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Llywodraeth Cymru
Welsh Government

Llywodraeth Cymru
Ymgynghoriad - crynodeb o'r ymatebion

Bil Anifeiliaid Gwyllt mewn Sycasau Teithiol

Ionawr 2019

Mae'r ddogfen hon ar gael yn Saesneg hefyd.
This document is also available in English.

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Crynodeb Gweithredol

- Cafodd yr ymgynghoriad cyhoeddus o wyth wythnos ar ffurf ddrafft Bil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (Cymru) ei gyhoeddi ar 1 Hydref 2018. Amcan y Bil yw lleddfu pryderon moesegol trwy wahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yng Nghymru.
- Gofynnwyd i'r ymatebwyr ystyried 14 cwestiwn ynghylch y polisi cyffredinol, yr effaith ar blant a phobl ifanc, yr effaith ar yr economi, darpariaethau'r Bil drafft a'i effaith ar y Gymraeg.
- Ni ofynnwyd a ddylid gwahardd defnyddio pob anifail mewn syrcas na chwaith a ddylid gwahardd defnyddio anifeiliaid mewn mathau eraill o adloniant.
- Daeth 6,546 o ymatebion i law mewn ymateb i'r ymgynghoriad. O'r rheini, daeth 4576 dros e-bost, 1,961 ar y ffurflen ymateb ar-lein a naw ymateb trwy'r post. Roedd pedair mil ac un deg naw o'r atebion e-bost yn union yr un peth ac yn ateb y ddau gwestiwn cyntaf yn unig. Cawsant eu hanfon atom fel rhan o ymgyrch mudiad Born Free.
- Roedd naw deg saith y cant o'r ymatebwyr yn cefnogi'n cynnig i gyflwyno deddfwriaeth fyddai'n ei gwneud yn drosedd defnyddio anifail gwyllt mewn syrcas deithiol.
- Roedd naw deg saith y cant o'r ymatebwyr yn cytuno y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn cael effaith positif ar agweddau plant a phobl ifanc at anifeiliaid.
- Roedd chwe deg y cant o'r ymatebwyr yn cytuno â'r farn y byddai gwaharddiad yn cael effaith ar y diwydiant syrcasau; roedd y mwyafrif o'r farn y byddai hynny'n effaith positif.
- Roedd wyth deg wyth y cant o'r ymatebwyr yn cytuno â'r drosedd a gynigir yn y Bil drafft ac roedd naw deg y cant yn cytuno mai gweithredwr y syrcas ddylai fod yn atebol am y drosedd, hyd yn oed os nad y gweithredwr sy'n defnyddio'r anifail gwyllt.
- Roedd naw deg y cant o'r ymatebwyr yn cytuno â'r diffiniad a gynigir o "weithredwr". Roedd wyth deg tri y cant yn cytuno â'r diffiniad o "anifail gwyllt". Ac roedd 91% yn cytuno â'r diffiniad o "syrcas deithiol".
- Roedd pum deg saith o'r ymatebwyr yn cytuno y dylai fod gan Weinidogion Cymru y pwerau i wneud rheoliadau i bennu'r mathau i anifeiliaid a ystyrir yn rhai gwyllt ac yn rhai nad ydynt yn wyllt. Roedd saith deg wyth y cant yn cytuno dylai fod gan Weinidogion Cymru y pwerau i wneud rheoliadau i bennu'r mathau o weithgarwch, act, adloniant neu debyg sydd i'w hystyried yn syrcas deithiol.
- Roedd saith deg wyth y cant o'r ymatebwyr yn cytuno â'r darpariaethau gorfodi a ddisgrifir yn yr Atodlen.
- Roedd bron yr holl ymatebwyr yn credu nad fyddai gwahardd defnyddio anifeiliaid mewn syrcasau teithiol yn cael effaith dda na drwg ar y Gymraeg.
- Roedd ymatebwyr yn poeni beth fyddai'n digwydd i'r anifeiliaid gwyllt sy'n cael eu defnyddio gan syrcasau teithiol ar hyn o bryd pe bai'r gwaharddiad yn dod i rym. Roedd llawer yn credu y dylent gael eu hailgartrefu/ymddeol mewn noddfeydd.

1. Yr ymgynghoriad

1.1 Gwybodaeth Gefndir

Mae defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn ennyn teimladau cryfion a diddordeb brwd y cyhoedd a gwleidyddion fel ei gilydd.

Rydyn ni wedi cael sawl apêl gan y cyhoedd a mudiadau'r trydydd sector i wahardd defnyddio anifeiliaid gwyllt mewn syrcasau. Yn ogystal â'r pryderon ynghylch lles yr anifeiliaid, poenir hefyd a yw'n foesebol dderbyniol gwneud i anifeiliaid gwyllt deithio, byw mewn llociau dros dro a pherfformio i'n diddanu.

Mae Pwyllgor Deisebau Cynulliad Cenedlaethol Cymru wedi ystyried deisebau sy'n galw am wahardd defnyddio anifeiliaid gwyllt mewn syrcasau yng Nghymru ddwywaith.

- Roedd deiseb a gyflwynwyd gan RSPCA Cymru ym mis Hydref 2015 yn galw am wahardd defnyddio anifeiliaid gwyllt mewn syrcasau.¹
- Cafodd deiseb a gyflwynwyd gan Linda Evelyn Joyce Jones a oedd yn galw am wahardd defnyddio anifeiliaid gwyllt mewn syrcasau yng Nghymru ei hystyried gan y Pwyllgor Deisebau ym mis Ionawr 2018² a'i thrafod yn y Cyfarfod Llawn ar 7 Mawrth 2018³.

Yn 2017, gwnaethon ni ymgynghori ar gynllun ar gyfer trwyddedu neu gofrestru Arddangosfeydd Teithiol o Anifeiliaid, gan gynnwys syrcasau.⁴ Gofynnwn ni hefyd am farn pobl ynghylch gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol. Roedd mwyafrif llethol y rheini a ymatebodd o blaid gwaharddiad ac addawodd Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, Lesley Griffiths AC, y byddai'n ystyried cyfleoedd i gyflwyno deddfwriaeth i wahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol. Roedd yr ymatebion i'r ymgynghoriad hwnnw'n debyg i'r rheini a gafwyd i ymgynghoriadau ar y pwnc gan Lywodraethau'r DU a'r Alban:

Yn 2009, cynhaliodd Defra ymgynghoriad ar ddefnyddio anifeiliaid gwyllt mewn syrcasau teithiol. Roedd 95% o'r rheini a ymatebodd yn teimlo nad oedd yn dderbyniol defnyddio unrhyw anifail gwyllt mewn syrcas deithiol.⁵

Ymgynghorodd Llywodraeth yr Alban ar gynigion i wahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol am resymau moesegol yn 2014. Roedd trwch y rheini a ymatebodd o blaid gwaharddiad, ac ymhlith ffigurau eraill, roedd bron 96% ohonynt yn teimlo nad oedd unrhyw fudd o gadw anifeiliaid gwyllt mewn syrcasau teithiol.⁶

¹ NAW, P-04-653 Gwahardd y Defnydd o Anifeiliaid Gwyllt mewn Syrcasau yng Nghymru <<http://www.senedd.cynulliad.cymru/mglIssueHistoryHome.aspx?Id=13740&Opt=0>>

² Cynulliad Cenedlaethol Cymru P-05-796 Galw ar Lywodraeth Cymru i wahardd yr arfer o ddefnyddio anifeiliaid gwyllt mewn syrcasau yng Nghymru
<http://senedd.cynulliad.cymru/mglIssueHistoryHome.aspx?Id=20656>

³ Cynulliad Cenedlaethol Cymru (7 Mawrth 2018) <http://record.assembly.wales/Plenary/4911?lang=cy-GB>

⁴ Ymgynghoriadau Llywodraeth Cymru, Arddangosfeydd Teithiol o Anifeiliaid
<https://beta.llyw.cymru/arddangosfeydd-teithiol-o-anifeiliaid>

⁵ The National Archives, Defra, Consultation on the use of Wild Animals in Circuses, March 2010
<<http://webarchive.nationalarchives.gov.uk/20101109175937/http://www.defra.gov.uk/corporate/consult/circus-wild-animals/>>

⁶ Scottish Government, Should the use of wild animals in travelling circuses be banned in Scotland?, Consultation Analysis, May 2015 <<https://www.gov.scot/Resource/0048/00480385.pdf>>

Ym mis Gorffennaf 2018, gwnaeth y Prif Weinidog ddatganiad llafar am y Rhaglen Ddeddfwriaethol, gan gyhoeddi y câi Bil i wahardd defnyddio anifeiliaid gwyllt mewn syrzasau teithiol ei ddwyn gerbron y Cynulliad yn y 12 mis diwethaf.

