opinion expressed by the members about these performances.

Members agreed, however, that there was no evidence of efforts by circuses to make performances 'educational' in the sense of actively conveying information about the nature of the animal.

Michael Fielding (BVA), made the following observation: 'I have never seen a cruel act in a circus performance. There are, however, occasions on which I have seen animals under stress to perform certain parts of their acts. Animals will vary considerably in their response to training and their ability in the ring. Animals which do not train well should not be used.'

Will Travers from the Born Free Foundation made the following observations concerning elephants following a site visit. 'The animals in question (all females) have been in the care of the circus owner for thirty years, ever since they have been imported from their native Sri Lanka. It is not clear whether they were genuinely captive bred but international convention makes it clear that if only one parent is wild then the offspring should be regarded as wild.

'The owner has obviously built up considerable rapport with these animals and they responded to him, performing a series of manoeuvres, without evidence of fear of coercion. They appeared to be in good physical condition. Their behaviour, however, was noted to include a considerable proportion of time playing with and ingesting their own faeces. This suggests boredom, a point made to the owner.

'Through conversation with the owner it became clear that these animals only respond confidently to him and his wife. There seems to be a potential problem in the future in that no immediate successor has been identified.'

'In the ring, a whip was used for cueing (during the horse acts). The owner acknowledged

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afterwards to several members of the group that this was completely unnecessary but was included in the performance for effect.'

'The elephants' performance routine witnessed on the day of the visit was largely unremarkable. However, the parts of the show which required the animals to put all their weight on their back legs are not in my experience a component part of wild elephant behaviour and may put an unnecessary strain on the animals with the associated risk of injury. To suggest that such behaviour forms a significant part of a wild female elephant's behavioural repertoire is in my view incorrect. The performance as a whole made no contribution to either public education or species conservation.'

Concerning the performance at another circus, Rob Atkinson (WildCRU) comments 'The lions were so familiar with the act that they did not practice between acts. Having watched the performance, and having spoken to an expert on wild lions, all I can say as a scientific observer is that on occasion one or more of the lions showed an ears back attitude that could be associated with fear or any of a number of emotions.'

Kim Wood (BFF) when observing the horses in the same show comments, 'the larger, skewbald pony was clearly reluctant to put its front feet on the stand, and showed signs of unease (ears back, muscles tense) throughout the period it remained there.'

Conclusion:

Performance is potentially one of the most stressful situations experienced by a circus animal, but it seems to be the area which has received the least attention in research. This is borne out by the experiences of the Working Group, which has not been able to come to any firm view by watching a limited number of performances in isolation. Further research into

the impact of performance on the welfare of animals is needed, with particular emphasis on factors such as noise, audience presence, etc. and issues related to the safe movement of animals to and from the ring.

11. Origins of animals

CITES-listed species are prevalent in circuses. *The Association of Circus Proprietors maintains that with the exception of elephants, the animals are likely to have been bred in circuses or safari parks in Britain.*

The caged animals used in present-day British circuses are all several generations circus bred (ACP, 1998). This concurs with the Kiley-Worthington study (1989).

The Circus Working Group found that there was general concern about the disposal of animals and that there was some anecdotal evidence of animals being taken abroad by British circuses and left there but there was little scientific evidence in respect of this.

The *City of Vienna Guidelines* gives a list of animals which in its view are totally unsuited to circus use.

Conclusion:

Whilst the Group accepts that many circus animals are captive-bred, elephants, and animals of some other species (including reptiles), are usually taken from the wild. The impact on wild populations, and the stress of adaptation to a captive environment, should be considered in relation to wild-caught animals.

No regulations govern the disposal of circus animals. This is a matter of considerable concern.

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12. Physical and psychological effects

Behavioural indicators of stress in animals include: changes in body language, over-dependency; high levels of avoidance behaviour; apathy; elevated aggression levels; the exhibition of stereotyped behaviour.

Stereotypes are common in captive animals, and include actions such as pacing, rocking and head weaving and have been shown to be triggered by the lack of stimulation, restraint, frustration and stress. Most researchers accept that the occurrence of a stereotypy indicates that the animal's welfare has at some time been compromised, but opinions differ on the function.

