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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the protection of the welfare of wild animals in travelling circuses in England.

Regulation 1(4) provides that the Regulations are to cease to have effect seven years after they come into force.

Regulation 2 provides for definitions and defines a “travelling circus” as a circus that includes wild animals and travels from place to place to give performances, displays or exhibitions and includes any place where the wild animals are kept.

For the purposes of section 13(1) of the Animal Welfare Act 2006, regulation 3 designates the operation of a travelling circus as an activity which may not be carried on except under the authority of a licence issued by the Secretary of State. Regulation 4 provides for the granting and renewal of licences while regulation 5 details those persons who may not apply for a licence.

Regulation 7 requires the Secretary of State to take such steps as are necessary in order to ensure compliance with the licensing conditions. Regulation 8 provides for the charging of fees to cover the cost of considering applications for a licence, granting or renewing a licence and for monitoring compliance with the licensing conditions.

Regulations 9 to 11 provide a power for the Secretary of State to suspend a licence where the licensing conditions are not being complied with and the procedure by which that suspension is given effect. Provisions relating to reinstatement of a suspended licence are set out in regulation 12. Regulation 13 provides a power for the Secretary of State to revoke a licence while regulation 14 provides for appeals.

A person who without a licence operates a travelling circus commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment for a term of up to six months or a fine not exceeding level five on the standard scale or both.

Regulation 15 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(4) provides, be revoked early or continue in force with or without amendment. A further instrument would be needed to continue the Regulations in force with or without amendments or to revoke them early.

The Schedule sets out the conditions that the Secretary of State must be satisfied are or will be met before the Secretary of State can grant or renew a licence and to which any licence is subject. Condition 1 requires the operator to give the Secretary of State written notice before acquiring a new wild animal for use in the travelling circus. Condition 2 requires the operator to notify the Secretary of State of their tour itinerary. A stock list, which must be sent to the Secretary of State, and individual animal records are required by Condition 3. Condition 4 requires that group and individual care plans must be made, maintained and given effect to for all wild animals in the travelling circus. Condition 5 requires access to wild animals to be restricted to competent persons and the presence at all times of sufficient staff to ensure animal and public safety and a competent person in overall charge of the animals. The appointment of a lead veterinary adviser and quarterly visits by a suitable veterinary surgeon are required by Condition 6. Condition 7 requires the operator to take all reasonable steps to meet the needs of wild animals in the travelling circus. Conditions 8 to 10

**Status:** *This is the original version (as it was originally made).*

impose specific requirements for the display, training, performance, environment and transportation of wild animals in the travelling circus.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Animal Welfare, Department for Environment, Food and Rural Affairs, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR.