

## Response ID ANON-6Q8J-SGP4-7

Submitted to **Primates as pets in England**

Submitted on **2021-02-06 10:10:39**

### About you

**1 Would you like your response to be confidential?**

No

If you answered Yes to this question, please give your reason:

**2 What is your name?**

**Name:**

Rachel Hevesi

**Which of the following best describes you?:**

Other

**3 What is your email address?**

**Email:**

rachel\_hevesi@wildfutures.org

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

Organisation

**5 What is your organisation?**

**Name of organisation:**

Wild Futures

**Which of the following best describes your organisation?:**

Animal welfare group

### Banning primates as pets

**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

### Privately kept primates kept to zoo-level standards

**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

**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

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

Yes

**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

If you answered No, another enforcement body, please specify:

AFHA - Defra Please see comments for recommendations

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

Don't know

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

### Please state here :

Many of these questions required further explanation as a binary answer does not adequately summarise our answers. For this reason we have also used the Don't Know option. We may agree with the principle of a statement but not the detail. Eg Question 16, where we agree with the necessity for a grandfather clause but do not agree that it should be a Local Authority administering and enforcing this.

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

Primate welfare and conservation charity. Wild Futures' Monkey Sanctuary is a licensed zoo but operates only as a sanctuary.

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:

Wild Futures is the primate welfare and conservation charity (reg.no.1102532) with an international reputation for its work with primates, especially at its Monkey Sanctuary (founded in 1964) in Cornwall. This is evidenced by the Sanctuary being the only one in Europe to be accredited by the Global Federation of Animal Sanctuaries. Wild Futures is a founder partner and board member of the European Alliance of Rescue Centres and Sanctuaries (EARS), a network that supports and represents rescue centres and sanctuaries across Europe, enabling them to work together to achieve mutual animal welfare and conservation goals. The Director of Wild Futures is a member of the Primate Society of Great Britain (PSGB) Captive Care Working Party.

Wild Futures welcomes this opportunity to contribute to DEFRA's Consultation on the Welfare of Primates as Pets in England. We would like to thank ministers for their interest in this important welfare issue; we see the damage and suffering caused by the primate pet trade in the UK on a daily basis at our Sanctuary.

We believe that only a ban on the keeping, breeding, acquiring, gifting, selling or otherwise transferring primates in private ownership (with some exceptions described in our submission) will be effective in ending the suffering. A ban is practical, enforceable, easy for the public to understand and the most economic option for protecting primate welfare.

Wild Futures recognizes that there is an important and genuine need to ensure that there is a licensing system that enables the rescue and rehabilitation of primates, including temporary holding facilities and sanctuaries that are not licensed under the Zoo Licensing Act 1981. Wild Futures believes that primate welfare is severely compromised in captivity. However, if there are also to be derogations for sanctuary and the private keeping of primates for genuine conservation programmes, then it is vital that these derogations are clearly defined. There is presently no legal definition or criteria for sanctuaries. Wild Futures believes that the criteria provided by the European Alliance of Rescue Centres and Sanctuaries ([www.ears.org](http://www.ears.org)) or the Global Federation of Animal Sanctuaries ([www.sanctuaryfederation.org](http://www.sanctuaryfederation.org)) are essential to prevent abuse of this derogation. Importantly, true rescue centres and sanctuaries do not allow breeding of the animals in their care. Similarly, genuine conservation programmes must be led by and linked to zoo programmes such as those recognized by the European Association of Zoos and Aquaria (EAZA) and where captive breeding has been identified as contributing towards conservation of the species by the International Union for Conservation of Nature (IUCN).

There must be no monetary incentive for the private keeping or breeding of primates if the primate trade is to end.

Clear definitions and criteria support animal welfare and make enforcement simpler. Grey areas will encourage the continuation of the keeping, breeding and trading that result in the poor welfare that the Government is seeking to end. Wild Futures believes the private keeping of these wild animals whose physical, psychological and social needs cannot properly be delivered in captivity, as demonstrated by published research by primatologists and experts in this field. Many zoos and sanctuaries are aware of the compromises to animal welfare to these non-domesticated species. Therefore the keeping of primates for enjoyment, hobby or display cannot be justified. UK legislation already recognises that we have a responsibility for animal welfare which is in part born from an ethical understanding of the intrinsic needs of animals recognised in the Animal Welfare Act 2006 and The Circus Act 2019.