For example, a stereotype can be culturally inherited (ie one animal learning from another. A predisposition to develop stereotypes can be genetically inherited and development is also profoundly affected by age of separation from mother; isolation; rearing; time of weaning and hand-rearing. Stereotyped behaviours can often persist after the original cause has been removed.

Robert Atkinson (WildCRU), animal behaviourist, says in his submission that there is a temptation to propose that a circus containing a high degree of stereotyping animals (relative to, for example, better zoos or wildlife parks) regardless of when and how the stereotypes developed, has a history of impoverished environment for its animals. However, the implications of such a proposition, if true, are complex.

For example, all the lions in a circus group might be descended from one stereotyping ancestor. One particular deficiency, such as the feeding regime, might be the primary induction for development of stereotypes, in an otherwise adequate environment.

Dr Georgia Mason, Oxford University animal behaviourist, asserts that seven questions must be researched and answered before a fully informed welfare decision can be made about any animal, and even then the evaluation made at the end of

such data collection will inevitably contain a subjective element, since it is always difficult to relate such measure precisely to what the animal is actually feeling. 'There is no simple way of knowing at what level an individual measure indicates real suffering, nor how much weight to give each of the various indices when several are available.'

The seven questions are as follows:

- 1) What exactly are the conditions under which the animals are kept?*
- 2) How does the behaviour, physiology and general appearance of the animals compare with that of genetically similar animals in less restricted conditions?*
- 3) What underlies the relationships established under question two?*
- 4) Is there evidence of severe physiological or behavioural disturbance?*
- 5) Are the animals physically healthy?*
- 6) What conditions do the animals themselves prefer?*
- 7) Are there any potential disadvantages associated with providing animals with what they want under question six? (Mason, 1997).*

During visits to some circuses as part of this study, some Group members observed what they believed to be horses in excessively lean condition in two circuses Kim Wood (BFF), Arthur Lindley (RSPCA) and abnormal behaviour in elephants in one (weaving: Arthur Lindley (RSPCA), and coprophagy: Rob Atkinson (WildCRU), Arthur Lindley (RSPCA), Will Travers (BFF). However, the state of health was considered overall to be generally acceptable. (With regard to the horses at one circus, the circus management were consulted and the concerns addressed.)

Robert Atkinson (WildCRU) pointed to a potential lack of understanding of stereotyped 'weaving' behaviour in elephants, when a circus owner said

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that in his opinion if an elephant 'was not weaving there was something wrong with it'. In other words, he took weaving as a normal function indicative of good health. Atkinson pointed to a lack of understanding of stereotyped 'weaving' behaviour in elephants' health (CWG circus visits 1997/98).

Observation of the behaviour of circus animals formed the main part of Dr Kiley-Worthington's study in 1989. In total, some 3,000 hours were spent, recording a total of 124 different types of behavioural activity.

It was reported that abnormal behaviour occurs in all species of circus animal, and in some cases this behaviour can occupy a considerable proportion of the animal's time' e.g undirected pacing, head weaving, bar biting etc. Abnormal behaviour was seen to occupy up to 25 per cent of the elephants' time, for bears, just one abnormal behaviour – prolonged or undirected pacing - occupied 30 per cent of the time...Elephants were shown to be leg-shackled for over 60 per cent of the time where 'they are able to lie down with difficulty'. On the basis of this report, the RSPCA concluded that there was evidence of suffering (Swingland, 1989).

Conclusion:

The Group accepts that there are differences of opinion as to the precise interpretation of specific behaviour patterns in relation to psychological stress. However, from evidence submitted and from the experience of Group members on visits to circuses, the Group has found clear indications of both physical and psychological abnormality in some circus animals, whereas others appear to be comparatively unaffected.

Because of the complexity of this issue any indication of abnormal behaviour should not be ignored just because it cannot be given a scientific label. People with appropriate

training and expertise must be involved in the assessment of welfare in any statutory inspection of animals in circuses.

13. Travel to and from the United Kingdom

A number of circus species are listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which is implemented throughout the European Union (EU) by European Council Regulation 338/97. These instruments prohibit both international trade in endangered species (such as elephants and tigers) and the sale or display of such species for commercial purposes, although exceptions may be made for captive bred specimens and in certain other circumstances.