1.2 Ymgynghoriad Cyhoeddus

Cafodd yr ymgynghoriad cyhoeddus wyth wythnos ar Fil Anifeiliaid Gwyllt mewn Syrzasau Teithiol (Cymru) ei lansio ar 1 Hydref 2018. Cafodd ei gyhoeddi ar wefan Llywodraeth Cymru a thynnwyd sylw at mewn datganiadau i'r wasg, taflenni newyddion ac ar blatfformau amrywiol y cyfryngau cymdeithasol.

Mae'r ymgynghoriad yn ceisio barn am y cynigion ar gyfer y ddeddfwriaeth ddrafft i wahardd defnyddio anifeiliaid gwyllt mewn syrzasau teithiol yng Nghymru.

1.3 Cwestiynau'r Ymgynghoriad

Gofynnwyd i ymatebwyr ystyried un deg pedwar o gwestiynau:

1. Ydych chi'n cytuno â'n cynnig i gyflwyno deddfwriaeth fyddai'n ei gwneud yn drosedd defnyddio anifail gwyllt mewn syrzas deithiol?
2. A ydych chi'n cytuno y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrzasau teithiol yn cael effaith bositif ar agweddau plant a phobl ifanc at anifeiliaid? A oes gennych dystiolaeth i gefnogi'ch barn y carech ei rhannu â ni?
3. A ydych chi'n credu y gallai gwahardd defnyddio anifeiliaid mewn syrzasau teithiol gael effaith ar syrzasau neu ar ddiwydiannau cysylltiedig eraill? Beth fyddai'r effeithiau hynny a pham?
4. Ydych chi'n cytuno â'r drosedd a gynigir?
5. Ydych chi'n cytuno mai gweithredwr y syrzas deithiol ddylai fod yn atebol am y drosedd hyd yn oed os mai person arall sy'n defnyddio'r anifail gwyllt?
6. Ydych chi'n cytuno â'r diffiniad o'r gair "gweithredwr"?
7. Ydych chi'n cytuno â'r diffiniad o "anifail gwyllt"?
8. Ydych chi'n cytuno â chynnwys adran 3(3) a fyddai'n caniatáu gwneud rheoliadau i bennu'r mathau o anifeiliaid a ystyrir yn rhai gwyllt ac yn rhai nad ydynt yn wyllt? Gweinidogion Cymru fyddai'n gwneud y rheoliadau hynny (gweler adran 7 y Bil drafft).
9. Ydych chi'n cytuno â'r diffiniad o "syrzas deithiol"?
10. Ydych chi'n cytuno â chynnwys adran 4(4) a fyddai'n caniatáu gwneud rheoliadau i nodi'r mathau o weithgarwch, act, adloniant neu debyg sydd i'w hystyried fel syrzas deithiol? Gweinidogion Cymru fydd yn gwneud y rheoliadau hynny (gweler adran 7 y Bil drafft).
11. Ydych chi'n cytuno â'r darpariaethau gorfodi a ddisgrifir yn yr Atodlen?
12. Hoffem wybod eich barn am yr effeithiau y byddai Bil Anifeiliaid Gwyllt mewn Syrzasau Teithiol (Cymru) yn eu cael ar yr iaith Gymraeg, yn enwedig ar gyfleoedd i bobl ddefnyddio'r Gymraeg a pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg. Beth, yn eich barn chi, fyddai'r effeithiau? Sut y gellid cynyddu'r effeithiau cadarnhaol, neu liniaru'r effeithiau negyddol?

13. Eglurwch hefyd os gwelwch yn dda sut, yn eich barn chi, y gallai Bil Anifeiliaid Gwyllt mewn Sycasau Teithiol (Cymru) gael effeithiau positif, neu fwy o gyfleoedd positif, ar gyfleoedd i bobl ddefnyddio'r Gymraeg, ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg, o ran peidio â chael unrhyw effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.
14. Unrhyw sylwadau cyffredinol eraill? Rydym wedi gofyn nifer o gwestiynau penodol. Os oes unrhyw faterion cysylltiedig nad ydym wedi mynd i'r afael â nhw'n benodol, defnyddiwch y blwch hwn i'w nodi.

2. Yr Ymatebion i'r Ymgynghoriad

Cafwyd 6,546 o ymatebion i'r ymgynghoriad, gan gynnwys 4576 o ymatebion e-bost, 1961 o ymatebion ar y ffurflen ymateb ar-lein a naw cyflwyniad trwy'r post. Rydym wedi rhestru'r cyrff a'r sefydliadau a ymatebodd yn Atodiad A.

Ni wnaeth pob ymatebydd ateb pob cwestiwn. Ni wnaeth ambell ymatebydd ateb unrhyw gwestiwn yn uniongyrchol. Yn yr achosion hynny, ac i bwrpas y ddogfen hon, rydym wedi neilltuo'r atebion i'r cwestiynau y teimlir eu bod yn eu hateb orau. Hefyd, lle mae ymatebwr wedi ateb cwestiynau penodol, mae'n bosib y byddwn wedi neilltuo rhannau o'r atebion i gwestiwn arall lle gwelir bod hynny'n briodol.

2.1 Cwestiwn 1: Ydych chi'n cytuno â'n cynnig i gyflwyno deddfwriaeth fyddai'n ei gwneud yn drosedd defnyddio anifail gwyllt mewn sycas deithiol?

Roedd naw deg saith y cant o'r ymatebwyr yn cefnogi'n cynnig i gyflwyno deddfwriaeth fyddai'n ei gwneud yn drosedd defnyddio anifail gwyllt mewn sycas deithiol.

Mewn ymateb ar y cyd, dywedodd Cymdeithas Milfeddygon Prydain (BVA) a Chymdeithas Swolegol Milfeddygon Prydain (BVZS) eu bod wedi cefnogi'n gyson waharddiad ar ddefnyddio anifeiliaid gwyllt mewn sycasau teithiol yn y DU ac wedi bod yn ymgyrchu am nifer o flynyddoedd ar y mater. O'u dyfynnu: *"Together with the Born Free Foundation, Captive Animals' Protection Society and the RSPCA, BVA has called for a complete ban as quickly as possible, to end the use of wild animals to entertain people. We supported the ban in Scotland and we support the proposed ban in England."*

Mae RSPCA Cymru yn fudiad arall sy'n gwrthwynebu defnyddio anifeiliaid gwyllt mewn sycasau teithiol: *"The practice of touring with wild animals in a circus is outdated and fails to reflect current public opinion on how animals should be treated and represented - indeed an RSPCA petition in Wales gathered 7,700 signatures from just May to October in 2015. The RSPCA therefore welcomes the Welsh Government's Wild Animals in Circuses Bill to ban the use of wild animals in travelling circuses in Wales, which would bring it in line with an ever-growing list of countries that have instituted bans. At the time of writing, 30 countries around the world and 19 in Europe had banned circuses using wild animals."*

Clywyd barn debyg gan fwyafrif yr ymatebwyr sy'n gwrthwynebu defnyddio anifeiliaid gwyllt mewn sycasau teithiol. Rhoddir rhai enghreifftiau isod:

- *"It is wrong to use animals for entertainment and make them perform activities not natural to them for this purpose. They are sentient beings and deserve respect, protection, dignity, consideration and compassion."* (mae'r ymatebydd am aros yn ddiennw)

- *“Animals should not be used for entertainment in this day and age.” (Jayne Dendle)*
- *“There is no place for live animals in travelling circuses. This is the 21st Century and society should know better.” (Yolande Kenny)*
- *“Having wild animals in circuses doing tricks for our amusement belongs to an archaic, ignorant past.” (Elizabeth Maisonpierre)*
- *“No wild animals should be kept for amusement, entertainment, sport or profit - it is ethically wrong to exploit wild animals in an unfamiliar environment.” (Ilona Sekacz)*
- *“I believe it to be an outdated and unnecessary form of entertainment in the 21st century.” (mae'r ymatebydd am aros yn ddiennw)*

