



c/o Stroud Nature, Fromehall Mill, Stroud GL5 3EH

Question 1: Would you like your response to be confidential?

No

Question 2: What is your name?

Iona Haines, Ian Redmond OBE

Question 3: What is your email address?

Coordinator@4apes.com

Question 4: Are you responding as an individual or on behalf of an organisation?

Organisation

Question 5: Which of the following best describes you or your organisation?

Conservation group

Comments on question 5: The Ape Alliance is a loose coalition of over 100 different primate conservation and welfare organisations. This response is a result of collaboration between several Ape Alliance members concerned about this issue.

Question 6: Do you agree that the Government should introduce a new prohibition on keeping primates privately in England, which also applies to breeding, acquiring, gifting, selling, or otherwise transferring primates, apart from to persons licensed to keep primates to zoo-level standards?

Yes

Comments on question 6: We welcome the introduction of the prohibition of the private keeping of and trade in primates in England. We do not support the creation of a class of person who is allowed to keep, breed, and trade in primates with the private primate keeper licence as this has no clear conservation purpose whilst being damaging to individual animal welfare. Breeding and both commercial and non-

commercial transfer of primates should not be allowed outside of a registered zoo setting with clear conservation goals. Any breeding by a private primate keeper should be led by and linked to zoo programmes. For example, those recognized by the European Association of Zoos and Aquaria where captive breeding has been identified as contributing towards conservation of the species by the International Union for Conservation of Nature (IUCN). We believe these measures should be drafted with the aim of the eventual end of any private keeping of primates in England and if breeding and selling is allowed to continue we cannot foresee an end to the current situation.

There could be a need for the private primate keeper licence to allow for genuine sanctuary for confiscated primates in order to supplement the facilities of existing sanctuaries and zoos. These situations should meet the criteria provided by the European Alliance of Rescue Centres and Sanctuaries (www.ears.org) or the Global Federation of Animal Sanctuaries (www.sanctuaryfederation.org). It is important that sanctuaries do not allow any breeding of the primates in their care.

The introduction of the prohibition and licencing scheme should be accompanied by a public education campaign to provide information about the new rules, the reasons behind them and sources of support and information.

It should be made clear how holders of a licence under the Dangerous Wild Animals Act 1976 would be affected by the proposed legislation. It would not be efficient and clear to have two different licencing regimes relating to primates. We would oppose an automatic qualification for a specialist private primate keeper licence for current holders of a dangerous wild animals licence as the standards under the Dangerous Wild Animals Act do not meet the envisaged 'zoo standard' of care. Holders of a dangerous wild animals licence should be inspected and assessed the same as any other private primate keeper.

Question 7: Do you agree that the Government should use zoo-level welfare standards as the basis for a new 'specialist private primate keeper' licensing scheme?

Don't know

Comments on question 7: We are concerned that the current zoo-level welfare standards will not offer more protection than the Animal Welfare Act 2006 and the Code of Practice for the Welfare of Privately-Kept Non-Human Primates as the Zoo Licencing Act 1981 has vague, non-species specific welfare criteria. As evidenced in DEFRA's 2020 call for evidence on primates as pets, these legislations have not been successful in ensuring sufficient welfare standards of pet primates.

To remedy this, we would suggest adding taxon-specific appendices to the Secretary of State's Standards of Modern Zoo Practice (SSSMZP) or whichever standards the 'specialist private primate keeper' scheme will be based on.

Question 8: Do you agree that licence conditions relating to specific standards setting out how primates must be kept should include a requirement for primates to be microchipped as a means of permanent identification?

Yes

Comments on question 8: We agree that a form of permanent identification is necessary to prevent the illicit trade of primates following the prohibition. However, microchipping of primates can be difficult and

usually requires sedation. Therefore, the procedure should only be carried out by a veterinarian with suitable experience in primate health and welfare.

Therefore, the requirement to microchip should be accompanied by the existence of a list of specialist veterinary surgeons who can carry out the procedure safely, preferably provided by an expert organisation like the British Veterinary Association.

