

# Wild Animals and Circuses (Wales) Act 2020

2020 asc 2

An Act of the National Assembly for Wales to make it an offence to use wild animals in travelling circuses; and to make miscellaneous changes to the licensing of circuses and dangerous wild animals  
[7 September 2020]

**Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:**

## *Prohibition on using wild animals in travelling circuses*

### **1 Offence to use wild animals in travelling circuses**

- (1) A person who is an operator of a travelling circus commits an offence if the person uses, or causes or permits another person to use, a wild animal in the travelling circus in Wales.
- (2) For the purpose of this section, a wild animal is used if the animal—
  - (a) performs, or
  - (b) is exhibited.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

### **2 Meaning of “operator”**

In this Act, “operator” means—

- (a) the owner of the travelling circus,
- (b) a person other than the owner with overall responsibility for the operation of the travelling circus, or

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- (c) if neither of the persons mentioned in paragraph (a) or (b) is present in the United Kingdom, the person in the United Kingdom responsible for the operation of the travelling circus.

### **3 Meaning of “wild animal”**

- (1) In this Act, a “wild animal” means an animal of a kind that is not commonly domesticated in the British Islands.
- (2) Despite subsection (1), regulations may specify for the purposes of this Act a kind of animal—
  - (a) that is to be regarded as a wild animal;
  - (b) that is not to be regarded as a wild animal.
- (3) In this Act, “animal” has the meaning given by the Animal Welfare Act 2006 (c. 45) (see section 1).
- (4) In subsection (1), “British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

### **4 Meaning of “travelling circus”**

- (1) In this Act, a “travelling circus” means a circus which travels from one place to another for the purpose of providing entertainment at those places.
- (2) A “travelling circus” includes a circus which travels as mentioned in subsection (1) for the purpose mentioned there, despite there being periods during which it does not travel from one place to another.
- (3) Despite subsection (1), regulations may specify for the purposes of this Act a type of undertaking, act or entertainment—
  - (a) that is to be regarded as a travelling circus;
  - (b) that is not to be regarded as a travelling circus.

## *Enforcement*

### **5 Powers of enforcement**

The Schedule makes provision about powers of enforcement.

## *Offences by bodies corporate etc.*

### **6 Offences by bodies corporate etc.**

- (1) This section applies where an offence under section 1 is committed by—
  - (a) a body corporate;
  - (b) a partnership;
  - (c) an unincorporated association other than a partnership.
- (2) A person mentioned in subsection (3) also commits the offence if the offence is proved to have been—
  - (a) committed by, or with the consent or connivance of, that person, or

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- (b) attributable to any neglect on the part of that person.
- (3) The persons are—
  - (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate;
  - (b) in relation to a partnership, a partner in the partnership;
  - (c) in relation to an unincorporated association other than a partnership, any officer of the association or any member of its governing body.
- (4) In subsection (3)(a), “director” in relation to a body corporate whose affairs are managed by its members means a member of the body corporate.
- (5) In this Act, “partnership” means—
  - (a) a partnership within the Partnership Act 1890 (c. 39), or
  - (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. 24).

## **7 Proceedings: offences committed by partnerships and unincorporated associations**

- (1) Proceedings for an offence under section 1 alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of the partners).
- (2) Proceedings for an offence under section 1 alleged to have been committed by an unincorporated association other than a partnership are to be brought in the name of the association (and not in that of any of its members).
- (3) Rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate.
- (4) Section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) apply in proceedings for an offence brought against a partnership or an unincorporated association as they apply in relation to a body corporate.

### *Amendments relating to licensing of circuses*

## **8 Amendments relating to licensing of circuses**

- (1) Omit section 5(2) of the Dangerous Wild Animals Act 1976 (c. 38) (as amended by the Wild Animals in Circuses Act 2019 (c. 24)).
- (2) In section 1(2) of the Zoo Licensing Act 1981 (c. 37), after “(as so defined)” the first time it occurs insert “in England”.

### *Application to the Crown*

## **9 Power of High Court to declare unlawful an act or omission of the Crown**

The High Court may declare unlawful any act or omission of the Crown for which the Crown would be criminally liable under this Act were it not for section 28(3) of

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the Legislation (Wales) Act 2019 (anaw 4) (Acts of the Assembly do not make the Crown criminally liable).

## 10 Crown land: powers of entry

- (1) The powers conferred by the Schedule (powers of entry etc.) may be exercised in relation to Crown land only with the consent of the appropriate authority.
- (2) In this section—
  - (a) “Crown land” means land, an interest in which belongs to—
    - (i) Her Majesty in right of the Crown or in right of Her private estate,
    - (ii) Her Majesty in right of the Duchy of Lancaster,
    - (iii) the Duchy of Cornwall, or
    - (iv) a government department or is held in trust for Her Majesty for the purposes of a government department;
  - (b) “appropriate authority” means—
    - (i) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
    - (ii) if the land belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
    - (iii) if the land belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
    - (iv) if the land belongs to a government department or is held in trust for Her Majesty for the purpose of a government department, that department.
- (3) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.
- (4) In this section, the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

### *General*

## 11 Regulations

- (1) Regulations under this Act are to be made by the Welsh Ministers.
- (2) A power to make regulations under this Act—
  - (a) is exercisable by statutory instrument, and
  - (b) includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations made under this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

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**12 Coming into force**

This Act comes into force on 1 December 2020.

**13 Short title**

The short title of this Act is the Wild Animals and Circuses (Wales) Act 2020.