Nid oedd pob ymatebydd yn cytuno â'r gwaharddiad, gan gredu bod syrzasau teithiol yn cael eu rheoleiddio'n dda a'u bod yn cynnal safonau lles uchel:

- *“All circuses with wild animals touring in the U.K. are regulated by the U.K. government through DEFRA and have to meet high standards of animal welfare. Many studies have shown that animals in circus do not suffer. I refer you to Dr Kylie Worthington’s report commissioned by the RSPCA.” (Reg Challinor)*
- *“I have after visiting both of the traveling circuses mentioned never witnessed any animal in their care being ill-treated in any way, to the contrary all the animals have been well cared for, well fed, in clean hygienic, ample sized conditions. None of the animals have been witnessed doing anything or being trained to do anything that the animal would not do in wild environments.” (Mr W Docksey)*

Mae Urdd Syrzasau Prydain Fawr o'r farn hefyd bod y gyfraith a'r cynllun trwyddedu presennol yn ddigon ac nad oes angen gwaharddiad: *“There is no reason to ban all wild animals in travelling circuses. The two licensed circuses have proved throughout their years of being licensed that there are no welfare problems with regards to the livestock they travel with. The licensed circuses have 7 Mandatory inspections a year, 3 by inspectors from Defra Vets and 4 from their own lead vets. The licensed circuses have kept to the conditions, have passed all their inspections, have proven their integrity with regards to their care for the animals. They also comply with all the conditions under the Animal Welfare Act 2006, including all transport and all other laws relating to owning and working with animals. Given the findings of the 5 year review, the Welsh Governments and Defra inspections to ban grazing stock it would be a complete malfunction of the rule of law to ban. In law circuses can only be banned from keeping and travelling with wild animals if they have been prosecuted and found guilty of breaking any relevant animal welfare laws and other laws regarding travelling with animals.”*

Roedd rhai ymatebwyr yn teimlo nad oedd defnyddio anifeiliaid gwyllt mewn syrzasau teithiol yn broblem, gan nad ydynt yn credu bod anifeiliaid sydd wedi'u magu mewn caethiwed bellach yn anifeiliaid gwyllt:

- *“The term ‘wild animal’ is being used incorrectly, circus animals are not wild. Like zoo animals, they were born in captivity and are habituated to humans. They would not survive in the wild, therefore they are not wild. Any animal that has been trained to interact with humans can not be considered wild.” (Rebecca Bullock)*

Roedd ymatebwyr eraill yn gwrthwynebu gwaharddiad gan eu bod yn credu bod defnyddio anifeiliaid gwyllt mewn syrcas yn beth da, am resymau addysgol neu gadwraethol. Rhoddir rhai enghreifftiau isod:

- *“Seeing animals including wild animals in a circus is very educational, as well as working towards safe breeding programs I feel it benefits wildlife as well as bringing sometimes a rare chance to see such majestic animals up close.”* (Kayley Netting)
- *“Circuses and zoos introduce us to the wild. They are part of a world in which we see the human animal bond and in which that bond is protected. People who do not professionally work with wild animals are not competent to control their future. The wild is not a wonderful place. Neither are most sanctuaries. Wild animals can get better care, have better lives in circuses and zoos. If you ban these animals, you are contributing to the extinction of their species. Nobody loves what they only see in a picture book enough to have their life changed for the better.”* (mae'r ymatebydd am aros yn ddiennw)
- *“Most circuses help keep breeds of wild animals going. A lot of animals are decreasing in the wild. We need circus and zoos to keep them alive and breeding for future generations.”* (mae'r ymatebydd am aros yn ddiennw)

2.2 Cwestiwn 2: A ydych chi'n cytuno y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn cael effaith bositif ar agweddau plant a phobl ifanc at anifeiliaid? A oes gennych dystiolaeth i gefnogi'ch barn y carech ei rhannu â ni?

Roedd naw deg saith y cant o'r ymatebwyr yn cytuno y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn cael effaith bositif ar agweddau plant a phobl ifanc at anifeiliaid. Roedd y rhesymau yn amrywio. Roedd llawer o bobl yn teimlo y byddai gwaharddiad yn ennyn parch at anifeiliaid, fel bodau ymdeimladol.

Mae Catholic Action for Animals yn credu bod defnyddio anifeiliaid mewn syrcasau'n rhoi'r argraff i bobl ifanc bod anifeiliaid yn bod ar y ddaear er ein lles ni, waeth beth yw'r gost iddyn nhw. *“Banning them will make it clear that they exist for their own purposes, and will encourage respect for animals among children.”*

Mae RSPCA Cymru yn credu nad yw dysgu anifeiliaid i wneud triciau amhriodol yn addysgu pobl nac yn ennyn parch at anifeiliaid:

“The RSPCA believes that the appreciation of animals as sentient beings and the need to provide them with a healthy and happy life are essential in the promotion and development of empathy towards them. Ensuring animals have their physical, behavioural and psychological needs met and their welfare safeguarded at all times is essential to this; as is their portrayal as such to the public.

There is evidence that the way in which wild animals are portrayed has an impact on the attitude and actions of the public. Research⁷ found that, compared to people shown videos of chimpanzees in a species-appropriate natural setting, people shown chimpanzees in an unnatural, human-like context (‘entertainment chimpanzees’) had a lower understanding of how endangered they are in the wild and were less likely to say they would contribute financially to the conservation of the species. People

⁷ Schroeffer, K. K., Rosati, A. G., Chartrand, T. & Hare, B. Use of “Entertainment” Chimpanzees in Commercials Distorts Public Perception Regarding Their Conservation status. *PLoS One* 6, 8 (2011). <<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0026048>>

shown them in the natural setting were also more likely to say they were unsuitable as pets.”

Mae'r BVA a'r BVZS yn credu'r canlynol: *“the welfare of these animals is emblematic of the way we treat all animals under the care of humans and can negatively impact on the development of responsible and respectful attitudes towards animals. We are concerned that the continued use of wild animals in circuses has the potential to undermine the public’s understanding of animals as sentient beings with complex welfare needs, instead framing animals as commodities that can be used to perform unnatural behaviours for human entertainment and promoting sub-optimal welfare practices that may be extrapolated and influence the way humans treat all animals.”*

Mynegwyd safbwyntiau tebyg gan fwyafrif y rheini oedd yn credu y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn cael effaith bositif ar agweddau plant a phobl ifanc at anifeiliaid. Rhoddir rhai enghreifftiau isod:

- *“Children learn from what they see, circuses using animals send a message that animals are for human entertainment, playthings and a means to earn money. This is not a message that we should be sending out to the children of Wales. They need to see animals as sentient beings.”* (Jayne Dendle)
- *“If children see animals used as a commodity to make money regardless of their welfare children can’t be expected to understand their responsibility to care for animals.”* (Mrs Ann Goodwin)
- *“We need to set a good example that animals are not simply for our entertainment but are beings that should be respected.”* (mae'r ymatebydd am aros yn ddiennw)
- *“As a teacher I have seen the negative impact it has on children’s perception of animals and how it can lead to animal cruelty.”* (mae'r ymatebydd am aros yn ddiennw)
- *“I work in conservation education. Children learn nothing about wild animals from seeing them in circuses. On the contrary it desensitises them to their real and actual needs. I also have my own children and see how much they learn about science and ecosystems from seeing animals in the wild and natural, not artificial habitats.”* (Kate Chabriere)

Gofynnwyd i'r ymatebwyr am dystiolaeth i gefnogi eu barn. Yn eu hymateb, cyfeiriodd Animal Defenders International at ymchwil (gan gynnwys gwaith Schroepfer *et al* am dsimpansiaid) i gefnogi'u barn y câi gwaharddiad ar ddefnyddio anifeiliaid gwyllt mewn syrcasau teithiol effaith bositif ar agweddau plant a phobl ifanc yn arbennig, ond hefyd pobl o bob oed, at anifeiliaid:

“Animal circus acts do not teach respect for animals or appreciation of the species with whom we share our planet; in fact, they teach the opposite. With audiences shown a caricature, often presented to make the trainer look strong and brave, animals are forced to perform increasingly bizarre acts that are neither natural movements for them nor educational for those watching.