Trade in less endangered species (such as lions and zebras) may be permitted where this is not considered to be detrimental to the conservation of the species concerned.

A permit is required from the Department of the Environment, Transport and the Regions (formerly DOE) to import CITES specimens into the EU. Licences are also required to sell or display specimens of endangered species and new European Community (EC) rules now cover purchase.

Reports on the trade in CITES listed species are prepared annually and relevant extracts for the years 1994 to 1996 show that only one lion and one tiger were imported for circus use from countries outside the EU in this period (DOE, 5/3/97).

For 1994-6, one Bactrian camel, one guanaco, two Indian elephants, one lion and one tiger were brought into the UK for circus use in this time.

A report by Elizabeth Fleming (1994) entitled *CITES and the Regulation of Wildlife Trade for European Circuses* (Traffic, Europe) contains 33 documented examples of CITES registered contraventions throughout Europe (Leather, 1997).

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A visiting circus – case history

An incident relating to a leopard and a dog belonging to the Italian Florilegio Circus in 1997 gives an example of discrepancies within the current system of supervision of the travelling of circus animals between the United Kingdom and Europe.

The Circus Working Group brought its concerns regarding rabies and CITES controls to the attention of MAFF and DETR earlier this year. The Minister of Agriculture Jeff Rooker MP reported in a letter to the group;

‘The Florilegio circus entered Great Britain via Dover on 20 January 1997 in transit for the Republic of Ireland via Holyhead. Transit licences had been issued for two bison, one giraffe, five camels and three elephants but were not required for the rhino and hippo, the horses and the goats. The circus travelled to Scotland from the Republic of Ireland on 30 June arriving without a required official health certification and no notification of import was given to the Divisional Veterinary Manager. No import licence had been issued by the Scottish Office Agriculture Environment and Fisheries Department (SOAEFD). Consequently a restriction notice was served under Article 13(3) of the Animals and Animal Products (Import and Export) Regulations 1995 which required that the animals be detained and isolated at the circus premises. The local authority, as the enforcement authority, were informed of this incident but no prosecution action was taken. A further notice was issued when the animals were moved with MAFF and SOAEFD agreement to subsequent sites in England pending consideration of export to Belgium on 28 September 1997.’

The Enforcement Co-ordinator at DETR, Mrs Lynn Garvey, wrote that:

‘The leopard, allegedly purchased in Ireland, would have required a sale exemption under EU Regulations implementing the CITES Convention, which would be issued by the Management

Authority for Ireland. As both Regulations allow the free movement of animals within the Community, no further documentation would have been required to enable the animal to be moved from Ireland to Scotland.

‘On the question of display, it is clear that it is an offence to display to the public for commercial purposes, or to use for commercial gain, any specimens of species listed in Annex A to the CITES regulations, unless a specific exemption has been granted by this department. Relevant information was forwarded to the relevant investigating officer at the police, HM Customs & Excise, and the SSPCA.’

Although Mrs Garvey says that the leopard was ‘allegedly bought in Ireland’, the Working Group is not aware of evidence to support this claim. On the contrary, visual identification of this animal from photographs undertaken by two independent big cat specialists (Tony Wiles (Big Cat Foundation) and Ian Butcher (University of Kent)) indicates that the leopard might have originated in Italy.

The Working Group is concerned that disease controls may not have been effectively enforced, and that there appears to be no requirement for Customs officials to check the existence or validity of any CITES sale exemption certificate from another member state when the leopard was brought into the UK.

In addition to the above concerns over problems of enforcement of statutory controls, the Working Group had serious concerns for the welfare of animals in this circus, relating to inadequate accommodation for large exotic mammals such as hippo and rhino and long journey times, which were reflected in public and media reports.

Conclusion:

The matter of border controls requires further investigation. It is important to ensure

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that disease control and endangered species protection measures are effective, and adequately enforced.

The need to identify all animals in a permanent way should be pursued to help to control this and other problems, and to properly associate animals in transit across borders with their permanent identification marks.

14. Standards of veterinary care

The BVA, in its submission to the Circus Working Group, states: 'On the whole the veterinary comments received by BVA show general satisfaction with the standard of care provided within circuses' (BVA, 1997).

