

The tragic story of the Chipperfield big cats makes a compelling case for UK- and Ireland-wide circus ban

Liz Tyson¹

Thomas Chipperfield calls himself the “only big cat trainer in Britain”². The group of big cats that he owns (currently comprised of three tigers and two lions) have been used in circus shows during the touring season, which usually runs from around Easter to October, for a number of years. The big cats live in cages within a purpose-built lorry (or “beastwagon”). The lorry is divided into three sections, with two tigers in one cage, two lions in another and one tiger in another. When not travelling, the big cats share use of an “exercise pen” which is used on a rotational basis. It is not known what percentage of the animals’ day is spent locked into the indoor cages and what percentage is spent in the exercise pen.

With the exception of the time spent in the circus ring during performance and training, these restricted and restrictive spaces comprise these animals’ entire world.

Existing laws in all countries within the British Isles appear to suggest that the keeping of these five big cats in these conditions is acceptable. In the opinion of many major animal welfare groups and the main British veterinary group, however, the keeping

of these five big cats in these conditions is wholly unacceptable.

In an opinion piece published in the Times on November 11th 2014, Thomas Chipperfield stated:

“It’s fantastic that, for the past two years, circuses with wild animals have been regulated by a licensing and inspection system that makes the way we work completely transparent. That should be the way forward for every country”³.

Despite frequent references to “Britain” in the article, the licensing and inspection regime to which Mr Chipperfield alludes to is only in place in England⁴.

Indeed, during the two and a half years that the licensing regime has now been in place in England, Mr Chipperfield’s big cat act was only in England (and thus regulated by the licensing regime) for little more than 12 months. With his lions and tigers, Mr Chipperfield has travelled in the last 30 months years to every country in the British Isles.

Republic of Ireland

In spring 2013, Chipperfield’s big cats were used in performances in Duffy’s

Circus, a business based in the Republic of Ireland but which travels to Northern Ireland during its touring season. At the time that the big cats were in the Republic, there were no specific regulations in place which sought to protect their welfare. The country’s main animal welfare legislation was the outdated Protection of Animals (Amendment) Act 1965. This act sought to outlaw specific instances of cruelty to animals but made no provision for the protection and promotion of their welfare. Since March 2014, the more modern Animal Health and Welfare Act 2013 has been in force which now places an obligation on those responsible for animals to provide for their welfare. Even so, no provisions exist within the new statute to outlaw the use of wild animals in circuses.

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¹ LLB (Hons) AFOCAE
PhD Candidate, University of Essex, School of Law
Consultant, The Born Free Foundation

² Thomas, C. (2014). If they ban circus lions, pet cats will be next. The Times. [online] Available at: <http://www.thetimes.co.uk/tto/opinion/columnists/article4263736.ece> [Accessed 19 May 2015].

³ *Ibid*

⁴ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012

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Northern Ireland

By summer 2013, the big cats left the circus part-way through the season and moved into Northern Ireland (a move which requires no special permissions). As in the south, there are no specific regulations to protect animals in circuses but Northern Ireland does have a modern overarching animal welfare statute; the Welfare of Animals Act 2011. Again, however, nothing in this legislation specifically forbids the keeping of five large carnivores on the back of a lorry, nor their use in a circus.

Whilst in Northern Ireland, the big cats were held at a steelworks and, according to press reports⁵, visitors would come to see the animals being fed daily. It appeared that the animals were no longer part of a circus and yet they remained on display to the public. At this point, two pieces of legislation might have served to regulate the keeping of the animals.

The Zoo Licensing Regulations (Northern Ireland) 2003 apply to animals on display to the public for more than seven days a year, but only as part of a “permanent establishment”. Given the temporary nature of the big cats’ accommodation, and their stay on the site, it is likely that this legislation was not applicable.

On the other hand, the Dangerous Wild Animals Act 1976, which applies to any relevant animals kept in situations other than a zoo or a circus, did appear relevant.

Upon raising enquiries with the Northern Ireland Environment Agency, however, an animal charity was informed that a Dangerous Wild

Animals Licence was not needed as the animals were “currently part of a circus”⁶. When it was queried how it could be considered that a steelworks was a circus, it was confirmed by the council that the animals were deemed to be part of “Jollies Circus”. It is assumed that this was referencing Peter Jolly’s Circus, which is based in England.

At this point, Peter Jolly’s Circus was not licensed to use big cats in performances and was, operating in a different country. The local authority appears to have decided that Chipperfield was exempt from compliance with the law in Northern Ireland on the basis that his keeping of the animals would potentially be regulated at some point in the future by another law in England. If it had concluded that a Dangerous Wild Animals Act 1976 licence was required, and Chipperfield had failed to apply for one, the authorities had the power to seize the animals without compensation. Instead, the animals remained unlicensed before being moved once again, this time to England.