The introduction of the prohibition and an accompanying licensing system should be accompanied by a vigorous education campaign, notifying the public of the reasons and background for this legislation, the terms of licenses, sources of support and information etc. Contact details for the reporting by the general public of welfare concerns and illegal behaviour should be made available.

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:

Numerous countries around the world, including in Europe, have successfully introduced legislation to restrict the keeping of primates to zoos (as referenced in the Wild Futures submission to the Defra Call for Evidence on this subject in 2020). In our opinion, this remains the simplest and most economic solution to a serious welfare problem.

The criteria on which the Zoo Licensing legislation is based is focused around education and conservation and as such Wild Futures understands that these are essential to our cultural and legal justification of keeping wild animals in captivity. We therefore question whether the "zoo-level welfare standards" can be separated from the other key definitions of education and conservation.

Notwithstanding our concerns, extending a licensing regime to include establishments that are not open to the public as defined by the ZLA but who participate in a recognised and coordinated conservation programme as discussed above will need transparent criteria.

Wild Futures has serious reservations about how to interpret "zoo-level welfare standards". The Zoo Licensing Act 1981 is very limited in welfare criteria and not species specific. This includes: "providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs" and "providing a high standard of animal husbandry..." (s1A(c)). The Secretary of State's Standards of Modern Zoo Practice (SSMZP) is similarly open to interpretation and has no species specific references. The result is that there is a wide interpretation of acceptable standards by the inspectorate, with the huge variation in welfare standards in UK zoos. Therefore, we are concerned that "zoo welfare standards" will offer no more protection than the Animal Welfare Act 2006 and the Code of Practice for the Welfare of Privately-Kept Non-Human Primates which on their own have failed to end the welfare problems in the trade in privately owned primates. The legal status of the above Code, as only a guide that may be used as evidence, means that it has insufficient legal "teeth". The welfare needs of primates are very specific to individual species or at least taxa and cannot be generalized. The physiological, psychological and social ecologies of macaques, capuchins or marmosets, for example, vary enormously, each presenting different challenges in captive welfare. If best practice

taxa specific appendices were to be incorporated into the SSMZP, the lack of clarity of “zoo level welfare standards” could be resolved. This would provide the inspectorate with more transparent criteria and produce more consistency for zoo standards and the licensing system. The EAZA Best Practice Guidelines for Callitrichidae is a good example of a resource that would be very pertinent to the UK primate pet trade as marmosets are probably the most commonly kept primates in private ownership: [http://www.marmosetcare.com/downloads/EAZA\\_HusbandryGuidelines.pdf](http://www.marmosetcare.com/downloads/EAZA_HusbandryGuidelines.pdf) For non-specific resources on which to base welfare standards, the Global Federation of Animal Sanctuaries provide rigorous criteria: For Old World Primates: [https://www.sanctuaryfederation.org/wp-content/uploads/2017/09/OldWorldMonkeyStandards\\_Dec2015.pdf](https://www.sanctuaryfederation.org/wp-content/uploads/2017/09/OldWorldMonkeyStandards_Dec2015.pdf) For New World Primates: [https://www.sanctuaryfederation.org/wp-content/uploads/2017/09/NewWorldMonkeyStandards\\_Dec2015.pdf](https://www.sanctuaryfederation.org/wp-content/uploads/2017/09/NewWorldMonkeyStandards_Dec2015.pdf)

To ensure consistency and good welfare outcomes, licensing inspections should be carried out by suitably qualified, preferably primate specialist inspectors drawn from the zoo inspectorate with the advantages of the training and updates offered to this group.

We are concerned that the licensing regime should be “joined up” with other legislation. Some species of primate require owners to have a licence under the Dangerous Wild Animals Act 1976. There should be no automatic extension or transfer of licensing for those licensed under the DWAA as this legislation is largely concerned with human safety and is not specific to primates.

The ZLA (and DWAA) requires that the licence is issued to a specific responsible person and for a specific address. This should be applied to a licence to keep privately owned primates as well. Any changes must be reported to a central authority and trigger an inspection.

