

Wild Animals in Travelling Circuses (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Use of wild animal by circus operator

4

Section 1 offence: transportation requirements

5, 6, 7

Meaning of wild animal

1, 14, 15, 16, 2, 17, 18, 3, 20, 12

Meaning of circus and travelling circus

19, 8, 9, 10, 11, 13

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Use of wild animal by circus operator

David Stewart

- 4 In section 1, page 1, line 4, leave out from <causes> to <used> in line 5 and insert <uses, or causes or permits another person to use, a wild animal>

Section 1 offence: transportation requirements

Roseanna Cunningham

- 5 In section 1, page 1, line 6, after <committed> insert <in relation to a travelling circus>

Roseanna Cunningham

- 6 In section 1, page 1, line 6, leave out <for the purpose of being used in a> and insert <, whether regularly or irregularly, from one place to another where it is used in the>

Roseanna Cunningham

- 7 In section 1, page 1, line 11, leave out <a> and insert <the>

Meaning of wild animal

John Scott

- 1 In section 2, page 1, line 19, at end insert <, which is of—
(a) a species listed in Annex V(a) of the Habitats Directive, or
(b) a kind listed in the Schedule to the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008.>

Mark Ruskell

- 14* In section 2, page 1, line 19, at end insert—
<(1A) Schedule (*Animals listed for the purpose of section 2(1)*) lists animals that are commonly domesticated for the purpose of subsection (1).
(1B) The Scottish Ministers may by regulations amend schedule (*Animals listed for the purpose of section 2(1)*) by—
(a) adding to that schedule a reference to an animal that is commonly domesticated,
(b) removing from that schedule an animal for the time being listed there.
(1C) In making regulations under subsection (1B), the Scottish Ministers must have regard to subsection (2).>

Mark Ruskell

- 15 In section 2, page 1, line 19, at end insert—

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<(1A) For the purposes of this Act, the Scottish Ministers must by regulations list the animals that are of a kind that is commonly domesticated in the British Islands.

(1B) In making regulations under subsection (1A), the Scottish Ministers must have regard to subsection (2).>

Mark Ruskell

16 In section 2, page 1, line 20, leave out <subsection (1)> and insert <this section>

John Scott

2 In section 2, page 1, line 23, at end insert—

<(2A) For the purposes of this Act, the Scottish Ministers may by regulations specify a species or a kind (as the case may be) which is to be regarded as excluded from or included in a list referred to in subsection (1).

(2B) Regulations made under subsection (2A) are subject to the negative procedure.>

Mark Ruskell

17 In section 2, page 1, line 23, at end insert—

<() Regulations made under subsection (1B) are subject to the affirmative procedure.>

Mark Ruskell

18 In section 2, page 1, line 23, at end insert—

<() Regulations under subsection (1A)—

(a) must be made before section 1 comes into force, and

(b) are subject to the affirmative procedure.>

John Scott

3 In section 2, page 2, line 2, at end insert—

<“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.>

Mark Ruskell

20* Before schedule 1, insert—

<SCHEDULE (introduced by section 2(1))

ANIMALS LISTED FOR THE PURPOSE OF SECTION 2(1)

- 1 Cats (except cats specified as a kind of dangerous wild animal in the schedule to the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008).
- 2 Cattle (except cattle not specified as “domestic cattle” in the schedule to the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008).
- 3 Dogs (except dogs not specified as “domestic dogs” in the schedule to the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008).
- 4 Domestic budgerigars.
- 5 Domestic ducks.

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- 6 Domestic ferrets.
- 7 Domestic fowl (as defined in section 2(1) of the Poultry Breeding Flocks and Hatcheries Order 1993).
- 8 Domestic geese.
- 9 Domestic goats.
- 10 Domestic horses (including ponies, donkeys and mules).
- 11 Domestic pigeons.
- 12 Domestic rabbits.
- 13 Domestic sheep.
- 14 Pigs (except pigs specified as a kind of dangerous wild animal in the schedule to the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008).>

Roseanna Cunningham

12 After section 3, insert—

<Power to specify animals as wild or not

- (1) The Scottish Ministers may by regulations specify—
 - (a) a kind of animal that is to be regarded as wild,
 - (b) a kind of animal that is not to be regarded as wild,for the purposes of this Act.
- (2) For the avoidance of doubt—
 - (a) whatever is done by regulations under subsection (1)(a) is without prejudice to the generality of section 2,
 - (b) the generality of section 2 is subject to whatever is done by regulations under subsection (1)(b).
- (3) Regulations under this section—
 - (a) may make different provision for different purposes,
 - (b) are subject to the affirmative procedure.>

Meaning of circus and travelling circus

David Stewart

19 In section 3, page 2, line 4, at end insert—

<<“circus” means an enterprise—

- (a) in relation to which animals are kept or introduced wholly or mainly for the purpose of—
 - (i) performing tricks or manoeuvres,
 - (ii) being displayed or exhibited,
- (b) which may include other acts of entertainment not involving animals (but need not),>

THIS IS NOT THE MARSHALLED LIST

Roseanna Cunningham

- 8 In section 3, page 2, line 13, leave out <from place to place> and insert <, whether regularly or irregularly, from one place to another>

Roseanna Cunningham

- 9 In section 3, page 2, line 16, leave out <from place to place for that purpose> and insert <as mentioned in paragraph (a) for the purpose mentioned there,>

Roseanna Cunningham

- 10 In section 3, page 2, line 17, leave out <so travel> and insert <travel from one place to another>

Roseanna Cunningham

- 11 In section 3, page 2, line 19, at end insert—
 <(but not, for example, a circus which travels in order to relocate to a new fixed base for use only or mainly as a place to give performances).>

Graeme Dey

- 13 After section 3, insert—
- <Power to describe what is or is not a travelling circus**
- (1) The Scottish Ministers may by regulations describe a particular type of undertaking, act, entertainment or similar thing that—
- (a) is to be regarded as a travelling circus,
 - (b) is not to be regarded as a travelling circus,
- for the purposes of this Act.
- (2) For the avoidance of doubt—
- (a) whatever is done by regulations under subsection (1)(a) is without prejudice to the generality of section 3,
 - (b) the generality of section 3 is subject to whatever is done by regulations under subsection (1)(b).
- (3) Regulations under subsection (1)—
- (a) may make different provision for different purposes,
 - (b) are subject to the affirmative procedure.>

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