

EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

Welsh Government is committed to protecting and promoting equality, and considers the impact of all new legislation on various individuals and groups, including impacts on those with protected characteristics.

An eight week public consultation on the draft Wild Animals in Travelling Circuses (Wales) Bill was published on 1 October 2018.¹ In addition to the general policy and the provisions of the draft Bill, respondents were asked to consider other impacts of banning the use of wild animals in travelling circuses, including the impacts on other industries, the circuses, children and young people, and the impact on the Welsh language. Respondents were encouraged to provide evidence to support their views. A summary of the responses to the consultation was published in January 2019.²

Ninety-seven percent of respondents to the consultation agree banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. Sixty percent of respondents are of the view that a ban would have an impact on the circus industry; the majority considered this to be a positive impact. Many respondents believe that the public appetite for seeing wild animal acts has declined and more people would attend travelling circuses if they were not using wild animals.

Low income households are unlikely to be affected. The majority of travelling circuses do not use wild animals and there is little difference in ticket prices between travelling circuses which use wild animals and those that don't. According to the Association of Circus Proprietors of Great Britain there are more than thirty circuses touring Great Britain every year.³ In 2018, the prices of tickets advertised on the websites and/or social media accounts of the two circuses still using wild animals were comparable to tickets advertised on the websites and/or social media accounts of 15 of the 30 not using wild animals.

Three percent of respondents disagree that banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals. The main reason given is that some respondents believe travelling circuses provide children with opportunities to see and learn about wild animals they would not otherwise have. However, children would still have the opportunity to see, experience and learn about wild animals at one of the many zoos licensed under the Zoo Licensing Act 1981.⁴ Zoos licensed under the Act are required to undertake conservation measures

¹ Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill <<https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

² Welsh Government Consultations, Wild Animals in Travelling Circuses (Wales) Bill, Summary of Responses < <https://beta.gov.wales/wild-animals-travelling-circuses-wales-bill>>

³ Association of Circus Proprietors of Great Britain <<http://www.circusgb.com/index.html>>

⁴ Zoo Licensing Act 1981 <https://www.legislation.gov.uk/ukpga/1981/37/pdfs/ukpga_19810037_en.pdf>

and to promote public education and awareness in relation to conservation, particularly by providing information about the species exhibited and their natural habitats. Zoos may also offer better access for disabled people due to their fixed locations

In addition to the public consultation, the Welsh Government undertook a screening exercise to assess likely impact on equality (see Record of Impacts by protected characteristic below). Banning the use of wild animals in travelling circuses would be expected to impact equally on all affected people. The Welsh Government considers any impact on the wider community will be positive, and that impact will not be specific to any one protected characteristic or protected group, but to broader society. This is in keeping with the conclusion of the Scottish Government that the needs of people with protected characteristics would not be affected, and why no Equality Impact Assessment was undertaken when the Wild Animals in Travelling Circuses (Scotland) Bill was introduced in the Scottish Parliament.⁵ The Wild Animals in Travelling Circuses (Scotland) Act 2018 came into force in May 2018.⁶

Record of Impacts by protected characteristic:

Below is a table documenting any potential impacts on the protected characteristics and possible routes for mitigation, where appropriate.

Where we have recorded “no impact”, we have considered and researched the characteristic to assess any links with the proposal. No evidence of any impact on these protected characteristics was found either after consulting with the public, or through any related literature searches. We commissioned a search of multiple sources including briefings, journals, general articles, research reports, theses, official publications, books and book chapters, websites and professional bodies, and have not identified any impacts in these areas.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age: Children and young people up to the age of 18	Positive: Banning the use of wild animals in travelling circuses would have a positive impact on the attitudes of children and young people towards animals.	See the Children’s Rights Impact Assessment.	