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:

A reliable form of identification is essential to prevent the illicit (assuming most trade becomes prohibited) movement of animals. Visual identification is not reliable as markings, colour and other physical characteristics are not sufficiently obvious to someone unfamiliar with the species or individual. Individuals can undergo significant physiological changes by season and especially with age. Therefore, whilst there are risks associated with the sedation of individuals, which is usually necessary for the safe placement of microchips, this is in our opinion, outweighed by the benefits for the welfare of the individual and the recording of vital information to enable successful monitoring of the primate trade. Any procedure should be coordinated to minimise the frequency or necessity for sedation. Eg combining with neutering, blood assays and radiographs when appropriate.

Wild Futures would be supportive of enabling or sanctioning other methods of identification to be used if other reliable, economically viable and non-invasive means of identification become available. Eg DNA analysis using hair or faeces, which at present have the disadvantage that confirmation of identification is not immediate. This example may be considered when the sedation and use of a microchip is deemed unsuitable for an individual primate, by a vet, for medical reasons.

Identification information must be stored in a central and accessible database for monitoring to be effective.

Wild Futures is in agreement with the RSPCA that legislation should make it clear that a primate with no microchip will be assumed to be unowned and can be treated as such by local authorities and welfare and rehoming charities. Where primates are found to be chipped but with incorrect details, there should be an assumption that there is an owner but only reasonable steps need to be taken to locate them. This would be helped by a presumption within the legislation that if an owner does not come forward within 7 days and cannot be contacted through the details registered to the chip then the primate is treated as though it is an unowned animal. This would serve to prevent claims of ownership in the case of any ‘stray’ primates found and avoid unnecessary time spent trying to find owners. Owners should be required to inform microchip database companies if primates die, change ownership, or are lost or stolen (see horse legislation). Vets should be encouraged to scan for microchips during examinations and cross check the details with the relevant database, and report inconsistencies to the relevant authorities.

As there are few primate specialist veterinarians in the UK, or even vets with primate experience, Wild Futures recommends that a list of vets with the relevant experience is provided by veterinary organisations like the British Veterinary Association and made available to the licensing inspectorate for privately owned primates as well as its own members or those of other the veterinary groups. Vets on the list may be used directly or act as consultants.

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

Yes.

It is vital that all primates that remain in private ownership is vital that all primates that remain in private ownership is monitored through a system of inspection. Please see above for our responses for the criteria used for licensing. We reiterate that the inspectorate should come from a pool of suitably qualified inspectors and who have primate competencies. Inspectors should not be drawn from Local Authority licensing teams.

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

Comments on Question 10: We strongly believe that application, registration and enforcement of licensing and inspection should be via a centralised authority such as the APHA. This would ensure consistency of application and access to suitable inspectors as described above. It is also vital for an effective monitoring system, including the use of microchips, movement of animals and numbers. It would enable efficiency in identifying suitable placements when welfare standards are not met or an owner is no longer able to provide for their animal or other changes that might affect the status of the private keeper.

Wild Futures has previously submitted evidence of the failures of Local Authorities’ (LA’s) ability to provide a consistent and suitable service where they are relied on to apply and enforce other animal welfare legislation, such as the DWAA and the AWA. LA’s frequently do not have the financial resources or the specialist skills available, resulting in poor animal welfare.

If LA’s are used at all, it should be as a first contact, limited to registration, on a regulated route to a centralised database, with national licensing criteria, fees and using a register of inspectors as explained above. There should be no opportunity for a “postcode-lottery” of application or enforcement levels or standards. This should apply to all privately owned primates not just those granted a specialist keeper status.

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

Don’t know

Comments on Question 11: Please see our concerns about the use of Local Authorities in managing a registration and licensing system. However, the length of any licence in this context should be consistent across the country as experience with the DWAA and Zoo Licence has shown that even with mandatory veterinary inspections, delays, cancellations or a least risk approach of inspections can lead to late identification of welfare issues and difficulty following up, tracking or monitoring ownership. For example: As Callitrichids are the most numerous type of primate in private ownership, and the fact that they can have two sets of twins in one year if bred for trading, it is essential that there is as little room as possible for illicit trade to go undetected between both inspections and

licensing applications.

