

Consultation on primates as pets in England

Wildlife and Countryside Link response: February 2021

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 58 organisations to use their strong joint voice for the protection of nature and animals.

Introduction

- We welcome this consultation from the Department of the Environment, Food and Rural Affairs, and the proposals it advances to enhance the welfare of primates. The restriction of primate ownership to persons licensed to keep primates to zoo standards is a step forward, however the proposals need to go further.
- We have provided responses to the questions where the expertise of our members can add relevant evidence and suggest useful policy enhancement to the core proposals. Our responses to consultation questions include:
 - The highlighting of the need for a tighter definition of zoo standards to underpin the licensing system.
 - A proposal for the system to be managed centrally by Defra, rather than by Local Authorities.
 - A proposal for the system to include a requirement not to breed or trade primates.
 - Support for the maximum proposed penalty for license holders found to be in breach of the new system.
 - A proposal for the new licensing system be kept under close review, with a move to a complete ban on the private ownership of primates being considered as a next step, should licensing fail to significantly reduce primate suffering.
- We believe that this next step will ultimately prove to be necessary. The complex social, physical, behavioural, and environmental needs of primates means that they are wholly unsuited to be kept as pets. To do so causes unnecessary animal suffering.¹ A requirement to follow new standards is unlikely to be sufficient to address this suffering.

Responses to consultation questions

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

¹https://www.researchgate.net/publication/23689328_The_Welfare_and_Suitability_of_Primates_Kept_as_Pets

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?

There are no meaningful 'zoo level standards' for the keeping of primates. Welfare standards outlined in the ZLA 1981 are outlined in S1A(c) and are both limited and very broad. Zoos are also required to implement standards which indirectly impact animal welfare but do not represent welfare standards in and of themselves.

As such we cannot support zoo-level welfare standards as the benchmark for a new 'specialist private primate keeper' system.

As possible alternative can be found in the rigorous standards applicable to sanctuaries accredited by the Global Federation of Animal Sanctuaries (GFAS).² Standards for primates similar to those mandated by GFAS would provide a more consistent and measurable standard for inspectors to assess.

Such standards should address minimum cage sizes and record keeping standards. They should be formulated in accordance with zoo, sanctuary, scientific and veterinary expertise and recommendations.

The standards for the new system should also include a requirement not to breed or trade primates. A "specialist keeper" license should be contingent on the licensee permitting no deliberate breeding to occur, and not participating in the trade (commercial or non-commercial) in primates. Without such a requirement, the new system will simply create a situation where private breeding and trading of primates will continue in the long term under a government-sanctioned scheme.

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.

However, all microchipping must be undertaken by a primate expert. Microchipping will often require sedation and this can be a dangerous process in primates. As such the process needs to be undertaken by primate experts. Central management of the licensing system by Defra (proposed below) would allow for experts to be deployed as needed.

Microchipping should contribute to a nationwide accessible primate database that all vets can access to monitor captive primates.

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

² <https://www.sanctuaryfederation.org/accreditation/>

Yes.

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

No. We believe that it is vital that any licensing regime is managed centrally by Defra, not at Local Authority level. 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 outcome-based criteria. Local Authorities do not have the necessary resources or expertise to identify such experts, or to carry out such inspections.

Compulsory registration for all owners must be managed centrally by Defra. Otherwise, any lack of a centralised registration proposal for coordinating information will hinder implementation.

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

The maximum period for a licence granted by Defra should be six years, with a condition requiring annual inspections. Defra should have the power revoke licences in an inspection finds failure to comply with standards, alongside other punitive measures available under the Animal Welfare Act.

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

In order to meet the short-term demand to be expected upon the enactment of these measures, Defra will need to be allocated extra resourcing to enable the Department to take on this additional extra work. Less support will be required over time as the demand for primates gradually decreases.

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

Yes – although the registration should be with Defra, for the reasons stated above.

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?

Three months, with a requirement for an annual veterinary check and re-registration.

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?

Private keepers could be allowed to keep their existing animals, under a grandfather clause, as long as they register and provide a "basic standard of welfare". The standard required must be clearly articulated by Defra and understood by owners, and should, 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.

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

Yes.

However, all microchipping must be undertaken by a primate expert. Microchipping will often require sedation and this can be a dangerous process in primates. As such the process needs to be undertaken by primate experts. Central management of the licensing system by Defra would allow for experts to be deployed as needed, through Defra maintain a central list of primate experts.

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.

Keeper under the private primate keeper license should also be required to develop a contraceptive plan to prevent breeding, approved by a specialist veterinarian with appropriate skills and experience.

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.

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, with examinations understand once a year, co-ordinated by Defra.

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

Yes.

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

We believe that a maximum fine of £5,000 would provide a suitable deterrent. Penalties under the Animal Welfare Act should be applied in cases of Animal Welfare Act breaches.

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.

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?

We believe that a maximum fine of £5,000 would provide a suitable deterrent.

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, although this power of entry should be reserved to Defra as the body co-ordinating primate registration.

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.

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

We have chosen to support the maximum fines in all cases, as there is evidence of species such as squirrel monkeys selling for approximate £5000. If the fines are too small, then there will not be an adequate deterrent to sellers to stop trading.

In less severe cases of animal cruelty, sentencing can fall to the Sentencing Council guidelines, and are likely to fall between bands B and C.³

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?

³ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/animal-cruelty-revised-2017/>.

Advertising, sale and private exchange of primates which must be considered and accounted for, as online sales are by far the biggest driver of the primate trade. Lucy's law is a promising example of the kind of legislation that is needed for advertising and sale.

More broadly, the proposed licensing system should be seen as a minimum level of action, to be kept under close review given evidence on the limited effectiveness of such licensing.⁴ The next step, a total ban on private possession of primates, with a grandfather clause for existing animals, would decisively end this harmful practice. Such a ban would also provide a black and white set of terms for Government and local authorities to enforce, removing any grey areas or caveats that could ultimately result in increased time and costs for the enforcement agencies. In principle terms, a ban would address the assumed right to keep non-domesticated animals in domestic settings. This assumed right leads to extensive animal suffering.

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

We do not hold this information, but most recent estimates from RSPCA and Wild Futures state that between 3000-9000 primates are being kept privately in the UK, with 4000-5000 being the most 'realistic' figure⁵. There does not seem to be any concrete data on the number of different species privately owned in the UK, since it is so difficult to measure, but squirrel monkeys, marmosets and capuchins appear to be the most popular breeds affected (RSPCA report that approximately 80% of calls are about marmosets specifically). There are also RSPCA records of lemurs, tamarins, velvet monkeys and spider monkeys being kept in the UK as well.

This number is based on data of registered and licensed animals, where Wild Futures are noticing a slight drop, however it is likely an underestimation as there is a high rate of non-compliance in primate licensing. Also, primates such as marmosets and recently de-listed species like squirrel monkeys and tamarins, are not included under the Dangerous Wild Animals Act (DWAA) and so are not registered or licensed.

This response is supported by the following Link members:

Four Paws
League Against Cruel Sports

For questions or further information please contact:

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⁴See the conclusions of this 2012 paper: https://www.wildfutures.org/wp-content/uploads/2009/09/Primates-as-pets_Is-there-a-case-for-regulation-2012_LR.pdf

⁵ See 2016 'Do you give a monkey's?' paper <https://www.rspca.org.uk/adviceandwelfare/pets/otherprimates>