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England and Wales

In England, the cats joined Jolly’s Circus. They could not be kept by the circus without being added to the

licence issued under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012. Upon arrival, the animals and their accommodation were therefore inspected, the relevant paperwork completed and the amendment to the licence granted by DEFRA.

During the year, the cats toured with the circus to Wales where licensing obligations simply dropped away as the business crossed the border. In Wales, much like Scotland and Northern Ireland, no specific regulation of the use of animals in circuses exists.

Part of the English licensing system involves a commitment on the part of the circus to provide lifelong care and retirement plans for every licensed animal. The plan for the big cats was outlined when they joined Jolly’s circus in August 2013 and had to be approved by DEFRA inspectors during the application process.

But the big cats belong to Mr Chipperfield and not Peter Jolly’s Circus. A retirement plan signed off by DEFRA as part of the licensing process was shown to be meaningless when Mr Chipperfield left the circus in late 2014 and moved the animals across the Scottish border to Fraserburgh, Aberdeenshire.

Scotland

No longer part of Jolly’s circus and no longer claiming any affiliation with any other circus (whether in Scotland or otherwise), Mr

⁵ Ballymoneytimes.co.uk, (2013). The circus comes to Dunaghy with four tigers and two lions. [online] Available at: <http://www.ballymoneytimes.co.uk/>

[news/local-news/the-circus-comes-to-dunaghy-with-four-tigers-and-two-lions-1-5288299](http://www.ballymoneytimes.co.uk/news/local-news/the-circus-comes-to-dunaghy-with-four-tigers-and-two-lions-1-5288299) [Accessed 19 May 2015].

⁶ Correspondence between the Captive Animals Protection Society (CAPS) and Northern Ireland Environment Agency.

Chipperfield did apply for and receive a Dangerous Wild Animals Licence from Aberdeenshire Council.

A zoo or a circus?

Unlike the Northern Irish zoo regulations, the definition of “zoo” in England, Wales and Scotland refers to an “establishment”, rather than a “permanent establishment”, which exhibits wild animals for more than seven days a year. According to press reports⁷ and information gathered by animal protection NGOs, visitors attended the site upon the big cats’ arrival in 2014 on a daily basis to see the animals. As such, it seemed reasonable to assume that the site would fall within the definition of a zoo, require licensing as a zoo and be obligated to comply with associated zoo standards.

However, the local council informed representatives from an animal charity that visitors were not being “encouraged” to visit the site and therefore a zoo licence is not applicable. There is no element of the legislation which requires visitors to be “encouraged” to visit a zoo for the Act to apply; the establishment simply needs to be a zoo to which “members of the public have access” for seven days a year or more⁸. Given that the cats were held on private land and

photographs appeared in press showing crowds of people in front of the cats’ cage, it seemed clear members of the public had access to the animals (regardless of whether the council believe the visitors have been “encouraged” or otherwise). As such, the council was asked to revisit the decision that a zoo licence was not required but no response on the matter was ever received.

At the time of writing, Mr Chipperfield has made public his intention to show the cats in performances in Scotland during 2015 but, due to reported problems with council permissions, it is unclear if the show will go ahead.

Discussion

Big cats used in travelling circuses share the same genetic traits and behavioural needs as their counterparts living in their natural habitats; habitats which could not be further removed from a cage on a farm in Scotland. It is a widely-held belief among professionals, experts and members of the public that the welfare needs of these complex wild animals simply cannot be met in this unchallenging, unnatural and impoverished environment.

Setting this view aside for a moment and considering the way in which the animals are protected by law throughout the UK and Ireland; rather than the regulated and “completely transparent” system described so favourably by Mr Chipperfield in the national press late last year, regulation of the use of wild animals in circuses in the UK and Ireland appears at best to be lacking and, at worst, completely ineffective. If a circus trainer can simply drive the animals a few hours north or west

from England, or hop on a ferry to Ireland, and in doing so shrug off his or her legal obligations under the licensing regime described as “robust” by DEFRA, then that regime holds little to no power over licensees; and therefore affords little to no protection to the animals.

It is clear that a joined-up approach between all countries of the British Isles on this matter is not only sensible and the best use of parliamentary time, but absolutely necessary if it is not to render action in one or more countries within the region ineffective. Only by creating a UK and Ireland-wide ban on the use of wild animals in circuses will these animals be adequately protected.

The system as it stands is failing the animals. It is the firm belief of organisations such as the Born Free Foundation, One Kind, the ISPSCA and the Captive Animals’ Protection Society that action needs to be taken across England, Scotland, Wales, Northern Ireland and the Republic of Ireland if we are serious about ending, rather than simply displacing, wild animal suffering in circuses.

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⁷ Pressandjournal.co.uk, (2015). [online] Available at: <https://www.pressandjournal.co.uk/fp/news/north-east/384859/circus-over-arrival-of-big-cats-to-north-east/> [Accessed 19 May 2015].

⁸ Zoo Licensing Act 1981, s.1