

John F. Robins, Secretary and Campaigns Consultant, Animal Concern,
Post Office Box 5178, Dumbarton G82 5YJ. Tel. 01389-841-639, Mobile: 07721-605521.
E-MAIL: animals@jfrobin.force9.co.uk website: <http://www.animalconcern.org/>
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(Co. No. SC109126) established in 1988 as Animal Concern (Scotland) Ltd.
It incorporates the Scottish Anti-Vivisection Society which was founded in 1876.

Members of the Scottish Parliament who have today been discussing the Wild Animals in Travelling Circuses (Scotland) Bill have been asked to extend the proposed ban to include all animals and to ensure the ban is made for welfare and not moral reasons. Campaigner John Robins reminded politicians that it is currently against the law in Scotland to ban animal act circuses simply because of moral objections. He is also wary of describing circus animals as "wild" as most exotic animals used in circuses will have been bred in captivity for several generations. He also believes that domestic animals such as dogs and horses suffer due to the restraints placed on them by the nomadic lifestyle of the travelling circus. In his e-mail to MSPs Robins cites numerous cases he has dealt with over the last four decades.

Mr. Robins, states; "A court ruling in 1990 overturned a ban placed on animal act circuses by local authorities due to moral objections to the use of animals. It is important that any new legislation is based on animal welfare issues and not moral grounds. However that should be fairly easy to achieve as even the very best of travelling circuses would find it impossible to meet the legal animal welfare standards of the most basic zoo. To thrive animals need space and, in the case of exotics, something resembling their natural habitat. You cannot provide this on the back of a beast wagon. Travelling animal acts should be a thing of the past – we need a law to ensure that is the case."

To all Members of the Scottish Parliament.

Dear MSP,

I understand that later today those of you on The Environment Committee will meet to discuss the proposals in the Wild Animals in Travelling Circuses (Scotland) Bill.

I expect that later this year all MSPs will hear from constituents who support a ban on the use of animals in circuses.

The use of animals in travelling circuses is an area I have worked on since I entered this job back in 1980. The campaign started by picketing the annual Christmas circus at the Kelvin Hall in Glasgow. We continued our protests when it moved to the SECC. I also visited circuses in Aberdeenshire, Argyll, Ayrshire, Dunbartonshire, Edinburgh, Fife, various Glasgow parks, Inverclyde, Inverness-shire, Perthshire and Renfrewshire.

During my time monitoring circuses I have seen elephants chained by two and sometimes three legs for as long as 23 hours a day. I've watched a demented bear, too far gone to be used in the circus ring but forced to live its life in a travelling cage where punters paid to see it along with the other animals after the circus performance was over. I've watched big cats continually pacing in tight circles in the travelling cages in which they spend most of their lives. One of the saddest things I have ever seen was a troupe of seven or eight Samoyed dogs taken from the Big Top in Perth and put into cages inside a windowless box van. That was where they would spend most of their time while on the road with the circus.

It was film and photographs of two lions and three tigers pacing their tiny travelling cages on the back of a lorry on an Aberdeenshire croft where they were overwintered in 2014/15 which prompted the current Bill.

It is a little known fact that circus animals do not spend the winter roaming free in safari parks when they are not performing. Thanks to a whistleblower in a Government agency I exclusively discovered that after their last autumn show in Nairn the animals destined to perform at the Christmas circus in Glasgow were held for weeks in a dilapidated, cramped barn in Bishopbriggs. The elephants, immobilised by three leg chains, could touch the front wall and corrugated iron roof of the barn with their trunks while their tails touched the rear wall. It wasn't just "wild" animals which suffered in that barn; the horses were kept there too.

At least one animal died in the barn. After the barn finally fell down, the animals were "housed" in a semi-derelict factory in Glasgow's East End.

In the 1980s we persuaded many Scottish local authorities to refuse to grant Public Entertainment Licences to circuses with animals. That tactic was made illegal when, in 1990, circus owner Gerry Cottle took City of Edinburgh District Council to the High Court. Edinburgh Council had refused an application for a temporary public entertainment licence on the moral grounds that it would lead to unfair treatment of the animals. The Court ruled that the Council was acting outwith its powers by refusing an application based solely on a view that the concept of performing animals was wrong.

The case of Gerry Cottle's Circus v City of Edinburgh District Council 1990 is now regarded as the classic example of one of the grounds of judicial review, namely "improper purpose" – where a Scottish authority uses a power to support a purpose other than that for which it was intended.

It is very important that the proposed new legislation is not negated by the precedent set by the Cottle case.

I would suggest that any ban on the use of animals in travelling circuses is not made on moral grounds but on the basis that no matter how well they treat their animals travelling circuses cannot meet the most basic welfare needs of their animals due to the restraints placed on them by the amount of equipment they can carry and the space and conditions of the sites on which they pitch. For instance some circuses boasted that by using electric fences they could put their elephants on temporary paddocks rather than chain them to the

ground by their legs. When I visited one such circus the elephants were still chained by their legs because the venue did not have a paddock area where they could be kept.

There are two areas in the proposed Bill that I am very concerned about. The first is the use of the word "Wild". Even elephants and big cats in circuses are not truly wild. Most come from animals kept in captivity for generations. It might be better to talk about exotic animals or non-native species.

My second area of concern is also to do with the use of the description wild or exotic or non-native. If you had been with me to witness the troupe of Samoyed dogs taken from the Big Top and put into cages inside a windowless box van or if you had seen the horses kept in the dilapidated Bishopbriggs barn you would most likely agree with me that the title of the Bill should simply be the "Animals in Travelling Circuses (Scotland) Bill".

Kind regards,

John F. Robins,
Secretary to Animal Concern Advice Line