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

All permissions to keep privately owned primates (not just those regarding a 'specialist keeper') should be subject to frequent and regular inspections. Because of the number of offspring that may be produced, the high morbidity rate in many privately owned primate species, and the importance of responding to other environmental and social changes that affect welfare, we believe that primates require an annual inspection. The licence should also be renewed annually or at the least every two years in line with the DWAA. Licences should be subject to improvement notices where appropriate, with fixed response terms to these and further, extra follow-up inspections mandatory to ensure compliance, with the ability to revoke a licence at any time should conditions or welfare not meet with the requirements of the licence. The Animal Welfare Act should be the minimum standard for this, with the primate specific standards applied as above.

We reiterate that breeding should not be permitted by any licence holders except as part of a zoo-coordinated breeding programme. The only other necessity for a 'specialist keeper' licensing scheme is to enable rescue and sanctuary for primates in need of rehoming. Sanctuaries should conform to recognised standards and criteria as defined by EARS and GFAS and by definition be non-breeding. This should allow necessary movement of animals for rescue or sanctuary without opening a loophole for private keepers to breed their primates outside of a zoo-coordinated programme.

Licences should be for a defined number of individuals and named species. Any changes to this must be reported to the central authority and database holder with further inspections mandatory to check the suitability of keeping facilities and skill resources. New licences and changes to terms of the licence should be applied for prior to acquisition.

### **Ongoing arrangements for existing pet primates that are not eligible for the 'specialist private primate keeper' licence**

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

Yes

**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

**15 How long should this fixed time period be?**

Other

**If you answered Other, please specify :**

Initial registration within 3 months followed by assessment and inspection within 12 months

**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

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

Yes

**If you answered No, another means of permanent identification should be used, please specify:**

**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

**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

**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

**If you answered Yes, but with another time period between examinations, please specify:**

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

**Please state here :**

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:

Wild Futures is very much in favour of the registration of all privately owned primates. The present situation could not be worse as the majority of privately owned primates are not registered in any way, making it impossible to monitor welfare. This means local or enforcing authorities, the RSPCA and sanctuaries can only provide information, education or act to rehome a primate after a problem is reported. This does no favours to the owner (or even prospective owner) or the primate. As above, we believe that all information should be administered, held and coordinated by a centralised authority and not by the LA. Any changes to registration details, including responsible persons and movement of the animals, must be reported within a set period and registration renewed on an annual basis. Renewal should trigger an inspection. We would also urge a confirmation of status visit by an inspector, if an owner claims that their primate has died or been transferred elsewhere.

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

Initial registration should be done within 3 months. It is important to make this a reasonable time period but not one that might encourage a last minute push by breeders to maximise sales. A public education campaign should support the introduction of this legislation. Registration should then trigger a centrally organised veterinary inspection that should be carried out within 12 months of registration. The inspection will ascertain whether, as we would predict, in the vast majority of cases, ownership is licensed under the 'grandfather clause' or, in small numbers, ownership is licensed as a 'specialist keeper'. The Animal Welfare Act and the associated Code of Practice for the Welfare of Privately Kept Non-Human Primates plus the specialist husbandry criteria listed above should form the baseline for these decisions. Where necessary, there must be a power of confiscation.

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:

The lack of capacity for rehoming primates to sanctuaries means that a 'grandfather clause' is a necessary compromise. This may have the benefit of encouraging owners to register as confiscation will not be automatic. Basic welfare standards must conform to a minimum of the AWA and associated Code of Practice. A licence to keep a primate under the 'grandfather clause' should not be a licence for (the primate's) life, keeping in mind that many commonly kept primates have a lifespan of between 15 and 35 years, but should be granted following an annual inspection and be contingent on the ability of the owner to maintain welfare standards or adapt according to any subsequent changes in welfare legislation. A temporary licence may need to be issued if a suitable alternative placement is not available but the veterinary inspector judges that it is in the interests of the primate to remain with the owner until a placement is found. Similarly, it may be in the interests of an individual to be rehomed to a keeper licensed under the grandfather clause, for example by consolidating in order to avoid the keeping of solitary animals. This would be premised on a strict non-breeding basis, with contingency plans if the social introductions are not successful and vitally should be on the authority of the inspecting vet and not the personal decision of the owner. This needs careful examination to avoid creating a trading loophole.

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, holding facility or sanctuary.

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:

Identification is essential for all privately owned primates - please see answer above.

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:

Neutering will be vital to an effective ending of the primate pet trade. Vasectomy rather than castration or spaying is usually the least traumatic and most effective. The primate hormonal pathways mean that castration is not effective in controlling aggressive behaviour and can be associated with abnormal behaviours and social issues. Oral and implant contraceptives are not reliable and could result in excuses for illicit breeding.

