

Response ID ANON-6Q8J-S873-X

Submitted to **Primates as pets in England**

Submitted on **2021-02-04 15:50:18**

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:

Mark Jones

Which of the following best describes you?:

Veterinarian

3 What is your email address?

Email:

markj@bornfree.org.uk

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

Organisation

5 What is your organisation?

Name of organisation:

Born Free Foundation

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?

No

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

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

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.

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

Yes

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

Please state here :

As all non-human primates are wild animals and none are native to the United Kingdom, their keeping in a captive environment (including in zoos and sanctuaries) in the UK can never provide them with conditions where their physical, social and psychological welfare needs can be met in full. The welfare provision for captive primates is certainly on a spectrum, with some suffering more than others, but primates are fundamentally unsuited to captivity – regardless of the experience of the person keeping them.

We are therefore very supportive of the introduction of the prohibition of the private keeping of and trade in primates in England.

We are also of a view that there is no reason why private keepers of primates should be breeding, acquiring, gifting, selling or otherwise transferring primates (except for the purposes of transferring animals for welfare reasons). We are therefore extremely concerned about the creation of a specific class of person who is deemed qualified to keep, breed, and trade in these complex and sentient animals in perpetuity, either for their own enjoyment as a hobby, or to provide primates for exhibition in zoos. We see no benefit to the primates themselves in failing to use this opportunity to introduce legislation that will meaningfully prohibit the trade and private keeping of primates in England once and for all. However, the proposal, as currently drafted, creates a situation where private breeding and trading of primates will continue in the long term under a government-sanctioned scheme. This legitimises and perpetuates a practice which many experts agree is damaging to individual animal welfare, while serving no clear conservation purpose. That said, we recognise that an immediate ban on the private keeping of primates is likely to result in at least some primates having to be rehomed to sanctuaries or to other rescue facilities. As sanctuaries are currently at capacity, it is reasonable to assume that new facilities may open up to meet the demand, although prevailing circumstances may call into question the financial viability of such operations. As there is currently no legal definition of a sanctuary and no associated licensing system, we believe that the "specialist keeper" licence may be useful in these circumstances to allow primates to be legally rescued and cared for in the long term. We would strongly recommend that the "specialist keeper" license is contingent on the licensee permitting no deliberate breeding to occur, and not participating in the trade (commercial or non-commercial) in primates. This would allow for existing and new legitimate sanctuaries to operate legally while ensuring that the law is not legitimising the continued breeding, keeping and commercialisation of these animals.

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. For example, ensuring that enclosures are secure and keeping detailed records. The Secretary of State's Standards of Modern Zoo Practice do not include specific standards relating to primates and, in any event, the wide range of primate species, with vastly differing but exacting welfare requirements, would require taxon-specific standards to be developed if they are to be meaningful. It is unclear from this proposal which "zoo standards" might be applied to private keepers and how. Zoo-level standards don't provide a good benchmark for suitable conditions that primates should be kept in captivity. As such we have serious reservations over whether such zoo-level standards will be sufficient to ensure the welfare of animals subject to the proposed exemption.

In practice, the most rigorous standards relating to the keeping of primates in captivity can be found in the standards applicable to sanctuaries accredited by the Global Federation of Animal Sanctuaries (GFAS). While these standards could not be applied in full to "specialist keepers", if the Government adopts plans to allow these individuals to provide long-term care for captive primates (something we support, subject to clear criteria), or to keep and to breed, sell, and otherwise trade animals (something to which we are opposed), asking "specialist keepers" to meet standards for primates similar to those mandated by GFAS would provide a far more consistent and measurable standard for inspectors to assess.