Andrew Greenwood, of the International Zoo Veterinary Group reported that the ACP has established written standards for veterinary management in member circuses. Inspections are carried out unannounced. If problems are identified a follow-up visit is made in three weeks to ensure problems have been rectified (Greenwood 1998).

It is generally agreed that because of the transient nature of circuses, there are greater risks of a lack of continuity of veterinary treatment, and/or of treatment by inappropriately experienced veterinary surgeons. The expertise for the treatment of such species is widely available in the UK and the expense may be justified by the value of the animals as well as welfare considerations.

Conclusion

Access to appropriate expertise, and continuity of treatment, are matters of some concern in travelling circuses.

Closer veterinary involvement in the routine of supervising travelling circuses is particularly

necessary and should be part of any licensing system. Circuses should keep a record of veterinary care giving details of injuries, treatment, deaths etc. which should be available for inspection by local authorities and veterinary surgeons at all times.

The Group recommends the adoption, where possible, of species-specific standards of animal health as well as welfare.

15. Public perception

The concern for animals in circuses has grown over the past few years and a sample of 364 people surveyed in 1996 revealed 43 per cent were concerned with animal welfare in circuses, among other issues (Abbot Mead Vickers, 9/96).

The Association of Circus Proprietors points out that the circus attracts supporters as well as protestors. It maintains that circuses continue to be a popular form of entertainment for all ages and sections of the community, otherwise they would already have gone out of business. However, it also accepts that there 'is a substantial body of the public which is neither opposed to the concept of performing animals nor makes the effort to visit a circus when one is in the vicinity. However, they are largely animal lovers and do expect there to be adequate control of the way circuses operate (ACP, 1998).

David Hibling of Zippos Circus has stated that after operating without animals for ten years, his circus introduced horses in 1986 and business subsequently rose by 25 per cent.

The ACP suggest that with a circus industry body, such as the ACP (self governing), having agreed Codes of Practice for training, accommodation etc., and a proper licensing system it is possible that the public would see there were improvements being made in animal welfare.

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The RSPCA and Born Free Foundation receive numerous letters of concern from their members and the general public about the use of animals in circuses. RSPCA members actively campaign against animal circuses at a local level.

Conclusion:

Circuses have until now been largely outside any form of statutory control relating to animal welfare, and with increasing public interest in animal welfare and its raised political profile both in the UK and Europe, the matter of ensuring standards must be addressed.

It may also be the case that if circuses do not come up to the expectation of the public, they will probably fail by the mere fact that they will not survive economically. The Group recommends that proper attention should be given to the care and welfare of redundant animals from circuses that do fail.

16. Legislation in other countries

There is no umbrella EU legislation regarding circus animals, although countries must comply with the provisions of the Council Directive 91/628 on the protection of animals during transportation as well as the controls of purchase, sale or movement of animals stipulated in CITES (Council Regulation 338/97).

A variety of different measures concerning circuses have therefore been adopted by countries within Europe and throughout the world. Below is a brief summary of information received by the Circus Working Group.

Germany

There are no statutory provisions concerning circuses in Germany although emphasis is on local authorities to carry out inspections.

Finland, Sweden and Denmark

All of these countries have banned caged wild animal acts in circuses. However, they allow the use of elephants and other uncaged exotic species. The Protection of the Animals Act 1981 in Denmark allows that a special dispensation can be granted per year to circuses to show otherwise restricted performing animals after detailed veterinary and welfare assessments are carried out. It is the case that more and more circuses are using performing animals because of this relaxation of the law.

Switzerland

Under the Animal Protection Law 1982, all winter quarters have to conform to zoo requirements. However, performing animals, whether stationary or in transit for most of the time, are not required by law to have the same sized cages as zoo animals.

Austria

The City of Vienna's Office of the Environmental Commissioner has developed guidelines for the keeping of wild animals in circuses. The foreword concludes *'It is the general objective for the future to permit the keeping of animal species in circuses only if these animals can enjoy a lifestyle corresponding to their species, sub-species and behaviour characteristics. The authors would like to expressly emphasise that these pre-conditions principally cannot be fulfilled in the case of wild animals.'*

Australia

Various states, such as New South Wales and Victoria, have introduced detailed legislation which requires certain criteria to be met, such as standards of care for each species of circus animal, and minimum sizes for cages and exercise areas, together with provisions for inspection and enforcement.