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

Wild Futures is sadly familiar with the poor welfare of privately owned primates that have never been seen by a vet. All keepers of privately owned primates should be registered with a veterinary practice. See above for the recommendation that a list of experienced primate vets be made available to aid and support practices that do not have primate experience if this is the only option available

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 that this should be a requirement to all owners. Again, please note that the information or findings should be provided to and held by a centralised database and not a LA. The veterinary examination should be in the form of a visual inspection by the vet from the inspectorate list (not the LA). If the inspecting vet believes it is in the best interests of the primate, a full medical check should be made a requirement. This enables necessary checks which require sedation but prevents unnecessary intervention and associated risks. All keepers should provide a full health plan, including faecal and urinary assays, diet, enrichment, housing etc. Health, medical, and behavioural records must be maintained and be available to inform the inspector. Requirements for the plan would be

supported by the species specific husbandry guidelines as well as the AWA and associated Code of Practice. It will be invaluable to have this information on a central database as a tool for monitoring welfare but also as a resource if there are changes to ownership, veterinary practitioner or rehoming issues. As stated above, renewal of permissions or licences should be contingent on the annual inspections with improvement notices and enforcement as well as revoking of licences and confiscation possible where necessary.

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)?

Regular contact with a veterinarian is essential to maintain or update keepers on healthcare issues, particularly zoonoses. The present Covid 19 pandemic demonstrates the importance of education about novel diseases. We know of private owners who were not aware of the dangers of transmission of this coronavirus from human to non-human primates or vice-versa.

## **Penalties and enforcement**

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

Yes

**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

**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?**

Don't know

**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

**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

**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

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

**Please state her:**

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

Yes

Civil penalties should be proportionate to the breach but should not preclude the power to confiscate on welfare grounds where necessary. It is also vital that the civil penalty status does not replace criminal offences 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

A graduated fine system could be considered to allow higher fines for more serious breaches. This would help if an individual commits multiple or continual breaches of restrictions. However, the level of fine should be proportionate to the perceived market value of the primate in order to be a deterrent.

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?

Don't know

Comments on Question 24:

Please see above - all private keepers should be subject to proportionate Civil and Criminal penalties.

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:

Penalties and fines applicable to the relevant offences under the Animal Welfare Act should apply. However, the level of fine should be proportionate to the perceived market value of the primate in order to be a deterrent. We would suggest that fines could be used to help support sanctuaries as they currently offer life-time care to confiscated animals.

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 of question 26:

This power of entry should allow Local Authorities to enter a property, with a warrant, and also be extended to the licensing inspectors.

A clause should be added to the legislation, similar to section 28 of the Animal Welfare Act 2006 regarding inspection of farm premises, to allow inspectors appointed under the Animal Welfare Act to enter premises to carry out an inspection if they reasonably believe primates are bred or kept there. This would ensure that licensing officers are able to enter premises if they reasonably believed there to be a primate kept there even without the owner having/applying for a licence.

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 in Question 27:

Privately owned primates are known to be kept in commercial and educational premises. It is important that definitions are 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: Comments on penalties and enforcement:

Penalties and enforcement must be reflective of the perceived market price of primates in order to act as a deterrent for trading.

There should be no allowance for retrospective registration or licensing.

## Unintended consequences

### **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?**

**Please state here :**

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?

We are concerned that the granting of a 'specialist primate keeper' licence that permits breeding will allow the trade in privately owned primates to continue, albeit on a reduced level but still with the welfare issues that primates face in captivity. As explained above and in more detail in previous submissions, many countries have successfully restricted the keeping of primates to zoos by explicitly prohibiting private keeping or via the Positive List. The need for breeding for conservation outside of zoos has not been accepted as necessary. This simpler approach leaves less room for loopholes or ambiguity in interpretation and is therefore more economical to enforce.

It is important that any derogations in the proposed legislation is compliant with the Balai Directive (or its's successor) : Council Directive 92/65/EEC of July 1992. Article 5

1. Member States shall ensure that trade in apes (simiae and prosimiae) is restricted solely to animals consigned from and to a body, institute or centre approved by the competent authorities of the Member States in accordance with Article 13 and that such animals are accompanied by a veterinary certificate corresponding to the specimen in Annex E, the declaration in which must be completed by the official veterinarian of the body, institute or centre of origin to guarantee the animals' health.