As a non-invasive alternative detailed photographic records and descriptions, fingerprints, or DNA analysis using hair or faeces should be considered until a point where safe microchipping is possible. If a primate needed to be sedated for a different procedure which was in the best, direct interest of its health or welfare, microchipping should be carried out opportunistically.

Question 9: Do you agree that a system of inspection should apply to 'specialist private primate keeper' licence holders

Yes

Comments on question 9: It is essential that all primates which remain in private ownership are regularly monitored through a system of inspection. The inspectorate should be drawn from a pool of suitably qualified persons who have good knowledge of primate health and welfare. Inspectors should not be drawn from Local Authority licensing teams unless the inspector is listed in the central pool as being suitably qualified.

Inspection should focus on both input and outcome-based measures of animal welfare i.e., not only measuring the size of the cage, food given, but assessing the individual primate's health and wellbeing. As a minimum inspectors must ensure that the Animal Welfare Act, and the associated Code of Practice for the Welfare of Privately Kept Non-Human Primates are fully complied with (notwithstanding the generic nature of these resources until species- or taxon-specific guidelines are available).

Question 10: Do you agree that Local Authorities should apply and enforce the system of licensing and inspection for 'specialist private primate keepers'?

No, another enforcement body

Comments on question 10: We believe that it is essential that any licencing regime is managed centrally by DEFRA. For legislation such as the DWA and AWA, Local Authorities have proven to be unable to provide a suitable and consistent enforcement of animal welfare standards. A central system is also necessary for an effective monitoring system, including microchips, movement of animals and numbers.

Inspectors should be drawn from an identified pool of recognised, independent experts who are able to assess the welfare conditions of primates in captivity to a consistently high level using both input and out-come-based criteria. Local Authorities do not have the necessary resources or expertise to identify such experts, or to carry out such inspections.

If Local Authorities are used, it should be only as a first contact on a regulated route to a centralised database and national licencing criteria. They should not carry out inspections or identify experts without drawing on the pool of suitable inspectors as mentioned above.

This enforcement and database scheme should apply to all privately kept primates, including the ones under the proposed grandfather clause that will not be subject to a specialised keeper licence.

Question 11: Do you agree that Local Authorities should have discretion as to the length of a 'specialist private primate keeper' licence?

No

Comments on question 11: Please see our concerns about the use of Local Authorities in managing a registration and licencing scheme. The length of a licence should be consistent across the country in order to ensure regular inspection and monitoring. Wild Futures has seen that even with mandatory veterinary inspections under the DWAA and Zoo Licence, issues have arisen due to cancellations and least risk approaches of the inspections. These have led to late identification of welfare issues, and difficulty following up, tracking, and monitoring ownership.

The frequency of inspection must be annual at a minimum with the power to revoke the licence alongside other punitive measures under the Animal Welfare Act. Callitrichids are the most common primate in private ownership, and they can have two sets of twins per year. Therefore, it is essential for frequent inspections and licencing applications to leave as little room as possible for illicit trade to go undetected.

Regular and frequent inspections will also allow for the confirmation of improvements in conditions if recommended in the previous inspection.

Question 12: Do you have any other comments or suggestions regarding a 'specialist private primate keeper' licensing scheme?

These measures should be seen in the context of the long-term goal of phasing out the private keeping of primates. We believe breeding should not be permitted by specialist private primate keeper licence holders except possibly as part of a recognised zoo-led breeding programme with clear and defined conservation outcomes. Any resultant offspring should only be exchanged with similarly licenced keepers or licenced zoos in order to prevent the creation of a loophole. The breeders must not be allowed to sell the offspring to reduce monetary incentive for breeding.

We see a possible use for specialist private primate keepers in giving sanctuary to primates in need of a home. These keepers should be under the oversight of a current registered sanctuary or zoo and conform to recognised standards and criteria as defined by EARS and GFAS. In these cases, breeding should not be permitted.