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New Zealand

The Ministry of Agriculture has set up a code of *Recommendations for the Welfare of Circus Animals and Information for Circus Operators* and laws have also been passed with regard to the protection of animals which place severe restrictions on circuses.

United States of America.

Animal trainers and exhibitors are required, under the Animal Welfare Act 1966, to be licensed to meet the Act's minimum requirements. However, there are more than 50 different types of legislation protecting animals from cruelty throughout the States, so there is a lack of uniformity of standards.

Conclusion

The status of legislation on circuses in other countries is highly variable. The Group would recommend that standards and codes of practice used in other countries be considered in detail if it were the intention to introduce some form of controlling legislation in the UK.

17. Domestic animals

The International League for the Protection of Horses has no policy objections to horses in circuses 'provided they are properly cared for, along the lines laid down in the Code of Conduct (produced by Zippos Circus) and that the acts they undertake are not demeaning'. It takes the view that 'horses and ponies employed in circuses are not that different to those that appear in the ring at shows and sporting events ranging from Olympia to the Olympic Games' (ILPH, 18/12/96).

The ILPH was involved in the formation of the *Code of Conduct* for Zippos Circus, which includes only horses and dogs.

Conclusion

Standards of animal welfare are equally important for domestic as for wild animals. The recent development of a Code of Conduct for the welfare of horses and dogs could form a basis for future standards requiring best practice.

Section three:

Conclusions and options/ recommendations

1. Areas of agreement

Current legislation is inadequate to ensure that best practice welfare standards for circus animals are met. Present available systems for controls, such as the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981 are unsuitable as both were written for a specific reason and to control a particular type of animal holding regime. To vary or alter this legislation would produce only more complicated and possibly poor quality regulations and could lead to more abuse of the law.

Any keeping of animals in a circus should not impose any significant or unnecessary physical or mental suffering or distress on those animals.

No act should be allowed which places an animal under unacceptable stress levels, encourages physical activity beyond the animal's normal capability or puts their physical or mental condition at risk. Performances should not demonstrate unnatural behaviour.

2. Options

Because of the diverse aims and views of those organisations which constituted the Circus Working Group, it was agreed that no one recommendation could be put forward from the Group.

In view of this, it was agreed to present a list of options for the All Party Parliamentary Group for Animal Welfare to consider. These are as follows:

1. No change to the present system that currently operates in Britain

In the light of the findings of this report, the Working Group cannot recommend this option.

2. The banning of all animals in circuses

There are many organisations totally opposed to animals in circuses, e.g. Animal Defenders, and Captive Animals Protection Society. They believe that travelling circuses would have great difficulty

introducing basic welfare standards to a level such as those contained in the Zoo Licensing Act 1981, because of the travelling nature of circuses.

The RSPCA states it can see no way in which suffering associated with the keeping of animals in circuses can be totally eliminated; the very nature of the circus business imposes such constraints on the way in which animals are kept that there must always be significant levels of stress (RSPCA, 1997).

The RSPCA is totally opposed to exhibitions or presentations of any animals in circuses and travelling menageries, and so strongly supports this recommendation.

Based on the findings of this report and other factors this is the preferred option of the Born Free Foundation.

The ACP takes an opposing view and considers that legislation which licences the animal and not the trainer and which at the same time requires approval of accommodation, transport, veterinary care and welfare generally is not only possible to achieve but meets the concerns of the vast majority of the public who do not wish to see circuses banned but, instead, wish to see adequate control.

3. Introduction of new legislation – a circus animals act

The aim of this act should be to improve the welfare of all animals in circuses, using the Five Freedoms as a basis for the monitoring of animal welfare within circuses:

- Freedom from thirst, hunger and malnutrition.
- Freedom from thermal and physical discomfort.
- Freedom from fear.
- Freedom from injury and disease.
- Freedom to display normal behaviour.

Legislation on circus animals might include:

- i) The licensing and establishment of welfare standards for animals.
- ii) The banning of certain specified species of animals.

Section three: Conclusions and options/ recommendations

iii) The banning of animals in circuses – except for domestic animals.

iv) The extension of any or all of the above to other areas of entertainment using live animals.