Detached from their natural environment, research has shown that the display of animals has a negative impact on the development of respectful and responsible attitudes towards animals for children and young people, the “marginal” potential

educational benefit “likely to be outweighed by the negative impression generated by using wild animals for entertainment”.⁸

Expressing concern about the negative effect on children who view them, a group of psychologists in Italy has stated that animal acts fail to encourage learning about the animals, instead creating a lack of respect and empathy.⁹

Studies on the attitudes of young people in Scotland toward wild animals in travelling circuses found that 81% of those surveyed agreed with a ban, with 57% agreeing that seeing wild animals in this way would make young people respect them less.¹⁰

Research shows that presenting animals as objects of fun and within a human environment, such as in a travelling circus, can negatively distort people’s perception of their conservation status and harm efforts to protect their counterparts in the wild. For example “those viewing photographs of a chimpanzee standing next to a human” in one study “were 35.5% less likely to categorize chimpanzee populations as endangered/declining compared to those viewing photographs with the chimpanzee standing alone”, the species’ use in entertainment hindering “chimpanzee conservation efforts.”. In another study “Viewing the primate in an anthropomorphic setting while in contact with a person.....increased likelihood of believing the animal was not endangered.”¹¹

Dywedodd nifer o ymatebwyr, gan gynnwys mudiadau, eu bod yn credu bod dangos anifeiliaid gwyllt mewn syrcas yn caledu plant yn erbyn ymatebion naturiol anifeiliaid a'u dulliau cyfathrebu dieiriau, neu'n eu cymell i'w gweld yn wrthrychau. Yn ôl People for the Ethical Treatment of Animals (Peta), “experts in early childhood development have cautioned against taking children to circuses that force animals to perform after finding that such acts inhibit a child's ability to develop empathy towards both humans and animals alike by teaching them that other living beings are merely objects to be manipulated for their own enjoyment.”

Roedd canran fach yn anghytuno y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn cael effaith bositif ar agweddau plant a phobl ifanc at anifeiliaid. Eu prif reswm oedd bod syrcasau teithiol yn rhoi cyfle i blant na fyddent yn gallu ei gael fel arall i weld a dysgu am anifeiliaid gwyllt.

Roedd Warren Thomas Kelly o'r farn bod gweld anifeiliaid mewn cysylltiad agos â hyfforddwr yn addysgu plant am gadw a hyfforddi anifeiliaid. *Animal training is an art form celebrated and patronised by Royalty and enjoyed by many other children in European countries. If you instead conversed with the schools and held open mornings at the said circuses to watch the training of the wild animals you will see commitment passion and art.*

⁸ (1) Dorning, J., Harris, S., & Pickett, H. (2016). Lles anifeiliaid gwyllt mewn syrcasau teithiol. <<https://beta.llyw.cymru/lles-anifeiliaid-gwyllt-mewn-syrcasau-teithiol>>

⁹ (2) Manzoni, A. (2016). Documento di psicologia sulle valenze antipedagogiche dell'uso degli animali in circhi, ellesagre, negligoo.

¹⁰ Llythyr oddi wrth Ysgrifennydd y Cabinet dros yr Amgylchedd, Newid Hinsawdd a Diwygio Tir yn ymateb i Adroddiad Cam 1 y Pwyllgor am Fil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (yr Alban), 5 Hydref 2017. <http://www.parliament.scot/S5_Environment/Inquiries/Circus_Bill_-_Stage_1_-_Stage_1_Report_SG_Response_-_RC_to_ECCLR_ctte.pdf>

¹¹ Leighty, K.A., Valuska, A.J., Grand, A.P., Bettinger, T.L., Mellen, J.D., Ross, S.R., Boyle, P. a Ogden, J.J. (2015). Impact of visual context on public perceptions of non-human primate performers. PLoSone,10(2),e0118487. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4340917/>

Wild animals in circuses well run and operated provide children with innocent nostalgia and important culture.”

Yn ôl Urdd Syrcau Prydain Fawr, maent yn cael adborth positif iawn gan rieni ynghylch yr hyn y mae eu plant wedi dysgu ac am ei brofi eto.

Dyma enghreifftiau o safbwyntiau tebyg a fynegwyd gan ymatebwyr:

- *“Seeing the way animals are trained in the circus can have a very positive and educational value to children. Some circuses have open days where people can come along and watch the animals being trained. These serve to provide an insight to animal behaviour and psychology, and help children to understand the importance of correct care and treatment of animals.”* (mae'r ymatebydd am aros yn ddiennw)
- *“As a mother of two, with several years’ experience helping care for the animals of a private training facility while a young teen, I can honestly say there is more to gain with than without. Children have an opportunity to be educated, empathetic, experience the awe of both the animals and the relationships possible and this will reflect on their need to conserve these in the real world (truly wild). Without this, they will fail to have that experience.”* (Victoria Simpson)

Roedd rhai ymatebwyr yn poeni y byddai ymdrechion i warchod anifeiliaid gwyllt yn dioddef pa na fyddai'r plant yn cael cyfle i'w gweld mewn syrcau teithiol. Mae Rebecca Bullock yn credu bod plant ac oedolion yn dysgu caru'r hyn y maen nhw'n gallu ei weld a chyffwrdd ynddo. *Giving them the opportunity to see these animals up close is the driving factor behind their desire to save their wild counterparts. How are we supposed to get people to want to protect actual wild animals if no one cares about them?”*

Yn ôl y Dr Ted Friend, *“the first contact many world famous conservation biologists and veterinarians had with exotic animals was with circus animals. Children fall in love with the animals at circuses and the old saying that “you do not conserve what you do not know” is very true. Performances allow children to focus on the animal, what the animal is capable of doing, and draws their attention, much more so than animals on display in most zoos.”*

2.3 Cwestiwn 3: A ydych chi'n credu y gallai gwahardd defnyddio anifeiliaid mewn syrcau teithiol gael effaith ar syrcau neu ar ddiwydiannau cysylltiedig eraill? Beth fyddai'r effeithiau hynny a pham?

Roedd chwe deg y cant o'r ymatebwyr yn cytuno â'r farn y byddai gwaharddiad yn cael effaith ar y diwydiant syrcau; roedd y mwyafrif o'r farn y byddai hynny'n effaith positif. Roedd llawer o ymatebwyr yn credu bod awydd pobl i weld anifeiliaid gwyllt yn perfformio wedi lleihau ac y byddai mwy o bobl yn mynd i syrcau teithiol pe na baent yn defnyddio anifeiliaid gwyllt.

Roedd RSPCA Cymru o'r un farn: *“The RSPCA believes that a ban on the use of wild animals in circuses will not adversely affect circuses’ revenue. It could in fact benefit circuses financially to not use animals and publicise this fact by appealing to a wider audience. Polls have consistently shown, including a YouGov poll for RSPCA Cymru which found 74 percent of the public in Wales support a ban on the use of wild animals in circuses, that the majority of the public find the use of wild animals in circuses unacceptable. Circus costs could also reduce in the event of a ban and animal-keeping staff moved to attend to domestic species, which would not be affected by this ban.”*

Yn yr un modd, roedd People for the Ethical Treatment of Animals (Peta) yn cytuno y gallai gwaharddiad gael effaith bositif ar syrcasau sydd ar hyn o bryd yn defnyddio'r "*actau hynafaidd hyn*" trwy eu sbarduno i ailddyfeisio'u hunain a thrwy hynny cynyddu eu refeniw." Aeth Peta yn eu blaenau i restru syrcasau llwyddiannus sydd ddim yn defnyddio anifeiliaid, fel Cirque du Soleil sy'n hynod boblogaidd ac yn broffidiol sy'n awgrymu o leiaf nad yw anifeiliaid yn angenrheidiol.

Dyma enghreifftiau o safbwyntiau tebyg a fynegwyd gan ymatebwyr:

- *"With a typical 2-hour circus show featuring wild animals for less than 15 minutes, it is not unreasonable for circuses to re-tool and re-shape their shows, considering the weight of evidence and public opinion."* (Animal Defenders International)
- *"The banning of animals will have an impact but this need not be negative. Circuses without animals are fantastic - Cirque de Soleil being an obvious example but other far smaller operations are still brilliant to watch - gymnasts, aerial trapeze, dancers, magicians, clowns etc. All the fun of the circus but without the cruelty."* (Julia Newton)
- *"Many industries have had to evolve over time - there are many things that used to be bought/sold/done as "entertainment" which are no longer acceptable to our society. There are many ways in which travelling circuses can be a source of entertainment - acrobatics, clowning, storytelling - the shows do not have to include animals. I think perhaps the opposite would be the case - that if circuses evolve away from using wild animals then they would find an increase in the number of people who would be interested to go along to a show."* (mae'r ymatebydd am aros yn ddiennw)

Roedd rhai ymatebwyr o'r farn mai effaith bositif arall ar y diwydiant syrcasau fyddai'r lleihad yn y costau sy'n gysylltiedig â gofalu am anifeiliaid a'u cludo. Dywedodd un ymatebydd, sydd am aros yn ddiennw: *"Travelling with animals is costly and more time consuming (stopping for animal care, border control, etc.). Animal feed is expensive, animal "training" is expensive. Circuses have more to gain by not having animals as part of their act. Additionally, an increasing number of people are rejecting circuses because of their use of animals, so in fact, removing animals from the equation may increase their business."*

Ymhlith y manteision eraill a restrwyd oedd y byddai syrcasau teithiol yn cael gwneud eu gwaith heb gael eu poeni gan brotestwyr:

- *"There are numerous non-animal circuses who currently tour Wales successfully, therefore Jolly's and Mondao would still be able to continue without their animals. They could potentially have more success than they currently do as they wouldn't have the protesters outside their gates every night and they could have more people attending as I know many people boycott animal circuses and would be more likely to attend once they don't have their animals."* (Miss Katy John)

Roedd rhai ymatebwyr yn credu y byddai gwaharddiad yn cael effaith negyddol ar syrcasau a diwydiannau cysylltiedig, gyda chynulleidfaoedd a gwerthiant tocynnau'n gostwng gan mai gweld anifeiliaid gwyllt yw'r uchafbwynt:

- *"Most people go to circuses to see the animals. When the Ringling Circus in America retired their elephants, their attendance was reduced by 50% forcing them into bankruptcy, even though Ringling kept their other animal acts."* (Dr Ted Friend)
- *"Ticket sales would reduce, more money would have to be spent on hiring in professional circus artistes to perform, larger venues would become too expensive"*

for the circus to visit thus reducing the months the circus could afford to tour.” (mae'r ymatebydd am aros yn ddiennw)

Rhestrwyd yr effaith negyddol bosib isod ar ddiwydiannau cysylltiedig:

- *“Animals are a big attraction in a circus - providing special food for the animals must involve specialist companies who would suffer financially if they were no longer used. Also, in the case of Peter Jolly's circus, they rent a large area of fields for the animals to graze when they are not performing - therefore, the land owners would lose out when less land is required for rental.” (Janet P.V. Jones)*
- *“Other forms of entertainment such as film and television often use animals from circuses and their trainers for their productions and there is a risk that such animals and skilled workers would no longer be available to these industries.” (Equity)*
- *“The impact on other related industries would be huge as the circus lawyers would fight the ban in court and use the related industries as a reason and evidence that government is cherry picking against circuses. This is discrimination and totally unfair, also race horses, donkeys on the beach, etc. would all suffer because circus would win a court case on a ban on grazing animals.” (Urdd Syrcau Prydain Fawr)*

Roedd nifer o ymatebwyr yn poeni beth fyddai'n digwydd i'r anifeiliaid gwyllt sy'n cael eu defnyddio gan syrcau teithiol pe bai yna waharddiad, gan awgrymu y câi effaith ar yr anifeiliaid:

- *“The heaviest impact would be on the personal happiness and wellbeing of the animals, who would necessarily be ripped away from their families and homes. If they were allowed to stay with their circus families, but not perform, compensation would be required from the government for the duration of the animals' lives to make up for the financial deficit caused by continued nurturing in the face of reduced income caused by their retirement. An 'animal pension' if you will.” (mae'r ymatebydd am aros yn ddiennw)*
- *“The impact on circus is that the animals and their human carers have a bond and separating the animals from the human carers will have a detrimental affect on the feelings of both the animals and the humans and will result in an act of cruelty.” (Reg Challinor)*

Am y rhesymau a ddisgrifir uchod, roedd nifer fach o ymatebwyr yn credu y byddai'n garedicach ewthaneiddio'r anifeiliaid yn hytrach na'u hailgartrefu.

2.4 Cwestiwn 4: Ydych chi'n cytuno â'r drosedd a gynigir?

Roedd wyth deg wyth y cant o'r ymatebwyr yn cytuno â'r drosedd fel y'i cynigir yn y Bil drafft.

Dywedodd un ymatebydd sydd am aros yn ddiennw ei fod yn credu os nad yw'n drosedd defnyddio anifeiliaid gwyllt mewn syrcau *“then there will be no incentive for circuses to not use them, except for listening to the desires of the general public in that they no longer want to support an industry that profits off of animal abuse - and who is to say they will listen? An offence is absolutely necessary.”*

Mae Animal Defenders International yn fodlon fod Llywodraeth Cymru'n cynllunio i'w gwneud yn drosedd defnyddio anifeiliaid gwyllt mewn syrcau teithiol yng Nghymru. A ban

is the economic and proportionate option given the difficulties of enforcing regulation in travelling shows, and is the approach sought by the public and animal experts.”

Wrth gytuno â'r drosedd, mae Freedom for Animals yn awgrymu ei fod yn cael ei estyn i "bobl eraill" allai defnyddio anifail gwyllt mewn syrcas heb yn wybod i'r gweithredwr. Awgrymodd Cyngor Bwrdeistref Sirol Caerffili y dylid estyn y drosedd i'r bobl sy'n trin yr anifail yn ystod perfformiad neu arddangosfa. Dywedodd ymatebwyr eraill y dylid rhoi cosbau llymach ar bobl sy'n aildroseddu gan gynnwys dedfrydau cymunedol neu garchar.

Dywedodd nifer o ymatebwyr y carent weld y drosedd yn cael ei hestyn i syrcasau teithiol sy'n cadw/berchen ar anifeiliaid gwyllt a/neu sy'n eu cludo. Hynny am resymau moesegol ac i osgoi unrhyw fannau gwan posibl yn y gyfraith. Cynigiodd RSPCA Cymru y sylwadau canlynol, sy'n cynnwys newidiadau i ddarpariaethau'r Bil drafft:

“The proposed offence relates to a wild animal that ‘performs, or is exhibited’. A wild animal could still be taken on tour and trained for performance, and so be exposed to most conditions that make itinerant circus life objectionable due to associated welfare problems, as long as the animal is not performing or on exhibition. The draft Bill therefore has a narrower focus than the current Circus Regulations in England which apply to all wild animals ‘kept or introduced (whether for the purpose of performance, display or otherwise)’ into a travelling circus (regulation 2).

The terms “performs” and “is exhibited” tend to be defined in terms of putting (the animal) in a prominent place in order that it may readily be seen. Is there a risk that circuses with wild animals in tow will be able to sell private admission tickets, in more limited numbers, to view the animals and see them perform? In any case, the lack of a prohibition on wild animals being transported in travelling circuses would seem to make the policing of the ban more difficult and time intensive.

Clause 1(2) should be amended to: ‘F or the purpose of subsection (1), a circus operator uses a wild animal in a travelling circus if the animal is kept by, travels with or performs or is exhibited as part of, the circus.’”

Mae lleiafrif o ymatebwyr yn anghytuno y dylai fod yn drosedd defnyddio anifail gwyllt mewn syrcas deithiol. Roedd y rhan fwyaf o'r ymatebwyr hynny o'r farn bod y drefn drwyddedu bresennol yn ddigonol:

- *“How on earth can you bring an offence against someone who is displaying their own performing animal and already licensed to do so. You have NO right to dictate to people about their animals they have owned for generations. If the animals are healthy and vet checked and are kept in compliance with the guidelines already set out there is NO offence being committed.” (Warren Thomas Kelly)*
- *“Why should it be an offence for a circus to use wild animals if they are currently licenced under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 and have all the appropriate care plans and paperwork for all the wild animals, also that have had over 40 inspections by veterinary officials since 2012?” (mae'r ymatebydd am aros yn ddiennw)*

2.5 Cwestiwn 5: Ydych chi'n cytuno mai gweithredwr y syrcas deithiol ddylai fod yn atebol am y drosedd hyd yn oed os mai person arall sy'n defnyddio'r anifail gwyllt?

Roedd naw deg y cant o'r ymatebwyr yn cytuno mai gweithredwr y syrcas deithiol ddylai fod yn atebol am y drosedd hyd yn oed os mai person arall sy'n defnyddio'r anifail gwyllt. Fodd

bynag, wrth wneud ac i fod yn gyson â'r ymatebion i gwestiwn 4, roedd llawer o'r ymatebwyr o'r farn y dylai'r person sy'n defnyddio'r anifail gwyllt fod yn atebol hefyd.

Dangosir enghreifftiau gan ymatebwyr a fynegodd y farn hon isod:

- *“As they are the main operator then they are letting acts use animals in their circus, they will profit from it. So after evidence is gained both operator and the act should be prosecuted.”* (Neil Michael Edmundson)
- *“It should be ultimately the responsibility of the circus operator to ensure no animals are used by exhibition or performance, therefore the offence applies to the operator.”* (Jacqueline Farquhar)
- *“The operator is the one with overall responsibility - stop them and it should filter down. It should also apply to the owner, keeper and trainer”.* (K Jones)
- *“If you are the operator you are aware there are animals in the circus and are jointly responsible for their care.”* (mae'r ymatebydd am aros yn ddiennw)

Roedd ychydig o ymatebwyr yn anghytuno mai gweithredwr y syrcas deithiol ddylai fod yn atebol gan nad yw'r gweithredwr bob tro, yn eu barn nhw, yn gwybod bod anifeiliaid gwyllt yn cael eu defnyddio mewn perfformiadau.

2.6 Cwestiwn 6: Ydych chi'n cytuno â'r diffiniad o'r gair "gweithredwr"?

Roedd naw deg y cant o'r ymatebwyr yn cytuno â'r diffiniad a gynigir o "weithredwr".

Roedd rhai o'r gweddill yn ansicr â'r diffiniad a/neu ai "gweithredwr" yw'r term cywir:

- *“I am not sure if that goes far enough as a description. Is it the Operator, the ring master, the owner of the circuses name or whatever business name they come under. Whomever is in charge of that circus then they are the ones liable along with the act.”* (Neil Michael Edmundson)
- *“Not sure I do agree with the definition of operator as it does not clearly define the nature of that role. It would be better to have a legal term that is clearly understood by all as for example the word manager.”* (Kerina Vasey)
- *“I think the word "owner" would be better. They are the people who tell the operators of the animals what to do.”* (mae'r ymatebydd am aros yn ddiennw)

2.7 Cwestiwn 7: Ydych chi'n cytuno â'r diffiniad o "anifail gwyllt"?

Mae wyth deg tri y cant o'r ymatebwyr yn cytuno â'r diffiniad o "anifail gwyllt".

Roedd yr ymatebwyr yn cydnabod bod llawer yn deall ac yn derbyn y diffiniad yn 3(1) y Bil drafft a'i fod yn gyson â'r diffiniad yn Neddf Trwydded Swau 1981 (adran 21(1))¹² a Deddf Anifeiliaid Gwyllt mewn Syrcasau Teithiol (yr Alban) 2018 (adran 2(1))¹³.

Wrth dderbyn y diffiniad, dywedodd Animal Defenders International: *“It is important that the definition of “wild animal” is not distorted. Claims from circus associations that all circus*

¹²Deddf Trwyddedu Swau <[Zoo Licensing Act 1981](#)>

¹³Deddf Anifeiliaid Gwyllt mewn Syrcasau Teithiol (yr Alban) 2018 <[Wild Animals in Travelling Circuses \(Scotland\) Act 2018](#)>

animals are domestic, as a result of “living with men for generations”, is not in line with any scientifically recognised definition of domesticated species.”

Mae'r BVA a'r BVZS yn cefnogi'r diffiniad, ac yn ychwanegu:

“We believe that this ban should cover all wild animal species without exception. This is because the complex welfare needs of non-domesticated, wild animals cannot be met within a travelling circus; especially in terms of housing and being able to express normal behaviour.

No exceptions or welfare compromises should be made for particular species of wild animal. Any ban should be consistent and not allow for any loopholes or grey areas.

Some kinds of circus animals may be considered domesticated in their country of origin but are not currently commonly domesticated in the British Islands, perhaps only being kept in Wales in zoos or wildlife parks. For example, in their countries of origin, camels have been used for many thousands of years by man and have been adapted for such use through breeding to encourage certain traits. Although this kind of animal is kept in the UK, the majority are kept in a manner that does not involve on-going domestication. Zoos and wildlife parks generally aim to maintain genetically diverse collections – they do not normally continue genetic selection for the purpose for which an animal may have been domesticated in their country of origin. At the time of writing, camels, for example, are therefore considered to be wild for the purposes of the Act as they are not commonly domesticated in the British Isles.

This contrasts with the position of llamas. Llamas are considered to have long been domesticated in South America; they have been widely used as a meat and pack animal by Andean cultures since the Pre-Columbian era. This kind of animal is now widely found in the British Islands in a farming environment where there is on-going genetic selection to suit agricultural needs. Hence this kind of animal is commonly domesticated in the British Islands.”

Wrth gytuno â'r diffiniad yn 3(1), mae rhai ymatebwyr yn credu y dylid dileu 3(2), gan ei ystyried yn ddiangen. Mae sylwadau RSPCA Cymru yn gynrychioliadol o sylwadau eraill a ddaeth i law:

“The RSPCA does not agree with the part of the definition dealing with domesticated animals and believe this section should be removed. It is inaccurate and open to interpretation and misuse. Under the current definition, breeding that induces any amount of change in an animal’s behaviour, life cycle or physiology could lead to the animal being classed as ‘domesticated’. Furthermore, breeding animals for ‘multiple generations’ simply means two or more generations, which is not the case, and we believe that this is not what is intended. Where animals have been domesticated through selective breeding to adapt to living alongside people, it has been for hundreds if not thousands of years. Claims could therefore be made that a captive-bred tiger that is the second generation bred in captivity is a domesticated animal. Such an interpretation would mean that zoos are full of domesticated animals. This is not the case; the needs of a captive-born tiger are fundamentally no different to those of its counterparts born in the wild. We suggest removing section 3(2) entirely and leaving the definition in section 3(1). A more preferable solution would be to align with interpretation of ‘wild animal’ in the Zoo Licensing Act 1981, outlined in Annex A of the ZLA’s Guide to the Act’s provisions. This would ensure parity with other legislation and avoid a situation where the same species is considered ‘wild’ in a zoo, but ‘domesticated’ when kept in a circus.”

Mae rhai ymatebwyr, gan gynnwys Cyngor Bwrdeistref Sirol Caerffili, yn awgrymu y dylid cyhoeddi rhestr o rywogaethau, hynny i osgoi unrhyw amheuaeth: *“The legislation should include a list specifying what is and what is not regarded as a wild animal.”*

Mae nifer fach o ymatebwyr o'r farn na ddeuai llawer o'r anifeiliaid a ddefnyddir mewn syrcau teithiol o dan y diffiniad hwn gan eu bod wedi'u bridio mewn caethiwed a'u bod felly'n ganlyniad arferion bridio detholus. Mae ymatebydd sydd am aros yn ddiennw yn credu bod yr haeriad bod anifeiliaid syrcau yn anifeiliaid gwyllt yn gamarweiniol oherwydd eu bod: *“have been bred within a circus environment and animal trainers would try and breed from animals that are the most cooperative and show the signs of being comfortable around humans”*. Dywedodd ymatebydd arall sydd hefyd am fod yn ddiennw y dylid ystyried anifeiliaid syrcau yn anifeiliaid "caeth egsoftig" yn hytrach nag yn rhai gwyllt.

2.8 Cwestiwn 8: Ydych chi'n cytuno â chynnwys adran 3(3) a fyddai'n caniatáu gwneud rheoliadau i bennu'r mathau o anifeiliaid a ystyrir yn rhai gwyllt ac yn rhai nad ydynt yn wyllt? Gweinidogion Cymru fyddai'n gwneud y rheoliadau hynny (gweler adran 7 y Bil drafft).

Gwnaeth llawer o ymatebwyr roi "ydw" neu "nac ydw" yn ateb i'r cwestiwn hwn heb ymhelaethu. Roedd pum deg saith y cant yn cytuno â chynnwys adran 3(3) a fyddai'n caniatáu gwneud rheoliadau i bennu'r mathau o anifeiliaid a ystyrir yn rhai gwyllt ac yn rhai nad ydynt yn wyllt.

Roedd y BVA a'r BVZS o'r farn y byddai cynnwys adran 3(3) yn fodd i Lywodraeth Cymru roi "egllurder". Dyma oedd barn ymatebwyr eraill, gyda rhai'n awgrymu defnyddio anifeiliaid hybrid neu rywogaethau/bridiau "lled-ddomestig" lle bo angen mwy o eglurder.

Roedd pedwar deg tri o'r ymatebwyr yn anghytuno y dylid cynnwys adran 3(3). Roedd rhai'n ei chael hi'n anodd meddwl am reswm i'w gynnwys, gan deimlo bod 3(1) yn ddigon.

Gwnaeth RSPCA Cymru yr argymhellion a ganlyn :

“A more preferable solution would be to align with interpretation of ‘wild animal’ in the Zoo Licensing Act 1981, outlined in Annex A of the ZLA’s Guide to the Act’s provisions.¹⁴ This would ensure parity with other legislation and avoid a situation where the same species is considered ‘wild’ in a zoo, but ‘domesticated’ when kept in a circus.

If the proposal were to be progressed, there must be a transparent mechanism and criteria for additions and removals to the list, including requiring a good quality evidence base, involvement of suitably qualified independent consultees and an ability to deal with disagreements and appeals.”

Nid yw PACT (Producers Alliance for Cinema and TV) yn cytuno y dylid cynnwys adran 3(3) gan gredu bod y geiriad yn aneglur, bod angen mwy o eglurder ac y gallai arwain at ganlyniadau anfwriadol:

“For example, the wording ‘regulations’ provides a potential opportunity for Welsh Ministers to widen the expression to have ‘wild animals’ include animals that are not wild, but perhaps used in film and TV productions. It does not promote sufficient foreseeability and certainty, and Pact are wary that this section could, in future, affect our members that produce films and programmes in Wales.

¹⁴ Defra, 2012 <[Zoo Licensing Act 1981: Guide to the Acts provisions](#)>

If Section 3(3) is included with its current wording, it must not be used to widen the scope of Section 3(1) beyond what would normally and reasonably fall under the definition of 'wild animals' as well as what animals are deemed as 'commonly domesticated' in Britain."

2.9 Cwestiwn 9: Ydych chi'n cytuno â'r diffiniad o "syracas deithiol"?

Roedd naw deg un y cant o'r ymatebwyr yn cytuno â'r diffiniad o "syracas deithiol".

Roedd rhai ymatebwyr yn credu y dylai syracasau sefydlog hefyd ddod o dan y Bil:

- *"I believe this act should encompass all circuses, not simply the travelling circus as defined."* (Charlotte Starkey)
- *"I think all circuses should abide by these rules, travelling or not. Stationary locations doesn't make animal subjugation appropriate and still gives the wrong messages to children."* (Anika Mothersdale)
- *"Any organisation which uses animals for entertainment should be banned, whether a 'travelling' one or not. It would enable unscrupulous owners to claim theirs was not a 'travelling' organisation if it was listed as operating generally and would be a get-out in a case of prosecution. All circuses should be banned, travelling or otherwise."* (Sheila Whitworth)

Gwnaeth Freedom for Animals yr awgrymiadau canlynol: *"If static circuses are to be excluded, we suggest that travelling circuses are defined by how many times they relocate in a specific timescale i.e. static circuses must not move more than once every three years."*

Roedd rhai ymatebwyr yn credu bod 4(1) yn rhy amwys; gan awgrymu y gallai syracasau sefydlog ailfrandio eu helpen anifeiliad gwyllt yn weithgaredd addysgol er mwyn osgoi gwaharddiad. Er na wnaeth y rhan fwyaf gynnig testun amgen, fe gynigiodd RSPCA Cymru:

"A more appropriate definition of 'travelling circus', largely the same as the definition in the Circus Regulations in England, is: 'A travelling circus means any company/group which travels from place to place for the purpose of giving performances, displays or exhibitions'. An alternative to 'company' or 'group' is 'institution', used in the Austrian Animal Welfare Act (2005): 'circus - an institution with performances that, among other things, fall within the domain of equestrian skills or animal dressage and that may include acrobatic presentations serious and comic acts, pantomimes as well as dancing and musical numbers'. The RSPCA is not suggesting that equestrian acts be prohibited but that emphasis on the company/group/institution, rather than place, more accurately reflects how circuses work, with acts often moving between circuses. It also circumvents the scenario of circuses exchanging their iconic tents for other temporary arrangements that may not be commonly recognised as a 'circus', or even travelling between permanent facilities around the country. Whilst the definition suggested above would prevent circuses touring with wild animals, it has the advantage of not impacting on the use of wild animals for the audio-visual industry, which reside at a home base when not being used for performance."

Mae Thomas Chipperfield yn credu bod y diffiniad yn rhy amwys o lawer: *I would go so far as to say that it is impossible to say what can be defined as being a circus in the 21st century."*

2.10 Cwestiwn 10: Ydych chi'n cytuno â chynnwys adran 4(4) a fyddai'n caniatáu gwneud rheoliadau i nodi'r mathau o weithgarwch, act, adloniant neu debyg sydd i'w hystyried fel syrzas deithiol? Gweinidogion Cymru fydd yn gwneud y rheoliadau hynny (gweler adran 7 y Bil drafft).

Roedd saith deg wyth y cant o'r ymatebwyr yn cytuno â chynnwys adran 4(4) a fyddai'n caniatáu gwneud rheoliadau i nodi'r mathau o weithgarwch, act, adloniant neu debyg sydd i'w hystyried fel syrzas deithiol.

Dywedodd RSPCA Cymru y byddai hyn yn diogelu rhag ymgeisiau i osgoi'r rheoliadau a gofynnodd: *“Could section 4(4) be used to ensure that a loophole does not arise whereby a circus can rebrand itself as a MAE [Mobile Animal Exhibit], or part human circus and part MAE, travelling together, and so avoid the ban having any impact on their use of wild animals?”*

Roedd rhai ymatebwyr yn poeni y gallai diffyg eglurder y geiriad yn yr adran hon arwain at wendidau yn y rheoliadau gan alluogi syrzasau i ailddiffinio'u hunain yn rhywbeth arall ac osgoi rhwymedigaethau'r Bil:

- *“A single broad definition would be more satisfactory than a list of specific types, unless the list were to be merely examples “such as”. It would be unfortunate to allow for any debates about whether what is clearly a circus entertainment under another name might escape the ban because its operator chose to describe it as (for example) an entertainment or show. Lists of specific types of entertainment covered by the ban could well leave loopholes. Better to be clear that the list is for illustration merely.”* (Amanda Vance)
- *“This must be given strict and careful consideration and not become a loophole for traveling circuses to continue to use wild animals.”* (Katie Chabriere)

Mae Pact yn anghytuno y dylid cynnwys adran 4(4) yn y Bil drafft:

“It’s our opinion that this section is too vague in relation to what a ‘travelling circus’ can constitute. We are wary that our members can be affected by this if they are filming with animals where the result of the filming is material of entertainment value – which is always the case for film and TV production.

If Section 4(4) is to become a part of the final Bill, we would like a guarantee that film and TV productions will not be affected by, or fall under the definition of what can be regarded as a ‘travelling circus’ for the purposes of the Act.”

2.11 Cwestiwn 11: Ydych chi'n cytuno â'r darpariaethau gorfodi a ddisgrifir yn yr Atodlen?

Roedd saith deg wyth y cant o'r ymatebwyr yn cytuno â'r darpariaethau gorfodi a ddisgrifir yn yr Atodlen. Wrth gytuno, gwnaeth rhai ymatebwyr bwysleisio pwysigrwydd sicrhau bod sancsiynau'n ddigon cryf i rwystro pobl rhag torri'r ddeddf:

- *“The enforcement provisions need to be strong enough to deter anyone thinking of breaking the law on this.”* (mae'r ymatebydd am aros yn ddienw)
- *“Although fines etc. need to be significant enough to deter.”* (Jane Dendle)

Dywedodd rhai ymatebwyr y carent weld pwerau archwilio ac ati yr Arolygydd (adran 11 yr Atodlen) yn cael eu hestyn i gynnwys yr hawl i atafaelu anifeiliaid. Mae RSPCA Cymru ar y

cyfan o blaid y darpariaethau gorfodi ond y mae'n cytuno â'r rheini sy'n awgrymu y dylid cynnwys opsiwn i atafaelu anifeiliaid.

Awgrymodd RSPCA Cymru y canlynol hefyd. *"Courts should have the power to disqualify offenders from keeping wild animals, for example in order to deal with repeat offenders, as they can do for example with the Dangerous Wild Animals Act 1976 (DWAA), section 6(2)."* Galwon nhw hefyd am estyn y pwerau i gwnstabiliaid yn yr Atodlen i fynd ar dir.

2.12 Cwestiwn 12: Hoffem wybod eich barn am yr effeithiau y byddai Bil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (Cymru) yn eu cael ar yr iaith Gymraeg, yn enwedig ar gyfleoedd i bobl ddefnyddio'r Gymraeg a pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg. Beth, yn eich barn chi, fyddai'r effeithiau? Sut y gellid cynyddu'r effeithiau cadarnhaol, neu liniaru'r effeithiau negyddol?

Cafwyd ymateb gan ddeuddeg y cant o'r rheini a atebodd. Roedd bron iawn y cyfan o'r farn na chât effaith negyddol na phositif ar y Gymraeg, yn enwedig gan nad yw'r un o'r ddwy syrcas deithiol sy'n defnyddio anifeiliaid gwyllt yn dod o Gymru. Dywedodd rhai ymatebwyr eu bod yn credu y byddai gwahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol yn meithrin agwedd bositif at Gymru a'r Gymraeg.

Mae Susan Maria Gavaghan yn credu y byddai gwaharddiad yn gam blaengar a phositif iawn gan Lywodraeth Cymru. *"Wales would be seen in a positive light and hopefully people would be encouraged to explore the Welsh language and treat it no less favourably than English."*

2.13 Cwestiwn 13: Eglurwch hefyd os gwelwch yn dda sut, yn eich barn chi, y gallai Bil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (Cymru) gael effeithiau positif, neu fwy o gyfleoedd positif, ar gyfleoedd i bobl ddefnyddio'r Gymraeg, ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg, o ran peidio â chael unrhyw effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Nid oedd argymhellion i newid Bil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (Cymru) er mwyn cynyddu cyfleoedd pobl i ddefnyddio'r Gymraeg nag iddi gael ei thrin yn llai ffafriol na'r Saesneg. Ni welwyd effeithiau er gwaeth o ran cyfleoedd i bobl ddefnyddio'r Gymraeg neu i beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Awgrymodd rhai ymatebwyr, gan y bydd perfformiadau gan bobl o bosib yn cymryd lle perfformiadau gan anifeiliaid gwyllt, y gallai fod mwy o gyfleoedd i'r Gymraeg gael ei defnyddio, yn enwedig os bydd syrcasau teithiol yn defnyddio perfformwyr lleol pan fydd yn ymweld â Chymru.

2.14 Cwestiwn 14: Unrhyw sylwadau cyffredinol eraill? Rydym wedi gofyn nifer o gwestiynau penodol. Os oes unrhyw faterion cysylltiedig nad ydym wedi mynd i'r afael â nhw'n benodol, defnyddiwch y blwch hwn i'w nodi.

Cafwyd atebion gan bedwar cant ac wyth deg a naw o ymatebwyr i'r cwestiwn hwn. Manteisiodd nifer dda ar y cyfle hwn i ailddatgan eu barn am ddefnyddio anifeiliaid gwyllt mewn syrcasau teithiol.

Wrth gefnogi'n cynnig i wahardd defnyddio anifeiliaid gwyllt mewn syrcasau teithiol, roedd llawer o'r ymatebwyr yn poeni beth fyddai'n digwydd i'r anifeiliaid pe bai gwaharddiad yn dod i rym. Roeddynt yn awyddus i glywed y caent ymddeol mewn noddfeydd addas.

Roedd y BVA a'r BVZS yn poeni y gallai'r gwaharddiad gael effaith negyddol ar les yr anifeiliaid gwyllt mewn syrcasau teithiol pe caent eu hymddeol yn sydyn, a hwythau heb werth economaidd i'r perchennog. Aethant yn eu blaenau: *"It will be important to ensure that there is a robust transition process in place that ensures the welfare of existing animals. We are concerned that the current wording of the bill could result in unintended consequences for the welfare of wild animals kept by travelling circuses through a potential loop hole with regards to the successful enforcement of the Bill. We have concerns that permitting travelling circuses to keep wild animals as 'pets' and allowing their transport with travelling circuses may continue to compromise the welfare of these animals. Animals need to be retired to suitable permanent enclosures that ensure their long-term welfare needs and that are consistent with accepted best practice for similar species kept in zoos."*

Er eu bod yn croesawu'r ddeddfwriaeth fel y'i cynigir, mae nifer o ymatebwyr yn credu y byddai'n well gwahardd defnyddio pob anifail, gwyllt a domestig. Rhoddir rhai enghreifftiau isod:

- *"I would like to see no animals at all in circuses but I think the Bill will have more chance if it focuses on 'wild animals' first."* (Elizabeth Maisonpierre)
- *"The basic issue is whether it is correct to have animals "performing" for entertainment. That this bill covers "wild" animals, is a start in the right direction, however, I believe that ultimately it should cover all animals."* (mae'r ymatebydd am aros yn ddiennw)
- *"This bill only covers travelling circuses rather than static ones. Whilst there aren't any static circuses (as far as we are aware) based in Wales, it makes little sense to exclude them when the animals will suffer many of the same welfare issues. We believe that there is much evidence to support a ban on the use of domestic animals in circuses as they suffer many of the same issues that wild animals do in circuses...."* (Freedom for Animals)

3. Y Camau Nesaf

Mae'r holl sylwadau ar yr ymgynghoriad a'r ymatebion iddo wedi'u dadansoddi. Byddwn yn ystyried yr ymatebion wrth ddatblygu Bil Anifeiliaid Gwyllt mewn Syrcasau Teithiol (Cymru) ymhellach.

Roedd y mwyafrif yn cefnogi'r cynnig i gyflwyno deddfwriaeth fyddai'n ei gwneud yn drosedd defnyddio anifail gwyllt mewn syrcas deithiol. Bydd gwaharddiad yn rhoi neges glir bod pobl Cymru'n credu bod yr arfer yn un o'r oes o'r blaen ac yn foeseog annerbyniol.

Atodiad A - Rhestr o'r cyrff a ymatebodd i'r ymgynghoriad

Animal Defenders International (ADI)

Cymdeithas Milfeddygon Prydain (BVA) a Chymdeithasol Swolegol Milfeddygon Prydain (BVZS)

CBS Caerffili

Catholic Action for Animals

Circus Gerboa (Ireland)

Urdd Syrcasau Prydain Fawr (CGGC)

Club Amici del Circo (Italy)

Equity

Freedom for Animals

Cyngor Gwynedd

People for the Ethical Treatment of Animals (PETA)

Producers Alliance for Cinema and TV (PACT)

RSPCA Cymru

Y Grŵp Hunan-Gymorth o Ffermwyr, Perchenogion Anifeiliaid Anwes ac Eraill sy'n profi anawsterau â'r RSPCA (The SHG)