⁵ Scottish Government, Wild Animals in Travelling Circuses (Scotland) Bill, Policy Memorandum <[http://www.parliament.scot/S5_Bills/Wild%20Animals%20in%20Travelling%20Circuses%20\(Scotland\)%20Bill/SPBill12PMS052017.pdf](http://www.parliament.scot/S5_Bills/Wild%20Animals%20in%20Travelling%20Circuses%20(Scotland)%20Bill/SPBill12PMS052017.pdf)>

⁶ The Wild Animals in Travelling Circuses (Scotland) Act 2018 <<https://www.legislation.gov.uk/asp/2018/3/contents>>

Age: Older People	The proposal has no impact on older people.	A screening exercise has been completed. The proposal would be expected to impact equally on all. Any impact on the wider community will be positive, and that impact will not be specific to any one protected characteristic or protected group, but to broader society.	N/A
Disability (think about different types of disability)	The proposal is unlikely to have an impact on people with disabilities. It may have a positive impact for disabled people because zoos have fixed locations and therefore may be able to offer better access to see wild animals than travelling circuses.	As above.	N/A
Gender Reassignment (the act of transitioning and Transgender people)	The proposal has no impact on matters of gender reassignment or transitioning.	As above.	N/A
Pregnancy and maternity	The proposal has no impact on matters of pregnancy and maternity.	As above.	N/A
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	The proposal has no impact on matters of race.	As above.	N/A

Religion, belief and non-belief	The proposal has no impact on matters of religion, belief and non-belief.	As above.	N/A
Sex / Gender	The proposal has no impact on matters of sex or gender.	As above.	N/A
Sexual orientation (Lesbian, Gay and Bisexual)	The proposal has no impact on sexual orientation.	As above.	N/A
Marriage and civil partnership	The proposal has no impact on marriage and civil partnership	As above.	N/A
Low-income households	The proposal is unlikely to impact on low-income households – see mitigation column	The majority of travelling circuses do not use wild animals. There is little difference in ticket prices between travelling circuses which use wild animals and those that don't. It is possible people living in low income households, who do not live near a zoo or similar establishment will no longer have access to wild animals if they are unable to travel. However, this is unlikely, given the geographical spread of zoos in Wales. We believe the risk is small, and the ethical argument for banning the use of wild animals in travelling circuses is justified.	N/A

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights?

Throughout the full Bill process officials act in a way that is consistent with United Nation Treaties and the Human Rights Conventions as appropriate. Our approach embraces the values of fairness, respect, equality, diversity and autonomy.

Human Rights Act 1998

The main source of human rights law in the UK is the Human Rights Act 1998 (HRA) which incorporated most of the rights that are contained in the European Convention on Human Rights into UK law.

The HRA sets out the fundamental rights and freedoms that people in the UK have access to. They include:

(Article 1 is introductory and is not incorporated into the Human Rights Act)

Article 2: The right to life

Article 3: Freedom from torture or de-grading treatment

Article 4: Prohibition of slavery and forced labour

Article 5: The right to liberty and security

Article 6: The right to a fair trial

Article 7: No punishment without lawful authority

Article 8: The right to respect for private and family life and correspondence

Article 9: Freedom of thought, belief and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: The right to marry and found a family

Article 13: The right to an effective remedy

Article 14: Prohibition of Discrimination in respect of these rights and freedoms

Protocol 1, Article 1: The right to peaceful enjoyment of possessions.

Protocol 1, Article 2: The right to education

Protocol 1, Article 3: Right to free elections

Protocol 13, Article 1: Abolition of the death penalty

More information about human rights can be found on the British Institute for Human Rights website: <http://www.bihhr.org.uk/>

The Welsh Government formally adopted the United Nations Convention on the Rights of the Child (UNCRC) in 2004 and our work is based on delivering the core aims of the UNCRC.⁷ The UNCRC has been considered in the Children's Rights Impact Assessment.

⁷ Welsh Government, Children and young people <<https://gov.wales/topics/people-and-communities/people/children-and-young-people/?lang=en>>

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
N/A	We do not perceive any impact on the Human Rights of an individual.	It could be suggested that Article 10 or Article 11 of the Human Rights Act 1998 could apply (or Article 31 of the UNCRC relating to the right for children to relax and play, and to join in a wide range of activities).However, travelling circuses will be able to continue meeting, touring and performing as before, albeit without wild animals, and we believe these rights would not be unduly impinged upon.	N/A