For ease of reference these possible provisions for an act on circus animals are addressed below:

i) The licensing and establishment of welfare standards for circus animals

The following components of a new act on circus animals could be included:

a) A licensing system for circuses. Standards required would cover the following areas: accommodation; training; performance; content; transportation; staff competence; veterinary standards; and standards of husbandry/care, as well as various other aspects of animal welfare.

Existing law should be included so that health and safety at work requirements like the provision of a health and safety policy; risk assessment of all activities; certification of plant safety; electrical safety and fire safety (see *Home Office Guide to fire precautions in existing places of entertainment and like premises, and additional provisions for circuses and like events involving animals*: also COL 14/95 *Guidance to Fire Officers: Technical standards for marquees and large tents provided for entertainment*).

- b) Licensing to operate similarly to the Zoo Licensing Act 1981 - local authorities would be the enforcing body under national statutory guidelines using local officers and nominated experts in animal care.
- c) A review of the requirements of the Dangerous Wild Animals Act 1976 to consider the possibility of improving exercise facilities for nominated species specifically in circus situations.
- d) Staff to undertake training for appropriate qualifications for caring for animals, as well as for training them to perform in the ring.

e) Circuses to register their travel arrangements at least three weeks in advance with the local authorities in whose area they will be performing and be inspected on each site they visit by a local authority officer, who may call on relevant expertise at any stage, especially where it has been or may be considered that a violation of the licence has occurred.

f) Inspections of winter quarters to be carried out annually with the animals in situ. Standards to be laid down for winter quarters and guidelines for all circus-kept species to be suggested and improved by regular review.

g) All circuses to be members of an acceptable professional body, before application for a licence is considered. This body would assist in the formulation and maintenance of standards and would create a framework for co-operation between circuses and the government.

h) All circus animals to comply with an identification scheme, based on micro-chipping, freeze branding, photographing and marking, and records should be kept centrally on an approved register. Registration details to be available for inspection wherever the animal is kept.

i) Disposal of surplus animals to be subject to a humane acceptable protocol and to be notified to the local authority in the registered area.

j) The future acquisition of wild-caught animals to be prohibited in circuses.

k) Circuses to be required to keep accurate records of all veterinary care.

l) A single-nominated licensed person to hold responsibility for each individual circus. Each licensed circus must carry a log book, showing the last date of licensing, certification or other relevant approvals, together with a record of inspections, any offences, details of public liability insurance, a list of all animals held by the circus together with details of their identification, the date of joining/leaving the

Section three: Conclusions and options/ recommendations

circus, their place of origin/destination, and veterinary care and inspection.

- m) A *Code of Practice* for the husbandry of circus animals, following suitable consultation and agreement with representatives from circuses, the veterinary profession, welfare and other interested bodies, to be introduced and to include the issue of environmental enrichment within circuses, to reduce the development of stereotypic behaviour of circus animals.
- n) The issuance of the licence must be subject to compliance with all relevant regulations, including those relating to health and safety, seating arrangements, access requirements, fire regulations, toilet facilities, car parking, emergency vehicle access, means of escape, containment of rubbish, flammable liquids, site lay-out and planning etc. Any circus not licensed or anybody licensed and not complying fully with the conditions to be open to an immediate on-the-spot penalty and, where appropriate, closure.
- o) Any circus or act visiting the UK should be bound by all the provisions of such legislation.
- p) The definition of a circus as advocated in this report should be adopted in this legislation.
- q) All enforcement of any circus legislation should be the responsibility of the local authorities, and not the Health and Safety Executive.

The RSPCA is concerned that it may prove extremely difficult to construct standards that would achieve any significant welfare benefit, yet still meet the physical requirements and limitations of a travelling circus. Size limits on road-going transport vehicles, frequent movement from site to site, physical limitations of commercially viable locations, movement and exchange of individual acts between different circus enterprises, etc. would all have to be taken into account. Enforcement of such legislation would also impose additional burdens on local authorities, which would require additional funding from government.