Specialist private primate keeper licences should specify the number and species of primate held. Any changes to this must be reported, and this report should trigger an inspection. Licences should be acquired before acquisition of a primate, and retrospective licences should not be issued. Licences should be issued for a specific licence holder at a specific address, to prevent primates being moved to other premises that have not been inspected and to prevent ownership of the property being transferred to an unlicenced individual.

Question 13: Do you agree that anyone subject to the new prohibition must register their primate with their Local Authority?

Yes

Comments on question 13: We believe that the registration of every privately held primate should be mandatory but should be centrally managed by DEFRA rather than by Local Authorities. As mentioned

above, if Local Authorities are used it should be only as a first contact on a regulated route to a centralised database and national licencing criteria.

Any changes to registration details should be required to be reported within a set period and should trigger a confirmation visit by an inspector if an owner claims their primate has died or been transferred elsewhere.

Owners should be required to confirm no change to their registration details on an annual basis.

Question 14: Do you agree that there should be a fixed time period to register all currently held primates which are subject to the new prohibition, beyond which a penalty would apply in relation to primates which are subject to the prohibition?

Yes

Question 15: How long should this fixed time period be?

Other (3 months)

Comments on question 15: Initial registration should be required within 3 months, with a requirement for a centrally organised veterinary inspection within 12 months. This inspection will determine whether ownership is licenced under the grandfather clause or as a specialist keeper.

It is important to have a sufficiently short time period for registration in order to reduce any last-minute pushes by breeders to maximise sales before the ban. Other countries who have previously introduced restrictions on keeping primates commonly had a three-to-six-month period for owners to register with, or obtain a licence from, the relevant authority (e.g., Denmark, Norway, Portugal, and the US state of Minnesota).

Each private owner should conform to the requirements of the Animal Welfare Act and the associated Code of Practice for the Welfare of Privately Kept Non-Human Primates as minimum.

Where necessary, there must be a power of confiscation. If confiscations rise above a level manageable by sanctuaries, government support must be provided to sanctuaries for the lifetime care of these animals.

Question 16: Do you agree that, following an initial visit and assessment by the Local Authority, primates not subject to the new 'specialist private primate keeper' licence (or to a zoo licence) may continue to live where they are if their basic welfare needs are being met, or will be met subject to an improvement notice?

Yes

Comments on question 16: We reiterate that we do not believe that Local Authorities are the correct bodies to manage this process. We agree that a grandfather clause is necessary due to the lack of capacity of sanctuaries to rehome all privately kept primates. Having this grandfather clause will encourage

owners to register as confiscation will not be automatic. This point should be reiterated in the accompanying education campaign mentioned above.

The 'basic standard of welfare' should be clearly defined by DEFRA and as a minimum ensure compliance with the requirements of the Animal Welfare Act and the associated Code of Practice for the Welfare of Privately Kept Non-Human Primates. Preferably, new species-specific standards should be developed with the guidance of experts.

A licence to keep a primate under the grandfather clause should be contingent on passing an annual inspection by a centrally approved inspector. Continued licencing criteria should also be adapted to any subsequent changes in welfare legislation.

Where seizure or voluntary submission by or to the RSPCA or vet occurs, there must be an allowance in the regulations for the temporary holding of primates and their transfer to a rescue centre or holding facility or sanctuary.

An issue that is likely to arise is singly housed primates in species where lack of access to conspecifics presents a barrier to sufficient welfare. Singly housed primates already represent a substantial portion of primate incidents investigated by the RSPCA. Holding a central register of all privately kept primates as mentioned above could facilitate approved movement of primates for welfare purposes, for example consolidating individual animals into a smaller number of appropriate premises or rehoming to an established sanctuary. These decisions cannot be made by the primate owners and surrounding legislation must be carefully considered to prevent a creation of a loophole.

Question 17: Do you agree that the keepers of primates should have their primates micro-chipped as a means of permanent identification?

Yes

Comments on question 17: Please see our position on microchipping outlined under question 8.

Question 18: Do you agree that the keepers of primates not subject to the new 'specialist private primate keeper' licence (or to a zoo licence) should have their primates neutered?