2. The competent authority of a Member State may, by way of derogation from paragraph 1, authorize the acquisition by an approved body, institute or centre of apes belonging to an individual.

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 confusion over the interpretation of the Balai Directive, the effect of which will be to limit legitimate transfer or movement of animals for sanctuary. We ask that the Government confirm within the legislation or guidance accompanying the legislation that the transfer of animals for the purpose of rescue or sanctuary is permissible under the Balai Directive and in particular the movement of animals from non-approved to approved premises.

The introduction of this legislation is liable to result in an initial surge in requests for rehoming. This has happened in other countries with similar legislation. Rescue centres and sanctuaries have struggled with capacity but have also reported that there is less call on their resources in the longer term. We know that at present demand for rehoming outstrips capacity. We urge Government to provide funding to increase capacity which will be essential even with the use of the 'grandfather clause'. Sanctuaries provide lifetime care, sometimes of 30-40 years, but at present almost never receive funding from the ex-owners and are not eligible for government or state funding for the housing or care of exotic animals.

We would support the idea of the urgent convening of a working group to explore sources of funding and resources for genuine sanctuaries and to look at the possibilities of greater collaboration with existing zoos functioning as sanctuaries for non-breeding populations of ex-privately owned primates.

Some owners may be tempted to abandon or release their primates, rather than face registration and inspection. An education campaign that publicises the new prohibitions should emphasise that confiscation is not inevitable as well as educating that such abandonment or release is also prohibited by law.

There may be a last minute push by breeders to sell while they can and of owners to buy or acquire before the legislation passes. For this reason, it is important to limit the registration period. Enforcement of the new legislation will soon mitigate this short term possible increase in trade.

There will be claims that the prohibitions on private ownership will drive the trade underground. There is no evidence that this is a substantial problem in other countries with similar legislation, with the overall reduction of the trade and keeping more than compensating for small amounts of illicit trade. We would suggest that the present, mostly unregulated trade is effectively much worse than this potential as it is impossible to monitor.

There may be claims that permanent neutering of animals may make them harder to rehome. Wild Futures works closely with AAP rescue centre, in the Netherlands, which outplaces thousands of animals around Europe and the UK. They can confirm that neutering very rarely impacts on their ability to rehome animals. They also confirm our experience that, of the commonly kept species in private ownership in the UK, rescued individuals cannot contribute to a recognised breeding programme (eg EAZA) as genetic history cannot be confirmed and they are therefore not suitable for breeding. There are a few exceptions to this (eg Barbary macaques, which are not found in the UK trade) where AAP liaise with EAZA zoos on contraception policy.

As zoos are not included in the proposed legislation, there is the possibility that they will retain the right to sell animals to private owners. This loophole should be closed by prohibiting zoos from selling primates to unlicensed individuals.

The proposed legislation only applies to England. Until or unless the other devolved nations have equivalent legislation, the possibility of loopholes and issues of enforcement may arise. We urge the Government to call on and work with all parts of the UK to work towards fully aligned legislation on this issue as soon as possible.

A review of the legislation is essential to monitor its efficacy and effect on the keeping and trade in primates and to take appropriate remedial action if necessary. We ask for an interim review and a full review after 5 years. This should be built into the legislation and not be a guideline.

## Evidence

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

Yes

**If you answered Yes, please provide data and detail how you know this:**

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

Yes

Wild Futures presented evidence on this and question 31 in the Call for Evidence in 2020. We run an annual survey of Local Authority licensing so will have updated figures in due course. There is some delay on this due to Covid19.

### 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?

Yes

**If you answered Yes, please provide data and detail how you know this:**

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?

• Yes

Please see question 30.

## Consultee feedback on the online survey

### 32 Overall, how satisfied are you with our online consultation tool?

Satisfied

**Please give us any comments you have on the tool, including suggestions on how we could improve it.:**

Most of the questions required more than a binary answer and therefore an explanation of the chosen response to the Yes/No/Don't Know options. It would be very helpful to have a field below each question to enable the explanation. We have used the final field in each section to extrapolate, with the possibility that this becomes separated from the individual answers in the analysis by Defra.