The transient nature of circuses – their mobility – and the fact that ‘performance’ is fundamental to the circus concept are two of the most important considerations which currently suggest to the Born Free Foundation that drawing up meaningful and workable legislation to address the welfare of animals in the operation of circuses is almost certainly unfeasible. (5/1998).

ii) The banning of certain specified species of animals

The following clause could be included:
Certain species of rare or endangered animals, and/or species unsuited to circus conditions, not to be used in circuses.

iii) The banning of animals in circuses, except for domestic animals

The banning of all wild animal acts from circuses, except for domestic animals, such as horses and dogs, could be acceptable to some organisations, such as the International League for the Protection of Horses, and codes of conduct, such as those of Zippos circus and the British Horse Society, could be used in the formation of best practice guidelines for horses in circuses.

In the event of a complete ban on the use of animals (option 2 page 27) being unacceptable to Parliament, the RSPCA and Born Free Foundation would support the option of a ban on all animals except domestic horses and dogs as a measure to reduce the extent and scale of suffering for animals in circuses.

iv) The extension of any or all of the above to other areas of entertainment using animals

The following clause could be included:
All performing animals used in live entertainment, e.g. magicians acts, exotic night club shows etc., as well as circuses, must be included in any licensing system.

Section three: **Conclusions and options/ recommendations**

The view of the British Veterinary Association is that whatever the field in which animals are used, the prime concern of the profession is for the welfare of such animals. For most situations adequate controls already exist, circuses being a notable exception. The BVA thus supports option 3 and all its sub-clauses with the exception of (iii).

Dr Robert Atkinson and Professor David Macdonald (Wild CRU) support option 3 with all its sub-clauses with the exception of (iii), as the most detailed, logical and objective way forward, with the proviso that our primary concern will always be the highest standards of animal welfare.

The Association of Circus Proprietors (ACP) finds that there is considerable public demand for circuses with animals but considers that there should be adequate standards of animal welfare laid down and effective control through a system of licensing and inspection. The ACP supports option 3(i) and acknowledging that certain species of animals are unsuitable for training it could support option 3 (ii) provided that there was no restriction on the use of species now commonly found in circuses. The ACP does not support option 3 (iii) but does support option 3 (iv).

The Chartered Institute of Environmental Health shares the RSPCA's concerns expressed in paragraph three above, but pragmatically accepts there is still a clear need to improve the law and create acceptable standards as in (i). It would be helpful to aid officers' work by obtaining better tools for the job they are asked to do. The option of keeping wild animals in confined spaces for public entertainment remains a questionable activity for the future. Continuation of circus presentations should only be on approved sites where the opportunity of providing adequate facilities enables the concerns expressed in this report to be suitably addressed. The necessary legislation to achieve these aims is required. The extension of controls to all performing animals (as in (iv)) would be welcomed.

Appendix one: Written submissions

to the Circus Working Group of the All Party Parliamentary Group
for Animal Welfare

Organisation/Individual	Type of Submission	Date	Ref
Animal Aid	Letter	4 December 1996	S1
Association of Circus Proprietors of Great Britain	Report	1998	S2
Atkinson.Robert	Reports: 1) <i>Training methods in non-circus animals</i> 2) <i>Behavioural indicators of stress in captive animals</i>	24 March 1997	S3
British Actors Equity Association	Letter	15 July 1997	S4
British Veterinary Association	Letter	9 January 1997	S5
Circus Knie	Report: <i>History of Circus Knie</i>	undated	S6
Department of the Environment	Letter	26 November 1996	S7
Federation of Zoological Gardens of Great Britain and Ireland	Letter	10 December 1996	S8
Fielding.Michael, (British Veterinary Association)	Report: Site visit – Peter Jay's Hippodrome Circus	28 August 1997	S9
Greenwood.Andrew International Zoo Veterinary Group	Biography and ACP Veterinary requirements	30 June 1998	S10
Gripper.John Manor Veterinary Surgeons	Report: <i>Use of animals in circuses</i>	18 December 1998	S11
Hibling.David (Zippos Circus)	Report: Site visit – Croft Farm	5 August 1998	S12
International League for the Protection of Horses	Letter and Code of Conduct for Zippos Circus	18 December 1996	S13
Jameson.David (editor of King Pole Magazine)	Report	30 June 1998	S14
Kylie-Worthington.Marthe (Department of Psychology, University of Exeter)	Report: <i>The welfare of animals in circuses – should circuses be banned or improved, why and how?</i>	22 April 1998	S15
Leather.Lou (Chartered Institute of Environmental Health)	Reports: 1) Site visit – Zippos Circus 2) Site visit – Croft Farm	28 August 1998 5 August 1998	S16
Lindley Arthur, (Royal Society for the Prevention of Cruelty to Animals)	Reports: 1) Site visit – Circus Atlas 2) Site visit – Peter Jay's Hippodrome Circus	17 July 1997 28 August 1997	S17
London Zoo	Report: <i>Training animals at London Zoo</i>	27 September 1997	S18
Mason.Georgia	Report: <i>Behavioural Indicators of welfare</i>	29 May 1998	S19
Royal Society for the Prevention of Cruelty to Animals	Letter and RSPCA summary of factual information	6 January 1997	S20
Scottish Society for the Prevention of Cruelty to Animals	Letter	9 June 1997	S21
Travers.Will (Born Free Foundation)	Report: Site visit – Bobby Roberts Circus	5 June 1998	S22
Tyler Moore.Albert, Animal Trainer	Letter	30 January 1997	S23
Whipsnade Wild Animal Park	Letter	27 February 1997	S24
Wood.Kim (Born Free Foundation)	Report: 1) Site visit – Jay Miller's Circus 2) Site visit – Peter Jay's Hippodrome Circus 3) Site visit – Zippos Circus 4) Site visit – Bobby Roberts Circus 5) Site visit – Zippos Circus 6) Site visit – Croft Farm	15 August 1997 28 August 1997 12 November 1997 5 June 1998 28 July 1998 5 August 1998	S25
World Society for the Protection of Animals	Letter and reports: 1) <i>Report on circuses in Andalusia</i> 2) <i>Circuses – An overview of animal welfare, legislative and political issues</i>	16 January 1997	S26

(These submissions are lodged with the administrative secretary of the Circus Working Group, c/o the RSPCA, Causeway, Horsham West Sussex RH12 1HG)

Appendix two: Circus questionnaire results

The questionnaire was distributed to 474 local authorities and port authorities with the assistance of the Chartered Institute of Environmental Health in April 1997.

265 questionnaires were completed and returned.

Per cent response rate – 56 per cent.

Q1 Does your local authority operate a policy towards animal circuses on council owned land?

Yes, banned 95	No 112	Other 55
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If conditional policy is in operation does it permit circuses with:

	Total	If Q1 = Other	If Q1 = Yes	If Q1 = No
Domestic but not wild animals	26	20	6	0
Human acts only	47	6	41	0

Q2 Are any individuals or organisation registered with your local authority under Section two of the Performing Animals Act 1925?

YES 1	No 246
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If yes, how many animals are there in total on the register?

Type of registration	Number of registrations	Number of animals
Circus registration	17	
Non-circus registration	15	112

Can you disclose the names of those on the register?

Yes 10	No 2	Blank 3
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Q3 Did a circus with animals visit your district in 1996 ?

Yes 94	No 167
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If a circus with animals visited your district in 1996 was an inspection carried out by your authority? If yes, who carried out the inspection?

Inspection ?	Local Auth Vet	EHO	Other
Yes 61	2	50	31
No 33	–	–	–

Appendix two: Circus questionnaire results

If yes, were the following checked?

	Yes	No	Blank
Electrical certificate	37	15	9
Fire certificate	33	15	13
Health and safety policy	44	10	7
Risk assessment	34	16	11

Q5 If an inspection was carried out was it a routine inspection or was the inspection undertaken as a result of a representation to your authority from a member of the public or outside organisation?

Routine inspection 47	Outside representation 9	Blank 5
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Q6 Following a site inspection were any recommendations made with regard to the welfare of the animals?

Yes 6	No 56
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Q7 If recommendations were made by your authority were subsequent inspections carried out to assess if the recommendations had been implemented?

Yes 3	No 2	Blank 1
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Q8 Are you aware of any premises in your district used for holding circus animals in your district when not travelling?

Yes 10 (all winter quarters)

Q9 If there are holding premises for circus animals in your district, has your local authority undertaken a site inspection in the last two years?

Yes 5	No 5
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Q10 Are you aware of any animal circuses that intend to visit your district in 1997?

Yes 26	No 231	Blank 8
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