Yes

Comments on question 18: We agree breeding must be prevented. Vasectomy is often the best alternative in primates as castration can cause hormonal issues and therefore social problems in many primate species. Hormonal birth control methods including implants are not reliable and issues with these could be used as excuses for deliberate illicit breeding.

In animals where anaesthesia and surgery are considered high risk, a specialist veterinarian with appropriate skills and experience should develop an alternative contraceptive plan.

Provisions must be made for the registering of accidental births and which measures will be taken if this situation occurs.

Question 19: Do you agree that the keepers of primates not subject to the new 'specialist private primate keeper' licence (or to a zoo licence) should be required to register their primate with a veterinary practice?

Yes

Comments on question 19: We agree that this should be a requirement for all primate owners. Few veterinarians in England are sufficiently experienced in primate health and welfare, but to meet demand less experienced veterinarians could be used if they consult with specialists. A publicly-available list of primate specialist veterinarians, perhaps collated by the British Veterinary Association, would be highly beneficial.

Question 20: Do you agree that the keepers of primates not subject to the new 'specialist private primate keeper' licence (or to a zoo licence) should be required to have their primates examined by a vet at least once a year, with confirmation of that examination and its findings provided to the Local Authority?

Yes at least once a year

Comments on question 20: We agree with a requirement for an annual inspection. Inspectors should be drawn from a centralised list of approved specialists. It is vital that inspection includes premises where the primate is being kept to allow a full assessment to be carried out. Direct examination under sedation could be overly stressful and so should not be mandatory unless recommended by an expert veterinarian for a specific individual primate. Non-invasive health monitoring should be a requirement, including regular screening of faecal and urine samples. The inspecting veterinarian should also scan for a microchip when doing so would not compromise the health and safety of the primate. Any concerns noted by the vet should result in a formal inspection.

Please note we believe the information acquired via these inspections should be held in a centralised database and not by Local Authorities.

Question 21: Do you have any other comments or suggestions regarding the proposed arrangements for primates not subject to the new 'specialist private primate keeper' licence (or a zoo licence)?

Legislation must permit temporary holding and transportation of primates in cases where animals have been seized, are found abandoned or as strays.

All privately owned primates should be registered and regularly inspected. A publicly-available list of primate specialist veterinarians, perhaps collated by the British Veterinary Association, would be beneficial to support practices that do not have primate experience. Regular contact with veterinarians should be used to update keepers on healthcare issues and zoonoses such as COVID 19.

Question 22: Do you agree that a civil penalty is appropriate for breaches of the new prohibition applying to privately kept primates?

Yes

Comments on question 22: Civil sanctions would allow local authorities to enforce the legislation without the expense and complication of a prosecution. Supplementary powers that allow the immediate seizure of primates, particularly for unlicensed premises, are needed.

A hybrid model of criminal and civil sanctions could be considered as it gives the potential to recover some costs related to rehoming and supporting the future care of the animals should the licence be revoked, and seizure carried out. This could possibly be capped to a maximum fine per animal.

It should be made clear that civil penalties do not remove the ability to consider criminal offences for breaches under the Animal Welfare Act.

Question 23: What is the maximum level of fine that you would consider appropriate for breaching the prohibition applying to privately kept primates?

Don't know

Comments on question 23: We recommend a graduated fine system to allow for higher fines for more serious breaches, and for fines to be proportional to the perceived market value of the primate. The size of the fine must be sufficiently large enough to deter illegal activity.

Question 24: Do you agree that a civil penalty should apply to breaches of conditions of the new 'specialist private primate keeper' licence, together with the option of revoking the licence if the conditions are not met?

Yes

Comments on question 24: Please see our responses to questions 22 and 23. Supplementary powers should include the power to revoke any licence held, as well to disqualify people from keeping primates.

Question 25: What is the maximum level of fine that you would consider appropriate for breaching conditions of the new 'specialist private primate keeper' licence?

Don't know

Comments on question 25: We believe a graduated level of sanction would be beneficial in ensuring penalties are proportionate to the breach. There should be clear guidance to ensure consistency.

