Wild Animals in Circuses Act 2019

2019 CHAPTER 24

An Act to make provision to prohibit the use of wild animals in travelling circuses. [24th July 2019]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Prohibition on use of wild animals in travelling circuses in England

(1) A circus operator may not use a wild animal in a travelling circus in England.

(2) For the purposes of this section, a circus operator uses a wild animal in a travelling circus if the animal performs or is exhibited as part of the circus.

(3) A circus operator who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine.

(4) Where an offence under this section is committed by a body corporate and is proved—

(a) to have been committed with the consent or connivance of an officer of the body corporate, or

(b) to be attributable to any neglect on the part of an officer of the body corporate,

the officer (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this Act—

"animal" has the meaning given by section 1(1) of the Animal Welfare Act 2006;

"circus operator", in relation to a circus, means—

(a) the owner of the circus,

(b) any other person with overall responsibility for the operation of the circus, and

(c) if neither the owner of the circus nor any person with overall responsibility for its operation is present in the United Kingdom, the person in the United Kingdom who is ultimately responsible for the operation of the circus;

"officer", in relation to a body corporate, means—

(a) a director, manager, secretary or other similar officer of the body corporate, and

(b) any person purporting to act in any such capacity;

"wild animal" means an animal of a kind which is not commonly domesticated in Great Britain.

2 Inspections

The Schedule makes provision about inspections for the purposes of this Act.

3 Consequential amendment

In section 5(2) of the Dangerous Wild Animals Act 1976 (exemption from Act for animals kept in circuses), after "circus" insert "in Wales".

4 Extent, commencement and short title

(1) This Act extends to England and Wales only, except that the amendment made by section 3 also extends to Scotland.

(2) This Act comes into force on 20 January 2020.

(3) This Act may be cited as the Wild Animals in Circuses Act 2019.

SCHEDULE

Section 2

INSPECTIONS

Appointment of inspectors

1 The Secretary of State may appoint a person to be an inspector for the purposes of this Act.

Powers of entry

2 An inspector may enter any premises (other than premises used only as a dwelling) if there are reasonable grounds for suspecting—

(a) that an offence under section 1 is being, has been or is about to be committed on the premises, or

(b) that evidence of the commission of an offence under section 1 may be found on the premises.

3 (1) An inspector may enter premises used only as a dwelling if a justice of the peace has issued a warrant authorising the inspector to enter those premises.

(2) A justice of the peace may only issue such a warrant if, on an application by an inspector, the justice is satisfied on sworn information in writing—

(a) that there are reasonable grounds for suspecting—

(i) that an offence under section 1 is being, has been or is about to be committed on the premises, or

(ii) that evidence of the commission of an offence under section 1 may be found on the premises; and

(b) that any of the conditions in sub-paragraph (3) is satisfied.

(3) The conditions are—

(a) that entry to the premises is unlikely to be granted unless a warrant is produced and that notice of intention to apply for a warrant has been given to the occupier;

(b) that an application for admission to the premises or the giving of notice of intention to apply for a warrant might defeat the object of entry;

(c) that the premises are unoccupied;

(d) that the occupier is temporarily absent and it might defeat the object of entry to wait for the occupier's return.

Exercise of powers of entry

4 (1) Before exercising a power of entry, an inspector must, if requested to do so by a person on the premises—

(a) produce evidence of the inspector's identity, and

(b) outline the purpose for which the power is exercised.

(2) Where an inspector enters premises under a warrant issued under paragraph 3, the inspector must also—

(a) produce a copy of the warrant, and

(b) supply the occupier (if present), or any other person appearing to the inspector to be in charge of the premises, with a copy of the warrant.

(3) If neither the occupier nor any other person appearing to the inspector to be in charge of the premises is present, the inspector must leave a copy of the warrant in a prominent place on the premises.

5 An inspector exercising a power of entry must do so at a reasonable hour unless it appears to the inspector that the purpose of entry would be frustrated by entry at a reasonable hour.

6 An inspector exercising a power of entry may—

(a) if necessary, use reasonable force to enter the premises;

(b) take up to two other persons on to the premises;

(c) take such equipment and materials on to the premises as appear to the inspector to be appropriate.

Powers of inspection etc

7 An inspector exercising a power of entry may—

(a) search the premises;

(b) examine, measure or test anything, including an animal, that is found on the premises;

(c) question any person on the premises;

(d) require any person on the premises to give the inspector such assistance as the inspector may reasonably require;

(e) take a sample (including a sample from an animal);

(f) mark an animal found on the premises for identification purposes;

(g) take a photograph or video recording of anything, including an animal, that is found on the premises;

(h) require any person on the premises to produce any document or record (in whatever form it is held) that is in the person's possession or control;

(i) take copies of or extracts from any document or record found on the premises (in whatever form it is held);

(j) require information which is stored in an electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form);

(k) seize anything, except an animal, that is found on the premises and which the inspector reasonably believes to be evidence of the commission of an offence under section 1.

8 A person taken on to the premises under paragraph 6(b) may exercise any power conferred on an inspector by paragraph 7 if the person is in the company and under the supervision of an inspector exercising a power of entry.

Powers of seizure: supplementary

9 (1) Anything seized under paragraph 7(k) may be retained for so long as is necessary in all the circumstances.

(2) A person who seizes anything under paragraph 7(k) must, if requested to do so by a person who occupied the premises at the time of the seizure or who had possession or control of the thing immediately before it was seized, provide a record of its seizure.

(3) Paragraph 7(k) does not include power to seize anything in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Obstruction etc

10 (1) A person is guilty of an offence if—

(a) the person fails without reasonable excuse to comply with a requirement for assistance reasonably made under paragraph 7(d), or

(b) the person intentionally obstructs another person in the exercise of a function under this Schedule.

(2) A person who is guilty of an offence under sub-paragraph (1)(a) or (b) is liable on summary conviction to a fine.

Liability of inspectors

11 (1) An inspector is not liable in any civil or criminal proceedings for anything done in the purported performance of the inspector's functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(2) Sub-paragraph (1) applies to any person taken on to premises by an inspector under paragraph 6(b) as it applies to an inspector if the person is in the company and under the supervision of an inspector exercising functions under this Schedule.

Interpretation

12 (1) In this Schedule—

"power of entry" means a power of entry conferred on an inspector by paragraph 2 or by a warrant under paragraph 3;

"premises" includes any place and, in particular, includes—

(a) any vehicle, and

(b) any tent or movable structure.

(2) In this Schedule, references to the occupier of premises, in relation to any vehicle, are to the person who appears to be in charge of the vehicle, and "unoccupied" is to be construed accordingly.