See current standards for Old World Primates: https://www.sanctuaryfederation.org/wp-content/uploads/2017/09/OldWorldMonkeyStandards_Dec2015.pdf

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While microchipping is considered a relatively routine and simple procedure for a domesticated animal such as a dog or cat, which can usually be carried out under manual restraint, for many species of primate it is a procedure that will require sedation – either to safely transport them to the vets or to insert the microchip itself. Sedation can be dangerous for primates, dependent on their health and age profile, and many UK-based vets will have no experience of primate sedation. As such, while we agree with the need for permanent identification of individual animals, mandatory microchipping must be carried out by a vet with adequate expertise in primate health and welfare to ensure appropriate handling, checking for any existing microchip and satisfactory placement of the microchip at insertion. As such, the requirement should be accompanied by the existence of a list of specialist veterinary surgeons who can carry out the procedure safely. As an alternative, detailed photographic records and descriptions should be considered, at least until a point where safe microchipping is possible. If a primate needed to be sedated for a procedure which was in the best, direct interest of its health or welfare, microchipping should be carried out opportunistically.

It is vital that existing primates in private ownership are identified, and those that remain in private ownership are monitored to ensure their welfare is provided for, and they are not subsequently utilised for breeding or for commercial purposes. Inspection should focus on both input and outcome-based measures of animal welfare and, as a minimum, aim to 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); as such, it is clearly vital that inspectors should be drawn from people with a good knowledge of primate health and welfare.

We believe that DEFRA, not Local Authorities, should manage the licensing scheme. The length of licence is less important than the frequency of inspection, which must be annual (as a minimum) with the power to revoke the licence for failure to comply with conditions, alongside other punitive measures available under the Animal Welfare Act. Regular and frequent inspections also allow for the identification and confirmation of improvements that should be made to the conditions in which animals are being held, and for the continued licencing of the owner to be dependent on those improvements.

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 could be required within, say, 3 months, with a requirement for a veterinary inspection at the place the animal is housed within a 12-month period, and annually thereafter, in order to ascertain whether they are conforming, as a minimum, to the requirements of the Animal Welfare Act and the associated Code of Practice for the Welfare of Privately Kept Non-Human Primates. The system needs to be centralised by DEFRA, with a requirement for registrations to be updated at least annually with any changes to details.

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 :

We believe that registration should be mandatory, albeit it should be managed centrally by DEFRA, not at Local Authority level. We also believe that all registrants should update their details particularly when primates are relocated or die, or where accidental births occur, or confirm no change to their details on at least an annual basis.

Notwithstanding our concern that Local Authorities are not the appropriate authority, and bearing in mind that primates are all long-lived and that the intention is that all private keepers are allowed to keep their 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. There is potential that some of these animals will be held in these conditions for decades and so owners must have a clear understanding of the minimum basic standard required of them, and the authorities must be able to effectively assess each individual situation against the required standards. As it stands, we know that primates are currently being kept in poor conditions despite the long-term existence of the Animal Welfare Act 2006 and its associated Code of Practice. Specificity of standards is essential and, to date, has never been achieved. This failure to properly develop and articulate standards has, in our view, directly contributed to the poor conditions that animals are currently being held in.

We believe that all private keepers should meet the same standards demanded by GFAS of their members as this is the closest thing to standards which meet (to some extent) the needs of the animals currently in existence. Private keepers should be required to develop and implement a health plan for their animals in consultation with their veterinary advisors.

Over time, this process may result in lone primates. Every effort should be made to ensure these animals are identified and their welfare prioritised through, for example, consolidation of remaining animals at a smaller number of appropriate premises so they can continue to benefit from con-specific companionship, or rehoming to an established sanctuary.

We believe that all private keepers should be required to develop a contraceptive plan to prevent breeding, approved by a specialist veterinarian with appropriate skills and experience. While ovariectomy, salpingectomy, castration, and vasectomy offer permanent contraceptive solutions, alternative methods of

contraception such as hormone implants might be considered where appropriate (for example, in animals where anaesthesia and invasive surgery is considered high risk).

Very few UK vets will have experience of surgical procedures on primates and so, while we fully support the need to prevent further breeding of captive primates, whether or not it is safe to surgically neuter an animal would need to be decided on a case-by-case basis. With this and the microchipping issue in mind, we would recommend that DEFRA works with the veterinary bodies to compile a list of veterinary surgeons with proven experience working with primates, and make this available to primate owners so they can consult on the best contraception option for their primate.

Linked to the above, DEFRA must make provisions for the registering of accidental births and how they might be managed if permanent neutering is not made mandatory as part of any registration scheme.