Question 26: Do you think a new power of entry should be introduced to allow Local Authorities to enter a property, with a warrant, where they reasonably believe an unlicensed primate is being kept without having been registered with the Local Authority?

Yes

Comments on question 26: There should be a power of entry to enter licenced premises as well as premises that are suspected of having an unregistered primate. This power of entry should apply to Local Authorities and the licencing inspectors. It should be made clear these permissions extend to farm premises and private dwellings.

Question 27: Should the requirement for a warrant to enter a property, where a Local Authority reasonably believes an unlicensed primate is being kept without having been registered, be limited to residential premises?

No

Comments on question 27: Privately owned primates have been known to be kept in commercial and educational premises, and therefore it is essential these powers extend to non-residential premises. Definitions must be clear as, for example, gardens, sheds, outbuildings and garages may not be classed as residential or commercial premises but should not be excluded.

Question 28: Do you have any other comments on penalties or enforcement?

In order to discourage owners releasing unwanted primates in to the wild, making the release of primates a specific offence should be considered. The education campaign should make it clear that it is an offence to release primates or allow them to escape.

Question 29: Do you have any comments on any potential unintended consequences that could arise as a result of any of the measures proposed in this consultation?

An unintended consequence as a result of these measures could be a shortage of suitable places to re-home primates that are given up or removed from current owners due to the scarcity of spaces in genuine sanctuaries. This could lead to primates being left in unsuitable conditions by authorities who cannot find a suitable alternative home for the primate, or primates being released or abandoned by their owners. In countries who have introduced similar legislation, sanctuaries have reported an initial surge in requests for rehoming and a gradual decrease in need for their services in the longer term. These issues could be mitigated against with increased funding for genuine sanctuaries and greater collaboration with existing zoos, with them possibly functioning as sanctuaries for non-breeding populations of ex-privately owned primates.

As this legislation will only apply to England and many primate sales occur online, it will be difficult to prove the location of sellers to allow enforcement action to be taken. This risk could be reduced if devolved administrations introduce equivalent legislation to prohibit sales from any part of the UK.

We urge for all sales of primates to be prohibited, even from licenced keepers. Without lawful transfer between premises under the Balai criteria it is highly questionable that a breeding programme can claim to have conservation value or be sustainable.

There may be concerns that the prohibitions on private ownership will drive primate trade underground. There is no evidence that this is a substantial problem in other countries with similar legislation, or with previous similar legislations introduced in the UK. The present trade is mostly unregulated and impossible to monitor, and so the overall reduction in the trade should be welcomed.

Concerns could be raised claiming that the permanent neutering of primates may make them more difficult to rehome. The AAP rescue centre in the Netherlands which outplaces thousands of animals around Europe and the UK can confirm that neutering rarely impacts on their ability to rehome primates. Common privately kept primate species in the UK would not be able to contribute to recognised breeding programmes even if moved to a zoo or rescue centre as their genetic history cannot be confirmed.

In order to mitigate these unintended consequences, we encourage DEFRA to urgently convene a working group to develop suitable measures and explore sources of financial assistance to increase capacity of genuine sanctuaries. Organisations such as Wild Futures, the RSPCA, Animal Defenders International and Monkey World would be able to advise on suitable members for this working group.

Another essential mitigation measure is the introduction of an education campaign to publicise the new prohibitions and emphasise that confiscation is not inevitable as well as educating that such abandonment or release is also prohibited by law.

Question 30: Do you have any quantitative evidence on the number of primates kept outside of zoos and scientific contexts in England?

Don't know

Comments on question 30: Several Ape Alliance members have previously submitted evidence on this topic. Please see reports from Wild Futures, the RSPCA, Monkey World and Animal Defenders International.

Question 31: Do you have any quantitative evidence on the number of primate keepers in England and the average number of primates held by primate keepers?

Don't know

Comments on question 31: Several Ape Alliance members have previously submitted evidence on this topic. Please see reports from Wild Futures, the RSPCA, Monkey World and Animal Defenders International.

Ian Redmond OBE



Iona Haines