We believe that a vet from the DEFRA list, with proven experience in working with primates, should visit the premises where the monkey is kept on an annual basis. As with prior responses to questions which involve veterinary intervention, sedating a monkey to carry out a health check should only be carried out if it is safe to do so, and when it is in the best interests of each individual animal. Other health monitoring methods, such as urine and faecal testing, could be carried out to provide health information. All keepers should keep health and behavioural records to inform the veterinary assessment. The vet should be required to provide information to DEFRA (not the Local Authority) within 1 month following each visit. Recognising that microchipping provides a permanent means of identification, the vet should be encouraged to scan for microchips, where possible and where it would not compromise the health or safety of the animal concerned, the vet, or the owner, in order to provide confirmation that the information corresponds with the registration. Any health or welfare concerns noted by the vet should be raised with DEFRA and shall result in a formal inspection, with the facility to seize the animal(s) concerned in the event of suspected or actual breaches of the Animal Welfare Act, or to recommend mandatory improvements that could be the subject of a future inspection, and on which the retention of the animal by the owner will be dependent.

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?

£5000

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

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

£5000

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:

The sanctions available under the Animal Welfare Act should apply, based on the assumption that any registration system would be introduced under Section 13 of the Animal Welfare Act. In particular, disqualification from keeping animals, as provided for in S34 of the Animal Welfare Act, should be considered, alongside any additional fines or other penalties. Without seeing the proposed regulations, it is impossible to tell what the appropriate response would be. To create a system where breach of any condition led to a fine would be to hold these individuals to a higher standard than zoos, or other animal licensing activities, have ever been held to. There should be timescales to meet conditions and revocation of licence if conditions are not met. Rather than a fine, it would be better to charge/fine the owner the cost of rehoming and supporting the future care of the animals should the licence be revoked, and seizure carried out, perhaps to a maximum per animal. One of the major barriers to sanctuaries and rescue centres being able to take animals on is that most animals come with no funding for lifelong care.

We know that monkeys have been kept on business premises in the past (pubs, shops etc.). The grant of a warrant should be possible for any type of premises where a primate may be kept.

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 :

We strongly support a complete ban on the private ownership of primates, with existing owners grandfathered on the condition of no breeding and no trade (commercial or otherwise). The two-tier standard suggested by this proposal could lead to a perpetuation of the trade in, breeding of, and keeping of primates in private hands for the sake of appeasing a small number of hobbyists and zoos. All primates suffer when held captive and there is no reason for England to continue to allow this practice. No owners would be deprived of their animals if they are deemed to meet the same standards demanded of the best accredited sanctuaries, but we do not believe that legislating to explicitly allow more monkeys to be born in captivity in England is a solution to the widely recognised animal welfare issue created by this very same practice.

If a full ban were pursued, and monkeys were confiscated from their owners for failing to meet standards, there must be a mechanism by which legitimate rescue and sanctuary operations are able to meet demand. We therefore recommend that the "Specialist Keeper" licence only be considered to be applicable for the sole purpose of providing sanctuary and lifelong care, as long as the licensee meets standards equivalent to those mandated for GFAS member sanctuaries, and that those licensees have a no breeding, no trading policy.

Licensing under the DWAA is not conducted primarily to ensure the welfare of the animals being licenced, and should not play any part in the licencing of primates under these proposals.

A ban should be accompanied by a widespread and concerted public information campaign, run by Government, explaining the new rules and discouraging people from aspiring to own primates.

Born Free strongly encourages DEFRA to consult with us and other expert groups during the drafting of any legislation and/or guidance that may follow on from this consultation.

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:

While the total number of primates in private ownership in the UK is unknown, data obtained from Local Authorities through freedom of information requests by the Born Free Foundation in 2020 indicate that at least 274 primates from species listed on the schedule of the Dangerous Wild Animals Act (including over 150 lemurs) are currently licenced. It should be borne in mind that most of the primates believed to be kept as pets belong to small primate species which were removed from the DWA Schedule in 2007 (woolly lemurs, tamarins, night (or owl) monkeys, titi monkeys and squirrel monkeys).

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

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

Consultee feedback on the online survey

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

Neither satisfied nor dissatisfied

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